

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW
FORM 12.970(b)
PETITION FOR CONCURRENT CUSTODY BY EXTENDED FAMILY
(06/21)**

When should this form be used?

This form should be used by an **extended family member** to obtain concurrent custody of a child or children pursuant to Chapter 751, Florida Statutes. This form **should not** be used if you are a parent seeking to establish parental responsibility or time-sharing with a child or children. "Concurrent custody" means that an eligible extended family member is awarded custodial rights to care for a child or children concurrently with the child(ren)'s parent or parents.

An **Extended Family Member** is:

A relative of a minor child within the third degree by blood or marriage to the parent;

OR

The stepparent of a minor child if the stepparent is currently married to the parent of the child and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the children's parents as an adverse party;

OR

An individual who qualifies as "fictive kin." As defined in section 39.01, Florida Statutes, fictive kin means a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

You may file a Petition for Concurrent Custody if:

You have the signed, notarized consents of the children's legal parents;

OR

You are an extended family member who is caring full time for the children in the role of a substitute parent and with whom the children are presently living.

In addition, you must currently have physical custody of the children or have had physical custody of the children for at least 10 days in any 30-day period within the last 12 months; and not have signed, written documentation from a parent which is sufficient to enable you to do all the things necessary to care for the children.

If you do not meet the qualifications above, you should talk to an attorney about other options. You may also report any suspected abuse, abandonment, or neglect to the appropriate authorities.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk**. You should **file** the original with the **clerk of the circuit court** in the county where you live and keep a copy for your records.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and 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 General Practice and 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 General Practice and 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 General Practice and 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 General Practice and Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of General Practice and 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 General Practice and Judicial Administration 2.516.

What should I do next?

IF YOU HAVE SIGNED AND NOTARIZED WAIVERS OF SERVICE OF PROCESS AND CONSENTS from the child(ren)'s parents, you may contact the clerk, **family law intake staff**, or **judicial assistant**, to set a **final hearing**. You must notify the child(ren)'s parents of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

If one of the parents is deceased, you must file a certified copy of the proof of death.

If one of the minor children's parents objects to the Petition for Concurrent Custody in writing, the court may not grant the petition even if the other parent consents, in writing, to the entry of the order. If a parent objects, you have the option of converting the Petition to a **Petition for Temporary Custody by Extended Family**, Florida Supreme Court Approved Family Law Form 12.970(a). If the Petition is not converted into a **Petition for Temporary Custody by Extended Family**, it shall be dismissed without prejudice.

At any time, the Petitioner or either or both of the children's parents may move the court to terminate the order granting concurrent custody. The court shall terminate the order upon a finding that either or both of the children's parents objects to the order. The fact that the order for concurrent custody has been terminated does not preclude any person who is otherwise eligible to petition for temporary custody from filing such petition.

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. For further information, see Chapter 751 and Chapter 39, Florida Statutes.

Special notes...

If you do not have the money to pay the filing fee, you may obtain an application for Determination of Civil Indigent Status, fill it out, and the clerk will determine whether you are eligible to have filing fees deferred.

With this petition, you must file the following and provide a copy to the other party:

- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d).
- **Notice of Related Cases**, Florida Family Law Rules of Procedure Form 12.900(h).
- **Family Court Cover Sheet**, Florida Family Law Rules of Procedure Form 12.928.
- **Non-Military Affidavit**, Florida Supreme Court Approved Family Law Form 12.912(b). (Required only for obtaining a default on petitions that have been personally or constructively served. Not required if both parents have signed a waiver and consent.)

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 a **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 **must** also 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 _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No:

Division:

IN THE INTEREST OF:

Children

Petitioner,

and

Respondent/ _____,

Respondent/ _____.

PETITION FOR CONCURRENT CUSTODY BY EXTENDED FAMILY

Petitioner, *{full legal name}* _____, being sworn, certifies that the following information is true:

1. This is an action for concurrent custody pursuant to Chapter 751, Florida Statutes.
2. Petitioner requests concurrent custody of the following minor children:

Name	Date of Birth	Current Address
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_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Petitioner completed a **Uniform Child Custody Jurisdiction and Enforcement Act Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d), which was filed with this Petition. The affidavit includes the names and current addresses of the persons with whom the children have lived during the past 5 years, the places where the children have lived during the past 5 years, and information concerning any custody proceeding in this or any other state with respect to the children. **If the Affidavit is not completely filled out, signed under oath, and filed with the Petition, the case may be dismissed without a hearing.**

4. Petitioner is an extended family member who is: *{Choose one only}*

_____ Related to the minor children within the third degree by blood or marriage to a parent;

OR

_____ The stepparent of the minor children, is married to Respondent *{full legal name}* _____ and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the children's parents as an adverse party;

OR

_____ An individual who qualifies as fictive kin as defined in section 39.01, Florida Statutes.

5. Petitioner's relationship to the minor children is: _____.

6. The residence and post office address of the Petitioner is: _____
_____.

7. The legal parents are:

a. _____, whose current address is: _____;

b. _____, whose current address is: _____.

8. Petitioner currently has physical custody of the children or has had physical custody of the children for at least 10 days in any 30-day period within the last 12 months. Detail the time periods during the past 12 months when the children have resided with the Petitioner: _____

_____.

9. Petitioner does not have signed, written documentation from a parent which is sufficient to enable the Petitioner to do all of the things necessary to care for the children.

10. *{If applicable}* Describe the type of documents, if any, provided by the parent or parents which enables the Petitioner to act on behalf of the children: _____

These documents are attached to this Petition as Exhibit _____.

11. Petitioner is unable to obtain or undertake the following services or actions without an order of custody:

_____.

12. The Consents of Parent *{full legal name}* _____ **and/or** Parent *{full legal name}* _____ is/are attached to the Petition.

OR

{If applicable} The Consent of Parent *{full legal name}* _____ is

not attached because that parent is deceased. A certified copy of the proof of death is attached.

13. Petitioner requests concurrent custody be granted for the following period of time: _____

The reasons that support this request are: _____

_____.

14. It is in the best interests of the children that the Petitioner have concurrent custody of the children for the following reasons: _____

_____.

15. ORDER OF PROTECTION

a. _____ Petitioner **IS NOT** aware of any temporary or permanent order for protection entered on behalf of or against either parent, the Petitioner, or the children in Florida or any other jurisdiction.

OR

b. _____ Petitioner **IS** aware of the following temporary or permanent orders for protection entered on behalf of or against either parent, the Petitioner, or the children in Florida or any other jurisdiction. The court entering the order and the case number is: _____

_____.

16. TEMPORARY OR PERMANENT CHILD SUPPORT ORDERS

a. _____ Petitioner **IS NOT** aware of any temporary or permanent orders for child support for the minor children.

OR

b. _____ Petitioner **IS** aware of the following temporary or permanent order for child support for the minor children. The court entering the order and the case number is: _____

_____.

17. _____ **CHILD SUPPORT (If Petitioner is seeking child support) {Choose *one* only}**

(You must have proof of service upon or waiver of process by the parent(s) or a Waiver of Service of Process and Consent for the court to consider an award for child support)

a. _____ Petitioner requests the court to order the parents to pay child support.

b. _____ Petitioner requests the court to redirect all or part of the parents' existing child support obligation(s) to the Petitioner.

c. _____ Petitioner requests the court to redirect all or part of the parents' existing child

support obligation(s) to the Petitioner, **and** to award the Petitioner retroactive child support.

18. Petitioner _____ requests _____ does not request that the court establish reasonable visitation or a time-sharing schedule with the parents.

19. Petitioner _____ requests _____ does not request additional provisions which are related to the children's best interest, including, but not limited to, a reasonable plan for transitioning custody. The additional provisions requested are: _____

_____.

WHEREFORE, Petitioner requests that this Court grant the Petitioner concurrent custody of the children subject to this proceeding; award the Petitioner other relief as requested; and award any other relief that the Court deems necessary.

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 Code: _____
Telephone Number: _____
Fax Number: _____
Designated E-mail Address(es): _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me by means of {choose one} _____ physical presence or
_____ online notarization on _____ by {name of person making statement}
_____.

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] This form was prepared for the Petitioner.

This form was completed with the assistance of:

{name of individual} _____,

{name of business} _____,

{address} _____,

{city} _____, {state} _____, {zip code} _____, {telephone number} _____.