

INSTRUCTIONS FOR FLORIDA FAMILY LAW FORM 12.905,
PETITION FOR GRANDPARENT VISITATION

When should this form be used?

This form should be used when grandparents are requesting visitation in one of the following circumstances:

- The mother and/or father of the child(ren) with whom visitation is requested are/is deceased.
- The parents of the child(ren) with whom visitation is requested are divorced.
- The mother or father of the child(ren) with whom visitation is requested has deserted the child(ren).
- The parents of the child were not married when the child(ren) was born and did not marry after the child(ren)'s birth, and paternity has been established.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public**. You should **file** the original with the **clerk of the circuit court** in the county where the child(ren) lives (live) and keep a copy for your records.

What should I do next?

For your case to proceed, you must properly notify the other **party(ies)** of the **petition**. If you know where he and/or she lives, you must use **personal service**. If you absolutely do not know where he and/or she lives, you may use **constructive service**. However, if constructive service is used, the court may only grant limited relief, if any. For more information on constructive service, see **Notice of Action for Dissolution of Marriage**, ☞☐ Florida Family Law Form 12.913(a), and **Affidavit of Diligent Search and Inquiry**, ☞☐ Florida Family Law Form 12.913(b). If you need to use constructive service, use the **Notice of Action for Dissolution of Marriage**, ☞☐ Florida Family Law Form 12.913(a), striking through “for Dissolution of Marriage” and inserting “for Grandparent Visitation.” The law regarding constructive service is very complex and you may wish to consult an attorney regarding these issues.

If personal service is used, the **respondent(s)** has (have) 20 days to answer after being served with your petition. Your case will then generally proceed in one of the following three ways:

DEFAULT... If after 20 days, no **answer** has been filed, you may file a **Motion for Default**, ☞☐ Florida Family Law Form 12.922(a), with the clerk of court. Then, if you have filed all of the required papers, you may call the clerk, **family law intake staff**, or **judicial assistant** to set a **final hearing**. You must notify the other party(ies) of the hearing by using a **Notice of Hearing (General)**, ☞☐ Florida Family Law Form 12.923, or other appropriate notice of hearing form.


UNCONTESTED... If the respondent(s) file(s) an answer that agrees with everything in your petition or an answer and waiver, and you have filed all of the required papers, you may call the clerk, family law intake staff, or judicial assistant to set a final hearing. You must notify the other party(ies) of the hearing by using a **Notice of Hearing (General)**, ☞☐ Florida Family Law Form 12.923, or other appropriate notice of hearing form.

CONTESTED... If the respondent(s) file(s) an answer that 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 Family Law Form 12.924, after you have filed all of the required papers. Then you should contact the clerk, family law intake staff, or judicial assistant for instructions on how to set your case for trial (final hearing). Some circuits may require the completion of **mediation** before a final hearing may be set.

Where can I look for more information?

Before proceeding, you should read “General Information for Pro Se Litigants” found at the beginning of these forms. For further information, see chapter 752 and 61.13(2)(b)2.c., Florida Statutes.

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 Form 12.900, 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

Case No.: _____

Division: _____

_____,

_____,

Grandparent(s),

and

_____,

_____,

Respondent(s).

PETITION FOR GRANDPARENT VISITATION

I/We, {full legal name(s)} _____,
being sworn, certify that the following information is true:

1. This is a request for grandparent(s) visitation, under chapter 752, Florida Statutes.
2. The minor grandchild(ren) has (have) been living in the State of Florida within the jurisdiction of this Court.
3. I/We desire visitation with the following minor grandchild(ren).

Name	Birth date	Age	Sex
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. The [**one** only] () mother () father of my (our) grandchild(ren) is my (our) [**one** only] () son () daughter. A copy of the my (our) child's (respondent's) birth certificate is attached.

5. [**all** that apply]:

- _____ a. The () mother () father of the grandchild(ren) has (have) died.
- _____ b. The mother and father of the grandchild(ren) are divorced.
- _____ c. The () mother () father of the grandchild(ren) has (have) deserted the grandchild(ren).
- _____ d. The parents were not married when the grandchild(ren) was (were) born and did not marry after the grandchild(ren)'s birth, and paternity has been established.

6. I/We are requesting the following visitation: {explain} _____

7. It is in the best interests of the grandchild(ren) that the grandparent(s) be allowed reasonable rights of visitation with the grandchild(ren). This is in the grandchild(ren)'s best interests because: *{explain}*_____

I understand that I am swearing or 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 Grandparent
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or 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 _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [*do* fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the (one of the) petitioner(s), fill out this form.

I understand that I am swearing or 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 Grandparent

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

STATE OF FLORIDA

COUNTY OF _____

Sworn to or 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 _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [ fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the (one of the) petitioner(s), fill out this form.