

For distribution by Brevard County, Florida, Clerk of the Court and other court personnel to all persons who seek a MODIFICATION OF FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE (DIVORCE) OR OTHER ORDER but are not represented by an attorney.

IN THE CIRCUIT AND COUNTY COURTS OF THE EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUNTY, FLORIDA.

INFORMATION AND INSTRUCTIONS FOR PRO SE LITIGANTS FILING SUPPLEMENTAL PETITIONS FOR MODIFICATION(S) OF FINAL JUDGMENTS OF DISSOLUTION OF MARRIAGE OR ORDERS REGARDING PARENTAL RESPONSIBILITY, CHILD SUPPORT, TIMESHARING RIGHTS OR ALIMONY

This packet is for use by persons seeking a modification or change in a Final Judgment of Dissolution of Marriage or other Order of the Court involving parental responsibility, child support, timesharing or alimony.

NOTE: Forms cited in these instructions may be obtained through the Brevard County Law Library, the Clerk’s Office or on the Clerk’s Website, <http://www.brevardclerk.us>.

DEFINITIONS

A “PRO SE” is a person representing his/her own interests without hiring a lawyer. “SUPPLEMENTAL PETITION FOR MODIFICATION” is a request to the Court to change an Order in the Final Judgment of Dissolution of Marriage or other Order previously signed by a Judge, based upon changed circumstances. The “PETITIONER” is the person filing a Supplemental Petition for Modification. The “RESPONDENT” is the other party. The “CLERK” is the Clerk of the Circuit Court for Brevard County and is the official who received all of the paperwork to be placed in the court file for the Judge. A “JUDICIAL ASSISTANT” is the Judge’s secretary. An “AFFIDAVIT” is a statement of facts sworn under oath to be true and, if untrue, could subject the person to prosecution for criminal perjury charges if the statements were known to be false when made.

PAPERWORK IN YOUR CASE

1. CONTENTS: Some information must be included in every paper you send to the Court. All papers filed in your case **MUST** have:

- a. The “STYLE” of the case (for example, “IN RE: The Marriage of JANE DOE, PETITIONER, V. JOHN DOE, RESPONDENT”).
- b. The CASE NUMBER.
- c. The NAME, MAILING ADDRESS, and PHONE NUMBER of the party filing the paper, and
- d. Except for the initial Petition, a “CERTIFICATE OF SERVICE” to show that a copy was sent or given to the other person involved in the case on a certain date. The certificate is usually in the following form: I HEREBY CERTIFY that a true and correct copy of the above paper has been furnished by ___U.S. Mail/___Hand Delivery/___Telefax/___Courier to *(name of other person)*

_____ at *(address of other person)*

 this ____ day of _____, 20____.

(signature of person submitting paperwork).

2. WHO GETS WHAT AND HOW:

- a. **ORIGINALS**: The originals of any papers for your case should be either taken in person or sent by U.S. Mail to the Office of the Clerk of Courts at P. O. Box 219, Titusville, FL 32781-0219. Submitting papers to the Clerk is referred to as “FILING” the papers with the Clerk.

COPIES:

THE OTHER PERSON (RESPONDENT) MUST RECEIVE A COPY OF ANY PAPER YOU FILE WITH THE CLERK. How the Respondent receives that copy depends on what the paper is. Providing a copy of the initial Petition to the Respondent is done by “SERVING” them with, or providing them with the papers through delivery by a deputy sheriff or process server. This will be explained in detail in Section B “NOTIFYING THE RESPONDENT”.

After the initial Petition has been served on the Respondent, copies of any other papers filed in your case may be “served” on the Respondent in less formal ways. At that point, you (or anyone else) may hand deliver the papers to the Respondent. Or, you may send the papers through the U.S. Mail. If you use a fax machine to send the papers to the Respondent, you must also send the papers by one of the other ways. If the Respondent has an attorney, you would use one of these methods to serve the papers on the attorney instead of the Respondent.

All notices sent from the court are mailed to the address of each party provided in his or her pleadings. If your address changes, you must notify the Clerk of the new address.

- c. **KEEP A COPY FOR YOUR OWN USE.**

A. FILING THE PETITION

- (1) **REQUIRED STATEMENTS:** The Petition must identify the old judgment or order you are requesting the Judge to change (modify). It must always contain the following:
 - (a) The Respondent’s full name, address, and social security number;
 - (b) Your full name, address;
 - (c) The date the judge entered the old judgment or order that you wish to be changed;
 - (d) The page or paragraph number of the old judgment or order you wish to be changed; and a statement that there has been a substantial change in circumstances which entitles you to a change (modify) of that provision in the old judgment or order.

- (2) **SPECIFIC CHANGES AND STATEMENTS:** There are certain matters which may be contained in a judgment or order which are always subject to being changed. The following are the most common subjects for modification and require certain statements to be made and proven before the requested change is made.

CHILD SUPPORT: If you are asking for the modification of provisions of the old judgment or order dealing with child support, the Petition for Modification should include the following:

A statement that the financial circumstances, or other circumstances, of the parties have changed since the old order was entered and a statement of the FACTS showing that change.

INCREASE: If you are receiving child support, you may be asking the court to INCREASE the child support amount. You must state that you NEED AN INCREASE and the other party HAS THE ABILITY TO PAY IT. You must state the FACTS which support your request for an increase. The types of facts which will support an increase in the amount are: that YOU are earning LESS income than you were at the time of the entry of the old judgment or order; that the OTHER party is earning MORE than he/she was at the time of the entry of the old judgment or order; that specific needs of the child(ren) have changed and that the child(ren) need(s) more support as a result (you must specifically state what needs have changed); or that the child(ren) has(have) medical, psychological, or other health related problems which will cost money to treat and you cannot pay for it alone or from the regular child support.

DECREASE: If you are the party paying child support, you may be asking the court to DECREASE the child support amount or TERMINATE your obligation to pay support. You must state that you NEED A DECREASE and have a DECREASED ABILITY OR THAT THE REQUIREMENT TO PAY the ordered support has been eliminated, and you must state the FACTS which support your request for a decrease or termination. The types of facts which will support a decrease in the amount are: that YOU are earning LESS now than at the time of the entry of the old judgment or order; that you have lost your job and are unable to get a new job; that the RESPONDENT is earning MORE now than at the time of the entry of the old judgment or order; that a child for whom child support was ordered has become self-supporting, reached legal age (18), or has been legally adopted by another person; or that the child's needs have decreased (you must specifically state what needs have changed).

A current Financial Affidavit [Florida Supreme Court Form 12.902(b) or 12.902(c)] must be filled out and served on or given to the Respondent along with the Petition.

A basic form for Petition to Modify Child Support [Florida Supreme Court Form 12.905(b)].

If not previously filed in this case, a completed Notice of Social Security Number [Florida Supreme Court Form 12.902(j)].

A Child Support Guidelines Worksheet [Florida Supreme Court Form 12.902(e)].

A Certificate of Mandatory Disclosure [Florida Supreme Court Form 12.932].

B. ALIMONY: If you are asking for the modification of provisions of the old judgment or order dealing alimony, the Petition for Modification should include the following:

A statement that the financial circumstances, or other circumstances, of the parties have changed since the old order was entered and a statement of the FACTS showing that change.

INCREASE: If you are receiving alimony, you may be asking the court to INCREASE the alimony amount. You must state that you NEED AN INCREASE and the other party HAS THE ABILITY TO PAY IT. You must state the FACTS which support your request for an increase. The types of facts which will support an increase in the amount are: that you are earning LESS income than you were at the time of the entry of the old judgment or order; that the RESPONDENT is earning MORE than he/she was at the time of the entry of the old judgment or order; or that you have become ill or disabled or have other specific needs which have changed since entry of the old judgment or order and that you need more support as a result (you must specifically state what needs have changed).

DECREASE: If you are the party paying alimony, you may be asking the court to DECREASE or TERMINATE your obligation to support. You must state that you NEED A DECREASE and have a DECREASED ABILITY TO PAY the ordered support or that the requirement to pay has been eliminated, and you must state the FACTS which have changed and which support your request for a decrease or termination. The types of facts which will support a decrease or termination of the amount are: the RESPONDENT is now employed, is earning MORE, or has assets or other earnings which he/she did not have at the time of the old judgment or order which allow him/her to be more or totally self-supporting; that YOU have lost your job, are earning LESS, or have a decrease in earnings or assets since the time of the entry of the old judgment or order which has reduced or eliminated your ability to pay the amount ordered; or that the other party has remarried or is being supported by someone else.

A current Financial Affidavit [Florida Supreme Court Form 12.902(b) or 12.902(c)] must be filled out and served on or given to the Respondent along with the Petition to Modify Alimony [Florida Supreme Court Form 12.905(c)].

C. PARENTAL RESPONSIBILITY: If you are asking for the modification of provisions of the old judgment or order dealing with parental responsibility, the Petition for Modification [Florida Supreme Court Form 12.905(a)] should include the following:

A statement that there has been a substantial change in circumstances which adversely affects the welfare or best interests of the minor child(ren) since the old order was entered and a statement of the FACTS showing that change. The types of FACTS which will support a change of parental responsibility are those which show abuse, neglect, adverse living conditions or other facts which you believe are detrimental to the welfare and best interests of the child(ren).

A statement that you can provide for the child(ren)'s physical and other needs.

A statement that it will be detrimental to the child(ren)'s welfare if parental responsibility is not changed to you.

A statement that it will be in the best interest of the child(ren) to change parental responsibility to you.

A statement of whether you believe PARENTAL RESPONSIBILITY should be SHARED, allowing both parents to have a voice in decisions regarding the child(ren)'s education, health care, etc., or SOLE PARENTAL RESPONSIBILITY, allowing you to have the right to make those decisions alone without discussing them with the other parent. Florida Law prefers SHARED PARENTAL RESPONSIBILITY.

A statement of what TIMESHARING rights you believe should be given the other parent and whether you believe that the timesharing with that parent should be supervised or restricted. You must state specific FACTS to support why you believe that the timesharing should be supervised or restricted. A Uniform Child Custody Jurisdiction Affidavit [Florida Supreme Court Form 12.902(d)] must be signed and filed with the Petition.

(7) A current Financial Affidavit [Florida Supreme Court Form 12.902(b) or 12.902(c)].

TIMESHARING RIGHTS: If you are asking for the modification of provisions of the old judgment or order dealing with timesharing, the Petition for Modification [Florida Supreme Court Form 12.903(e)] should include the following:

A statement of what the timesharing rights were in the old judgment or order.

A statement that there has been a substantial change in circumstances since the old order was entered and a statement of FACTS showing that change. The types of FACTS which would support a change of timesharing rights are the Respondent has denied timesharing rights awarded to you in the old judgment or order; that the activities of the child(ren) have changed; that the work schedules of the parents have changed; or that the health needs of the child(ren) have changed.

A statement of the specific timesharing rights you request. If the old judgment or order only gave "reasonable" or "liberal" timesharing rights and you wish timesharing to be at specific times, you must state the FACTS to show that you need defined specific rights (a schedule) to get timesharing in a meaningful way without timesharing rights being left to the total discretion of the custodial parent.

A statement that the timesharing modification you request would be in the best interest of the child(ren). A Uniform Child Custody Jurisdiction Act Affidavit [Florida Supreme Court Form 12.902(d)] must be signed and filed with the Petition.

A current Financial Affidavit [Florida Supreme Court Form 12.902(b) or 12.902(c)].

If not previously filed in this case, a completed Notice of Social Security Number [Florida Supreme Court Form 12.902(j)].

NOTIFYING THE RESPONDENT OF YOUR PETITION

The judge cannot enter an Order Modifying Final Judgment or any other order(s) unless the Respondent is given notice that you have filed a Petition for Modification. There are three (3) ways to give the Respondent notice of the Petition:

BY SHERIFF OR PROCESS SERVER: The Clerk of the Court will issue a summons at the time the Petition for Modification is filed. The summons will instruct the Respondent that within 20 days after the Petition is given to the Respondent, an answer or some response to the Petition must be filed with the Clerk for the court file and that a copy of the answer or response must be given to you. The Summons and Petition must be given to, or "served" on, the Respondent by a deputy sheriff or special process server. The Sheriff's Office or special process server will charge you a fee for doing this. The Clerk will tell you where the Sheriff's Office is located, and you may have that office serve the summons and a copy of the Petition on the Respondent. Or, you may know a person specially appointed by law to serve summons and petitions. In either case, you must give the summons and a copy of the Petition (any a copy of a financial affidavit if child support or alimony is involved) to the Sheriff or process server, along with the Respondent's address, place of work, or other whereabouts. The Sheriff or process server will attempt to serve the papers on the Respondent and will then file a form with the Clerk to show whether the Respondent was served or not. If the Respondent is not found, the process server will have to try again. The summons and Petition must be given to the Respondent or left with a member of Respondent's household who is 15 years of age or older for there to be proper service. Before a Judge can change (modify) the old judgment or order, the Respondent MUST receive notice Petition, and personal service of the Petition and summons gives this notice.

BY THE RESPONDENT VOLUNTARILY FILING A RESPONSE OR ANSWER: If you or some other person gives the Respondent a copy of the Petition without it being served on him by a Sheriff or process server, the Respondent voluntarily files an Answer or response to it with the Clerk. The Respondent is considered by the court to have personally appeared and you do not have to have the Respondent served by a Sheriff or process server.

BY AGREEMENT: If there is a signed agreement between the parties to settle the case, the Respondent may voluntarily accept the Petition from you. If there is a written agreement, an Answer and Waiver to the Petition may be filed by the Respondent. With an Answer and Waiver, you can set a final hearing on your Petition for Modification without having the Respondent appear at the hearing. You must file the Answer and Waiver [Law 1002] with the Clerk before you call the Judicial Assistant of the assigned Judge to schedule your case for a final hearing. Even though the parties have reached an agreement, both parties are still required to file Financial Affidavits [Florida Supreme Court Form 12.902(b) or 12.902(c)].

ANSWERS, DEFAULTS, COUNTERPETITIONSS AND DISCOVERY

ANSWER: This is the written statement made and filed by the Respondent in answer to your Petition. The answer may admit some of your statements and deny others, or it may admit or deny all of your statements. The Respondent should file his/her answer with the Clerk and send a copy of it to you.

DEFAULTS: If an answer, motion, or some other response is not filed by the Respondent within 20 calendar days after the Respondent is served with the summons and Petition by the Sheriff or process server, you may file a request to enter a Motion for Default [Florida Supreme Court Form 12.922(b)] asking the Clerk of the Court to enter a default against the Respondent in your case. A default, if given, means that the basic statements in the Petition are deemed admitted by the Respondent and no defenses are made, except that the Judge will decide what is in the best interest of the child(ren) on the issues of parental responsibility, timesharing, and support regardless of what the Petition states. Even after a default is entered, the Respondent must still be given NOTICE of any hearings concerning those issues and may appear and present evidence or testimony on those issues.

To have the default entered, you MUST file a notarized Non-Military Affidavit [Florida Supreme Court Form 12.912(b)]. The Non-Military Affidavit states that the Respondent is not an active member of the Armed Forces of the United States. Unless you file the Affidavit of Non-Military Service, the Clerk will not enter a default.

If the Respondent is in the Armed Forces, a default cannot be entered by the Clerk. In that case you would then file a Motion for Entry of Default by the Judge [Florida Supreme Court Form 12.923 and Law 452], obtain a hearing date from the assigned Judge's Judicial Assistant, and send a Notice of Hearing to Respondent. At the hearing, the Judge may enter the default

COUNTERPETITIONS: The Respondent may file with the clerk and serve on you through the mail a Counterpetition for Modification asking for an increase or decrease in child support, custody of the child(ren), specific timesharing rights or other things. You will then have to file and serve an answer to the Counterpetition with the Clerk within 20 days of receiving it and send a copy to the Respondent. If you fail to do this, the Respondent may ask for a default against you.

MANDATORY DISCLOSURE: In a contested supplemental petition for modification of Final Judgment, Rule 12.285 of the Florida Family Law Rules of Procedure requires you to produce certain documents and information to the other party. Failure to do so can result in the Court imposing sanctions against you. A copy of this rule can be obtained in the Law Library. It is important that you read the rule and fully comply with its provisions.

DISCOVERY: In a contested supplemental petition for modification of Final Judgment, the Florida Family Law Rules of Procedure also give you the right to request information from the other party, including taking the deposition of the other party (or other witnesses), prior to trial, under oath and in the presence of a court reporter. (This procedure is called a deposition.) You should strongly consider retaining an attorney in a contested case to assist you in asking for the discovery from the other party, witnesses, employers, etc., concerning the issues of the case. The Judge or Clerk's Office cannot help you prepare your contested case.

UNCONTESTED FINAL HEARING

WARNING: If there is a minor child of the marriage, and the issue is modification of parental responsibility or timesharing rights, you will not be given a hearing date until both you and the Respondent attend a 3/5 hour seminar on "Helping Children Cope With Divorce". The Clerk can provide you with a list of organizations offering the seminars to call and schedule your attendance. IF YOU HAVE PREVIOUSLY ATTENDED THE SEMINAR, YOU WILL NOT BE REQUIRED TO ATTEND AGAIN.

If it has been twenty days since you served the Respondent with the Petition for Modification, both parties have attended the "Helping Children Cope With Divorce Seminar" (if required), and you have an Answer and Waiver from the Respondent, or a default has been entered, you may set a final hearing by calling the assigned Judge's Judicial Assistant.

If a default has been entered against the Respondent and there are children involved, you may set a final hearing but you MUST still send the Respondent a Notice of Uncontested Final Hearing. The Judge WILL NOT be able to hear the case until after the Respondent is given notice of when and where it will be held and given the right to appear and be heard on issues of parental responsibility, timesharing or support.

When you come for the final hearing you will also need to bring with you a Final Disposition form [Law 122] and an Order of Modification for the Judge to sign, or you will have to prepare an order after the hearing.

You and your witnesses should be dressed properly at the time of your appearance. Shorts, cut off jeans, halter tops, no shoes, etc., show disrespect for the Judge. Unless you are properly dressed, you may not be allowed to have your hearing at that time.

CONTESTED FINAL HEARING/TRIAL

WARNING: If there is a minor child of the marriage, and the issue is modification of parental responsibility or timesharing rights, you will not be given a hearing date until both you and the Respondent attend a 3/5 hour seminar on "Helping Children Cope With Divorce". The Clerk can provide you with a list of organizations offering the seminars to call and schedule your attendance. IF YOU HAVE PREVIOUSLY ATTENDED THE SEMINAR, YOU WILL NOT BE REQUIRED TO ATTEND AGAIN.

SETTING THE TRIAL DATE: When the Respondent files an answer to the Petition stating that he/she does not agree with what you have asked for in the Petition, and you have filed an answer to any Counterpetition filed against you, the case is "at issue" and can be set for trial. Either an answer or a default MUST be in the court file for the Petition, and for the Counterpetition if one has been filed, before a trial date may be set. The procedure for requesting a default is discussed in detail above in subsection (C)(2) "Defaults".

Setting a trial date is done by filing a notice stating that the case is ready for trial, that it is a supplemental non-jury action, and giving your estimate of how much time you think will be needed for the parties and any witnesses to testify and present evidence. (Any action filed with the Clerk that attempts to modify or change an earlier judgment or order entered in the case is a supplemental modification action. All modification actions are tried without juries.) The original Notice of Non-Jury Trial [Florida Supreme Court Form 12.924] must be filed with the Clerk of the Court, and copies of it must be sent to the other party and to the Judge assigned to the case.

After the Notice of Non-Jury Trial is filed and both parties have attended the "Helping Children Cope With Divorce" seminar (if required), the Court will then set your case on a trial docket with the Judge's other cases. You will receive a notice in the mail for the trial period in which your case will be heard by the Judge. Make sure you read the notice so as to be able to know when in the trial period your case will be tried. Different Judges have different procedures with regard to the order in which they try cases. You will also need to complete a pretrial compliance statement.

You MUST bring any witnesses you need with you to the trial. It is best to have necessary witnesses subpoenaed to make sure they will come to the trial. The Clerk's Office will issue a subpoena for your witnesses, but you will need to arrange for service of the subpoena by the Sheriff, process server, or any other person who is not a party to the action but is 18 years of age or older [Form Law 1020 and Law 277]. A written statement or "proof of service" that one of the above people has actually served the subpoena on the witness must then be filed in the court file.

A subpoenaed witness is entitled to witness fee and mileage. You must provide the person serving the subpoena on the witness with a check or money order to pay the fees and mileage at the time the subpoena is served. You must also pay the person serving the subpoena. The witness fee is \$5.00 plus six (\$0.06) per mile for the actual distance from the witness' house to the courthouse and back home. (These charges are subject to change.) If you do not provide the witness these amounts, the witness may not come to the trial and if not, will not be punished by the Judge.

AT THE TRIAL: At the trial you, the Respondent, and all of the witnesses will be sworn to tell the truth. If any party or witness tells a lie during the trial or any other court proceeding, they could either be held in contempt by the Judge and punished or be prosecuted by the State Attorney's Office for a felony called perjury. Minor children may not testify at the trial without prior permission of the judge and should not be brought to court.

You must bring all paper, cancelled checks, and other evidence you want the Judge to see with you to the trial. The Judge will make rulings on all of the issues and direct that an Order be prepared on the rulings. You must bring a proposed order form with you or prepare one after the trial. You should see an attorney to help you prepare it so your case can be finalized quickly. A Judge does not serve as an attorney for either party.

A Court Reporter is not required for a modification case, but you may still request one if you wish a record of the testimony at the trial. If you think you may wish to appeal the order entered by the Judge, you MUST have a transcript of the trial testimony and proceedings to give to the appeals court. A transcript of the trial is the only opportunity for the appellate court to "hear" the parties' and witnesses' testimony.

You and your witnesses should be dressed properly at the time of your appearance. Shorts, cut off jeans, halter tops, no shoes, etc., show disrespect for the Judge. Unless you are properly dressed, you may not be allowed to have your hearing at that time.

EMERGENCY HEARINGS

If any kind of Court ruling is needed before the Respondent answers your Petition, such as temporary parental responsibility to protect the child(ren), or a restraining order, or other relief, a Motion for Temporary Relief asking for that relief can be filed with the Clerk of Court. In the motion you must state the exact action you want the Judge to take and the FACTS which you believe will prove why your motion should be granted. A copy of the motion must be served on the Respondent by either the Sheriff or any other process server or, if the Respondent has already been served with the Petition, by U.S. Mail.

To have the Judge hear your motion, you must call the appropriate office and ask for a date and time to have the hearing. After getting a date and time for a hearing, you must then write out a Notice of Hearing [Florida Supreme Court Form 12.923 **or** Law 329] stating the Judge's name and the date, time, and place of the hearing. You must file the original Notice of Hearing with the Clerk and send a copy of it to the Respondent.

You **MUST** bring any witnesses you need with you to the trial. It is best to have necessary witnesses subpoenaed to make sure they will come to the trial. The Clerk's Office will issue a subpoena for your witnesses, but you will need to arrange for service of the subpoena by the Sheriff, process server, or any other person who is not a party to the action but is 18 years of age or older [Form Law 1020 and Law 277]. A written statement or "proof of service" that one of the above people has actually served the subpoena on the witness must then be filed in the court file.

A subpoenaed witness is entitled to witness fee and mileage. You must provide the person serving the subpoena on the witness with a check or money order to pay the fees and mileage at the time the subpoena is served. You must also pay the person serving the subpoena. The witness fee is \$5.00 plus six (\$0.06) per mile for the actual distance from the witness' house to the courthouse and back home. (These charges are subject to change.) If you do not give the witness these amounts, the witness may not come to the trial and if not, will not be punished by the Judge.

CONCLUSION

If you have any questions about these instructions or use of the forms, seek the advice of an attorney. You may get advice on certain things without the attorney appearing for you in court. By getting an attorney's advice you will protect yourself more effectively than if you fail to talk with an attorney.

The Family Pro Se Coordinator is available to provide procedural information. You may contact the Pro Se Coordinator at 321-617-7254. However, the Pro Se Coordinator is not a lawyer and cannot give you legal advice.

Because the law does change, the forms and instructions about them may have become outdated. As a result, changes may have taken place in the law or court rules that affect the accuracy of these instructions. In no event will anyone contributing to the content, distribution or explanation of these instructions or forms be liable for any direct, indirect, or consequential damages resulting from their use.

SUPPLEMENTAL PETITION (MODIFICATION)

Forms can be obtained from the Clerk's Website <http://brevardclerk.us/pages/famforms.htm> the Clerk's Office or one of the following locations:

NORTH BREVARD SERVICE COMPLEX

400 South Street, 2nd Floor
Titusville, Florida

MELBOURNE COURTHOUSE

51 S. Nieman Avenue
Melbourne, Florida

MOORE JUSTICE CENTER

Viera Complex
2825 Judge Fran Jamieson Way
Viera, Florida

MERRITT ISLAND OFFICE

2575 North Courtenay Parkway
Room 129
Merritt Island, FL

PALM BAY OFFICE

450 Cogan Drive S. E.
Palm Bay, FL

Law Library

2825 Judge Fran Jamieson Way
Viera

Petitioner needs:

Petition for Modification;

Summons [Form Law 1008 and Florida Supreme Court Form 12.910(a)] only if the Final Judgment or original Order did not retain jurisdiction of the parties and matters;

Financial Affidavit [Florida Supreme Court Form 12.902(b) or 12.902(c)].

Certificate of Compliance with Mandatory Disclosure [Florida Supreme Court Form 12.932].

Notice of Social Security Number [Florida Supreme Court Form 12.902(j)] *if* the Petition for Modification involves money matters.

If modifying parental responsibility or timesharing add:

UCCJA and dependency statement [Florida Supreme Court Form 12.902(d)]

Respondent needs:

Answer to Petition for Modification [Florida Supreme Court Form 12.903(e)].

Financial Affidavit [Florida Supreme Court Form 12.902(b) or 12.902(c)].

Certificate of Compliance with Mandatory Disclosure [Florida Supreme Court Form 12.932].

Notice of Social Security Number [Florida Supreme Court Form 12.902(j)] *if* the Petition for Modification involves money matters.

Once the Petition is answered, the file will go to Mediation so mediation can be scheduled. Parties will receive an order setting the date, time and location of mediation. Mediation is **mandatory**, not voluntary.

If the parties reach an agreement in mediation, mediation will send an order to the judge for signature and a hearing may not be needed.

If the parties cannot come to an agreement, the matter can be noticed ready for trial [Form 12.924] according to the printed instructions for Non-Jury Trials Before the Circuit Judge [Form Law 1018].

If the parties come to an agreement on their own before going to mediation, the parties may send the stipulation/agreement, (signed by both parties before a Notary Public), a Parenting Plan [Florida Supreme Court Form 12.995(a)] or Supervised/Safety-Focused Parenting Plan [Florida Supreme Court Form 12.995(b)] along with a new order modifying the Final Judgment or prior court order, copies of a new order, envelopes stamped and addressed to all parties, and a cover letter to the judge for view and signature by the judge without the necessity of a hearing or trial.