

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY
LAW FORM 12.948(b)
MOTION FOR TEMPORARY ORDER GRANTING CUSTODIAL
RESPONSIBILITY DURING DEPLOYMENT
(07/20)**

When should this form be used?

This form should be used when one parent who is a **servicemember** is being **deployed** and either parent wishes to temporarily establish or change the custodial responsibility, parenting plan, or time-sharing schedule. This form cannot be used unless paternity has been established, whether or not parental responsibility, a parenting plan, and/or a time-sharing schedule have been established. This form should not be used if the action is prohibited by the Service Members Civil Relief Act, 50 U.S.C. ss. 3901-4043. The Motion should be filed **after** a parent receives a Notice of Deployment.

A servicemember is a member of the **uniformed services** and includes:

- Active and reserve components of the Army, Navy, Air Force, Marine Corps, or the Coast Guard of the United States
- The United States Merchant Marine
- The commissioned corps of the United States Public Health Service
- The commissioned corps of the National Oceanic and Atmospheric Administration
- The National Guard of a state or territory of the United States, Puerto Rico, or the District of Columbia

Deployment means the movement or mobilization of a servicemember for less than 18 months pursuant to uniformed service orders that:

- Are designated as unaccompanied;
- Do not authorize dependent travel; or
- Otherwise do not permit the movement of family members to the location to which the service member is deployed.

Custodial responsibility includes all the powers and duties relating to caretaking authority and decisionmaking authority for a child. It includes physical custody, legal custody, parental responsibility, parenting time, right to access, time-sharing, visitation, and authority to grant limited contact with a child.

Caretaking authority means the right to live with and care for a child on a day-to-day basis. The term includes physical custody, parenting time, right to access, time-sharing, and visitation.

Decisionmaking authority means the power to make important decisions regarding a child, including decisions regarding a child's education, religious training, health care, extracurricular activities, and travel. The term does not include the power to make decisions that necessarily

accompany a grant of caretaking authority.

Limited contact means the authority of a Nonparent to visit a child for a limited time. The term includes authority to take the child to a place other than the child's residence.

A Nonparent who is an adult family member of the child or a non-family member with whom the child has a **close and substantial relationship** may be granted temporary caretaking authority. A close and substantial relationship means a positive relationship of substantial duration and depth in which a significant emotional bond exists between a child and a Nonparent.

What should I do next?

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk** or **in the case of an active duty member, before an officer authorized to administer oaths**.

You should file the original with the **clerk of the circuit court** and keep a copy for your records. The Motion must be filed in a pending proceeding for custodial responsibility or an existing case if you have one. If there is not a pending proceeding, the motion must be filed in a new action. The court must have jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

If you have filed all of the required papers, you may contact the clerk of court, family law intake staff or the judicial assistant to set a hearing. You must notify the other party(ies) of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form. If the Motion for Temporary Order Granting Custodial Responsibility During Deployment is filed before the deploying parent deploys, you may request an expedited hearing. The court will then enter an order after the hearing.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of 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 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 Judicial Administration now require that all

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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 Rules of Judicial Administration.**

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made. If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

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 Judicial Administration 2.516.

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 sections 61.703-61.773, Florida Statutes.

Special notes

If you do not have the money to pay the filing fee, you may obtain an Application for Determination of Civil Indigent Status from the clerk, fill it out, and the clerk will determine whether you are eligible to have filing fees deferred.

With this form, you must also file the following:

- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d).
- **Settlement Agreement**, if you have reached an agreement on any or all of the issues, you should file an **Agreement Granting Temporary Custodial Responsibility During Deployment**, Florida Supreme Court Approved Family Law Form 12.948(a).
- **Notice of Social Security Number**, Florida Supreme Court Approved Family Law Form 12.902(j), if not previously filed.

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Nonlawyer. 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

Case No: _____
Division: _____

Petitioner,

And

Respondent.

MOTION FOR TEMPORARY ORDER GRANTING CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT

I, {full legal name} _____, being sworn, certify that the following information is true:

1. A final judgment or order establishing custodial responsibility or a Parenting Plan with a time-sharing schedule ____ has ____ has **not** been previously entered by the court.
If a final judgment or order has been entered, the date of the last order or judgment is _____.
{A copy/copies of the final judgment or any modification(s) is/are attached.}
2. The parent, {name} _____, has received a notice of deployment that he/she is subject to deployment on or about {specific date} **for a period of less than 18 months** _____.
3. This motion ____ is ____ is **not** being filed before the Deploying Parent deploys.
I ____ am ____ am **not** requesting an expedited hearing in accordance with the statute.
4. The Deploying Parent is temporarily unable to continue the current parenting plan and time-sharing schedule with the minor children during the period of time that the parent is deployed.
5. The parties ____ have ____ have **not** reached an agreement regarding Temporary Custodial Responsibility during deployment. If the parties have reached an agreement, an Agreement Granting Temporary Custodial Responsibility During Deployment is filed with this Motion.
6. I ____ am ____ am **not** requesting that a Nonparent(s) be granted temporary custodial responsibility during the deployment. The Nonparent (s) is/are:
{Name(s)} _____.
7. I ____ am ____ am **not** requesting that a Nonparent(s) be granted decisionmaking authority due to the operational constraints of the deployment. The Nonparent(s) is/are:

{Name(s)} _____. The decisionmaking powers are as follows:

_____.

8. I _____ am _____ am **not** requesting that a Nonparent(s) be granted temporary caretaking authority. The Nonparent(s) is/are: {Name} _____.

9. I request the following contact during deployment: _____

_____.

{ _____ Please indicate if additional pages are included }

10. The relief I am requesting is in the best interests of the children because: _____

_____.

11. If the motion is granted, I request the court to:

_____ Enter a temporary order for child support from the Deploying Parent to the Other Parent pursuant to s. 61.30, F.S.;

_____ Suspend, abate, or reduce the child support obligation of the Other Parent until the custody judgment or time-sharing order previously in effect is reinstated.

_____ Require the Deploying Parent to enroll the child as a military dependent with DEERS, TriCare, or other similar benefits available to the military dependents as provided by the Deploying Parent's branch of service.

12. If establishment or modification of child support is requested, a completed Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c) **and** a Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e) is, or will be, filed.

13. 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 motion

14. I understand that any Order entered pursuant to this Motion automatically terminates 30 days after the Deploying Parent gives notice of his/her return from deployment to the Other Parent, unless the parties agree otherwise in writing or in a record, or the court has already terminated the Order.

15. Other:

_____.

CERTIFICATE OF SERVICE

I certify that a copy of this Motion for Temporary Order Granting of Custodial Responsibility During Deployment was _____ mailed _____ faxed and mailed _____ e-mailed _____ hand-delivered to the parties and any entities listed below on {date}_____.

{Signature of Petitioner}

Deploying Parent or his/her attorney

Name _____
Address: _____
City, State, Zip: _____
Fax Number: _____
Designated E-Mail Address(es) _____

Other Parent or his/her attorney

Name _____
Address: _____
City, State, Zip: _____
Fax Number: _____
Designated E-Mail Address(es) _____

Nonparent or his/her attorney

Name _____
Address: _____
City, State, Zip: _____
Fax Number: _____
Designated E-Mail Address(es) _____

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

imprisonment.

Dated: _____

Signature of Petitioner

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

Designated E-mail Address(es): _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and subscribed before me by means of _____ physical presence or
_____ online notarization this _____ day of _____, {year} _____ by
{name of person making statement} _____.

NOTARY PUBLIC, DEPUTY CLERK, or MILITARY
OFFICER AUTHORIZED TO ADMINISTER OATHS

[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] This form was prepared for the _____ Petitioner _____ Respondent.

This form was completed with the assistance of:

{name of individual} _____,

{name of business} _____,

{address} _____,

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