

INSTRUCTIONS FOR FILING A PETITION TO ESTABLISH TIMESHARING

This packet is to be used when you and the other parent are not married, but have children in common and you want to establish set timesharing with your child(ren). A “new case” filing fee is \$401.00 or if to “reopen” an existing case the filing fee is \$50.00 and 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 if the other party DOES NOT agree to the visitation:

1. Complete all forms in the packet. All forms in this packet apply and need to be completed.
2. Once the forms are completed and notarized, make 2 copies of each form.
3. Retain one set of copies for your records.
4. File ALL original completed forms and one set of copies with the Clerk of Court along with your filing fee and a money order for the Sheriff to serve the other party with the papers. (If the other party lives outside of Brevard County, you will also need to provide a stamped addressed envelope to the agency that will serve the papers, a money order made out to the serving agency, and an envelope stamped and addressed to Clerk of Court, P.O. Box 219, Titusville, Fl. 32781-0219.) You may submit the paperwork 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

5. Once the other party is served with the set of copies they have 20 calendar days to file a written response.
6. See form Law 1008 paragraphs 5, 6, 7 for your next step.

Procedure if the other party DOES agree to the visitation: This procedure is used ONLY when both parties are in agreement and both parties sign and notarize all the necessary forms.

1. You must complete the Petition to Establish Timesharing Rights, [form Law 1012] and the Uniform Child Custody Jurisdiction and Enforcement Act Affidavit, [Florida Supreme Court form 12.902(d)]. You do not need to complete the Summons, [Florida Supreme Court form 12.910(a)], the Process Service Memorandum, [Florida Supreme Court form 12.910(b)] or the Non Military Affidavit, [Florida Supreme Court form 12.912(b)].

2. Obtain an Answer and Waiver, [form Law 1028], from one the Clerk of Court's location or visit the Clerk's website <http://brevardclerk.us/index.cfm/family-domestic-relations1> and have the other party complete this form.
3. Draft an agreement stating exactly what the two of you are agreeing to regarding visitation. This agreement must be signed by each of you and each signature must be notarized.
4. Make 2 copies of all completed, notarized documents as well as the signed, notarized agreement.
5. Retain one set of copies and provide the other party one set of copies either by mail or hand delivery.
6. Complete the Final Judgment Awarding Timesharing Rights, [form Law 1013], stamp and address 2 envelopes, 1 addressed to you, 1 addressed to the other party. Attach envelopes to the Final Judgment.
7. Submit ALL **originals** along with the Final Judgment, envelopes, and filing fee to the Clerk of Court. Obtain the General Magistrate Instructions, [form Law 1017]; Order of Referral to General Magistrate, [Florida Supreme Court form 12.920(b)]; and Notice of Hearing Before General Magistrate, [Florida Supreme Court form 12.920(c)]. Follow the instructions on form Law 1017.

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.