

## **INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.913(c), AFFIDAVIT OF DILIGENT SEARCH (11/12)**

### **When should this form be used?**

This form is to be used with **Notice of Action For Family Cases With Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.913(a)(2), to obtain **constructive service** (also called service by publication) on the legal father in any action or proceeding to determine paternity which may result in termination of the legal father's parental rights.

The legal father is entitled to actual notice of the proceedings when possible. When it is necessary to use constructive notice, it must be given in a way that is likely to provide actual notice. You must disclose the last known address of the legal father. A last known address cannot be unknown. This form includes a checklist of places you must look for information on the location of the legal father. You have to look in all of these places, and the court must believe that you have made a very serious effort to get information about the person's location and that you have followed up on any information you received.

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**. You should **file** the original and a **Notice of Action For Family Cases With Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.913(a)(2), with the **clerk of the circuit court** in the county where your petition for dissolution of marriage is filed. You should keep a copy for your records.

### **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.** For further information, see rule 12.070, Florida Family Law Rules of Procedure, chapter 49, Florida Statutes, and section 409.257, 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 **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.

### AFFIDAVIT OF DILIGENT SEARCH

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

1. The last known address of the child(ren)'s legal father *{name}* \_\_\_\_\_, as of *{date}* \_\_\_\_\_, was:  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_.

His last known employment, as of *{date}* \_\_\_\_\_, was:

Name of Employer \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

2. The legal father is over the age of 18.
3. The legal father's current residence is not known and cannot be determined, although I have made a diligent search and inquiry to locate him through the following:

**You must search ALL of the following sources of information and state the results.**

\_\_\_\_ United States Post Office inquiry through the Freedom of Information Act for the legal father's current address or any previous address.

Result of search: \_\_\_\_\_

\_\_\_\_ Last known employment of the legal father, including name and address of employer.

Result of search: \_\_\_\_\_

\_\_\_\_ Regulatory agencies, including professional or occupational licensing, in the area where the legal father last resided.

- Result of search: \_\_\_\_\_
- \_\_\_\_\_ Names and addresses of relatives to the extent such can be reasonably obtained from the petitioner or other sources, contacts with those relatives and inquiry as to the legal father's last known address. You are to follow up any leads of any addresses where the legal father may have moved.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Information about the legal father's possible death and, if dead, the date and location.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Telephone listings in the area where the legal father last resided.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Law enforcement agencies in the area where the legal father last resided.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Highway Patrol records in the state where the legal father last resided.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Department of Corrections records in the state where the legal father last resided.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Hospitals in the last known area of the legal father's residence.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Records of utility companies, which include water, sewer, cable TV, and electric in the last known area of the legal father's residence.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Records of the Armed Forces of the U.S. and their response as to whether or not there is any information about the legal father. (See Florida Supreme Court Approved Family Law Form 12.912(a), Memorandum for Certificate of Military Service.)  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Records of the tax assessor's and tax collector's office in the area where the legal father last resided.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Search of one Internet databank locator service.  
Result of search: \_\_\_\_\_
- \_\_\_\_\_ Title IV-D (child support enforcement) agency records in the state of the legal father's last known address.  
Result of search: \_\_\_\_\_

**I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit 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: \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or deputy clerk.]

\_\_\_\_ 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: *{choose only one}* ( ) Petitioner ( ) Respondent

This form was completed with the assistance of:

*{ name of individual }* \_\_\_\_\_,

*{name of business}* \_\_\_\_\_,

*{address}* \_\_\_\_\_,

*{city}* \_\_\_\_\_, *{state}* \_\_\_\_\_, *{telephone number}* \_\_\_\_\_.