

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 5.026

IN RE:

APPROVAL OF STANDARD FORMS
FOR USE IN FAMILY COURT
SELF-HELP PROGRAM

_____ :

WHEREAS, the 16th Circuit has established s Self-Help Program to facilitate access to its Family Courts; and

WHEREAS, the personnel of the Self-Help Program have developed certain forms in addition to those approved by the Supreme Court of Florida and made part the Florida Family Law Forms; and

WHEREAS, the additional forms developed by the Self-Help Program have been found to be useful to the unrepresented litigants, and to the Courts considering these matters; and

WHEREAS, Florida Family Law Rule of Procedure 12.750 (5) (B) requires that such additional forms be approved by the Chief Judge of the Circuit;

It is therefore, ORDERED, that:

1. The attached forms are those developed by the 16th Circuit's Self-Help Program for use by unrepresented litigants:
 - A. General Instructions for Petitioners in Dissolution Cases.
 - B. Notice of Filing
 - C. Subpoena Duces Tecum for Trial
 - D. Motion To/For:
 - E. Affidavit in Support of Motion To/For:
 - F. Affidavit of Insolvency and Request for Waiver of Fees
 - G. Notice of Hearing
 - H. Petition for Temporary Custody by Extended Family Member

I. Acknowledgment and Consent of Natural Parents

2. The forms as listed above, and attached hereto, are approved for use in the 16th Circuit, and may be provided to unrepresented litigants by Self-Help Program personnel.

DONE AND ORDERED at Key West, Monroe County, Florida,
this 21 day of July, 2000.

Hon. Mark H. Jones, Chief Judge

GENERAL INSTRUCTIONS FOR PETITIONERS IN DISSOLUTION OF MARRIAGE CASES

(Note: Along with each document in the Dissolution of Marriage Packet is a more detailed instruction sheet which provides you with information on completing that document. You should review this information carefully when preparing your pleadings.)

SECTION 1: BEFORE FILING

- Complete each document from the Packet that is applicable to your situation.
- Make two(2) copies of each completed document
- One copy is for your future records. Keep these documents in a safe place.
- The other copy will be presented to the Sheriff's Office to serve on the other party
- You may wish to schedule an appointment with the **Family Court Self-Help Program** to check your completed paperwork. (For an appointment call 305-295-3647.)

SECTION 2: FILING YOUR CASE

- **TAKE:** The original of each document you have completed and one set of the copies you made as instructed above.
- **GO TO:** The Monroe County Circuit Civil Clerk, with all the above mentioned paperwork. (For the location of the Monroe County Circuit Civil Clerk's Offices see Section 9.)
- **MONEY:** The filing fee \$ **151.50**. If you are indigent and unable to pay the fees you must complete and have notarized a sworn "Indigency Affidavit" to request that the filing fee be waived. The Family Court Self-Help Program can provide you with the "Indigency Affidavit and Request for Waiver of Fees." The service fee, charged by the Monroe County Sheriff's Office is \$20.00. If you are indigent, the service fee may be waived by the Monroe County Sheriff's only. Other county Sheriff's Offices may not waive their fee.

SECTION 3: YOU WILL RECEIVE

- A receipt showing that you paid filing fees and have filed you case, and a case number.
- If you filed an Indigency Affidavit, you will receive only a case number.
- The name of the Judge assigned to your case.
- The case number must be printed at the top of all the court papers you complete.
- Summons, signed and stamped by the Clerk of Court.

SECTION 4: SERVICE

- If the Respondent (your spouse) lives in Monroe County, take the signed and stamped Summons, \$20.00 (cash, money order, or personal checks only), or a copy of your "Indigency Affidavit," and one copy of completed documents to the Monroe County Sheriff's office, Civil Process Unit, in Key West at 500 Whitehead Street, at the Trailer in the rear of the buildings. Marathon at 3103 Overseas Highway; and in Tavernier at 88770 Overseas Highway.
- If the Respondent, (your spouse) does not live in Monroe County, mail a signed and stamped Summons, one copy of the Summons, which will be returned by the Sheriff with a certification as to service or non-service, one copy of all the completed documents, and a cover letter to the Sheriff's Office in the city where the Respondent lives, along with a money order for the appropriate service fee. **It is your responsibility to find out the address and service fee for the Sheriff's Civil Process Unit in the city/county in which your spouse now resides.** The Family Court Self-Help Program can assist you with a sample letter form to send the Sheriff's

Office. The Family Court Self-Help office is located at 500 Whitehead Street, Key West, Florida; (305) 295-3647

- **FEE:** The Monroe County Sheriff's Office fee for the service of civil paperwork is \$20.00. The fee is payable in the form of cash, money order or local check. The service fee varies in other counties and states.

You may also use a private civil process server to serve your documents on the other party. Their fees may vary.

SECTION 5: WAITING/COUNTING 20 DAYS

The Sheriff or other process server will serve the Respondent, and send the Court proof of service. **It is your responsibility to find out the date of service on the Respondent.** You may obtain this information by calling the Sheriff's Office, Civil Process or the Monroe County Clerk's Office. For Monroe County, please call (305) 294-4641 ask for the Sheriff's Office, Civil Process, or the Circuit Civil Clerk's Office. Please have the name of the Respondent, and your case number ready when you call to obtain information about service.

Count 20 calendar days from the date the Respondent was served to determine the date his/her answer is due to be filed with the Court. Counting 20 days includes Saturdays, Sundays and Holidays. You begin counting on the day after the Respondent was served.

Example: You filed your papers, and the Respondent was served on Monday, June 3. You begin counting Tuesday, June 4 as day 1. Therefore the 20th day would be June 24.

SECTION 6: AFTER 20 DAYS FROM SERVICE

When the RESPONDENT has been served with a Petition for Dissolution of Marriage he/she may do the following:

- The Respondent may not wish to contest the Petition for Dissolution of Marriage or appear at a hearing. Then he/she may file an ANSWER, WAIVER, AND REQUEST FOR COPY OF FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE. Respondent should file the Original with the Clerk of the Circuit Court in the county where the petition was filed, and forward a copy to you.
The original Notice of Hearing must be filed with the Clerk's Office and a copy forwarded to the other party or their attorney.
- The Respondent may wish to admit, or deny, some or all of the allegations contained in the Petition for Dissolution of Marriage. If so, he/she will file an ANSWER TO THE PETITION FOR DISSOLUTION OF MARRIAGE. The Respondent should file the Original Answer with the Clerk of the Circuit Court in the County where the petition was filed, and a copy must be forwarded to you.
- The Respondent may wish to admit or deny some or all of the allegations contained in the Petition for Dissolution of Marriage **and** ask the Court for something that was *not* contained in the Petition. If so, he/she will file an ANSWER TO THE PETITION FOR DISSOLUTION OF MARRIAGE to admit or deny allegations, and a COUNTERPETITION to ask for whatever he/she wants the Court to order. The Originals must be filed with the Clerk of the Circuit Court in the County where the Petition was filed, and a copy must be forwarded to you.

- The Respondent **may choose not to file** an ANSWER or any paperwork at all. If nothing is filed by the Respondent within 20 days after the date of service of your Petition, you may file a MOTION FOR DEFAULT at the Clerk's Office. You can obtain this form from the Family Court Self Help Program (305) 295-3647. Be sure to include the case number on this Motion. The Clerk will enter the Default when you file your Motion, provided that the Respondent has not filed any paperwork in the case.
- If the Respondent **did file** an ANSWER, or an ANSWER AND WAIVER, AND/OR A COUNTERPETITION with the Clerk, and you did not receive a copy, go to the File Rom and obtain copies.
- If the Respondent filed a COUNTERPETITION FOR DISSOLUTION OF MARRIAGE, you may be required to respond the Respondent's Counterpetition. You must file your Original Response to the Counterpetition with the Clerk of the Circuit Court in the county where the case was filed. Be sure to make a copy for yourself, and to forward a copy to the Respondent.

SECTION 7: MOTIONS

During the course of your case, Motions may be filed for purposes of aiding in discovery, or obtaining some relief such as: temporary custody, child support, or spousal support. Motions must be made in writing and the Original filed with the Clerk's Office. A copy of any Motion filed must be forwarded to the other party or his/her attorney. A Motion must be scheduled for a hearing and a Notice of Hearing must be prepared. Should you desire assistance with scheduling a hearing and/or preparing a Notice of Hearing, you should contact the Family Court Self Help Program at (305) 295-3647.

The Original Notice of Hearing must be filed with the Clerk's Office and a copy forwarded to the other party, or his/her attorney.

SECTION 8: HEARINGS

- If the Respondent filed an ANSWER with the Clerk, and there are contested matters, the Court may order you and the Respondent to go through a mediation process. You and the Respondent should agree on a mediator, you may ask the Court to appoint one for you. To request a Court appointed mediator, please call Pam Scott at 305-295-3617. Once the mediator has been agreed upon, or assigned, and a mediation time is scheduled, you should determine who will generate the Notice of Mediation and any other paperwork necessary for the mediation. This notice should contain the time, date, mediator and place of mediation. The Original Notice should be filed with the Clerk's Office and a copy sent to the other party, or his/her attorney. When selecting a mediator you should ask the hourly rate of the mediator and payment requirements. Mediation rates can vary. Some mediators require payment at the end of mediation and some mediators will send a bill.
- The mediator will prepare a report from the mediation and inform the Court about the outcome. If the mediation reached a total impasse, and the case is not settled you should set the case for a Non-Jury Trial.
- If the Respondent filed an ANSWER, and there are no contested matters, or all contested matters have been resolved through a mediation, your case may proceed to a final hearing.
- To schedule the Final Hearing and prepare the Notice of Hearing. Please contact the Family Court Self-Help Program at (305) 295-3647.

- If you choose to prepare your own Notice of Hearing, remember the following: The Respondent must receive written notice of the Final Hearing. Prepare a Notice of Hearing, listing the date assigned by the Court, the time of the hearing, the Judge's name, the room number of the Judge's chambers, and the type of hearing. You must file the Original Notice of Hearing with the Clerk of the Circuit Court, mail a copy to the Respondent and keep a copy for yourself.
- **Attending the Final Hearing:** Take your packet and copies of all document you completed to the Final Hearing with you. Remember that appropriate attire is required in Court, i.e. no shorts, no tanktops, no bathing suits. Shirts and shoes are required. Do not bring children with you to Court. Make arrangements for child care if needed. When you arrive, check in with the Judge's secretary and give your name, and Case Number. When your case is called, you and your witnesses (if any) should enter the Judge's chambers. Remember the Judge cannot give you legal advice.
- **FINAL JUDGMENT:** At the final hearing, the Judge will grant a Judgment of Dissolution of Marriage. The Judge will decide who will prepare the Final Judgment documents. The original Final Judgment will be kept in the Court file. You will be asked to pay a **\$9.00 recording fee** (if you did not file an Affidavit of Indigency.) Then, you will receive a copy and the Respondent will be mailed a copy.

SECTION 9: Useful Address and Telephone Numbers

Clerk's Office locations and telephone numbers in Monroe County:

Key West: 500 Whitehead Street, Key West, 33040	305-294-4641
ask for Circuit Civil Court Clerk	
Marathon: 3117 Overseas Hwy, Marathon, 33050	305-289-6027
Circuit Civil Court Clerk	ask for
Tavernier: 88820 Overseas Hwy, Tavernier, 33070	305-852-1469
Circuit Civil Court Clerk	ask for

Sheriff's Office locations and telephone numbers in Monroe County

Key West: 500 Whitehead Street, Key West, 33040	305-294-3675
Marathon: 3103 Overseas Hwy, Marathon, 33050	305-289-2430
Tavernier: 88770 Overseas Hwy, Tavernier, 33070	305-853-3211

Family Court Self Help Program Office is located in Key West at 500 Whitehead Street; (305) 295-3647; FAX 295-3648

16th
STATE OF
COUNTY

IN THE CIRCUIT COURT OF THE
JUDICIAL CIRCUIT OF THE
FLORIDA IN AND FOR MONROE

CASE

NO: _____

Petitioner,

vs.

Respondent.
_____ /

NOTICE OF FILING

COMES NOW _____ (Your Name) who is the
Petitioner/Respondent, and files the following documents in this case:

1. _____
2. _____
3. _____
4. _____

(Attach additional sheets if necessary; check here if you have attachments _____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this NOTICE OF
FILING and all of the documents filed with this NOTICE were furnished

to: _____

on the _____ day of _____, 199____.

Your Signature

Address

City

State Zip

ATTACHMENT "B"

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,
IN AND FOR MONROE COUNTY, FLORIDA

Petitioner

CASE

NO.: _____
and

Respondent

**SUBPOENA DUCES TECUM
FOR TRIAL**

THE STATE OF FLORIDA

TO _____:

YOU ARE COMMANDED to appear before the
Honorable _____, Judge of the Court, at the Monroe County
Courthouse in _____, Florida, on _____, _____, at
_____ .m., to testify in this action and to have with you at that time
and place the following:

_____.

If you fail to appear, you will be in contempt of court.

You are subpoenaed to appear by the following person(s), and
unless excused from this subpoena by this person or persons, or by the
court, you shall respond to this subpoena as directed.

DATED on _____, _____.

As Clerk of the Court

By _____
As Deputy Clerk

Your Name

Address

City State Zip
Phone:_____

ATTACHMENT "C"

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,
IN AND FOR MONROE COUNTY, FLORIDA

Petitioner,

and
NO.:_____

CASE

MOTION TO/FOR:

Respondent.

_____ /

COMES NOW, {your name}_____,
and moves that the Court grant the relief sought herein, in this Motion
to/for_____
_____, and as grounds therefore would
show:

1. _____

2. _____

3. _____

WHEREFORE, the undersigned requests that this Court grant the relief sought herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been furnished by [Check **all** that apply] () hand delivery () U.S. Mail ()Telefax,
to: _____, at the following
address: _____
_____, this ____ day of _____,
199__.

Signature
Printed
Name: _____
Address: _____

Phone: _____

ATTACHMENT "D"

IN THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA IN AND FOR MONROE COUNTY

_____,
Petitioner,
and

CASE NO. _____

_____,
Respondent.

_____ /

**AFFIDAVIT IN SUPPORT OF MOTION
TO/FOR _____
State of FLORIDA**

County of MONROE

BEFORE ME, the undersigned authority, personally appeared _____, who after being duly sworn, did depose and say:

1. All statements made herein are made of my own personal knowledge, and they are true and correct.
2. I am a () petitioner () respondent in the above styled cause.
3. In support of the above referenced motion I offer the following facts:

A.

B.

C.

() Check here if additional pages are included
() Check here if you are attaching supporting documents
List number of pages and describe supporting document:

No. of attached pages: _____
Supporting documents are:

Sworn to and subscribed before me this _____ day of _____, Affiant
2001.

() Personally Known

() Produced Identification

Type of Identification Produced _____

My commission expires:
Florida

Notary Public, State of

ATTACHMENT "E"

16th
STATE OF
COUNTY

IN THE CIRCUIT COURT OF THE
JUDICIAL CIRCUIT OF THE
FLORIDA IN AND FOR MONROE

CASE

NO: _____

Petitioner,

vs.

Respondent.
_____ /

**AFFIDAVIT OF INSOLVENCY
AND REQUEST FOR WAIVER OF FEES**

I, _____, being duly sworn, do hereby certify that I do not have sufficient funds with which to pay the filing fees to the Clerk of Court, or fees payable to the Sheriff, related to the filing of my Motion/Petition, and Service. I therefore request that said fees be waived, subject to a subsequent order of the Court relating to the payment of such fees. In the event that I am successful in obtaining the costs of this action in any recovery from a financial judgment or decree thereunder, I shall promptly refund such costs and charges to the proper parties.

Dated this ____ day of

_____, _____.

Affiant

Printed

Name: _____

Address: _____

Telephone: _____

Sworn to and subscribed before me this
_____ day of _____, _____

DANNY L. KOLHAGE, CLERK

BY: _____
Deputy Clerk

ATTACHMENT "F"
IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,
IN AND FOR MONROE COUNTY, FLORIDA

Case No.: _____
Division: _____

Petitioner,

and

Respondent.

NOTICE OF HEARING

TO: {name of other party} _____

PLEASE TAKE NOTICE THAT _____ PETITIONER, HAS
REQUESTED THAT A FINAL HEARING BE SET ON HIS/HER PRO SE
PETITION/MOTION FOR _____ IN THE
ABOVE CAPTIONED MATTER. THIS HEARING WILL BE HELD BEFORE THE
HONORABLE _____ AT THE MONROE COUNTY COURTHOUSE,
FOURTH FLOOR, 500 WHITEHEAD ST., KEY WEST, FL. 33040. **ON THE**
_____ DAY OF _____, 2000, AT _____ A.M./P.M.

PLEASE BE GOVERNED ACCORDINGLY

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Theresa D. Westerfield, the Court Administrator, not later than seven days prior to the proceeding at Room 302, Courthouse Annex, 500 Whitehead Street, Key West, Florida 33040. Telephone: (305)292-3423; TDD 1-800-955-8771(TDD), or 1-800-955-9877 (V) Via Florida Relay Service.

I HEREBY CERTIFY that a true and correct copy of this Notice of Hearing was forwarded to _____, Petitioner, and _____, Respondent, by Regular Mail at the above addresses on the _____ day of _____, 2000.

Mary Vanden Brook
Family Court Program Coordinator
500 Whitehead St.
Key West, FL 33040
(305) 295-3647

NOTE: If the assistance of a Spanish-English Translator will be necessary, they will have to be provided by the litigants.

NOTA: Si la asistencia de un traducto espanol-ingles es necesaria, la responsabilidad es de los litigantes en proveerla.

ATTACHMENT "G"

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,
IN AND FOR MONROE COUNTY, FLORIDA

Case No.: _____

In the Matter of:

(name of child for whom temporary custody is requested)

PETITION FOR TEMPORARY CUSTODY BY EXTENDED FAMILY MEMBER

Petitioner, _____, files this petition for temporary custody of the above-named minor child, pursuant to Chapter 751, Florida Statutes, and states this as grounds for it:

1. This is an action for temporary custody of a minor child by an extended family member of the child. The name, date of birth and current address of the child is:

Name: _____

Date of Birth: _____

Current Address: _____

2. The names and current addresses of the child's parents are

Natural Mother's Name and Address:

Natural Father's Name and Address:

3. The names and current addresses of the persons with whom the child has lived during the past five(5) years:
4. Petitioner does not know of, and has not participated (as a party, witness, or in any other capacity) in, any other court decision, order or proceeding (including divorce, separate maintenance, child neglect, dependency or guardianship) concerning the custody or visitation of the child in this state or any other state.
5. Petitioner does not have information of any pending proceeding (including divorce, separate maintenance, child neglect, dependency, or guardianship) concerning the custody or visitation of the child, in this state or any other state.
6. The full name and social security number of the petitioner and the petitioner's residence and post addresses are as follows:

Petitioner's Full Name: _____
Petitioner's Social Security Number: _____
Petitioner's Post Office Address: _____
Physical Address of the Petitioner and minor child _____
(if different from the post office address)

7. The petitioner is related to the child as follows: _____. (If the petitioner is the putative father, the following describe the circumstances which the petitioner believes he is the natural father of the child.)
8. The child's parents have consented to the temporary custody of the minor child by the petitioner. Their notarized acknowledgement is attached to this petition. (In the event the minor child's parents have not consented in writing to this petition, the following circumstances describe the child's current living situation with the petitioner:)
9. The petitioner is requesting temporary custody of the minor child for the following period of time: _____. The reasons supporting this request and why this request is in the best interest of the minor child are as follows:

I CERTIFY THAT THE FACTS HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Print name of Petitioner: _____

STATE OF FLORIDA
COUNTY OF MONROE

Sworn to and subscribed before me this ____ day of _____, _____, by _____, who is personally known to me or who produced _____ as identification.

Print Name: _____
Notary Public—State of Florida

(Seal)

ATTACHMENT "H"

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,
IN AND FOR MONROE COUNTY, FLORIDA

Case No.: _____

In the Matter of:

(name of child for whom temporary custody is requested)

Acknowledgement and Consent of Natural Parents

I acknowledge that I am the natural parent of the minor child, _____, and I hereby consent to the foregoing Petition for Temporary Custody filed by the Petitioner and waive notice and appearance at the hearing on same. I understand that at any time, either or both of the child's parents may petition the court to terminate the order granting temporary custody upon a finding that the parent requesting the termination of the temporary custody order is a fit parent, or upon the consent of the parties.

Signature of Natural Mother: _____
Printed Name of Natural Mother: _____

STATE OF FLORIDA
COUNTY OF MONROE

Sworn to and subscribed before me this _____ day of _____, _____, by _____, who is personally known to me or who produced _____ as identification.

Print Name: _____
Notary Public—State of Florida

(Seal)

Attachment "I"