

**INSTRUCTIONS FOR FILING A PETITION FOR TEMPORARY RELATIVE
PARENTAL RESPONSIBILITY - AGREE**

These forms should be used when a relative/extended family member or putative father is seeking temporary parental responsibility of a related child pursuant to Chapter 751, Florida Statutes. In order to file for temporary parental responsibility, the child should be residing with the relative or the relative should have signed, notarized consents of the child(ren)'s legal parents. For the purpose of this proceeding, extended family means any family composed of the minor child *and* a relative of the child who is the child's brother, sister, grandparent, aunt, uncle, cousin or putative father. A putative father may bring a proceeding for temporary parental responsibility only when he is unable to perfect personal service of process upon the mother of the child. A putative father is a man who reasonably believes himself to be the biological father of the minor child, but who is unable to prove his paternity due to the absence of the mother of the child. ***A relative parental responsibility proceeding is always temporary. It is not a substitute for a dependency proceeding.*** A filing fee of \$401.00 is payable to the Brevard County Clerk of Courts by cash, check, cashier's check, money order, debit card, American Express, Discover, Master Card or Visa.

Procedure when the parents agree to the temporary relative parental responsibility:

1. Complete the Petition for Temporary Parental Responsibility of Minor Child(ren) by Extended Family Member (emergency temporary parental responsibility by extended family member), [form Law 1037], Affidavit Regarding Juvenile Dependency, [form Law 1100], Notice of Related Cases [form Law 1098] and Civil Cover Sheet, [form Law 181]. Have the parent(s) complete the Affidavit of Parental Consent to Temporary Parental Responsibility by Extended Family Member, [form Law 1038]. Notarize signatures where required. *Do not leave anything blank. If something does not apply put N/A.*
2. Make 2 copies (3 if you have consents from each birthparent of the minor child) of each completed, notarized document. You will retain one set of copies and provide a set of copies to the consenting birthparent(s). You do not need a copy of Law 181.
3. Complete only the basic information on the Report of General Magistrate Upon Petition for Temporary Parental Responsibility of Minor Child(ren) by Extended Family Member (or for emergency temporary parental responsibility by extended family member), [form Law 1039], and only the basic information on the Order Upon Petition for Temporary Parental Responsibility of Minor child(ren) by Extended Family Member (or emergency temporary parental responsibility by extended family member), [form Law 1040].
4. Complete the Order of Referral to General Magistrate, [Florida Supreme Court form 12.920(b)]. Make 2 copies of the completed form (3 copies if you have consent from both birthparents). Stamp and address an envelope to yourself, and an envelope to each birthparent giving consent for the temporary parental responsibility. Clip the Order, the copies, and the envelopes together. Submit all paperwork to the Clerk of Court and request the paperwork be forwarded to the assigned Circuit Court Judge. **NOTE: You DO NOT need the Motion for Referral to General Magistrate. Please discard form.**
5. Submit ALL original, completed forms your filing fee with the Clerk of Court. You may submit the paperwork and filing fee either by U.S. mail to P. O. Box 219, Titusville, FL 32781-0219 or by visiting one of the Clerk of Courts 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

6. Once you have a case number, call 321-264-6990 or 321-637-5536 to set a hearing on the Petition for Temporary Parental Responsibility of Minor Child(ren) by Extended Family Member (or emergency temporary parental responsibility by extended family member).
7. Complete the Notice of Hearing, [Florida Supreme Court form 12.920(c)].
8. Make a copy of the completed Notice of Hearing for yourself and give a copy to the parent(s) of the minor child(ren) and file the original completed Notice of Hearing with the Clerk of Court.
9. Attend your hearing and bring a self-addressed stamped envelope for yourself and a stamped addressed envelope for the parent(s) of the minor child(ren).

If you would like to have someone notarize or look over the completed forms before you file them, contact the Family Pro Se Coordinator at 321-617-7254 or email prosecoordinator@brevardclerk.us to set an appointment.