



MICHELLE R. MILLER
CLERK & COMPTROLLER
ST. LUCIE COUNTY, FLORIDA

FAMILY RELATIONS DEPARTMENT
201 S. Indian River Dr., 2nd Floor, Fort Pierce, FL 34950
772-462-6910

**TERMINATE TEMPORARY LEGAL
CUSTODY FOR A RELATIVE**

STEP BY STEP INSTRUCTIONS

The following instructions will guide you in the process of seeking to terminate Order Granting Temporary Legal Custody by a Relative. Please read them carefully and completely before beginning to complete the documents in the packet.

If you are the Relative that obtained custody or one of the Natural Parents, you may use this packet to terminate the order that granted temporary legal custody to the relative. Please note that this packet contains additional blank copies of several documents that may be used by any of the other parties in the case.

1. **Petition:** You are the Petitioner in the interest of the minor child. Complete the Petition, filling in the blank lines with the information requested. You must sign your Petition in front of a notary who will also sign on the line designated for the notary. You will file the Petition with the Clerk of the Circuit Court & Comptroller (Clerk) in the county where the Temporary Legal Custody case was opened.
2. **Civil Cover Sheet:** Complete the Civil Cover Sheet and file it with your Petition. Check the type of case as "Other".
3. **Summons:** If you are the Relative that is filing to terminate the temporary custody, then you must have the sheriff or a private process server, serve the Natural Parents with a summons and a copy of the Petition. If you are one of the Natural Parents that is filing to terminate the temporary custody, then you must have the sheriff or a private process server, serve the other Natural Parent and the Relative that obtained custody with a summons and a copy of the Petition.
4. **Memo to Sheriff:** This document is used to inform the sheriff or private process server, of the addresses of the person(s) to be served with the summons. It must accompany each summons when it is delivered to the sheriff or process server.
5. Make three copies of the Petition and paperwork that you are filing. One set of copies is for you to keep. The remaining two sets are for the parties that are being served. The original copy of all of the documents must be filed with the Clerk along with three (3) stamped envelopes.
6. Take the originals of all documents to the Clerk in the county where the temporary custody case was opened. The address of the Clerk is shown below.

Clerk & Comptroller, St. Lucie County
Attn: Family Relations
201 S Indian River Drive
Fort Pierce, FL 34950

7. The Clerk will take your original papers and process them. The Clerk will also issue and return the original summons(es) to you along with a copy for each party to be served. Take these, along with the copies of the documents that you have made for the parties, to the Sheriff's Office or to a private process server to be served on the parties. The Sheriff's civil division in St. Lucie County currently charges \$40.00 for service. If you are serving outside the Nineteenth Circuit, you will need to contact the Sheriff or private process server in the county where the person(s) to be served lives or works. They will instruct you where to send your documents for service and tell you their fees.
8. After the Petition has been served on the parties, the process server will issue a document indicating when and where the parties were served. This is called a **Return of Service**. When you receive the Return of Service and the attached original summons back from the process server, file both documents with the Clerk as proof that the parties were served. Make and keep a copy for your records.
9. The parties have twenty-five (25) days to respond to the Petition from the first full day after he or she receives the summons. If the person responds within twenty days by filing an Answer, then follow the procedure in Paragraph 11 below to obtain a hearing date.
**(Twenty days is the response time and the Clerk has to allow five days for mailing.)
10. If twenty-five days have passed and the parties have not responded (do not count the day of service), then complete the **Motion for Default** and the **Non-Military Affidavit** and deliver it to the Clerk. Make and keep copies of both documents for your records.
The Clerk will sign the **Default** form to officially declare the parties to be in default. After the Default is completed by the Clerk, follow the procedure in Paragraph 11 below to obtain a hearing date.
11. **Requesting a Date for Final Hearing or Trial:** In order to obtain a date for your case to be heard by the judge, you should tell the Clerk that you are requesting a hearing date for your case. The Clerk will forward the file and envelopes to the Self-Help Case Manager who will schedule your hearing. You will then be notified of your hearing date and time by mail.
12. Arrive at the Courthouse at least 15 minutes before the time of your scheduled hearing. Bring with you a copy of all documents you have filed with the court and documents sent to the parties.
At the final hearing, you will be allowed to present evidence and the parties, if in attendance, will be also allowed to present evidence. At the end of the final hearing, the judge will either enter an order terminating the temporary legal custody or tell you if there is a problem with your case and what that problem is. In most cases, the judge cannot tell you how to solve the problem.

IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY, FLORIDA

CASE NO: _____

IN RE: THE INTEREST OF

MINOR CHILD(REN)

**VERIFIED PETITION TO TERMINATE
ORDER GRANTING TEMPORARY CUSTODY**

COMES NOW the Petitioner(s) _____,
and file(s) this Petition to Terminate Order Granting Temporary Custody pursuant to
Chapter 751, Florida Statutes, and as grounds therefore would show the following:

1. This Court has jurisdiction of the child(ren) and subject matter of the Petition pursuant to a Final Order Granting Temporary Legal Custody to _____ entered by the Court on the ____ day of _____.
2. Pursuant to section 751.05(7), Florida Statutes, at any time, either or both of the child(ren)'s parents may petition the Court to terminate the order granting temporary legal custody upon a finding that the parent requesting termination of the order is a fit parent, or by consent of the parties.
3. The child(ren)'s name(s) and date(s) of birth are as follows:

Name

Date of Birth

4. The current address of the child(ren) is

5. The names and current addresses of the child(ren)'s parents is/are as follows:

Mother

Father

Name: _____

Name: _____

Address: _____

Address: _____

6. Petitioner(s) is/are related to the child(ren) by virtue of being the child(ren)'s _____.
7. Petitioner(s) complete residential address is _____.
- Petitioner(s) mailing address (if different from address above) is _____.
8. The current legal custodian of the child(ren):
- a. _____ Consents to the termination of temporary legal custody.
 - b. _____ Does not consent to the termination of legal custody.
 - c. _____ It is unknown whether the current legal custodian consents to the termination of temporary custody.

WHEREFORE, Petitioner requests that the Court terminate its Final Order Granting Temporary Legal Custody and return custody to Petitioner(s).

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

Dated _____ Signature of Party _____

STATE OF FLORIDA
 COUNTY OF _____

Sworn to and affirmed and signed before me on _____ by _____.

 NOTARY PUBLIC – STATE OF FLORIDA

 [Print, type or stamp commissioned
 Name of notary]

____ Personally known
 ____ Produced identification
 ____ Type of identification produced: _____