

## **INFORMATION ABOUT TEMPORARY RELATIVE CUSTODY**

### **When should this form be used?**

This form should be used when a relative/extended family member or putative father is seeking temporary custody of a related child pursuant to Chapter 751, Florida Statutes. In order to file for temporary custody, 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 custody 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 custody proceeding is always temporary. It is not a substitute for a dependency proceeding.***

**UNCONTESTED:** If the mother and/or father consent to relative custody, then they need to execute affidavit/affidavits of parental consent which needs to be notarized. The affidavit/affidavits must be attached to the Petition for Temporary Custody by Extended Family.

**CONTESTED:** If the family member seeking custody does not have the signed notarized consent of the parents of the child(ren) then the child(ren) must be residing with the family member at the time of filing the Petition and the family member must allege actual abuse, neglect or abandonment by each of the parents.

**NOTE:** If both parents cannot consent (due to death, whereabouts of parents unknown, identity of father unknown), the Petition for Temporary Custody by Extended Family may still be approved by the Court when appropriate.

This form should be completed in **black** ink. After completing this form, you should sign the form before a notary public. Next, make a copy of the completed paperwork for your records and file the original with the Clerk of the Circuit Court, Titusville, Merritt Island, Viera or Melbourne Courthouse.

**SERVICE:** The parents of the minor child(ren) are entitled to know about the court action. If you know where the parent/parents live, you will need to use personal service. If you absolutely do not know where the parent/parents live, **and** you have completed your diligent search to try to find the parents, you may use constructive service (publication).

**CONSTRUCTIVE SERVICE:** Notification of the other party by newspaper publication or posting of notice at designated places when the other party cannot be located for personal service **and** after completing your diligent search to try to find them. Constructive service is also called "service by publication." However, when constructive service is used, the *relief* the Court grants *may be limited*.

**Remember**, a person who is NOT an attorney is called a non lawyer. If a non lawyer helps you fill out these forms, that person must give you a copy of Disclosure from Non Lawyer, Florida Family Law Form 12.900 before he/she helps you. A non lawyers 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.