

SUPREME COURT OF FLORIDA

In Re: Amendments to the Florida Supreme Court Approved Family Law Forms—12.975(a)-(c)

In re Amendments to the Florida Supreme Court Approved Family Law Forms—12.975(a)-(c) · No. SC22-1737 ·  
Decided March 2, 2023

SUMMARY

The Florida Supreme Court amended Florida Supreme Court Approved Family Law Forms 12.975(a)-(c) concerning grandparent visitation. The amendments implement changes to section 752.011, Florida Statutes, create a new petition form for cases involving a parent held criminally or civilly liable for the death of the other parent, renumber an existing order form, and revise e-service language. The amendments took effect immediately upon release of the opinion, subject to a 75-day period for comments.

CASE DETAILS

|                       |                                                                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Florida                                                                                                                                                                       |
| WRITING FOR THE COURT | Per Curiam; Carlos G. Muñoz, C.J.; Charles T. Canady, J.; John A. Polston, J.; Jorge Labarga, J.; Renatha Francis, J.; Robert J. Luck, J.; M. Kevin Emas, J.; Jamie R. Grosshans, J.           |
| JURISDICTION          | Florida                                                                                                                                                                                        |
| DECIDED               | March 2, 2023                                                                                                                                                                                  |
| DOCKET                | SC22-1737                                                                                                                                                                                      |
| DISPOSITION           | approved                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Original proceeding in which the Florida Bar's Family Law Rules Committee submitted a fast-track report proposing amendments to Florida Supreme Court Approved Family Law Forms 12.975(a)-(c). |
| PRECEDENTIAL VALUE    | precedential opinion adopting and classifying Florida Supreme Court Approved Family Law Forms                                                                                                  |

TOPICS

- family law procedure
- grandparent rights
- visitation
- pleadings
- civil procedure

PRACTICE AREAS

- family law
- civil procedure

QUESTIONS PRESENTED

1. Whether to adopt the proposed amendments to Florida Supreme Court Approved Family Law Forms 12.975(a)-(c) in response to amendments to section 752.011, Florida Statutes.
2. Whether forms 12.975(a) and 12.975(b) should be designated as Florida Supreme Court Approved Family Law Forms rather than Florida Family Law Rules of Procedure Forms subject to the rulemaking process.
3. Whether to modify the proposed forms to update the electronic-service language and revise item 8 of new form 12.975(b).

#### **HOLDINGS**

1. The Court adopted the proposed amendments to forms 12.975(a)-(c), with modifications, including amendments to form 12.975(a), creation of form 12.975(b), and renumbering the former form 12.975(b) as form 12.975(c).
2. Forms 12.975(a) and 12.975(b), including the newly adopted form 12.975(b), are designated as Florida Supreme Court Approved Family Law Forms and will be revised and amended by opinion of the Supreme Court outside the rulemaking process required by Florida Rule of General Practice and Judicial Administration 2.140.
3. The Court modified form 12.975(a) by replacing its electronic-service language with language complying with Florida Rule of General Practice and Judicial Administration 2.516, and modified form 12.975(b), item 8, to state the presumption for reasonable visitation when the petitioner is the grandparent or stepgrandparent and parent of the deceased parent's child.

#### **KEY QUOTATIONS**

*“Accordingly, we now correct this oversight by designating these forms as “Florida Supreme Court Approved Family Law Forms” that will be revised and amended by opinion of this Court and outside of the rulemaking process required by rule 2.140 going forward.” (at 3)*

*“The amendments shall take effect immediately upon the release of this opinion.” (at 5)*

#### **FACTUAL BACKGROUND**

The Florida Bar's Family Law Rules Committee proposed amendments to the grandparent-visitation forms, including a new form for cases in which one parent has been found criminally or civilly liable for the death of the other parent. The proposals responded to 2022 legislation amending section 752.011, Florida Statutes. The Court determined that forms 12.975(a) and 12.975(b) had previously been treated inconsistently with Florida Family Law Rule of Procedure 12.015 and corrected that classification.

#### **PROCEDURAL HISTORY**

The Family Law Rules Committee proposed amendments responding to legislation amending section 752.011, Florida Statutes. The Board of Governors of The Florida Bar unanimously approved the proposals, and the Committee submitted them to the Supreme Court without prior publication for comment. The Supreme Court adopted the proposed amendments with modifications, effective immediately, while allowing interested persons 75 days to submit comments.

#### **DISPOSITION**

approved

#### **CASES CITED**

- Amendments to the Florida Family Law Rules of Procedure and Family Law Forms, 810 So. 2d 1 (Fla. 2000)
- In re Amendments to Fla. Family Law Rules of Procedure—2020 Regular-Cycle Report, 345 So. 3d 69 (Fla. 2020)

## OPINION

### PER CURIAM.

Supreme Court of Florida \_\_\_\_\_ No. SC22-1737 \_\_\_\_\_ IN RE: AMENDMENTS TO THE FLORIDA SUPREME COURT APPROVED FAMILY LAW FORMS—12.975(a)-(c). March 2, 2023 PER CURIAM. This matter is before the Court for consideration of proposed amendments to the Florida Family Law Rules of Procedure Forms.

We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin. 2.140(e). The Florida Bar’s Family Law Rules Committee (Committee) has filed a fast-track report proposing amendments to form 12.975(a) (Petition for Grandparent Visitation with Minor Child(ren)), creating a new 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), and renumbering existing form 12.975(b) (Order on Grandparent’s Petition for Visitation with Minor Child(ren)).

The proposed changes are in response to recent legislation amending section 752.011, Florida Statutes. See ch. 2022-217, § 1, Laws of Fla. The Board of Governors of The Florida Bar unanimously approved the proposed amendments.

The Committee did not publish the proposals for comment before filing them with the Court. Having considered the Committee’s report and relevant legislation, we hereby amend the forms as proposed by the Committee, with modifications. Significantly, while we adopt the forms the Committee has proposed and thank the Committee for its work on these forms, we designate these forms as “Florida Supreme Court Approved Family Law Forms,” removing them from the rulemaking process set forth in Florida Rule of General Practice and Judicial Administration 2.140.

In deciding to designate these forms as “Florida Supreme Court Approved Family Law Forms,” we look at the history of the bifurcation of the family law forms. In Amendments to the Florida Family Law Rules of Procedure and Family Law Forms, 810 So. 2d 1, 13-14 (Fla. 2000), the Court divided the family law forms into two groups: (1) Florida Family Law Rules of Procedure Forms and (2) Supreme Court Approved Family Law Forms.

This division is -2- reflected in Florida Family Law Rule of Procedure 12.015 (Family Law Forms). Subdivision (a) (Forms Adopted as Rules) lists the “Florida Family Law Rules of Procedure Forms” to which the Committee may propose amendments. More specifically, subdivision (a) begins by stating that “[t]he forms listed in this rule shall be adopted by the rulemaking process in Florida Rule of General Practice and Judicial Administration 2.140” and provides that the Committee “may propose amendments to these forms and any associated instructions.” Subdivision (a) includes a list of existing forms that fall under this provision. “All additional Supreme Court approved forms shall be adopted by opinion of the Supreme Court of Florida and outside the rulemaking procedures required by rule 2.140.” Fla. Fam.

L. R. P. 12.015(b). Thus, under rule 12.015(a), the Committee may only propose amendments to the limited list of forms that have been designated “Florida Family Law Rules of Procedure Forms.” Thereafter, in *In re Amendments to Fla. Family Law Rules of Procedure—2020 Regular-Cycle Report*, 345 So. 3d 69, 72 (Fla. 2020), the Committee proposed new forms 12.975(a) (Petition for Grandparent Visitation with Minor Child(ren)) and 12.975(b) (Order -3- on Grandparent’s Petition for Visitation with Minor Child(ren)).

However, rule 12.015(a) was not amended to include these forms on the list of those adopted by the Committee as part of the rulemaking process. Accordingly, we now correct this oversight by designating these forms as “Florida Supreme Court Approved Family Law Forms” that will be revised and amended by opinion of this Court and outside of the rulemaking process required by rule 2.140 going forward.

And, while we adopt the Committee’s proposed new 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), we also designate it as a “Florida Supreme Court Approved Family Law Form.” As to the specific amendments to the forms, we amend form 12.975(a) as proposed by the Committee.

However, we further amend the form by revising the e-service language to comply with Florida Rule of General Practice and Judicial Administration 2.516. Accordingly, we replace the current e-service language with the following: -4- 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](http://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. Next, we amend existing form 12.975(b) by renumbering it to form 12.975(c) (Order on Grandparent’s Petition for Visitation with Minor Child(ren)). Additionally, we adopt new 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).

However, we revise item number 8 in the form to read: “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.” -5- Accordingly, the Florida Supreme Court Approved Family Law Forms are amended as reflected in the appendix to this opinion, with the forms fully engrossed and ready for use.

The forms may be accessed and downloaded from the Florida State Courts’ website at <http://www.flcourts.org/resources-and-services/court-improvement/family-courts/family-law-forms.stml>. The amendments shall take effect immediately upon the release of this opinion.

Because the amendments were not published for comment prior to their adoption, interested persons shall have 75 days from the date of this opinion in which to file comments with the Court. 1 It is so ordered. MUÑIZ, C.J., and CANADY, POLSTON, LABARGA, COURIEL, GROSSHANS, and FRANCIS, JJ., concur. 1. All comments must be filed with the Court on or before May 16, 2023, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case.

If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927. -6- THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Family Law Rules of Procedure Michael V. Andriano, Chair, Family Law Rules Committee, Orlando, Florida, Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and Kelly N. Smith, Staff Liaison, The Florida Bar, Tallahassee, Florida, for Petitioner -7- APPENDIX INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.975(a) PETITION FOR GRANDPARENT VISITATION WITH MINOR CHILD(REN) (03/23) When should this form be used?

This form should be used when a grandparent is filing for visitation rights as provided in Section 752.011, Florida Statutes. You may file a petition for grandparent visitation with minor child(ren) in Florida if one of the following is true: • One or both of the minor child(ren)’s parents died; • One or both of the minor child(ren)’s parents are missing; • One or both of the minor child(ren)’s parents are in a persistent vegetative state; or a combination of these three situations.

If only one of the minor child(ren)’s parents qualifies in one of the three categories above, the other parent must have been convicted of a felony or an offense of violence evincing behavior that poses a substantial threat of harm to the minor child’s health or welfare. 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). 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 parents of the minor child(ren) unless they have died. If either or both parents have died, you must file a certified copy of the death certificate. If you know where either or both parents live, you should use personal service. If the basis of your petition is that one or both parents are missing, you must file an affidavit of diligent search with regard to that parent(s) to demonstrate to the court that one or both are in fact missing.

See Florida Family Law Rules of Procedure Form 12.913(b). Instructions for Florida Supreme Court Approved Family Law Form 12.975(a), Petition for Grandparent Visitation with Minor Child(ren) (03/23) -8- If you absolutely do not know where one or both parents live, you may also use constructive service. You may also be able to use constructive service if one or both parents reside 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 parents 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. Unless the reason for filing the petition is that both parents have died, 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. Instructions for Florida Supreme Court Approved Family Law Form 12.975(a), Petition for Grandparent Visitation with Minor Child(ren) (03/23) -9- **IMPORTANT INFORMATION REGARDING E-FILING** The Florida Rules of General Practice and Judicial Administration now 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. **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 now 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](http://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.

Instructions for Florida Supreme Court Approved Family Law Form 12.975(a), Petition for Grandparent Visitation with Minor Child(ren) (03/23) - 10 - 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) The Petitioner(s), \_\_\_\_\_, files this Petition for Grandparent Visitation Rights pursuant to section 752.011, 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, Florida Statutes.

2. Child(ren): Petitioner(s), \_\_\_\_\_ is (are) the grandparent(s) [or great-grandparent(s)] of the following minor children 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  
\_\_\_\_\_  
\_\_\_\_\_

Florida Supreme Court Approved Family Law Form 12.975(a), Petition for Grandparent Visitation with Minor Child(ren) (03/23) - 11 - 4.

Petitioner’s current address is: {street address, city, state, zip code} \_\_\_\_\_ 5.

Petitioner’s relationship to the minor child(ren) is: \_\_\_\_\_ 6.

Petitioner’s relationship to any of the parents listed in paragraph 3 above is as follows: \_\_\_\_\_ 7.

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. 8. The minor child(ren) subject to this action has (have) a parent who is one of the following: [Select one] a. \_\_\_\_\_ Deceased.

Name of Deceased Parent {name} \_\_\_\_\_ and Date of Death {date} \_\_\_\_\_  
\_\_\_\_\_. b. \_\_\_\_\_ Missing.

Name of Missing Parent {name} \_\_\_\_\_ and last known address \_\_\_\_\_  
\_\_\_\_\_ and date of last known address: \_\_\_\_\_  
\_\_\_\_\_. c. \_\_\_\_\_ in a persistent vegetative state since {date} \_\_\_\_\_  
\_\_\_\_\_ pursuant to section 752.001, Florida Statutes. If the minor child(ren) has/have  
one parent who is not deceased, missing, or in a persistent vegetative state: [Select One] d. \_\_\_\_\_ parent  
who has been convicted of a felony.

For each felony, please provide the following: type of felony, county, state, court case number, and date of  
conviction: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_. e. \_\_\_\_\_ parent  
who has been convicted of an offense of violence that poses a substantial threat of harm to the minor  
child(ren)'s health or welfare pursuant to section 752.011, Florida Statutes.

For each offense, please provide the following: the offense, county, state, and date of conviction:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_. 9.

The parent of the minor child(ren) is unfit or poses significant harm to the child because: Florida Supreme  
Court Approved Family Law Form 12.975(a), Petition for Grandparent Visitation with Minor Child(ren)  
(03/23) - 12 -

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

11. Explain why this visitation with Petitioner(s) is in the best interests of the child(ren):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

12. Visitation will not materially harm the parent-child relationship because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

13. \_\_\_\_ Petitioner(s) has (have) not filed an original action requesting visitation with the minor child(ren) within the preceding two (2) years. OR \_\_\_\_ Petitioner(s) has (have) filed an original action requesting visitation with the minor child(ren) within the preceding two (2) years and good cause exists for this Petition because the minor child(ren) is suffering or may suffer significant and demonstrable mental or emotional harm caused by a parental decision to deny visitation with Petitioner(s) that was not known to Petitioner(s) at the time of filing of the earlier action.

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 great-grandparent(s)] of minor child(ren) subject to this action; C. Find that both parents of the minor child(ren) are deceased, missing, or in a permanent vegetative state, or one parent is deceased, missing, or in a persistent vegetative state and the other parent is unfit or poses significant harm to the child; D. Appoint a Guardian ad Litem to represent the interests of the minor child(ren); Florida Supreme Court Approved Family Law Form 12.975(a), Petition for Grandparent Visitation with Minor Child(ren) (03/23) - 13 - E. Enter an order referring this matter to family mediation as provided in section 752.015, Florida Statutes; F. Establish a visitation schedule granting Petitioner(s) frequent and liberal time-sharing with the minor child(ren); and G. 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}.

Florida Supreme Court Approved Family Law Form 12.975(a), Petition for Grandparent Visitation with Minor Child(ren) (03/23) - 14 - 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).

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) - 15 - 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) - 16 - **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](http://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.

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) - 17 - 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

\_\_\_\_\_  
\_\_\_\_\_  
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) - 18 - 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).

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) - 19 - 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}.

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) - 20 - IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN AND FOR COUNTY, FLORIDA In Re: Case No.: \_\_\_\_\_ Division: Petitioner, and Respondent(s).

ORDER ON GRANDPARENT'S PETITION FOR VISITATION WITH MINOR CHILD(REN) THIS ACTION, having come to be heard upon the Petition for Grandparent Visitation with Minor Child(ren) filed by \_\_\_\_\_, and the Final Hearing on the Petition pursuant to section 752.011, Florida Statutes, and the Court having reviewed the file and received evidence, makes the following findings of facts and conclusions of law: 1.

The Petitioner(s) is/are the maternal/paternal grandparent(s) of the following minor child(ren): Name Birth date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Florida  
Supreme Court Approved Family Law Form 12.975(c), Order on Grandparent's Petition for Visitation with Minor Child(ren) (03/23) - 21 - 2.

The Court has jurisdiction over the subject matter of the Petition, over the minor child(ren), and the parties. {Choose all that apply} a. The minor child(ren)'s mother is: \_\_\_\_\_ Deceased \_\_\_\_\_ Missing \_\_\_\_\_ In a persistent vegetative state \_\_\_\_\_ Has been convicted of a felony or an offense of violence evincing behavior that poses a substantial threat of harm to the minor child's health or welfare. b. The minor child(ren)'s father is: \_\_\_\_\_ Deceased \_\_\_\_\_ Missing \_\_\_\_\_ In a persistent vegetative state \_\_\_\_\_ Has been convicted of a felony or an offense of violence evincing behavior that poses a substantial threat of harm to the minor child's health or welfare 3.

Based on the testimony and the evidence presented, this Court finds by clear and convincing evidence that a parent \_\_\_\_ is \_\_\_\_ is not (or both parents are) unfit or that there \_\_\_\_ is \_\_\_\_ is not significant harm to the child(ren), that visitation with the Petitioner/Grandparent(s) \_\_\_\_ is \_\_\_\_ is not in the best interest of the minor child(ren), and that the visitation \_\_\_\_ will \_\_\_\_ will not materially harm the parent-child relationship.

Florida Supreme Court Approved Family Law Form 12.975(c), Order on Grandparent's Petition for Visitation with Minor Child(ren) (03/23) - 22 - 4. Other:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Based on the foregoing, it is ORDERED AND ADJUDGED: a. That the Petition for Grandparent Visitation is hereby \_\_\_\_ DENIED \_\_\_\_ GRANTED b. {Choose ONE that applies} \_\_\_\_ Effective \_\_\_\_\_, the Petitioner is awarded reasonable visitation rights with the minor child(ren) who are his/her grandchild(ren) named above as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Said visitation shall continue until further court order. \_\_\_\_ No visitation is ordered. c. {Choose ONE that applies} \_\_\_\_ The Guardian ad Litem is hereby discharged \_\_\_\_ No Guardian ad Litem was appointed d. This Order for grandparent visitation may be modified upon a showing by the person petitioning for modification that a substantial change in circumstances has occurred and that modification of the grandparent visitation is in the best interest of the minor child(ren). e. Other:

\_\_\_\_\_  
Florida Supreme Court Approved Family Law Form 12.975(c), Order on Grandparent's Petition for Visitation with Minor Child(ren) (03/23) - 23 -

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

f. This Court reserves jurisdiction to enforce this Order and enter such other orders as it may deem just and proper.

DONE AND ORDERED in Chambers, {city} \_\_\_\_\_, {county} \_\_\_\_\_, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE Copies Furnished: Petitioner (or his or her attorney) Respondent (or his or her attorney) Florida Supreme Court Approved Family Law Form 12.975(c), Order on Grandparent's Petition for Visitation with Minor Child(ren) (03/23) - 24 -