

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED
FAMILY LAW FORM 12.975(b)
PETITION FOR GRANDPARENT VISITATION WITH MINOR CHILD(REN)
WHEN ONE PARENT HAS BEEN FOUND CRIMINALLY OR CIVILLY LIABLE
FOR THE DEATH OF THE OTHER PARENT
(03/23)**

When should this form be used?

This form should be used when a grandparent or stepgrandparent is filing for visitation rights as provided in Section 752.011(2), Florida Statutes. You may file for visitation under this law if you are the grandparent or stepgrandparent of a child(ren) whose parent died and the other parent was held criminally liable for the death of the other parent of the child(ren) or civilly liable for an intentional tort causing the death of the other parent of the child.

This petition should be typed or printed in black ink.

What should I do next?

After completing this form, you should **file** this form with the **clerk of the circuit court** in the county where you live and keep a copy for your records.

You must file Florida Supreme Court Approved Family Law Form 12.902(d), **Uniform Child Custody Jurisdiction and Enforcement Affidavit**.

You must pay the appropriate **filing fees** to the clerk of the circuit court. If you cannot afford to pay the filing fees, you may fill out an **Application for Determination of Civil Indigent Status**, and file it with your petition for Grandparent Visitation with Minor Child(ren) when One Parent has Been Found Criminally or Civilly Liable for the Death of the Other Parent. You may obtain this form from the clerk and he or she will determine whether you are eligible to have filing fees waived.

Either you or the clerk of court will need to complete a **Family Court Cover Sheet**, Florida Family Law Rules of Procedure Form 12.928. The clerk's office can provide this form.

For your case to proceed, you must properly notify the parent of the minor child(ren) that is not deceased with this petition. You must file a certified copy of the death certificate of the parent who died.

If you know where the non-deceased parent lives, you should use **personal service**.

If you absolutely do not know where the non-deceased parent lives, you may also use constructive service. You may also be able to use constructive service if the non-deceased parent resides in another state or country. For more information on constructive service, see **Notice of Action for Family Cases with Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.913(a)(2), and **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b).

The parent will have 20 days to answer your petition after being served with your petition. Your case will then generally proceed in one of the following three ways:

DEFAULT. If after 20 days, none of the parties have filed an answer or any other document, you may file a **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), with the clerk of court. Then, if you have filed all of the required papers, depending on your jurisdiction, you may call the clerk, family law intake staff, or the judicial assistant to set a final hearing. You must notify the parents of the hearing by using a **Notice of Final Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

UNCONTESTED. If all parties file an answer that agrees with everything in your petition, depending on your jurisdiction, you may call the clerk, family law intake staff, or judicial assistant to schedule a final hearing. You must notify the other party of the hearing by using a **Notice of Final Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

CONTESTED. If any of the parties file an answer, which disagrees with or denies anything in your petition, and you are unable to settle the disputed issues, you should file a **Notice for Trial**, Florida Supreme Court Approved Family Law Form 12.924.

Some circuits may require the completion of **mediation** before a final hearing may be scheduled. Depending on your jurisdiction, you should contact the clerk, family law intake staff, or judicial assistant for instructions on how to set your case for trial (final hearing) and to inquire if mediation is required before a final hearing.

You must obtain a date and time for any court appearance, including the final hearing, from the clerk of court, family law intake staff or judicial assistant. On that date of the hearing, all petitioners **must appear before a judge**. If required by your jurisdiction, you should bring an **Order On Grandparent's Petition for Visitation with Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.975(c), with you to the hearing.

If you fail to complete this procedure, the court may dismiss the case.

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 chapter 752, Florida Statutes, and Florida Family Law Rules of Procedure Rule 12.105.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and Judicial Administration require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of General Practice and Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. The rules and procedures should be carefully read and followed.

Instructions for Florida Supreme Court Approved Family Law Form 12.975(b), Petition for Grandparent Visitation with Minor Child(ren) when One Parent has Been Found Criminally or Civilly Liable for the Death of the Other Parent (03/23)

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of General Practice and Judicial Administration require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Florida Rules of General Practice and Judicial Administration** and you **must** review Florida Rule of General Practice and Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of General Practice and Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MUST SERVE DOCUMENTS BY E-MAIL UNLESS EXCUSED PURSUANT TO FLORIDA RULE OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION 2.516(b)(1)(D). If a self-represented litigant has been excused from serving documents by e-mail and then elects to serve and receive documents by e-mail, the procedures must always be followed once that election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the Designation of Current Mailing and E-mail Address, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General), Florida Supreme Court Approved Family Law Form 12.914; Designation of Current Mailing and E-mail Address, Florida Supreme Court Approved Family Law Form 12.915;** and Florida Rule of General Practice and Judicial Administration 2.516.

Special notes . . .

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

In Re:

Case No.:
Division:

Petitioner,

and

Respondent(s).

**PETITION FOR GRANDPARENT VISITATION WITH MINOR CHILD(REN)
WHEN ONE PARENT HAS BEEN FOUND CRIMINALLY OR CIVILLY LIABLE
FOR THE DEATH OF THE OTHER PARENT**

The Petitioner(s), _____, files this Petition for Grandparent Visitation Rights pursuant to section 752.011(2), Florida Statutes, and states as follows:

1. Action for Grandparent Visitation Rights: This is an action for Grandparent Visitation Rights pursuant to section 752.011(2), Florida Statutes.

2. Child(ren): Petitioner(s), _____ is (are) the grandparent(s) [or stepgrandparent(s)] of the following minor child(ren) subject to this action:
[Please use initials for each of the minor child(ren)]

Name	Birth date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. Parents: The parents of the child(ren) are as follows:

Parent Name	Date of Birth	Last Known Address
_____	_____	_____
_____	_____	_____

4. Petitioner's current address is: {street address, city, state, zip code} _____

5. Petitioner's relationship to the minor child(ren) is: _____

6. A completed Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d), is filed with this petition.

7. The minor child(ren) subject to this action has (have) a parent who is one of the following:

a. Deceased. Name of Deceased Parent {name} _____ and Date of Death {date} _____.

b. The parent who is not deceased is {name} _____. This parent has been found _____ civilly liable for an intentional tort causing the death of the deceased parent or _____ criminally liable for the death of the other parent of the child(ren). ___A copy of a certified order evidencing the criminal or civil liability is attached.

8. There is a presumption for granting reasonable visitation because the Petitioner is the _____ grandparent or _____ stepgrandparent of the child, and he or she is the parent of the child's deceased parent.

9. Visitation: Based on the forgoing, Petitioner(s) request(s) reasonable visitation with the minor child(ren) as follows: _____

10. Explain why this visitation is in the best interests of the child(ren): _____

WHEREFORE, Petitioner(s) respectfully request(s) that the Court grant the following relief:

A. Take jurisdiction over the subject matter and the parties and find that venue is proper;

B. Find that Petitioner(s) is (are) the grandparent(s) or stepgrandparent(s) of minor child(ren) subject to this action;

C. Find that a court has previously found that one parent is civilly liable for an intentional tort causing the death of the deceased parent or criminally liable for the death of the other parent of the child(ren).

D. Establish a visitation schedule granting Petitioner(s) frequent and liberal time-sharing with the minor child(ren); and

E. Grant such other and further relief as the Court deems appropriate under the circumstances to protect the rights and interests of the minor child(ren).

Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

Dated: _____

Signature of Party
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
Email Address(es): _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:

[fill in **all** blanks] This form was prepared for the: *{choose only one}* _____ Petitioner _____ Respondent

This form was completed with the assistance of:

{name of individual} _____,

{name of business} _____,

{address} _____,

{city} _____, *{state}* _____, *{zip code}* _____, *{telephone number}* _____.