

REPRESENTING YOURSELF IN A FAMILY LAW CASE

INFORMATION ON YOUR RIGHTS AND THE RESOURCES AVAILABLE TO YOU

**Prepared by
JACKSONVILLE AREA LEGAL AID, INC.
A UNITED WAY AGENCY**

**JACKSONVILLE AREA LEGAL AID, INC.
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The information provided in this brochure is not a substitute for legal advice. The laws described here may change without notice.

INTRODUCTION

If you want to file a family law case, an attorney is recommended. If you must file without an attorney, you should be aware of the following information.

FREE & LOW COST FORMS

The Florida Supreme Court provides free family law forms and instructions on their website at www.flcourts.org. The forms include: dissolution of marriage (divorce), paternity, custody modification and enforcement, visitation modification and enforcement, child support, child support modification and enforcement, domestic violence, repeat violence, dating violence, sexual violence, step-parent adoption and name change. If you do not have internet access at home, you may use the internet at your local public library.

Family Court Services, located in Room 413 of the Duval County Courthouse, sells packets of forms and instructions for a low fee for the following family law cases: dissolution of marriage (divorce), modification of a family law court order, enforcement of a family law court order, and viewing sealed adoption records. These packets range in price to about \$25.00. These forms are also available in the Law Library, located in Room 102 of the Courthouse for a nominal copy fee.

If you are in Clay, Nassau or St. John's County, your local Clerk of Court may offer similar services.

PAYMENT PLAN FOR CLERK'S FEE

There is a filing fee to begin each case. If you cannot pay the filing fee all at once, you may request a payment plan, but \$25 will be added to the fee. You are entitled to a payment plan if your income is 200% of federal poverty guidelines or less, and you do not have assets of \$2,500 or more over and above your home and vehicle. If eligible, your monthly payments should not be more than 2% of your net monthly income, and your case cannot be held up if you cannot pay on time. Some of your other court costs may be included in the payment plan.

FREE CLINICS

Family Court Services, in partnership with the Jacksonville Bar Association and Jacksonville Area Legal Aid, Inc., offers free legal clinics to litigants who are representing themselves in certain types of family law cases. The following clinics are presently offered: dissolution of marriage (divorce) at 4:00 p.m. on the second Thursday of every month, and modification of a family law court order at 4:00 p.m. on the first Thursday of every month.

Pre-registration is not required. You may simply show up at the scheduled time for the clinic you wish to attend and register at the door. You may check with the Clerk of Court's Office in Room 103 of the Duval County Courthouse or call Family Court Services at (904) 630-7682 to confirm dates and times.

The clinics outline the procedures for filing your case and highlight the applicable law. You will not receive individual instruction or advice.

FAMILY COURT SERVICES

If you file any of the following family law actions in Duval County without an attorney: dissolution of marriage (divorce), paternity, support without divorce, modification of a family law court order, enforcement of a family law court order, adoption, temporary custody by extended family, or name change, your case must be reviewed by a Family Court Services Family Law Coordinator before it can be scheduled for hearing.

Once you believe you have met all the requirements and are ready for hearing, you must prepare a Notice for trial[®] (included in the free and low cost forms) to set your case for hearing, and deliver it to Family Court Services, located in Room 413 of the Duval County Courthouse, along with two stamped envelopes pre-addressed to you and the other party. A Family Law Coordinator will review your court file to determine if you have correctly completed and filed all the necessary documents and satisfied any other requirements that may apply to your case. If the court file is incomplete or your documents need to be corrected, the Family Law Coordinator will send you a written letter telling you what needs to be filed before a hearing can be set.

If you have any questions or do not receive a response within 30-45 days after filing your case, you may contact a Family Law Coordinator at (904) 630-7682 or by walking-in to Room 413 of the Duval County Courthouse between 9:00 a.m. and 4:30 p.m. Family Law Coordinators are not attorneys. They are paralegals with specialized training in working with litigants representing themselves. Although they can instruct you on what forms are required, they are not permitted to provide legal advice.

Once your case is ready to be set for hearing, the Family Law Coordinator will schedule a hearing date before a General Magistrate, Child Support Hearing Officer or Judge, depending on the case, and send you and the other party notice of the hearing.

MEDIATION

If you and the other party have opposing requests, your case will be referred for mediation to the Family Mediation Unit, located at the Beach Boulevard Court Facility, 3490 Beach Boulevard, Jacksonville. You must attend, unless you are a domestic violence survivor, and have been granted an exception. Exceptions may be requested through the Family Law Coordinator.

Mediation is a meeting between you, the other party and a mediator. You will discuss what you want out of your case. The mediator is there to help the parties discuss the issues and come to an agreement partially or fully resolving those issues. The mediator cannot force the parties to agree or decide what should happen with the case if the parties cannot agree. If the parties reach an agreement, the mediator will put it in writing and forward it to the Judge to be put into a court order. If the parties cannot agree, the case will proceed to hearing.

GENERAL MAGISTRATES AND CHILD SUPPORT HEARING OFFICERS

If you file a case involving only child support issues, either without an attorney or through the Child Support Enforcement Unit, your case will be heard by a Child Support Hearing Officer instead of a Judge.

If you file any other family law case (excluding adoption) without an attorney, your case will be heard by a General Magistrate instead of a Judge, unless either party files with the Clerk of Court a written objection to the order referring your case to the General Magistrate within 10 days from the date the referral order was mailed to you or before the hearing if the hearing is scheduled less than 10 days after the referral order was mailed to you.

General Magistrates/Child Support Hearing Officers are appointed by the Chief Judge of the Circuit.

They are experienced family law attorneys who serve full-time as General Magistrates and Child Support Hearing Officers and act under the Judicial Code of Conduct.

If your case is heard by a General Magistrate instead of a Judge, he or she will issue a report and recommended order to the parties either after the hearing or by mail. Each party has 10 days to file written objections to the report and recommended order before it is sent to the Judge for review. If there is no objection, the Judge generally approves the General Magistrate's recommended order and sends you a copy.

If your case is heard by a Child Support Hearing Officer instead of a Judge, he or she will issue a report and a recommended order to the Judge for review. The Judge will generally approve the Child Support Hearing Officer's recommended order, and will send you a copy. Once the Judge signs the order, each party has 10 days to file a motion to vacate the order, if they wish to object.

If you object to the General Magistrate's recommendations or move to vacate the Child Support Hearing Officer's recommended order, you may have to obtain a transcript of the hearing to support your objections. The transcript may be obtained by contacting Official Reporters, Inc. at (904) 358-2090 and paying the applicable fee, which is often expensive (several hundred dollars).

RESOURCES

JACKSONVILLE BAR ASSOCIATION

**Lawyer Referral Service
(904) 399-5780**

CHILD SUPPORT ENFORCEMENT PROGRAM

**921 North Davis Street, Bldg. A, Suite 350
Jacksonville, FL 32209
(800) 622-5437**

FAMILY COURT SERVICES

**Room 413, Duval County Courthouse
330 East Bay Street, Jacksonville, FL 32202
(904) 630-7682**

**Room 309, Clay County Courthouse
825 North Orange Avenue
Green Cove Springs, FL 32043
(904) 278-3636**

**Nassau County Annex
76347 Veterans Way, Yulee, FL 32034
(904) 491-2028**

**St. John's County Self-Help Coordinator
(904) 827-5631**

JACKSONVILLE AREA LEGAL AID, INC.
126 West Adams Street, Jacksonville, FL 32202
(904) 356-8371

3540 Highway 17, Suite 101
Green Cove Springs, FL 32043
(904) 284-8410

222 San Marco Avenue, St. Augustine, FL 32084
(877) 827-9921