

Supreme Court of Florida

No. SC02-2320

AMENDMENTS TO THE FLORIDA SUPREME COURT APPROVED FAMILY LAW FORMS--UCCJA FORMS.

[December 19, 2002]

PER CURIAM.

The 2002 Florida Legislature enacted chapter 2002-65, Laws of Florida, effective October 1, 2002, which created the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and repealed the Uniform Child Custody Jurisdiction Act (UCCJA). See Ch. 2002-65, §§ 5, 7, Laws of Fla.¹ In light of these statutory amendments, this Court has internally reviewed the Florida Supreme Court Approved Family Law Forms pursuant to the procedures established in Amendments to the Florida Family Law Rules of Procedure and Family Law

¹ Specifically, chapter 2002-65 created sections 61.501 through 61.542, Florida Statutes (2002), and repealed sections 61.1302 through 61.1348, Florida Statutes (2001).

Forms, 810 So. 2d 1, 12-14 (Fla. 2000). We have determined that it is necessary to substitute references to the UCCJEA for references to the UCCJA. We have jurisdiction. See art. V, § 2(a), Fla. Const.

Accordingly, we retitle Florida Supreme Court Approved Family Law Form 12.902(d) from "Uniform Child Custody Jurisdiction Act (UCCJA) Affidavit" to "Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit." In the instructions for form 12.902(d), we replace the reference to sections "61.1302-61.1354" with a reference to newly enacted sections "61.501-61.542." Amended form 12.902(d) is attached as an appendix to this opinion.

Finally, we amend all Florida Supreme Court Approved Family Law Forms that refer to form 12.902(d) by substituting "Uniform Child Custody Jurisdiction and Enforcement Act" and "UCCJEA" for "Uniform Child Custody Jurisdiction Act" and "UCCJA." There are no other changes to the substance of these forms and thus we do not include these forms in the appendix. The amended forms are as follows:

- 12.901(b)(1) Petition for Dissolution of Marriage with Dependent or Minor Child(ren)
- 12.903(a) Answer, Waiver, and Request for Copy of Final Judgment of Dissolution of Marriage
- 12.903(b) Answer to Petition for Dissolution of Marriage
- 12.903(c)(1) Answer to Petition and Counterpetition for Dissolution of Marriage with Dependent or Minor Child(ren)

12.903(e)	Answer to Supplemental Petition
12.904(a)	Petition for Support Unconnected with Dissolution of Marriage with Dependent or Minor Child(ren)
12.905(a)	Supplemental Petition to Modify Custody or Visitation and Other Relief
12.940(d)	Motion to Modify or Dissolve Temporary Injunction
12.941(a)	Verified Motion for Temporary Injunction to Prevent Removal of Minor Child(ren)
12.941(d)	Emergency Verified Motion for Child Pick-Up Order
12.941(e)	Order to Pick-Up Minor Child(ren)
12.947(a)	Motion for Temporary Support with Dependent or Minor Child(ren)
12.980(b)	Petition for Injunction for Protection Against Domestic Violence
12.980(d)(1)	Temporary Injunction for Protection Against Domestic Violence with Minor Child(ren)
12.980(e)(1)	Final Judgment of Injunction for Protection Against Domestic Violence with Minor Child(ren)
12.980(k)	Motion for Modification of Injunction for Protection
12.981(a)(1)	Petition to Terminate Parental Rights Pending Stepparent Adoption
12.981(b)(1)	Joint Petition for Adoption by Stepparent
12.983(a)	Petition to Determine Paternity and for Related Relief
12.983(b)	Answer to Petition to Determine Paternity and for Related Relief
12.983(c)	Answer to Petition and Counterpetition to Determine Paternity and for Related Relief

The amendments discussed herein are effective immediately. We express no opinion as to the correctness or applicability of the forms or on the substance of the amendments. This opinion and the Florida Supreme Court Approved Family Law Forms may be accessed and downloaded from this Court's website at www.flcourts.org.

It is so ordered.

ANSTEAD, C.J., and SHAW, WELLS, PARIENTE, LEWIS, QUINCE, and
CANTERO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE
EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding - Florida Supreme Court Approved Family Law Forms

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM
12.902(d),
UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)
AFFIDAVIT

When should this form be used?

This form should be used in any case involving custody of or visitation with any minor child(ren). This **affidavit** is **required** even if the custody and visitation of the minor child(ren) are not in dispute.

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 then **file** the original with the **clerk of the circuit court** in the county where the petition was filed and keep a copy for your records.

What should I do next?

A copy of this form must be mailed or hand delivered to the other party in your case, if it is not served on him or her with your initial papers.

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 sections 61.501-61.542, Florida Statutes.

Special notes...

If you are the petitioner in an injunction for protection against domestic violence case and you have filed **Petitioner’s Request for Confidential Filing of Address**,  Florida Supreme Court Approved Family Law Form 12.980(i), you should write “confidential” in any space on this form that would require you to write the address where you are currently living.

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 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 _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

_____,
Petitioner,

and

_____,
Respondent.

**UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)
AFFIDAVIT**

I, {full legal name} _____, being sworn, certify that the following statements are true:

1. The number of minor child(ren) subject to this proceeding is _____. The name, place of birth, birth date, and sex of each child; the present address, periods of residence, and places where each child has lived **within the past five (5) years**; and the name, present address, and relationship to the child of each person with whom the child has lived during that time are:

THE FOLLOWING INFORMATION IS TRUE ABOUT CHILD # 1 :

Child's Full Legal Name: _____

Place of Birth: _____ Date of Birth: _____ Sex: _____

Child's Residence for the past 5 years:

Dates (From/To)	Address (including city and state) where child lived	Name and present address of person child lived with	Relationship to child
_____ /present*			
_____ /			

(Make as many copies of page 2 as necessary.)

_____ /_____ _____			
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* If you are the petitioner in an injunction for protection against domestic violence case and you have filed Petitioner's Request for Confidential Filing of Address, Florida Supreme Court Approved Family Law Form 12.980(i), you should write "confidential" in any space on this form that would require you to enter the address where you are currently living.

THE FOLLOWING INFORMATION IS TRUE ABOUT CHILD # _____:

Child's Full Legal Name: _____

Place of Birth: _____ Date of Birth: _____ Sex: _____

Child's Residence for the past 5 years:

Dates (From/To)	Address (including city and state) where child lived	Name and present address of person child lived with	Relationship to child
_____ /present			
_____ /_____ _____			

THE FOLLOWING INFORMATION IS TRUE ABOUT CHILD # _____:

Child's Full Legal Name: _____

Place of Birth: _____ Date of Birth: _____ Sex: _____

Child's Residence for the past 5 years:

Dates (From/To)	Address (including city and state) where child lived	Name and present address of person child lived with	Relationship to child
_____ /present			
_____ /_____ _____			
_____ /_____ _____			

<u> / </u>			
<u> / </u>			
<u> / </u>			

2. Participation in custody proceeding(s):

[one only]

I HAVE NOT participated as a party, witness, or in any capacity in any other litigation or custody proceeding in this or any other state, concerning custody of a child subject to this proceeding.

I HAVE participated as a party, witness, or in any capacity in any other litigation or custody proceeding in this or another state, concerning custody of a child subject to this proceeding.

Explain:

- a. Name of each child: _____
- b. Type of proceeding: _____
- c. Court and state: _____
- d. Date of court order or judgment (if any): _____

3. Information about custody proceeding(s):

[one only]

I HAVE NO INFORMATION of any custody proceeding pending in a court of this or any other state concerning a child subject to this proceeding.

I HAVE THE FOLLOWING INFORMATION concerning a custody proceeding pending in a court of this or another state concerning a child subject to this proceeding, other than set out in item 2. Explain:

- a. Name of each child: _____
- b. Type of proceeding: _____
- c. Court and state: _____
- d. Date of court order or judgment (if any): _____

4. Persons not a party to this proceeding:

[one only]

I DO NOT KNOW OF ANY PERSON not a party to this proceeding who has physical custody or claims to have custody or visitation rights with respect to any child subject to this proceeding.

I KNOW THAT THE FOLLOWING NAMED PERSON(S) not a party to this proceeding has (have) physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this proceeding:

- a. Name and address of person: _____

() has physical custody () claims custody rights () claims visitation rights.

Name of each child: _____

- b. Name and address of person: _____

() has physical custody () claims custody rights () claims visitation rights.

Name of each child: _____

c. Name and address of person: _____

() has physical custody () claims custody rights () claims visitation rights.

Name of each child: _____

5. Knowledge of prior child support proceedings:

[**one** only]

_____ The child(ren) described in this affidavit are NOT subject to existing child support order(s) in this or any state or territory.

_____ The child(ren) described in this affidavit are subject to the following existing child support order(s):

a. Name of each child: _____

b. Type of proceeding: _____

c. Court and address: _____

d. Date of court order/judgment (if any): _____

e. Amount of child support paid and by whom: _____

6. I acknowledge that I have a continuing duty to advise this Court of any custody, visitation, child support, or guardianship proceeding (including dissolution of marriage, separate maintenance, child neglect, or dependency) concerning the child(ren) in this state or any other state about which information is obtained during this proceeding.

I certify that a copy of this document was [**one** only] () mailed () faxed and mailed () hand delivered to the person(s) listed below on {date} _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

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

Dated: _____

Signature of Party

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 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:** [*do* 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 [$\sqrt{\text{one}}$ only] ___ petitioner **or** ___ respondent, fill out this form.