

**Check out our new Clerk of Court website!**

**[www.clerk.indian-river.org](http://www.clerk.indian-river.org)**

**Click on: On-Line Search for Family Records**

**Follow the progress of your case at your**

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**CLERK OF CIRCUIT COURT,  
INDIAN RIVER COUNTY**

**THE CLERK OF THE CIRCUIT COURT  
ACCEPTS VISA, MASTER CARDS AND  
DISCOVER CREDIT CARDS.**

**(CUSTOMERS WILL PAY A CONVENIENCE FEE  
FOR THIS SERVICE)**

**NO PERSONAL CHECKS  
WILL BE ACCEPTED**

**GENERAL MOTION**

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW  
FORM 12.915,  
DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS (11/15)**

**When should this form be used?**

This form should be used to inform the clerk and the other party of your current mailing and e-mail address(es) or **any change of address**. It is very important that the court and the other party in your case have your correct address.

A party not represented by an attorney may choose to designate e-mail address(es) for **service**. A primary and up to two secondary e-mail addresses can be designated. If you do so and the other party is represented by an attorney or has also designated e-mail address(es) for service, e-mail will be the **exclusive means of service**.

If there is any change in your mailing or e-mail address(es), you must complete a new form, file it with the clerk, and serve a copy on any other party or parties in your case.

**What should I do next?**

This form should be typed or printed in black ink. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records. A copy of this form must be served on any other party in your case. **Service** must be in accordance with Florida Rule of Judicial Administration 2.516.

**IMPORTANT INFORMATION REGARDING E-FILING**

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

**IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION**

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at [www.flcourts.org](http://www.flcourts.org) through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

**SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT**

**REQUIRED TO DO SO.** If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

### **Where can I look for more information?**

**Before proceeding, you should read General Information for Self-Represented Litigants found at the beginning of these forms.** The words that are in **bold underline** in these instructions are defined there.

### **Special notes...**

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ NINETEENTH \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ INDIAN RIVER \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent,

### DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS

I, {full legal name} \_\_\_\_\_, being sworn, certify  
that my current mailing address is: {Street} \_\_\_\_\_  
{City} \_\_\_\_\_, {State} \_\_\_\_\_, {Zip} \_\_\_\_\_  
{Telephone No.} \_\_\_\_\_ {Fax No.} \_\_\_\_\_

I designate as my current e-mail address(es): \_\_\_\_\_

**I understand that I must keep the clerk's office and the opposing party or parties notified of my current mailing and e-mail address(es) and that all future papers in this lawsuit will be served at the address(es) on record at the clerk's office.**

I certify that a copy of this document was ( ) e-mailed ( ) mailed ( ) faxed ( ) hand-delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Designated E-mail Address(es): \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
*{Print, type, or stamp commissioned name of notary or clerk.}*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personally known

Produced identification

Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in all blanks] This form was prepared for the: *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

{name of individual} \_\_\_\_\_

{name of business} \_\_\_\_\_

{address} \_\_\_\_\_

{city} \_\_\_\_\_, {state} \_\_\_\_\_, {zip code} \_\_\_\_\_, {telephone number} \_\_\_\_\_

# NINETEENTH JUDICIAL CIRCUIT

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## GENERAL MOTION

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FOR GENERAL REQUESTS FOR RELIEF OR TO REQUEST REHEARING  
THIS PACKET IS NOT TO BE USED TO FILE FOR CONTEMPT OR ENFORCEMENT

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THIS PACKET SHOULD CONTAIN THE FOLLOWING DOCUMENTS:

- NOTICE OF LIMITATION OF SERVICES PROVIDED AND ACKNOWLEDGMENT
- INSTRUCTIONS AND FREQUENTLY ASKED QUESTIONS
- CIVIL COVER SHEET
- MOTION
- FORM A: FAMILY CASE INQUIRY/UPDATE
- FORM B: REQUEST FOR HEARING OF PLEADING/MOTION IN OPEN DEPARTMENT OF REVENUE/CHILD SUPPORT ENFORCEMENT CASE

**Read the enclosed instructions carefully and completely.** Please be advised that neither the clerk's office, nor the case managers are able to provide legal advice. We can give you the forms and general information; however, you may need to consult with an attorney if you have legal questions.

PRIOR TO filing, you may contact the clerk's office for general information, or you may need to consult an attorney. AFTER a case has been opened or re-opened, the case managers may assist you with general information or case status. Please use ***Form A: Family Case Inquiry/Update*** ***OR Form B: Request for Hearing of Pleading/Motion in Open Department of Revenue/Child Support Enforcement Case*** provided in this packet to request status or review of your case.

**NOTICE OF LIMITATION OF SERVICES PROVIDED**

Fla.Fam.L.R.P. 12.750(h)

THE PERSONNEL IN THIS SELF-HELP PROGRAM ARE NOT ACTING AS YOUR LAWYER OR PROVIDING LEGAL ADVICE TO YOU.

SELF-HELP PERSONNEL ARE NOT ACTING ON BEHALF OF THE COURT OR ANY JUDGE. THE PRESIDING JUDGE IN YOUR CASE MAY REQUIRE AMENDMENT OF A FORM OR SUBSTITUTION OF A DIFFERENT FORM. THE JUDGE IS NOT REQUIRED TO GRANT THE RELIEF REQUESTED IN A FORM.

THE PERSONNEL IN THIS SELF-HELP PROGRAM CANNOT TELL YOU WHAT YOUR LEGAL RIGHTS OR REMEDIES ARE, REPRESENT YOU IN COURT, OR TELL YOU HOW TO TESTIFY IN COURT.

SELF-HELP SERVICES ARE AVAILABLE TO ALL PERSONS WHO ARE OR WILL BE PARTIES TO A FAMILY CASE.

THE INFORMATION THAT YOU GIVE TO AND RECEIVE FROM SELF-HELP PERSONNEL IS NOT CONFIDENTIAL AND MAY BE SUBJECT TO DISCLOSURE AT A LATER DATE. IF ANOTHER PERSON INVOLVED IN YOUR CASE SEEKS ASSISTANCE FROM THIS SELF-HELP PROGRAM, THAT PERSON WILL BE GIVEN THE SAME TYPE OF ASSISTANCE THAT YOU RECEIVE.

IN ALL CASES, IT IS BEST TO CONSULT WITH YOUR OWN ATTORNEY, ESPECIALLY IF YOUR CASE PRESENTS SIGNIFICANT ISSUES REGARDING CHILDREN, CHILD SUPPORT, ALIMONY, RETIREMENT OR PENSION BENEFITS, ASSETS, OR LIABILITIES.

**PLEASE COMPLETE THE FOLLOWING PARAGRAPH. FILE THE SIGNED DOCUMENT WITH THE CLERK OF COURT.**

**ACKNOWLEDGMENT**

I CAN READ ENGLISH.

I CANNOT READ ENGLISH. THIS NOTICE WAS READ TO ME BY \_\_\_\_\_(name)

IN \_\_\_\_\_(language).

I, \_\_\_\_\_(name)do acknowledge that I have read this Notice of Limitation of Services Provided. I have received an explanation of the notice above, and I understand the limitation of the services provided. I understand that it is in my best interest to secure an attorney to represent my interest in this case. I understand that this form must be signed and filed with the Clerk before the Self-Help program may provide services to me.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Signature

## **AVISO DE LIMITACIÓN DE LOS SERVICIOS PRESTADOS**

Fla.Fam.L.R.P. 12.750(h)

EL PERSONAL DE ÉSTE PROGRAMA DE AUTO-AYUDA NO ESTÁ ACTUANDO COMO SU ABOGADO NI LE ESTÁ DANDO ASESORAMIENTO JURÍDICO.

EL PERSONAL DEL PROGRAMA NO ACTUA EN NOMBRE NI DE LA CORTE NI DE NINGUN JUEZ. EL JUEZ QUE PRESIDEN EN SU CASO PUEDE REQUERIR UN CAMBIO EN EL IMPRESO O UN IMPRESO DIFERENTE. EL JUEZ NO ESTA OBLIGADO A CONCEDER LA REPARACIÓN QUE USTED PIDE EN EL IMPRESO. EL PERSONAL DE ÉSTE PROGRAMA DE AUTO-AYUDA NO LE PUEDE DECIR CUALES SON SUS DERECHOS NI QUE SOLUCIONES LEGALES HAY, NO PUEDE REPRESENTARLE EN CORTE, NI PUEDE DECIRLE COMO TESTIFICAR EN CORTE.

LOS SERVICIOS DE AUTO-AYUDA ESTAN DISPONIBLES PARA TODAS LAS PERSONAS QUE SON O SERÁN PARTES DE UN CASO DE CORTE DE FAMILIA.

LA INFORMACIÓN QUE USTED DÁ Y RECIBE DE ÉSTE PERSONAL NO ES CONFIDENCIAL Y PUEDE SER EXPUESTA MAS ADELANTE. SI OTRA PERSONA QUE ES PARTE DE SU CASO PIDE AYUDA A ÉSTE PROGRAMA, ELLOS RECIBIRÁN EL MISMO TIPO DE AYUDA QUE USTED RECIBE.

EN TODO CASO, ES MEJOR CONSULTAR CON SU PROPIO ABOGADO, ESPECIALMENTE SI SU CASO TRATA DE TEMAS IMPORTANTES RESPECTO A MENORES, MANUTENCIÓN DE MENORES, PENSIÓN MATRIMONIAL, PENSIÓN DE JUBILACIÓN O BENEFICIOS DE PENSIÓN, CAPITAL O DEUDAS.

**FAVOR DE COMPLETAR EL SIGUIENTE PÁRRAFO, PRESENTE EL DOCUMENTO FIRMADO A LA SECRETARIA DEL TRIBUNAL**

### **CONSENTIMIENTO**

- YO PUEDO LEER ESPAÑOL.**
- YO NO PUEDO LEER ESPAÑOL. ÉSTE DOCUMENTO ME LO LEYÓ \_\_\_\_\_(nombre)**
- EN \_\_\_\_\_(idioma).**

Yo, \_\_\_\_\_{nombre} Reconozco que he leído éste aviso de limitación de servicios prestados. He recibido la explicación correspondiente, y entiendo la limitación de servicios prestados. Entiendo que es en mi beneficio el contratar un abogado para que me represente en éste caso. Entiendo que éste impreso debe ser firmado y presentado a la Secretaría del Tribunal antes de que el programa de auto-ayuda pueda proveerme sus servicios.

\_\_\_\_\_  
Fecha

\_\_\_\_\_  
Número de Caso

\_\_\_\_\_  
Firma

# HOW TO FILE A MOTION

**PURPOSE:** A motion is used to make a request of the court about a certain issue or issues in an EXISTING CASE. After a motion is filed with the clerk, a hearing will be set for the judge to consider and rule on the request. *Only those issues stated in the motion will be discussed at the hearing.*

**NOTE:** THIS FORM IS NOT TO BE USED WHEN FILING FOR CONTEMPT OR ENFORCEMENT.

## INSTRUCTIONS

1. Fill out the Civil Cover Sheet and the **Motion** form completely. Please type or print the information clearly. In addition to the original, make two (2) copies. One copy is for you to keep. The second copy is for the other party in your case. The name and current address of the other party, as well as your name and current address and telephone number **MUST** be complete. Use the case number of your **existing case** on all of the documents. We cannot set your hearing without all of this information.
2. Sign the **Motion** in front of a notary or a deputy clerk. Submit the original motion and civil cover sheet to the clerk of the court. Along with your original motion you must submit four (4) blank, stamped envelopes. There may be a fee to re-open your case if there is no pending action at the time you file your motion. Consult with the clerk of the court regarding fees.
3. You are responsible for delivering a copy of the motion to the other party. You may do this by mail or hand-delivery. You must certify in the appropriate space on the bottom of the form that you have delivered a copy of the motion and the party to whom it was delivered (including the complete address), and the date it was sent. If you intend to present documents or exhibits to the court during the hearing on your motion, you must also send copies of those documents and/or exhibits to the other party. The other party is entitled to read and inspect all documents or any other exhibits that you may present to the court.
4. Complete and submit either **Form A: Family Case Inquiry/Update** OR **Form B: Request for Hearing of Pleading/Motion in Open Department of Revenue/Child Support Enforcement Case** provided in this packet to request a hearing or review of your file. You may also complete the form online at [www.circuit19.org](http://www.circuit19.org) under the *Family Division* link. The form will be forwarded to a case manager who will set a hearing on the next available court docket. You and the other party in your case will receive an order scheduling the hearing **in the mail** that will advise you of the date and time. Please allow a **MINIMUM** of four weeks for the order scheduling the hearing to come to you once you have filed your documents.
5. At the hearing, the party filing the motion will have the burden of proving the facts stated. The other party will have an opportunity to explain their position to the court as well.
6. **EXHIBITS AND DOCUMENTATION:** If you plan to present evidence to the court in the form of documents or other exhibits, you must bring a complete set of these documents to present to the judge or magistrate at the hearing as well as a copy for the other party or their attorney. If you are submitting receipts for

expenses owed by the other party, they must be photocopied and accompanied by a summary sheet listing the service, service provider, date of service, amounts and dates of payments, the total costs and the portion owed to you by the other party.

### **ADDITIONAL INFORMATION**

**Emergency Motions** – If this form is being filed as an emergency, the clerk will forward the motion to the judge's office for review. If the court deems the matter a valid emergency, a hearing will be set and you may be required to have the other party served with the emergency motion and the hearing notice by a sheriff or private process server. All emergency motions must be titled as such and include a statement as to nature of the emergency.

**Mediation** – If this motion is a request for temporary relief involving timesharing with minor children, you may be ordered to attend mediation prior to a hearing. The court will send you an ***Order of Referral to Mediation*** which will include the fee for this service. You will be scheduled to meet with a licensed Family Law mediator to attempt to settle your differences and enter a written agreement. You are required to attend the mediation if you receive an order.

**Interpreters** – The Family division in the Nineteenth Circuit does not provide interpreters for hearings. If you cannot speak English well enough to participate in the hearing and understand the judge's questions, you will need to bring an interpreter with you at your own expense. If you do not bring an interpreter with you (someone other than your spouse) your hearing may be rescheduled to a later date. The judge cannot proceed with the hearing if you cannot understand what is being asked or discussed in the courtroom.

**Legal Advice** – Legal advice may only be provided by a licensed attorney. Court personnel are prohibited by law from giving you legal advice. Many times the legal issues are complex. A lay person may not always know or understand what is in their best legal interest. The forms included in this packet are designed to allow you to represent yourself in a legal action. You, alone, are responsible for the content of the documents that you sign. The court personnel, including the judge, cannot help you decide what to do or suggest what actions you might take in your situation. **YOU ARE CAUTIONED TO SEEK THE ADVICE OF A LICENSED ATTORNEY IN ALL MATTERS.**

**Additional Forms** – Some situations may require the use of forms that are not provided in this packet. You may find additional forms on the State Court's website at [www.flcourts.org](http://www.flcourts.org), Family Law Forms.

# Frequently Asked Questions by Self-Represented Litigants

## 1. When is my hearing?

Cases are reviewed by case managers in the self-help program. If the case is ready for a hearing, it is set on the first available docket and parties are notified by mail. Due to both legislatively mandated budget cuts in the case manager office as well as the large number of filings in the four counties of the circuit, it may take time for your case to be set for hearing.

## 2. Where do I find the forms I need?

Forms are available online in the Self-Help section of the Florida State Courts website at [http://www.flcourts.org/gen\\_public/family/forms\\_rules/index.shtml](http://www.flcourts.org/gen_public/family/forms_rules/index.shtml) (spaces in the web address are underscored). Additionally, forms are located in each of the clerks' offices in the four counties for a fee:

**Indian River County Clerk of the Circuit Court**  
2000 16th Avenue  
Vero Beach, Florida 32960  
(772) 770-5185  
<http://www.clerk.indian-river.org/>

**Martin County Clerk of the Circuit Court**  
100 East Ocean Boulevard  
Suite 200  
Stuart, Florida 34994  
(772) 288-5660  
<http://clerk-web.martin.fl.us/ClerkWeb/>

**Okeechobee County Clerk of the Circuit Court**  
312 North West 3rd Street  
Okeechobee, Florida 34972  
(863) 763-2131  
<http://www.clerk.co.okeechobee.fl.us/>

**Saint Lucie County Clerk of the Circuit Court**  
201 South Indian River Drive  
Fort Pierce, Florida 34950  
(772) 462-6910  
<http://www.slcclerkofcourt.com/>

## 3. Where do I file my completed forms?

All forms should be filed at the clerk's office in the county of your case (contact information for each of the clerks' offices is available in question 2) and a copy should be provided to the other party according to Florida Law and Florida Family Law Rules of Procedure.

## 4. How much are the filing fees?

Questions regarding filing fees should be directed to the clerk's office in the county of your case. See the answer to question 2 for locations and contact information for the clerks' offices.

## 5. How can I schedule a mediation with the 19<sup>th</sup> Judicial Circuit's Mediation Program?

Both parties must submit a completed Financial Affidavit before the case can be referred. If the combined gross annual income of both parties is less than \$100,000.00 then the case manager may refer the case to the 19<sup>th</sup> Judicial Circuit Mediation Program. The mediation program case manager will submit an Order for Mediation for the judge's signature. Once the judge has signed the Order, the mediation program will schedule the mediation and provide written notification of the date, time, and location of the mediation.

## 6. I have no attorney but the other party does – how do I set a hearing?

The self-represented litigant will need to contact the judge's office and request available hearing dates from the judicial assistant. You will then need to contact the attorney's office to coordinate the date with the attorney. Once a date has been agreed upon, you will need to call the judicial assistant again to reserve the hearing date. To shorten this process, you may request the judicial assistant to conference the attorney's office into your initial call to the judicial assistant. You will then need to complete a Notice of Hearing and provide it to the clerk's office, attorney's office, and judicial assistant. A Notice of Hearing is available on the Florida State Courts website at [http://www.flcourts.org/gen\\_public/family/forms\\_rules/index.shtml](http://www.flcourts.org/gen_public/family/forms_rules/index.shtml) (spaces in this web address are underscored).

## 7. I need to speak to the judge or magistrate about my case – how do I contact their office?

Judges and magistrates are not permitted to speak to parties about their case outside of the courtroom. If you have an issue you need addressed by the court, you must file a proper pleading and, if appropriate, a hearing will be scheduled.

## **8. How long will it take for me to get a divorce?**

There are many factors (such as minor children, property, assets, etc.) which add to the length of time an action takes to get to a final hearing, but, generally speaking, most uncontested cases (cases in which the parties sign and file an agreement resolving all issues) are set for a final hearing within 90 days from the filing date. Due to both legislatively mandated budget cuts in the case manager office as well as the large number of filings in the four counties of the circuit, contested cases may take significantly longer to get to final hearing.

## **9. What is a magistrate?**

A magistrate is an attorney who hears cases referred by a judge and acts in a quasi-judicial capacity. In our Circuit, magistrates hear post-judgment family cases (that is, they do not hear any cases such as divorce or establishment of paternity). The magistrate hears the cases and provides recommendations to the judge. An Order of Referral is sent to all parties of a case before the case is heard by the magistrate, and the parties must agree that the magistrate can hear the case. An Order of Referral contains the following language:

A REFERRAL TO A GENERAL MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BEFORE A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BEFORE THE GENERAL MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN 10 DAYS OF THE TIME OF SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN 10 DAYS AFTER THE SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. IF THIS ORDER IS SERVED WITHIN THE FIRST 20 DAYS AFTER SERVICE OF PROCESS, THE TIME TO FILE AN OBJECTION IS EXTENDED TO THE TIME WITHIN WHICH A RESPONSIVE PLEADING IS DUE. FAILURE TO FILE A WRITTEN OBJECTION WITHIN THE APPLICABLE TIME PERIOD IS DEEMED TO BE A CONSENT TO THE REFERRAL.

REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 12.490(f), FLA. FAM. L. R. P. A RECORD, WHICH INCLUDES A TRANSCRIPT OF PROCEEDINGS, MAY BE REQUIRED TO SUPPORT THE EXCEPTIONS.

If there are no exceptions to the recommendations of the magistrate timely filed by the parties, the recommendations are forwarded to the judge to be signed as an Order.

## **10. What should I bring to court and what am I supposed to do?**

- Dress appropriately for court
- Be on time for your hearing
- Both parties should attend scheduled hearings
- Remain calm
- Speak directly to the judge or the magistrate
- Listen to the judge or the magistrate and do not interrupt someone when he/she is speaking – each party will have time to speak
- The court can only hear matters that have been properly filed and are scheduled for hearing, so stay focused on the issues that are in the pleading and scheduled for that hearing
- Do not bring your children to court with you unless you have been ordered by the judge to have the children present. If you bring your children you will need to have someone who can supervise them outside of the courtroom while your case is being heard.
- Bring your valid Florida Drivers License, Florida Voter's Registration Card, or valid Florida Identification Card with you
- Bring any documents you think may be necessary for your case depending on the issues that have been identified in the petition or motion (such as receipts, bills, proof of real estate, copies of checks, etc. – see Chapter 90 "Evidence Code" [Florida Statutes](#) for more information)
- Know what you want before the hearing and be able to explain to the judge or magistrate why it is you want it
- Ask questions if you do not understand what is going on – you should leave the hearing knowing what happened

## **11. I need an interpreter for the hearing – what should I do?**

If you need a foreign language interpreter to fully participate in your hearing, it is your responsibility to bring a qualified interpreter as the Court does not provide a foreign language interpreter free of charge for family law cases.

If you need a sign language interpreter for your hearing, please contact the ADA Coordinator at (772) 807-4370.

## **12. What does "pro se" mean?**

"Pro se" is another term for someone who represents himself or herself in court. It is still your responsibility to be aware of laws and legal rules before appearing in court as neither the judge, magistrate, case managers, clerks, nor other court

personnel are allowed to give you any legal advice. Additional information and links are available on our [Self Help Program/Self-Represented Litigants](#) webpage. If possible, it is best to consult with an attorney before appearing in court.

### **13. How does the Court calculate child support?**

There are a number of factors that could affect the amount of child support that is ordered, but generally child support is calculated based on guidelines provided in §61.30 [Florida Statutes](#).

### **14. How is child support paid?**

There are three options for payment of child support: direct pay (one parent is ordered to pay the child support directly to the other parent), state disbursement unit (one parent is ordered to send payments to the state disbursement unit who then sends the payment to the other parent), and Income Deduction Order (this is an Order entered by the Court that is sent to the employer of the parent ordered to pay with an amount that must be deducted from the parent's paycheck and sent to the state disbursement unit – the state disbursement unit then sends the payment to the other parent). Florida law requires that all child support payments must be paid through the state disbursement unit unless both parties agree to have it paid directly. Self-represented litigants whose pleadings include issues of child support should consider which option would work best for their situation – this information should be explained to the judge or magistrate during the hearing so that the best solution can be worked out for the parties and entered into an Order.

### **15. I received an Order to File directing the other party to file a document(s) – how do I know if the other party has done this?**

As noted in question 3, all documents should be filed with the clerk's office in the county of your case and a copy should be provided to the other party in the case according to [Florida Law](#) and [Florida Family Law Rules of Procedure](#). If you have questions or concerns about what has been filed, you can contact the appropriate clerk's office to see what has been filed by the other party (contact information for each of the clerk's offices is available in question 2).

### **16. My hearing is scheduled, but I cannot wait that long and need an earlier date – what should I do?**

You may call the office of the [judge](#) or [magistrate](#), as applicable, and request an earlier hearing date. However, an earlier hearing date may not be available.

### **17. I have a Final Judgment/Order directing the other party to pay child support, participate in time sharing, etc. The other party has not done this – what should I do?**

If you believe that the other party has not complied with what was ordered and you are seeking relief, you must file a proper pleading with the clerk's office. The pleading will be scheduled for a hearing before a judge or magistrate. It is your responsibility to provide proof or evidence that the other party has not complied with the Order. Please refer to question 10 for information about what you should bring to Court and what you are supposed to do. You may also see the Florida Supreme Court approved forms and instructions at [http://www.flcourts.org/gen\\_public/family/forms\\_rules/index.shtml](http://www.flcourts.org/gen_public/family/forms_rules/index.shtml) (spaces in this web address are underscored) to determine the proper form to complete and file.

### **18. I have been ordered to take a parenting course – why do I have to do this?**

[Florida Statute](#) § 61.21(4) requires that all parties to a dissolution of marriage with children or a paternity action that involves issues of parental responsibility are required to complete a parenting course before a Final Judgment is entered.

The court may hold any parent who fails to attend this required parenting course in contempt and impose appropriate sanctions. A current list of approved parenting course providers is located at this website:

<http://www.myfloridafamilies.com/docs/ParentEducationFamilyStabilizationCourseProvidersList.pdf>.

# INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.928, COVER SHEET FOR FAMILY COURT CASES (11/13)

## When should this form be used?

The Cover Sheet for Family Court Cases and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form shall be filed by the petitioner/party opening or reopening a case for the use of the **clerk of the circuit court** for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075.

This form should be typed or printed in black ink. The petitioner must **file** this cover sheet with the first pleading or motion filed to open or reopen a case in all domestic and juvenile cases.

## What should I do next?

Follow these instructions for completing the form:

- I. Case Style. Enter the name of the court, the appropriate case number assigned at the time of filing of the original petition, the name of the judge assigned (if applicable), and the name (last, first, middle initial) of the petitioner(s) and respondent(s).
- II. Type of Action /Proceeding. Place a check beside the proceeding you are initiating. If you are simultaneously filing more than one type of proceeding against the same opposing party, such as a modification and an enforcement proceeding, complete a separate cover sheet for each action being filed.
  - (A) Initial Action/Petition
  - (B) Reopening Case. If you check "Reopening Case," indicate whether you are filing a modification or supplemental petition or an action for enforcement by placing a check beside the appropriate action/petition.
    1. Modification/Supplemental Petition
    2. Motion for Civil Contempt/ Enforcement
    3. Other – All reopening actions not involving modification/supplemental petitions or petition enforcement.
- III. Type of Case. Place a check beside the appropriate case. If the case fits more than one category, select the most definitive. Definitions of the categories are provided below.
  - (A) Simplified Dissolution of Marriage- petitions for the termination of marriage pursuant to Florida Family Law Rule of Procedure 12.105.
  - (B) Dissolution of Marriage - petitions for the termination of marriage pursuant to Chapter 61, Florida Statutes, other than simplified dissolution.
  - (C) Domestic Violence - all matters relating to injunctions for protection against domestic violence pursuant to section 741.30, Florida Statutes.

- (D) Dating Violence - all matters relating to injunctions for protection against dating violence pursuant to section 784.046, Florida Statutes.
- (E) Repeat Violence - all matters relating to injunctions for protection against repeat violence pursuant to section 784.046, Florida Statutes.
- (F) Sexual Violence - all matters relating to injunctions for protection against sexual violence pursuant to section 784.046, Florida Statutes.
- (G) Stalking-all matters relating to injunctions for protection against stalking pursuant to section 784.0485, Florida Statutes
- (H) Support - IV-D - all matters relating to child or spousal support in which an application for assistance has been filed with the Department of Revenue, Child Support Enforcement under Title IV-D, Social Security Act, except for such matters relating to dissolution of marriage petitions (sections 409.2564, 409.2571, and 409.2597, Florida Statutes), paternity, or UIFSA.
- (I) Support-Non IV-D - all matters relating to child or spousal support in which an application for assistance has **not** been filed under Title IV-D, Social Security Act.
- (J) UIFSA- IV-D - all matters relating to Chapter 88, Florida Statutes, in which an application for assistance has been filed under Title IV-D, Social Security Act.
- (K) UIFSA - Non IV-D - all matters relating to Chapter 88, Florida Statutes, in which an application for assistance has **not** been filed under Title IV-D, Social Security Act.
- (L) Other Family Court - all matters involving time-sharing and/or parenting plans relating to minor child(ren), support unconnected with dissolution of marriage, annulment, delayed birth certificates pursuant to Florida Statutes section 382.0195, expedited affirmation of parental status pursuant to Florida Statutes section 742.16, termination of parental rights proceedings pursuant to Florida Statutes section 63.087, declaratory judgment actions related to premarital, marital, post-marital agreements, or other matters not included in the categories above.
- (M) Adoption Arising Out Of Chapter 63 - all matters relating to adoption pursuant to Chapter 63, Florida Statutes, excluding any matters arising out of Chapter 39, Florida Statutes.
- (N) Name Change - all matters relating to name change, pursuant to section 68.07, Florida Statutes.
- (O) Paternity/Disestablishment of Paternity – all matters relating to paternity pursuant to Chapter 742, Florida Statutes.
- (P) Juvenile Delinquency - all matters relating to juvenile delinquency pursuant to Chapter 985, Florida Statutes.
- (Q) Petition for Dependency - all matters relating to petitions for dependency.
- (R) Shelter Petition – all matters relating to shelter petitions pursuant to Chapter 39, Florida Statutes.
- (S) Termination of Parental Rights Arising Out Of Chapter 39 – all matters relating to termination of parental rights pursuant to Chapter 39, Florida Statutes.
- (T) Adoption Arising Out Of Chapter 39 – all matters relating to adoption pursuant to Chapter 39, Florida Statutes.
- (U) CINS/FINS – all matters relating to children in need of services (and families in need of services) pursuant to Chapter 984, Florida Statutes.

**ATTORNEY OR PARTY SIGNATURE.** Sign the Cover Sheet for Family Court Cases. Print legibly the name of the person signing the Cover Sheet for Family Court Cases. Attorneys must include a Florida Bar number. Insert the date the Cover Sheet for Family Court Cases is signed. Signature is a certification that filer has provided accurate information on the Cover Sheet for Family Court Cases.

**Nonlawyer** Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

### **Where can I look for more information?**

**Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms.** For further information, see Rule 12.100, Florida Family Law Rules of Procedure.

## COVER SHEET FOR FAMILY COURT CASES

### I. Case Style

IN THE CIRCUIT COURT OF THE   NINETEENTH   JUDICIAL CIRCUIT,  
IN AND FOR   INDIAN RIVER   COUNTY, FLORIDA

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

II. Type of Action/Proceeding. Place a check beside the proceeding you are initiating. If you are simultaneously filing more than one type of proceeding against the same opposing party, such as a modification and an enforcement proceeding, complete a separate cover sheet for each action being filed. **If you are reopening a case, choose one of the three options below it.**

- (A)  Initial Action/Petition
- (B)  Reopening Case
  - 1.  Modification/Supplemental Petition
  - 2.  Motion for Civil Contempt/Enforcement
  - 3.  Other

III. Type of Case. If the case fits more than one type of case, select the most definitive.

- (A)  Simplified Dissolution of Marriage
- (B)  Dissolution of Marriage
- (C)  Domestic Violence
- (D)  Dating Violence
- (E)  Repeat Violence
- (F)  Sexual Violence
- (G)  Stalking
- (H)  Support IV-D (Department of Revenue, Child Support Enforcement)
- (I)  Support Non-IV-D (**not** Department of Revenue, Child Support Enforcement)
- (J)  UIFSA IV-D (Department of Revenue, Child Support Enforcement)
- (K)  UIFSA Non-IV-D (**not** Department of Revenue, Child Support Enforcement)
- (L)  Other Family Court
- (M)  Adoption Arising Out Of Chapter 63
- (N)  Name Change

- (O) \_\_\_ Paternity/Disestablishment of Paternity
- (P) \_\_\_ Juvenile Delinquency
- (Q) \_\_\_ Petition for Dependency
- (R) \_\_\_ Shelter Petition
- (S) \_\_\_ Termination of Parental Rights Arising Out Of Chapter 39
- (T) \_\_\_ Adoption Arising Out Of Chapter 39
- (U) \_\_\_ CINS/FINS

IV. Rule of Judicial Administration 2.545(d) requires that a Notice of Related Cases Form, Family Law Form 12.900(h), be filed with the initial pleading/petition by the filing attorney or self-represented litigant in order to notify the court of related cases. Is Form 12.900(h) being filed with this Cover Sheet for Family Court Cases and initial pleading/petition?

- \_\_\_ No, to the best of my knowledge, no related cases exist.
- \_\_\_ Yes, all related cases are listed on Family Law Form 12.900(h).

**ATTORNEY OR PARTY SIGNATURE**

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature \_\_\_\_\_ FL Bar No.: \_\_\_\_\_  
 Attorney or party (Bar number,if attorney)

\_\_\_\_\_  
 (Type or print name) (E-mail Address(es))

\_\_\_\_\_  
 Date

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS**

**BELOW:** [fill in all blanks]

This form was prepared for the: {choose only one} ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

{name of individual} \_\_\_\_\_,  
 {name of business} \_\_\_\_\_,  
 {address} \_\_\_\_\_,  
 {city} \_\_\_\_\_, {state} \_\_\_\_\_, {telephone number } \_\_\_\_\_.



I CERTIFY that a copy of this Motion has been furnished to the other party, (name) \_\_\_\_\_ at  
(address) \_\_\_\_\_ by  U.S. Mail,  
OR  hand-delivered on, (date) \_\_\_\_\_.

**I understand that I am swearing or affirming under oath to the truthfulness of the claims made in  
this petition and that the punishment for knowingly making a false statement includes fines and/or  
imprisonment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary or  
deputy clerk.]

\_\_\_ Personally known  
\_\_\_ Produced identification  
\_\_\_ Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: {fill in all  
blanks}**

I, {full legal name and trade name of nonlawyer} \_\_\_\_\_,  
a nonlawyer, located at {street} \_\_\_\_\_, {city} \_\_\_\_\_  
{state} \_\_\_\_\_, {phone} \_\_\_\_\_, helped {name} \_\_\_\_\_  
who is the petitioner, fill out this form.

### Form A: Family Case Inquiry/Update

Use this form only when your case has already been filed and you need assistance. This form is used to inquiry about the status of your case, request a hearing date, notify the case manager that you have filed additional documents, or seek information about procedural matters.

Please avoid making the following common mistakes when completing the form.

- Do not use this form to change your address. Case managers cannot update your address for you. Please file your change of address with the clerk of the court.
- Do not use this form to file a motion or pleading. All requests of the court must be filed with the clerk of the court.
- Do not use this form to request legal advice. Case managers cannot provide legal assistance.

Due to increases in caseloads and the Court's improved responsiveness and accountability, most business will be conducted by email. You must complete the following form to obtain assistance on an open case. **You must submit a separate Form A each time you request assistance from the Case Management office.** You will receive a response as soon as possible but definitely within 3 to 5 business days by email. Please check your spam/junk folders in addition to your inbox in case our response to you has been sent there by your computer program.

Please complete the following sections:

Date this form submitted: \_\_\_\_\_

County of Case: Check appropriate box

Indian River

Martin

Okeechobee

Saint Lucie

Court Case Number: (required) \_\_\_\_\_ Judge/Magistrate: \_\_\_\_\_

Type of Case: Check appropriate box

Divorce – Simplified

Name Change - Adult

Contempt/Enforcement

Divorce – No Children

Name Change - Child

Rehearing

Divorce – With Children

Modify Timesharing

Compel – Financial Affidavit

Paternity

Modify Child Support

Continuance

Abate Child Support

Temporary Custody

Clarification of Order

Stepparent Adoption

Other: \_\_\_\_\_

I am requesting/informing you:

Hearing Date

All required documents have been filed in Court file

Case Management

I need to know what additional documents are required before a final hearing can be scheduled

Other party filed an Answer and does not agree with my Petition

Other:

**Information for Person Requesting Assistance (must be completed)**

Name:

Daytime Phone:

Other:

Email Address:

**If you have questions, you may write them on a separate paper and attach to this form.**

# Form B: Request for Hearing of Pleading/Motion in Open Department of Revenue/Child Support Enforcement Case

Use this form only when your case has already been filed and you are requesting a hearing date and time. It is only to be used for open child support cases involving the **Department of Revenue/Child Support Enforcement**. If your case does not involve the Department of Revenue/Child Support Enforcement, you must use **Form A** for assistance.

Due to increases in caseloads and the Court's interest in improving responsiveness and accountability, most business will be conducted by mail. **You must submit a separate Form B each time you request assistance.** You should receive a response by phone or email within approximately 48 hours or within 15 business days by mail. Case Management personnel, Hearing Officers' assistants, and Deputy Clerks are **not** allowed to fill out your forms or provide you with legal advice.

This document is not a pleading/motion. In addition to this form, you must also file a pleading/motion and/or other required papers prior to submitting this form – all documents should be submitted to the Clerk of Court.

**Please answer the following before proceeding:**

1. Are you a party in an open child support case? If YES, go to question 2.  
**If NO, you cannot use this form.**
2. Is this a Florida Department of Revenue or Child Support Enforcement case?  
**If YES, you may use this form. (If NO, you cannot use this form. Use Form A.)**

**Please complete the following sections:**

**Today's Date:** \_\_\_\_\_

**County of Case:** Check appropriate box

Indian River       Martin       Okeechobee       Saint Lucie

**Court Case Number:** (required) \_\_\_\_\_ **Hearing Officer:** \_\_\_\_\_

**Your Name:** \_\_\_\_\_ **Other Party:** \_\_\_\_\_

**Name and Address of Other Party (required)**

Name:
Address:
City/State/Zip:

**Type of Pleading/Motion you have filed:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Change Child Support  | <input type="checkbox"/> Stop/Suspend Child Support | <input type="checkbox"/> Contest Drivers License Suspension |
| <input type="checkbox"/> Telephonic Appearance | <input type="checkbox"/> Rehearing                  | <input type="checkbox"/> Contest Delinquency Judgment       |
| <input type="checkbox"/> Contempt              | <input type="checkbox"/> Other _____                |   |

**You will be notified of your hearing date/time by mail.**

**Name and Address of Person Requesting Hearing**

Check Here If This Is a New Address since the Initial Filing

Name:
Address:
City/State/Zip:
Daytime Phone:
Other:
E-mail Address:

**RETURN THIS FORM TO THE CLERK OF COURT**

*Use of this form is limited to obtaining hearing date/time.*