

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR
_____ COUNTY, FLORIDA

Petitioner,
and

Respondent.

Case No. _____
Section: _____

PETITION FOR TEMPORARY CUSTODY

COMES NOW the undersigned Petitioner and alleges as follows:

- 1). This is an action for custody pursuant to Chapter 751 of the Florida Statutes.
- 2). Petitioner, _____, is sui juris (18 years of age or older and not legally incapacitated) and a resident of Pasco County, Florida.
- 3). The residence and post office address of the Petitioner is:

- 4). _____, a child, is a minor, eighteen (18) years of age or less, who was born on _____, _____, _____, _____, and has resided in Pasco County, Florida since _____.
(city) (state)
(county)
- 5). The current address of the minor child(ren) is _____

6) Petitioner's relationship to the minor child(ren) is:

7) If the Petitioner claims to be the biological father of the minor child(ren), the circumstances that lead the Petitioner to believe that he is the biological father of the child are:

8) The names and addresses of the minor child(ren)'s parent(s) are:
Natural or legal father:

Natural or legal mother:

9) That the Petitioner is a proper person to be awarded temporary care, custody, and control over the minor child(ren) in that:

10) That the parent(s), of the minor child(ren) have, have not, consented in writing to this petition. If consent has been obtained, it is evidenced by the attached document(s) titled Waiver and Consent (**Note: each parent must sign a waiver and consent form**). If consent has not been obtained, the circumstances of the child(ren)'s current living situation with the petitioner are as follows:

11) Petitioner alleges that it is in the child(ren)'s best interest that this Petition is granted in that: (list reasons and authority required, such as medical needs, school and recreation consents, etc.):

12) The Petitioner is requesting temporary custody of the minor child(ren) for the following period of time:

13) The reasons why Petitioner is requesting that the court grant temporary custody for the above described time period are as follows:

14) The Petitioner requests the following additional relief:

WHEREFORE, Petitioner prays for the entry of a judgment awarding the petitioner temporary care, custody, and control of the minor child(ren) named herein and granting the petitioner authority to consent to all necessary and reasonable medical and dental care for the child(ren), including, but not limited to, medical screening, immunization and PPT-Tuberculin testing, non emergency surgery and psychiatric care; to secure copies of the child(ren)'s records, held by third parties, that are necessary to the care of the child(ren), including but not limited to medical, dental, psychiatric records, birth certificates, birth records, and educational records; to consent to school or daycare enrollment and grant or withhold consent for a child to be tested or placed in special school programs, including, but not limited to, exceptional education, after school programs, holiday recreational programs, and field trips; and to do all other things necessary for the care of the child(ren), and such other relief as the Court deems appropriate.

Respectfully submitted:

Petitioner

Address: _____

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing Petition was sworn to and subscribed before me this ____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public-State of Florida/Deputy Clerk

My Commission expires:

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM THEY MUST FILL IN THE BLANKS BELOW: (fill in all blanks)

I, (name of nonlawyer) _____, a nonlawyer, located at (street) _____ (city) _____ (state) _____, (phone) _____, helped (name) _____, who is the (check one only) _____petitioner or _____respondent, fill out this form.

INSTRUCTIONS FOR FILING
PETITION FOR TEMPORARY CUSTODY UNDER CHAPTER 751

These forms are intended for use in **uncontested** cases involving the custody of a child who is living with an extended family member (the child's brother, sister, grandparent, aunt, uncle or cousin), or who is being cared for by a man who reasonably believes himself to be the biological father, but who is unable to establish his paternity due to the absence of the mother of the child. There must not be **any** other custody action pending in another court. If your case is contested or if the parent(s) of the child are involved in a dissolution of marriage or other custody proceeding, you should **not** use these forms. You should contact an attorney regarding what other legal remedies you may have.

You should complete the form "Petition for Temporary Custody" and file the original with the Clerk of the Circuit Court's Office. The Clerk will assign a number to your case. If you are seeking custody of more than one child, you will need to adapt the form to include the necessary information for each child. A **Uniform Child Custody Jurisdiction and Enforcement Affidavit (UCCJEA) must be completed and filed with this petition.**

In order for this Petition to be heard by a judge, or General Magistrate, you must schedule your case for a hearing, and, you may be required to send a notice of hearing to the legal parent(s). Both parent(s) must either sign the "Waiver and Consent" form, which must be notarized, or, each parent(s) must be served with the petition and be given proper notice of the hearing date. The petition and a UCCJEA affidavit must be served on the parent(s) in one of the following ways:

- **By personal service through the Sheriff's Office –**
(The Clerk's Office will assist you with this method.)
- **By personal service through a private process server -**
(Consult your local telephone directory).
- **By constructive service -**
Service by publication or posting is acceptable if the petitioner first makes an actual, diligent search to discover the location of, and provide notice to the parent(s). You must complete the "Affidavit of Diligent Search" form, explaining to the judge what efforts you made to attempt to locate the parent(s). If you locate the parent(s) they will either need to sign a notarized waiver and consent form or be personally served.

If you are alleging that you are the biological father of the child that you are seeking custody of, you may **only** utilize these forms if you are **unable** to obtain service of process upon the mother of the child. If you are one of these fathers, and you **are** able to obtain service of process upon the mother of the child, you must file a petition for the establishment of your paternity of the child. You should contact an attorney regarding what other legal remedies you may have.

On the day of the hearing, you should bring the "Order on Petition for Temporary Custody" form. You should have your case number and the child's name entered on the form. You should bring several copies of the order with you, along with pre-addressed, stamped envelopes for all parties in the case. You should present the originals, copies, and envelopes to the Judge or General Magistrate at your hearing.

Please note that you may be required to pay filing fees, service of process fees and/or publication or posting fees.

Updated 8/20/09

Florida Family Law-Local Form-Instructions for filing 751 Temporary Custody 6-27-00-Revised 8/20/09

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR
_____ COUNTY, FLORIDA

Petitioner,
Case No. _____
and Section: _____

Respondent.
and

Respondent.

WAIVER AND CONSENT

I, _____, having received a copy of the
Petition for Temporary Custody filed herein, hereby waive my right to a hearing and hereby consent to the
temporary custody of the above-stated child(ren) being awarded to the Petitioner, and state as follows:

Legal Parent

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____, who personally
appeared before me at the time of notarization, and who is personally known to me or who has produced
_____ as identification and who did/did not take an oath.

Notary Public – Signature

Notary Public – Print Name

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR
_____ COUNTY, FLORIDA

_____ Case No. _____
Petitioner,
and Section: _____
_____ Respondent.
and
_____ Respondent.

ORDER ON PETITION FOR TEMPORARY CUSTODY

THIS CAUSE having come to be heard on the ____ day of _____, 20____, on a Petition for Temporary Custody duly filed in this Court, and the court finding that it has jurisdiction over the child(ren) and the subject matter involved in the proceeding in that the child(ren) is/are domiciled, living or found in Pasco County and that the child is under eighteen years of age, and finding that the parents have executed a Waiver and Consent, failed to appear after being duly noticed, that a diligent search has been made as required by law and an affidavit attesting to same has been filed, and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED

- 1). THAT the Court has jurisdiction over the child(ren) and it is in the best interests of the child(ren) that the Petition is granted.
- 2). THAT the temporary care, custody and control of the child(ren) shall be with _____, who resides at _____
- 3). THAT the custodian(s) may consent to all necessary and reasonable medical and dental care for the child(ren), including, but not limited to, medical screening, immunization and PPT-Tuberculin testing, non emergency surgery and psychiatric care.

Case Number:

Section:

- 4) THAT the custodian(s) is/are authorized to secure copies of the child(ren)'s records, held by third parties, that are necessary to the care of the child(ren), including but not limited to:
 - a. Medical, dental, and psychiatric records;
 - b. Birth certificates and other records; and
 - c. Educational records.
- 5) THAT the custodian(s) are authorized to consent to school or daycare enrollment and grant or withhold consent for a child(ren) to be tested or placed in special school programs, including, but not limited to, exceptional education, after school programs, holiday recreational programs, and field trips.
- 6) THAT the custodian(s) is/are authorized to do all other things necessary for the care of the child(ren).
- 7) THAT _____

DONE AND ORDERED at _____, _____ County, Florida, this ____ day of _____, 20__.

CIRCUIT JUDGE

cc: