

CLS PRO BONO PROJECT REFERENCE BOOK

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PROTOCOL FOR CLS PRO BONO PROJECT

(Revised on May 23, 2013)

Our project falls under the umbrella of the Jacksonville Area Legal Aid (JALA). The forms that the prospects will complete and the contracts they will sign are from JALA. We will simply do the intake and handle as many cases as possible, utilizing each other's expertise and the established contacts at JALA and the Public Defender's Office. The protocol is the following:

- 1. Interviews.** Make sure that each prospective client completes the intake form, signs and initials the contract portion of the forms, and executes the authorization. Write all interview notes on the intake forms, so that JALA will also have access and records.
 - **Remember that this is a Christian ministry, not just simply pro bono work, so witness during each interview.** Some options include sharing your brief testimony, sharing some encouraging scriptures, and praying to conclude the interview. Please do not neglect this opportunity to share the joy of your salvation. Be encouraging.
- 2. Post-Interview Debriefing.** Immediately after the interviews, we will have a debriefing to attempt to assign all cases taken, determine which cases will be kept by the interviewer, which will be referred to others in our group, and which will be sent to JALA for direct handling. JALA forms will be distributed to each volunteer, per paragraphs 4 and 6.
- 3. Confirmation to interviewee.** *The following day*, the interviewer will send a confirmation letter to the interviewee advising of the case status (what if anything will be handled or confirm that it was an information / Q&A only), who will be handling it, and a brief summary of the anticipated action taken. Address all letters to the client c/o Learning Center Director, City Rescue Mission, 426 S. McDuff Avenue, Jacksonville, FL 32254. (This will ensure proper mail forwarding if the client leaves the CRM campus.)
- 4. Initial Documentation to JALA.** For each matter retained, keep a copy of any documents and intake forms received and forward the originals plus a copy of the client confirmation letter to Kathy Para at JALA (126 W. Adams Street, Jacksonville, FL 32202), for input into their system. JALA will catalog the matters, provide needed follow-up support and ultimately keep track of the pro bono hours reported at case conclusion.
- 5. Case Handling.** We will handle the cases kept (or referred to us) as expediently as possible, keeping track of our hours spent on each matter.
- 6. Case Conclusion and Documentation.** Advise the client by written letter when the matter is concluded, referred to JALA or PDO, or when no further assistance is available. To close the case with JALA, send to Kathy Para by email or by US Mail: a copy of your letter to the client, a brief statement of the outcome (one or two sentences); and the total number of hours you spent on the case. Kathy Para, JALA, 126 West Adams Street, 32202, kathy.para@jaxlegalaid.org. Please copy me on your email or US Mail communication so that I may keep our CLS files up-to-date, as well.

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Consumer/Bankruptcy

[Click here to access information and forms from the US Bankruptcy Court](#)

Consumer Information

The Florida Bar provides information for the public on certain general areas of law as well as specific legal issues in our Consumer Pamphlets.

Información para el consumidor en español

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Consumer Pamphlets



You can **read or download online versions** of our consumer pamphlets by clicking on pamphlets titles below.

If you would like **ONE free copy of a selected pamphlet**, please send your request with a self addressed stamped envelope enclosed to:

Consumer Pamphlets
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399-2300

If you would like to order **more than one** pamphlet, please use the Pamphlet Order Form . If the title you are interested in is not listed in the form, you may print and reproduce copies from the Web page.

For more information about our consumer pamphlets, call the Public Information Department at (850) 561-5834 or (850) 561-5773.

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Online Pamphlets

Civil

1. Handbook for Jurors (PDF)
2. Legal Guide for New Adults (PDF)
3. Mass Disaster: A Victim's Guide (PDF)
4. So you want to be a lawyer (PDF)

Credit

5. Consumer Bankruptcy in Florida (PDF)

Family

6. Adoption in Florida (PDF)
7. Divorce in Florida (PDF)
8. Parenting and Divorce (PDF)

Immigration

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10. U.S. Lawful Permanent Residents (PDF)

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11. Intellectual Property (PDF)

Legal Services and Client Protection

12. A Consumer Guide to Clients' Rights (PDF)
13. Attorney's Fees (PDF)
14. Clients' Security Fund (PDF)
15. Consumer Guide to the Legal Fee Arbitration Program (PDF)
16. Filing an Unlicensed Practice of Law Complaint (PDF)
17. Florida Power of Attorney (PDF)
18. Grievance Mediation (PDF)
19. How to Find a Lawyer in Florida (PDF)
20. Inquiry Concerning A Florida Lawyer (PDF)
21. Legal Aid in Florida (PDF)
22. Notaries, Immigration and the Law (PDF)
23. Hiring The Right Person To Help Me With My Legal Problems (PDF)

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Real Property

24. Building a Home (PDF)

25. Buying a Home (PDF)

Wills, Trusts and Estates

26. Do You Have a Will? (PDF)

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Consumer Tips

Automobile

1- Automobile Insurance

2- Florida's Motor Vehicle "Lemon Law"

3- How to Avoid Being a Victim of Auto Repair and Service Station Gimmicks

Civil

4- A civil or a criminal case?

5- General Information on Consumer Protection

6- Identity Theft

7- Small claims: The who, what, where and why of collection lawsuits

Contracts

8- Legal and Binding Contracts

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10- Credit Repair Fraud

11- Debtors' Rights In Florida: Claiming Your Exemptions From Judgments

12- Your Rights and Responsibilities When Applying for Credit or Loans

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13- How to Safeguard Against Fraud When You Buy Property

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15- Buying a Mobile Home

16- Rights and Duties of Tenants and Landlords

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Consumer Forms

Living Will forms

2014 FREE LEGAL CLINICS
OFFERED BY JACKSONVILLE AREA LEGAL AID, INC. and THREE RIVERS LEGAL SERVICES
DATES AND TIMES ARE SUBJECT TO CHANGE - CALL TO CONFIRM

DUVAL COUNTY CLINICS		
Clinic Type	Date/Time	Location
Bankruptcy <i>Learn if bankruptcy is right for you.</i>	1st Thursday of Every Month (Except July) 5:00 PM No appointment needed.	Jacksonville Area Legal Aid, Inc. 126 West Adams Street Jacksonville, FL, 32202 Information: (904) 356-8371
Foreclosure & Homeownership <i>Learn about tips to avoid foreclosure, foreclosure mediation, foreclosure scams, predatory lending & other homeownership issues.</i>	2nd Wednesday of Every Month 5:00 PM No appointment needed.	Jacksonville Area Legal Aid, Inc. 126 West Adams Street Jacksonville, FL, 32202 Information: (904) 356-8371
Consumer Rights <i>Learn your consumer rights.</i>	3rd Wednesday of Every Month 5:00 PM No appointment needed.	Jacksonville Area Legal Aid, Inc. 126 West Adams Street Jacksonville, FL, 32202 Information: (904) 356-8371
Small Claims Clinic <i>Information about the process on both filing and defending a small claims action.</i>	Every Thursday 12:30 p.m. No appointment needed.	Duval County Courthouse Jury Assembly Room 501 West Adams Street Jacksonville, FL 32202 Information: (904) 356-8371
First Time Homebuyers <i>Learn about the home buying process</i>	Dates are subject to change. Call to Confirm. Sign up required: Call Karen at (904) 356-8371, Ext. 381.	Jacksonville Area Legal Aid, Inc. 126 West Adams Street Jacksonville, FL, 32202
Child Support Modification & Custody/Timesharing/Paternity <i>Covered topics: Child support modification, custody/timesharing, and determination of paternity. Receive forms and general instructions for completion and filing.</i>	2nd Thursday of Every Month 5:30 PM No appointment needed.	Jacksonville Area Legal Aid, Inc. 126 West Adams Street Jacksonville, FL, 32202 Information: (904) 356-8371
Dissolution of Marriage (Divorce) <i>Learn about FL dissolution of marriage including issues involving children and property. Receive forms and general instructions for completion and filing.</i>	4th Thursday of Every Month (Except Nov. and Dec.) <ul style="list-style-type: none"> • 4:30-5:30 PM – DOM <u>without</u> children • 6:00-7:00 PM – DOM <u>with</u> children No appointment needed.	Jacksonville Area Legal Aid, Inc. 126 West Adams Street Jacksonville, FL, 32202 Information: (904) 356-8371
New Start Clinic-Seal/Expunge Criminal Arrest Records <i>Learn about Workers' rights, Seal/Expunge, & criminal law for ex-offenders</i>	Every Thursday at 3:00 PM No appointment Needed	Jacksonville Area Legal Aid 126 West Adams Street Jacksonville, FL 32202 Information: (904) 356-8371
Seal/Expunge Criminal Arrest Records <i>Learn whether you qualify for sealing or expunging your criminal arrest records and how to proceed.</i>	July 17, 6:15-7:15 PM October 16, 6:15-7:15 PM Call Three Rivers Legal Services Jacksonville office to confirm: 1-866-256-8091	Wells Fargo, Community Learning Center, 1601 N. Main Street, 2 nd Floor, 32206
Restoration of Civil Rights <i>For those convicted of a felony, learn how to regain your civil rights.</i>	August 21, 6:15-7:15 PM Call Three Rivers Legal Services Jacksonville office to confirm: 1-866-256-8091	Wells Fargo, Community Learning Center, 1601 N. Main Street, 2 nd Floor, 32206

NASSAU COUNTY CLINICS		
Consumer Law Clinic <i>Learn your consumer rights.</i>	Sign up required: Call Karen at (904) 356-8371, Ext. 381.	Nassau County Courthouse 76347 Veterans Way Yulee, FL32097
Family Law Group Information Clinic <i>Covered topics: Child Support Modification, Custody/Paternity/Timesharing, and Divorce.</i>	2nd Monday of Every Month (Except November) 5:30pm No appointment needed.	Nassau County Courthouse Jury Selection Rm - 1 st floor 76347 Veterans Way Yulee, FL 32097

CLAY COUNTY CLINICS		
Family Law Group Information Clinic <i>Covered topics: Child Support Modification, Custody/Paternity/Timesharing, and Divorce.</i>	2nd Tuesday of Every Month, (Except Nov. and Dec.) 5:30 pm No appointment needed.	Clay County Public Library 2054 Plainfield Avenue Orange Park, FL 32073 <i>(Just off of Kingsley Ave behind Dairy Queen.)</i>

If you are a qualified individual with a disability, you can request a reasonable accommodation/auxiliary aid to participate in this event, at no charge to you, by contacting the JALA ADA Coordinator at 904-353-1320 V/ TTY or 904-245-1121 Video Phone with a minimum of 5 business days notice prior to the event. The ADA coordinator has no information as to this event; please do not call the JALA ADA Coordinator for event specific information.

Power of Attorney and Declaration of Representative

OMB No. 1545-0150

For IRS Use Only

Received by:

Name _____
 Telephone _____
 Function _____
 Date / /

▶ **Type or print.** ▶ **See the separate instructions.**

Part I Power of Attorney

Caution: A separate Form 2848 should be completed for each taxpayer. Form 2848 will not be honored for any purpose other than representation before the IRS.

1 Taxpayer information. Taxpayer must sign and date this form on page 2, line 7.

Taxpayer name and address	Taxpayer identification number(s)
	Daytime telephone number
	Plan number (if applicable)

hereby appoints the following representative(s) as attorney(s)-in-fact:

2 Representative(s) must sign and date this form on page 2, Part II.

Name and address	CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____
Check if to be sent notices and communications <input type="checkbox"/>	Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>
Name and address	CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____
Check if to be sent notices and communications <input type="checkbox"/>	Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>
Name and address	CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____
	Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>

to represent the taxpayer before the Internal Revenue Service for the following matters:

3 Matters

Description of Matter (Income, Employment, Payroll, Excise, Estate, Gift, Whistleblower, Practitioner Discipline, PLR, FOIA, Civil Penalty, etc.) (see instructions for line 3)	Tax Form Number (1040, 941, 720, etc.) (if applicable)	Year(s) or Period(s) (if applicable) (see instructions for line 3)

4 Specific use not recorded on Centralized Authorization File (CAF). If the power of attorney is for a specific use not recorded on CAF, check this box. See the instructions for Line 4. **Specific Uses Not Recorded on CAF**

5 Acts authorized. Unless otherwise provided below, the representatives generally are authorized to receive and inspect confidential tax information and to perform any and all acts that I can perform with respect to the tax matters described on line 3, for example, the authority to sign any agreements, consents, or other documents. The representative(s), however, is (are) not authorized to receive or negotiate any amounts paid to the client in connection with this representation (including refunds by either electronic means or paper checks). Additionally, unless the appropriate box(es) below are checked, the representative(s) is (are) not authorized to execute a request for disclosure of tax returns or return information to a third party, substitute another representative or add additional representatives, or sign certain tax returns.

Disclosure to third parties; Substitute or add representative(s); Signing a return; _____

Other acts authorized: _____
 (see instructions for more information)

Exceptions. An unenrolled return preparer cannot sign any document for a taxpayer and may only represent taxpayers in limited situations. An enrolled actuary may only represent taxpayers to the extent provided in section 10.3(d) of Treasury Department Circular No. 230 (Circular 230). An enrolled retirement plan agent may only represent taxpayers to the extent provided in section 10.3(e) of Circular 230. A registered tax return preparer may only represent taxpayers to the extent provided in section 10.3(f) of Circular 230. See the line 5 instructions for restrictions on tax matters partners. In most cases, the student practitioner's (level k) authority is limited (for example, they may only practice under the supervision of another practitioner).

List any specific deletions to the acts otherwise authorized in this power of attorney: _____

6 Retention/revocation of prior power(s) of attorney. The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Internal Revenue Service for the same matters and years or periods covered by this document. If you **do not** want to revoke a prior power of attorney, check here **YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.**

7 Signature of taxpayer. If a tax matter concerns a year in which a joint return was filed, the husband and wife must each file a separate power of attorney even if the same representative(s) is (are) being appointed. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the authority to execute this form on behalf of the taxpayer.

▶ IF NOT SIGNED AND DATED, THIS POWER OF ATTORNEY WILL BE RETURNED TO THE TAXPAYER.

Signature	Date	Title (if applicable)
Print Name	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> PIN Number	Print name of taxpayer from line 1 if other than individual

Part II Declaration of Representative

Under penalties of perjury, I declare that:

- I am not currently under suspension or disbarment from practice before the Internal Revenue Service;
- I am aware of regulations contained in Circular 230 (31 CFR, Part 10), as amended, concerning practice before the Internal Revenue Service;
- I am authorized to represent the taxpayer identified in Part I for the matter(s) specified there; and
- I am one of the following:
 - a Attorney—a member in good standing of the bar of the highest court of the jurisdiction shown below.
 - b Certified Public Accountant—duly qualified to practice as a certified public accountant in the jurisdiction shown below.
 - c Enrolled Agent—enrolled as an agent under the requirements of Circular 230.
 - d Officer—a bona fide officer of the taxpayer’s organization.
 - e Full-Time Employee—a full-time employee of the taxpayer.
 - f Family Member—a member of the taxpayer’s immediate family (for example, spouse, parent, child, grandparent, grandchild, step-parent, step-child, brother, or sister).
 - g Enrolled Actuary—enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Internal Revenue Service is limited by section 10.3(d) of Circular 230).
 - h Unenrolled Return Preparer—Your authority to practice before the Internal Revenue Service is limited. You must have been eligible to sign the return under examination and have signed the return. **See Notice 2011-6 and Special rules for registered tax return preparers and unenrolled return preparers in the instructions.**
 - i Registered Tax Return Preparer—registered as a tax return preparer under the requirements of section 10.4 of Circular 230. Your authority to practice before the Internal Revenue Service is limited. You must have been eligible to sign the return under examination and have signed the return. **See Notice 2011-6 and Special rules for registered tax return preparers and unenrolled return preparers in the instructions.**
 - k Student Attorney or CPA—receives permission to practice before the IRS by virtue of his/her status as a law, business, or accounting student working in LITC or STCP under section 10.7(d) of Circular 230. See instructions for Part II for additional information and requirements.
 - r Enrolled Retirement Plan Agent—enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

▶ IF THIS DECLARATION OF REPRESENTATIVE IS NOT SIGNED AND DATED, THE POWER OF ATTORNEY WILL BE RETURNED. REPRESENTATIVES MUST SIGN IN THE ORDER LISTED IN LINE 2 ABOVE. See the instructions for Part II.

Note: For designations d-f, enter your title, position, or relationship to the taxpayer in the "Licensing jurisdiction" column. See the instructions for Part II for more information.

Designation— Insert above letter (a-r)	Licensing jurisdiction (state) or other licensing authority (if applicable)	Bar, license, certification, registration, or enrollment number (if applicable). See instructions for Part II for more information.	Signature	Date

Instructions for Form 2848

(Rev. March 2012)



Department of the Treasury
Internal Revenue Service

Power of Attorney and Declaration of Representative

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

What's New

Joint returns. Joint filers must now complete and submit separate Forms 2848 to have the power of attorney recorded on the IRS's Centralized Authorization File (CAF).

Copies of notices and communications. You must check the box next to your representative's name and address if you want to authorize the IRS to send copies of all notices and communications to your representative.

Acts authorized. Check boxes have been added to assist you in identifying certain specific acts that your representative may perform. The CAF no longer records authorizations allowing your representative to receive but not endorse your refund check; the check box authorizing this act has been eliminated.

Representative designations. A new designation (i) has been added for registered tax return preparers. Also, the designations for student attorneys and student certified public accountants (CPA) have been combined into one designation (k). See the instructions for Part II.

Future developments. The IRS has created a page on IRS.gov for Form 2848 and its instructions, at www.irs.gov/form2848. Information about any future developments affecting Form 2848 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

Use Form 2848 to authorize an individual to represent you before the IRS. See "Substitute Form 2848" for information about using a power of attorney other than a Form 2848 to authorize an individual to represent you before the IRS. The individual you authorize must

be an individual eligible to practice before the IRS. Eligible individuals are listed in Part II, Declaration of Representative, items a-r. You may authorize a student who works in a qualified Low Income Taxpayer Clinic (LITC) or Student Tax Clinic Program (STCP) to represent you under a special order issued by the Office of Professional Responsibility, see the instructions for Part II, later. Your authorization of an eligible representative will also allow that individual to receive and inspect your confidential tax information. See the instructions for line 7.

Use Form 8821, Tax Information Authorization, if you want to authorize an individual or organization to receive or inspect your confidential tax return information, but do not want to authorize an individual to represent you before the IRS. Use Form 4506T, Request for Transcript of Tax Return, if you want to authorize an individual or organization to receive or inspect transcripts of your confidential return information, but do not want to authorize an individual to represent you before the IRS. This form is often used by third parties to verify your tax compliance.

Use Form 56, Notice Concerning Fiduciary Relationship, to notify the IRS of the existence of a fiduciary relationship. A fiduciary (trustee, executor, administrator, receiver, or guardian) stands in the position of a taxpayer and acts as the taxpayer, not as a representative. If a fiduciary wishes to authorize an individual to represent or perform certain acts on behalf of the entity, the fiduciary must file a power of attorney that names the eligible individual(s) as representative(s) for the entity. Because the fiduciary stands in the position of the entity, the fiduciary signs the power of attorney on behalf of the entity.

Note. Authorizing someone to represent you does not relieve you of your tax obligations.

Where To File

Except as provided in this paragraph, completed Forms 2848 should be mailed or faxed directly to the IRS office identified in the *Where To File Chart* below. The exceptions are listed as follows:

Where To File Chart

IF you live in...	THEN use this address...	Fax number*
Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, or West Virginia	Internal Revenue Service P.O. Box 268, Stop 8423 Memphis, TN 38101-0268	901-546-4115
Alaska, Arizona, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, or Wyoming	Internal Revenue Service 1973 N. Rulon White Blvd. MS 6737 Ogden, UT 84404	801-620-4249
All APO and FPO addresses, American Samoa, nonpermanent residents of Guam or the U.S. Virgin Islands**, Puerto Rico (or if excluding income under Internal Revenue Code section 933), a foreign country: U.S. citizens and those filing Form 2555, 2555-EZ, or 4563.	Internal Revenue Service International CAF Team 2970 Market Street MS:3-E08.123. Philadelphia, PA 19104	267-941-1017

* These numbers may change without notice.

**Permanent residents of Guam should use Department of Taxation, Government of Guam, P.O. Box 23607, GMF, GU 96921; permanent residents of the U.S. Virgin Islands should use: V.I. Bureau of Internal Revenue, 6115 Estate Smith Bay, Suite 225, St. Thomas, V.I. 00802.

- If Form 2848 is for a specific use, mail or fax it to the office handling the specific matter. For more information on specific use, see the instructions for line 4.
- Your representative may be able to file Form 2848 electronically via the IRS website. For more information, go to IRS.gov and under the *Tax Professionals* tab, click on *e-services — For Tax Pros*. If you complete Form 2848 for electronic signature authorization, do not file Form 2848 with the IRS. Instead, give it to your representative, who will retain the document. When a power of attorney is mailed or faxed to the IRS using the *Where To File Chart*, the power of attorney will be recorded on the CAF. Unless when the power of attorney is revoked or withdrawn earlier, a power of attorney recorded on the CAF generally will be deleted from the CAF seven years after it is first recorded. However, you may re-establish the record of the authorization for representation by resubmitting the power of attorney to the IRS using the *Where To File Chart*. In the case of a power of attorney held by a student of an LITC or an STCP, the CAF record will be deleted 130 days after it is received and you generally must submit a new power of attorney to the IRS if you want to authorize the same student or another student of an LITC or an STCP to represent you.

Authority Granted

Except as specified below or in other IRS guidance, this power of attorney authorizes the listed representative(s) to receive and inspect confidential tax information and to perform all acts (that is, sign agreements, consents, waivers or other documents) that you can perform with respect to matters described in the power of attorney. However, this authorization, does not include the power to receive a check issued in connection with any liability for tax or any act specifically excluded on line 5 of the power of the attorney. Additionally, unless specifically provided in the power of attorney, this authorization does not include the power to substitute another representative or add another representative, the power to sign certain returns or the power to execute a request for disclosure of tax returns or return information to a third party. See instructions to line 5 for more information regarding specific authorities.

Note. The power to sign tax returns only may be granted in limited situations. See instructions to line 5 for more information.

Special rules for registered tax return preparers and unenrolled return preparers

Registered tax return preparers and unenrolled return preparers may only represent taxpayers before revenue agents, customer service representatives, or similar officers and employees of the Internal Revenue Service (including the Taxpayer Advocate Service) during an examination of the taxable period covered by the tax return they prepared and signed. Registered tax return preparers and unenrolled return preparers cannot represent taxpayers, regardless of the circumstances requiring representation, before appeals officers, revenue officers, counsel or similar officers or employees of the Internal Revenue Service or the Department of Treasury. Registered tax return preparers and unenrolled return preparers cannot execute closing agreements, extend the statutory period for tax assessments or collection of tax, execute waivers, execute claims for refund, or sign any document on behalf of a taxpayer.

A registered tax return preparer is an individual who has passed an IRS competency test. A registered tax return preparer may prepare and sign Form 1040 series tax returns as a paid return preparer. An unenrolled return preparer is an individual other than an attorney, CPA, enrolled agent, enrolled retirement plan agent, enrolled actuary, or registered tax return preparer who prepares and signs a taxpayer's return as the preparer, or who prepares a return but is not required (by the instructions to the return or regulations) to sign the return.

If a registered tax return preparer or an unenrolled return preparer does not meet the requirements for limited representation, you may authorize the unenrolled return preparer to inspect and/or receive your taxpayer information, by filing Form 8821. Completing the Form 8821 will not authorize the unenrolled return preparer to represent you. See Form 8821.

Revocation of Power of Attorney/ Withdrawal of Representative

If you want to revoke an existing power of attorney and do not want to name a new representative, or if a representative wants to withdraw from representation, mail or fax a copy of the previously executed power of attorney to the IRS, using the *Where To File Chart*, or if the power of attorney is for a specific matter, to the IRS office handling the matter. If the taxpayer is revoking the power of attorney, the taxpayer must write "REVOKE" across the top of the first page with a current signature and date below this annotation. If the representative is withdrawing from the representation, the representative must write "WITHDRAW" across the top of the first page with a current signature and date below this annotation. If you do not have a copy of the power of attorney you want to revoke or withdraw, send a statement to the IRS. The statement of revocation or withdrawal must indicate that the authority of the power of attorney is revoked, list the matters and periods, and must be signed and dated by the taxpayer or representative as applicable. If the taxpayer is revoking, list the name and address of each recognized representative whose authority is revoked. When the taxpayer is completely revoking authority, the form should state "remove all years/periods" instead of listing the specific tax matter, years, or periods. If the representative is withdrawing, list the name, TIN, and address (if known) of the taxpayer.

Substitute Form 2848

The IRS will accept a power of attorney other than Form 2848 provided the document satisfies the requirements for a power of attorney. See Pub. 216, Conference and Practice Requirements, section 601.503(a). These alternative powers of attorney cannot, however, be recorded on the CAF unless a completed Form 2848 is attached. See Instruction to Line 4 for more information. You are not required to sign the Form 2848 when it is attached to an alternative power of attorney that has been signed by you, but your representative must sign the Declaration of Representative on the Form 2848. See Pub. 216, Conference and Practice Requirements, section 601.503(b)(2).

Representative Address Change

If the representative's address has changed, a new Form 2848 is not required. The representative can send a written notification that includes the new information and the representative's signature to the location where the Form 2848 was filed.

Additional Information

Additional information concerning practice before the IRS may be found in:

- Treasury Department Circular No. 230, Regulations Governing the Practice before the Internal Revenue Service (Circular 230), and
- Pub. 216, Conference and Practice Requirements.

For general information about taxpayer rights, see Pub. 1, Your Rights as a Taxpayer.

Specific Instructions

Part I. Power of Attorney

Line 1. Taxpayer Information

Enter the information requested about you. Do not enter information about any other person, including your spouse, except as stated in the specific instructions below.

Individuals. Enter your name, social security number (SSN), individual taxpayer identification number (ITIN), and/or employer identification number (EIN), if applicable, and your street address or post office box. Do not use your representative's address or post office box for your own. If you file a tax return that includes a sole proprietorship business (Schedule C) and the matters that you are authorizing the listed representative(s) to represent you include your individual and business tax matters, including employment tax

liabilities, enter both your SSN (or ITIN) and your business EIN as your taxpayer identification numbers. If you, your spouse, or former spouse are submitting powers of attorney to the CAF in connection with a joint return that you filed, you must submit separate Forms 2848 even if you are authorizing the same representative(s) to represent you.

Corporations, partnerships, or associations. Enter the name, EIN, and business address. If this form is being prepared for corporations filing a consolidated tax return (Form 1120) and the representation concerns matters related to the consolidated return, do not attach a list of subsidiaries to this form. Only the parent corporation information is required on line 1. Also, for line 3 only list Form 1120 in the Tax Form Number column. A subsidiary must file its own Form 2848 for returns that must be filed separately from the consolidated return, such as Form 720, Quarterly Federal Excise Tax Return, Form 940, Employer's Annual Federal Unemployment (FUTA) Tax Return, and Form 941, Employer's QUARTERLY Federal Tax Return.

Exempt organization. Enter the name, address, and EIN of the exempt organization.

Trust. Enter the name, title, and address of the trustee, and the name and EIN of the trust.

Deceased individual. For Form 1040: Enter the name and SSN (or ITIN) of the decedent as well as the name, title, and address of the decedent's executor or personal representative.

Estate. Enter the name of the decedent as well as the name, title, and address of the decedent's executor or personal representative. For Form 706: Enter the decedent's SSN (or ITIN) for the taxpayer identification number. For all other IRS forms: Enter the estate's EIN for the taxpayer identification number, or, if the estate does not have an EIN, enter the decedent's SSN (or ITIN).

Gifts. Enter the name, address, and SSN (or ITIN) of the donor.

Employee plan. Enter the name, address, and EIN or SSN of the plan sponsor. Also, enter the three-digit plan number. If the plan's trust is under examination, see the instructions relating to trust above. If both the plan and trust are being represented by the same representative, separate Forms 2848 are required.

Line 2. Representative(s)

Enter your representative's full name. Only individuals who are eligible to practice before the IRS may be named as representatives. Use the identical full name on all submissions and correspondence. If you want to name more than three representatives, indicate so on this line and attach an additional Form(s) 2848.

Enter the nine-digit CAF number for each representative. If a CAF number has not been assigned, enter "None," and the IRS will issue one directly to your representative. The CAF number is a unique nine-digit identification number (not the SSN, EIN, PTIN, or enrollment card number) that the IRS assigns to representatives. The CAF number is not an indication of authority to practice. The representative should use the assigned CAF number on all future powers of attorney. CAF numbers will not be assigned for employee plans and exempt organizations application requests.

Enter the PTIN, if applicable, for each representative. If a PTIN has not been assigned, but one has been applied for, then write "applied for" on the line.

Check the appropriate box to indicate if either the address, telephone number, or fax number is new since a CAF number was assigned.

Check the box on the line for up to two representatives to indicate that you want original and other written correspondence to be sent to you and a copy to the indicated representative(s). You must check the box next to a representative's name and address if you want to authorize this representative to receive copies of all notices and communications sent to you by the IRS. If you do not want any notices sent to your representative(s) then do not check the box. By checking this box you are not changing your last known address with the IRS. To change your last known address, use Form 8822 for your home address and use Form 8822-B to change your business address. Both forms are available at IRS.gov. Also, by checking this box, you are replacing any prior designation of a different representative to receive copies of written correspondence related to the matters designated on line 3.

Note. Representatives will not receive forms, publications, and other related materials with the notices.

If the representative is a former employee of the federal government, he or she must be aware of the postemployment restrictions contained in 18 U.S.C. 207 and in Circular 230, section 10.25. Criminal penalties are provided for violation of the statutory restrictions, and the Office of Professional Responsibility is authorized to take disciplinary action against the practitioner.

Students in LITCs and the STCP. The lead attorney or CPA must be listed as a representative. List the lead attorney or CPA first on line 2, then the student on the next line. Also see *Declaration of Representative* later, to complete *Part II*.

Line 3. Description of Matters

Enter the description of the matter, and where applicable, the tax form number, and the year(s) or period(s) in order for the power of attorney to be valid. For example, you may list "Income, 1040" for calendar year "2010" and "Excise, 720" for "2010" (this covers all quarters in 2010). For multiple years or a series of inclusive periods, including quarterly periods, you may list 2008 through (thru or a hyphen) 2010. For example, "2008 thru 2010" or "2nd 2009 - 3rd 2010." For fiscal years, enter the ending year and month, using the YYYYMM format. Do not use a general reference such as "All years," "All periods," or "All taxes." Any power of attorney with a general reference will be returned. Representation only applies for the years or periods listed on line 3. Only tax forms directly related to the taxpayer may be listed on line 3.

You may list the current year/period and any tax years or periods that have already ended as of the date you sign the power of attorney. However, you may include on a power of attorney only future tax periods that end no later than 3 years after the date the power of attorney is received by the IRS. The 3 future periods are determined starting after December 31 of the year the power of attorney is received by the IRS. You must enter the description of the matter, the tax form number, and the future year(s) or period(s). If the matter relates to estate tax, enter the date of the decedent's death instead of the year or period. If the matter relates to an employee plan, include the plan number in the description of the matter.

If the matter is not a tax matter, or if the tax form number, or years or periods does not apply to the matter (for example, representation for a penalty or filing a ruling request or a determination letter, or Application for Award for Original Information under section 7623, Closing Agreement on Final Determination Covering Specific Classification Settlement Program (CSP), Form 8952, Application for Voluntary Classification Settlement Program (VSCP), or FOIA) specifically describe the matter to which the power of attorney pertains (including, if applicable, the name of the employee benefit plan) and enter "Not Applicable" in the appropriate column(s).

Civil penalty representation (including the trust fund recovery penalty). Unless you specifically provide otherwise on line 5, representation for return-related penalties and interest is presumed to be included when representation is authorized for the related tax return on line 3. However, if the penalty is not related to a return, you must reference "civil penalties" or the specific penalties for which representation is authorized on line 3. For example, Joann prepares Form 2848 authorizing Margaret to represent her before the IRS in connection with the examination of her 2009 and 2010 Forms 1040. Margaret is authorized to represent Joann with respect to the accuracy-related penalty that the revenue agent is proposing for the 2009 tax year. Similarly, if Diana authorizes John to represent her in connection with his Forms 941 and W-2 for 2010, John is authorized to represent in connection with the failure to file Forms W-2 penalty that the revenue agent is considering imposing for 2010. However, if Diana only authorizes John to represent her in connection with her Form 1040 for 2010, he is not authorized to represent her when the revenue agent proposes to impose a trust fund recovery penalty against her in connection with the employment taxes owed by the Schedule C business she owns.

How to complete line 3. If you are authorizing this representative to represent you *only with respect to penalties and interest* due on the penalties, enter "civil penalties" on line 3. The description of matter column and the year(s) to which the penalty applies in the year(s) or period(s) column. Enter "Not Applicable" in

the tax form number column. You do not have to enter the specific penalty.

Note. If the taxpayer is subject to penalties related to an individual retirement account (IRA) (for example, a penalty for excess contributions), enter "IRA civil penalty" on line 3.

Line 4. Specific Uses Not Recorded on CAF

Generally, the IRS records powers of attorney on the CAF system. The CAF system is a computer file system containing information regarding the authority of individuals appointed under powers of attorney. The system gives IRS personnel quicker access to authorization information without requesting the original document from the taxpayer or representative. However, a specific-use power of attorney is a one-time or specific-issue grant of authority to a representative or is a power of attorney that does not relate to a specific tax period (except for civil penalties) that is not recorded in the CAF. Examples of specific issues include but are not limited to the following:

- Requests for a private letter ruling or technical advice,
- Applications for an EIN,
- Claims filed on Form 843, Claim for Refund and Request for Abatement,
- Corporate dissolutions,
- Circular 230 Disciplinary Investigations and Proceedings,
- Requests to change accounting methods or periods,
- Applications for recognition of exemption under sections 501(c)(3), 501(a), or 521 (Forms 1023, 1024, or 1028),
- Request for a determination of the qualified status of an employee benefit plan (Forms 5300, 5307, 5316, or 5310),
- Application for Award for Original Information under section 7623,
- Voluntary submissions under the Employee Plans Compliance Resolution System (EPCRS), and
- Freedom of Information Act requests.

Check the box on line 4 if the power of attorney is for a use that will not be listed on the CAF. If the box on line 4 is checked, the representative should mail or fax the power of attorney to the IRS office handling the matter. Otherwise, the representative should bring a copy of the power of attorney to each meeting with the IRS.

A specific-use power of attorney will not revoke any prior powers of attorney recorded on the CAF or provided to the IRS in connection with an unrelated specific matter.

Line 5. Acts Authorized

Use line 5 to modify the acts that your named representative(s) can perform. Check the box for the acts authorized that you intend to authorize or specifically not authorize your representative to perform on your behalf. In the space provided, describe any specific additions or deletions.

Substituting or adding a representative. Your representative cannot substitute or add another representative without your written permission unless this authority is specifically delegated to your representative on line 5. If you authorize your representative to substitute another representative, the new representative can send in a new Form 2848 with a copy of the Form 2848 you are now signing attached and you do not need to sign the new Form 2848.

Disclosure of returns to a third party. A representative cannot execute consents that will allow the IRS to disclose your tax return or return information to a third party unless this authority is specifically delegated to the representative on line 5.

Authority to sign your return. Treasury regulations section 1.6012-1(a)(5) permits another person to sign a return for you only in the following circumstances:

- (a) Disease or injury,
- (b) Continuous absence from the United States (including Puerto Rico), for a period of at least 60 days prior to the date required by law for filing the return, or
- (c) Specific permission is requested of and granted by the IRS for other good cause.

Authority to sign your income tax return may be granted to (1) your representative or (2) an agent (a person other than your representative).

Authorizing your representative. Check the box on line 5 authorizing your representative to sign your income tax return and include the following statement on the line provided: "This power of

attorney is being filed pursuant to Treasury regulations section 1.6012-1(a)(5), which requires a power of attorney to be attached to a return if a return is signed by an agent by reason of [enter the specific reason listed under (a), (b), or (c) under Authority to sign your return, earlier]. No other acts on behalf of the taxpayer are authorized."

Authorizing an agent. To authorize an agent you must do all four of the following:

1. Complete lines 1-3.
2. Check the box on line 4.
3. Write the following statement on line 5:

"This power of attorney is being filed pursuant to Treasury regulations section 1.6012-1(a)(5), which requires a power of attorney to be attached to a return if a return is signed by an agent by reason of [enter the specific reason listed under (a), (b), or (c) under Authority to sign your return, earlier]. No other acts on behalf of the taxpayer are authorized."

4. Sign and date the form. If your return is electronically filed, your representative should attach Form 2848 to Form 8453, U.S. Individual Income Tax Transmittal for an IRS e-file Return, and send to the address listed in the instructions for Form 8453. If you file a paper return, Form 2848 should be attached to your return. See the instructions for line 7 for more information on signatures. The agent does not complete Part II of Form 2848.

Other. List any other acts you want your representative to be able to perform on your behalf.

Tax matters partner. The tax matters partner (TMP) (as defined in section 6231(a)(7)) is authorized to perform various acts on behalf of the partnership. The following are examples of acts performed by the TMP that cannot be delegated to the representative:

- Binding nonnotice partners to a settlement agreement under section 6224 and, under certain circumstances, binding all partners to a settlement agreement under Tax Court Rule 248 and
- Filing a request for administrative adjustment on behalf of the partnership under section 6227.

Check the box for deletions and list the act or acts you do not want your representative to perform on your behalf.

Line 6. Retention/Revocation of Prior Power(s) of Attorney

If this power of attorney is filed on the CAF system, it generally will revoke any earlier power of attorney previously recorded on the system for the same matter. If this power of attorney is for a specific use or is not filed on the CAF, this power of attorney only will revoke an earlier power of attorney that is on file with the same office and for the same matters. For example, you previously provided the IRS's Office of Chief Counsel with a power of attorney authorizing Attorney A to represent you in a PLR matter. Now, several months later you decide you want to have Attorney B handle this matter for you. By providing the IRS' Office of Chief Counsel with a power of attorney designating Attorney B to handle the same PLR matter, you are revoking the earlier power of attorney given to Attorney A. If you do not want to revoke any existing power(s) of attorney check the box on this line and attach a copy of the power(s) of attorney. The filing of a Form 2848 will not revoke any Form 8821 that is in effect.

Line 7. Signature of Taxpayer(s)

Individuals. You must sign and date the power of attorney. If a joint return has been filed, your spouse must execute his or her own power of attorney on a separate Form 2848 to designate a representative.

Corporations or associations. An officer having authority to bind the taxpayer must sign.

Partnerships. All partners must sign unless one partner is authorized to act in the name of the partnership. A partner is authorized to act in the name of the partnership if, under state law, the partner has authority to bind the partnership. A copy of such authorization must be attached. For purposes of executing Form 2848, the TMP is authorized to act in the name of the partnership. However, see *Tax matters partner*, earlier. For dissolved partnerships, see 26 CFR 601.503(c)(6).

Estate. If there is more than one executor, only one co-executor having the authority to bind the estate is required to sign. See 26 CFR 601.503(d).

Employee plan. If the plan is listed as the taxpayer on line 1, a duly authorized individual having authority to bind the taxpayer must sign and that individual's exact title must be entered. If the trust is the taxpayer listed on line 1, a trustee having the authority to bind the trust must sign with the title of trustee entered. A Form 56, Notice Concerning Fiduciary Relationship, must also be completed to identify the current trustee.

All others. If the taxpayer is a dissolved corporation, decedent, insolvent, or a person for whom or by whom a fiduciary (a trustee, guarantor, receiver, executor, or administrator) has been appointed, see 26 CFR 601.503(d).

Note. Generally the taxpayer signs first, granting the authority and then the representative signs, accepting the authority granted. The date between when the taxpayer signs and when the representative subsequently signs must be within 45 days for domestic authorizations and within 60 days for authorization from taxpayers residing abroad. If the taxpayer signs after the representative signs, there is no time requirement.

PIN number. If you are submitting this form electronically through the IRS's e-services portal, enter the PIN number you used to sign the form you submitted electronically on the copy of the form you retain. You should not provide your PIN number to your representative(s) or include it on the copy of the form your representative(s) will retain.

Part II. Declaration of Representative

The representative(s) you name must sign and date this declaration and enter the designation (for example, items a-r) under which he or she is authorized to practice before the IRS. Representatives must sign in the order listed in line 2 earlier. In addition, the representative(s) must list the following in the "Licensing jurisdiction (state) or other licensing authority" and "Bar, license, certification, registration, or enrollment number" columns:

- a** Attorney—Enter the two-letter abbreviation for the state (for example, "NY" for New York) in which admitted to practice and associated bar or license number, if any.
- b** Certified Public Accountant—Enter the two-letter abbreviation for the state (for example, "CA" for California) in which licensed to practice and associated certification or license number, if any.
- c** Enrolled Agent—Enter the enrollment card number issued by the Office of Professional Responsibility.
- d** Officer—Enter the title of the officer (for example, President, Vice President, or Secretary).
- e** Full-Time Employee—Enter title or position (for example, Comptroller or Accountant).
- f** Family Member—Enter the relationship to taxpayer (generally, must be a spouse, parent, child, brother, sister, grandparent, grandchild, step-parent, step-child, step-brother, or step-sister).
- g** Enrolled Actuary—Enter the enrollment card number issued by the Joint Board for the Enrollment of Actuaries.
- h** Unenrolled Return Preparer—Enter your PTIN.

i Registered Tax Return Preparer —Enter your PTIN.

k Student—Enter LITC or STCP.

r Enrolled Retirement Plan Agent—Enter the enrollment card number issued by the Office of Professional Responsibility.

Students in LITCs and the STCP. You must receive permission to practice before the IRS by virtue of your status as a law, business, or accounting student working in a Low Income Taxpayer Clinic or the Student Tax Clinic Program under section 10.7(d) of Circular 230. Be sure to attach a copy of the letter from the Office of Professional Responsibility authorizing practice before the IRS.

Note. In many cases, the student practitioner's authority is limited (for example, they may only practice under the supervision of another practitioner). At the end of 130 days after input to the CAF, they are automatically purged from the CAF.

TIP Any individual may represent an individual or entity before personnel of the IRS when such representation occurs outside the United States. Individuals acting as representatives must sign and date the declaration; leave the Licensing jurisdiction (state) or other licensing authority column blank. See section 10.7(c)(1)(vii) of Circular 230.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws. Form 2848 is provided by the IRS for your convenience and its use is voluntary. If you choose to designate a representative to act on your behalf, you must provide the requested information. Section 6109 requires you to provide your identifying number; section 7803 authorizes us to collect the other information. We use this information to properly identify you and your designated representative and determine the extent of the representative's authority. Failure to provide the information requested may delay or prevent honoring your Power of Attorney designation.

The IRS may provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law.

The time needed to complete and file Form 2848 will vary depending on individual circumstances. The estimated average time is: **Recordkeeping**, 11 min.; **Learning about the law or the form**, 53 min.; **Preparing the form**, 77 min.; **Copying and sending the form to the IRS**, 58 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 2848 simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Individual and Specialty Forms and Publications Branch, SE:W:CAR:MP:T:I, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send Form 2848 to this address. Instead, see the *Where To File Chart*.



Small Business/Self-Employed

- [Industries/Professions](#)
- [International Taxpayers](#)
- [Self-Employed](#)
- [Small Business/Self-Employed Home](#)

Small Business/Self-Employed Topics

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- [Forms & Pubs](#)
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- [Deducting Expenses](#)
- [Businesses with Employees](#)
- [Filing/Paying Taxes](#)
- [Post-Filing Issues](#)
- [Changing Your Business](#)

Filing Late and/or Paying Late

[Español](#)

Whether paying with a timely filed tax return, or filing late and paying late after [receiving a bill](#) from the IRS (and the bill is correct), taxpayers are encouraged to pay the taxes they owe in full.

If taxes are not paid, and no effort is made to pay them, the IRS can ask a taxpayer to take action to pay the taxes, such as selling or mortgaging any assets owned or getting a loan. If effort is still not made to pay the bill, or make other payment arrangements, the IRS could also take more serious [enforced collection action](#), such as levying bank accounts, wages, or other income, or taking other assets. A Notice of Federal Tax Lien could be filed that may have a detrimental effect on a taxpayer's credit standing. See information about [Liens](#) and [Levies](#).

[Haven't Filed a Tax Return? Here's What to Do](#)

Taxpayers should file all required returns that are past due now to avoid additional penalties and interest. This section gives information on getting help and documents needed to prepare a return. It is never too late to file.

[How Full Payment of Taxes Saves You Money](#)

Paying your taxes in full ultimately saves you more money. Take action now or you may face additional interest and penalties.

[Payment Options - Ways To Make a Payment](#)

There are several different ways to make a payment on your taxes. Payments can be made by credit card, electronic funds transfer, check, money order, cashier's check, or cash.

[Other Ways to Resolve Tax Debt That Could Save You Money](#)

Taxpayers unable to pay all taxes due on the bill are encouraged to pay as much as possible. By paying as much as possible now, the amount of interest and penalties owed will be lessened. Based on the circumstances, a taxpayer could qualify for an extension of time to pay, an Installment Agreement, temporary delay, or Offer in Compromise.

[What Will Happen If You Don't File Your Past Due Return or Contact the IRS](#)

The IRS will file a substitute return for you, which will not include any additional exemptions or expenses you may be entitled to and may overstate your real tax liability. Once the tax is assessed the IRS will start the collection process, which can include placing a levy on wages or bank accounts or filing a federal tax lien against your property.

[Fresh Start, Help for Struggling Taxpayers](#)

Adjustments to IRS lien policies including lien withdrawals under certain circumstances, easier access to payment plans for struggling small businesses and Streamline Offer in Compromise program.

References/Related Topics

- [Frequently Asked Questions For Past Due Return Filers](#)
- [Getting Free Help](#)

Page Last Reviewed or Updated: 2013-05-09



Payments Topics

- [Electronic Federal Tax Payment System \(EFTPS\)](#)
- [Debit or Credit Card](#)
- [Check or Money Order](#)
- [Understand Your IRS Notice](#)
- [Alternative Payment Plans & Hardship Information](#)
- [Collection Process](#)
- [U.S. Residency Certification Fees](#)
- [Online Payment Agreement Application](#)

Payment Plans, Installment Agreements

You can make monthly payments through an installment agreement if you're not financially able to pay your tax debt immediately. However, you will reduce or eliminate the amount of penalties and interest you pay and avoid the fee associated with setting up an installment agreement if you pay your tax bill in full. Before you apply:

- File all required tax returns;
- Consider other sources (loan or credit card) to pay your tax debt in full to save money;
- Determine the largest monthly payment you can make (\$25 minimum); and
- Know that your future refunds will be applied to your tax debt until it is paid in full.

Fees for setting up an installment agreement:

- \$52 for a direct debit agreement;
- \$105 for a standard agreement or payroll deduction agreement; or
- \$43 if your income is below a certain level.

Apply for an installment agreement

- [Apply online](#) if you owe \$50,000 or less in combined individual income tax, penalties and interest;
- Call the phone number on your bill or notice;
- Complete and mail [Form 9465, Installment Agreement Request \(PDF\)](#). If you owe more than \$50,000, you will also need to complete [Form 433-F, Collection Information Statement \(PDF\)](#).

Understand your agreement, avoid default

To keep your account in good standing:

- Pay at least your minimum monthly payment when it's due (direct debit or payroll deductions make this easy);
- Include your name, address, SSN, daytime phone number, tax year and return type on your payment;
- File all required tax returns on time;
- Pay all taxes you owe in full and on time (contact us to change your existing agreement if you cannot);
- Continue to make all scheduled payments even if we apply your refund to your account balance; and
- Ensure your statement is sent to the correct address, contact us if you move or complete and mail [Form 8822, Change of Address \(PDF\)](#).

If you don't receive your statement, send your payment to the address listed in your agreement.

There may be a reinstatement fee if your agreement goes into default. Penalties and interest continue to accrue until your balance is paid in full. If you are in danger of defaulting on your payment agreement for any reason, contact the IRS immediately. The IRS will generally not take [enforced collection actions](#):

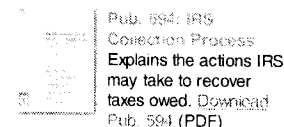
- When an installment agreement is being considered;
- While an agreement is in effect;
- For 30 days after a request is rejected, or
- During the period the IRS evaluates an appeal of a rejected or terminated agreement.

Page Last Reviewed or Updated: 14-Mar-2013

[<< Make a Payment](#)

Get Help

- [Online Payment Agreement \(instructional video\)](#)
- [Understand Your IRS Notice](#)
- [Understand IRS Collection \(videos\)](#)
- [Download a Form](#)





Facts for Consumers

PDF Version



Your Access to Free Credit Reports

Soon you'll be able to get your credit report for free. A recent amendment to the federal Fair Credit Reporting Act (FCRA) requires each of the nationwide consumer reporting companies to provide you with a free copy of your credit report, at your request, once every 12 months. The FCRA promotes the accuracy and privacy of information in the files of the nation's consumer reporting companies. The Federal Trade Commission (FTC), the nation's consumer protection agency, enforces the FCRA with respect to consumer reporting companies.

A credit report contains information on where you live, how you pay your bills, and whether you've been sued, arrested, or filed for bankruptcy. Nationwide consumer reporting companies sell the information in your report to creditors, insurers, employers, and other businesses that use it to evaluate your applications for credit, insurance, employment, or renting a home. There are three nationwide consumer reporting companies — Equifax, Experian, and Trans Union.

Consumers in Western states will first be able to order their credit reports under the federal law beginning December 1, 2004. Consumers in other states will be able to order their copies according to a regional roll-out detailed below.

In recent months, consumers have asked the FTC for more details about their rights under the federal FCRA and the Fair and Accurate Credit Transactions (FACT) Act, which established the free credit report program. They've also asked about credit reports in general. Here are the most frequently asked questions and the answers.

Q: How do I know when I'm eligible to get a free report?

A: Free reports will be phased in during a nine-month period, rolling from the West Coast to the East beginning December 1, 2004. Beginning September 1, 2005, free reports will be accessible to all Americans, regardless of where they live.

Consumers in the Western states — Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming — can order their free reports beginning December 1, 2004.

Consumers in the Midwestern states — Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin — can order their free reports beginning March 1, 2005.

Consumers in the Southern states — Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas — can order their free reports beginning June 1, 2005.

Consumers in the Eastern states — Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia — the District of Columbia, Puerto Rico, and all U.S. territories can order their free reports beginning September 1, 2005.

Q: How do I order my free report?

A: The three nationwide consumer reporting companies have set up one central website, toll-free telephone number, and mailing address through which you can order your free annual report. To order, click on www.annualcreditreport.com, call 877-322-8228, or complete the Annual Credit Report Request Form and mail it to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. The form is on the back of this brochure; or you can print it from www.ftc.gov/credit. Do not contact the three nationwide consumer reporting companies individually. They are only providing free annual credit reports through www.annualcreditreport.com, 877-322-8228, and Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

You may order your reports from each of the three nationwide consumer reporting companies at the same time, or you can order from only one or two. The law allows you to order one free copy from each of the nationwide consumer reporting companies every 12 months.

Q: What information do I have to provide to get my free report?

A: You need to provide your name, address, Social Security number, and date of birth. If you have moved in the last two years, you may have to provide your previous address. To maintain the security of your file, each nationwide consumer reporting company may ask you for some information that only you would know, like the amount of your monthly mortgage payment. Each company may ask you for different information because the information each has in your file may come from different sources. www.annualcreditreport.com is the only authorized source for your free annual credit report from the three nationwide consumer reporting companies. www.annualcreditreport.com and the nationwide consumer reporting companies will not send you an email asking for your personal information. If you get an email or see a pop-up ad claiming it's from www.annualcreditreport.com or any of the three nationwide consumer reporting companies, do not reply or click on any link in the message — it's probably a scam. Forward any email that claims to be from www.annualcreditreport.com or any of three consumer reporting companies to the FTC's database of deceptive spam at spam@uce.gov. www.annualcreditreport.com or any of three consumer reporting companies also will not call you to ask for your personal information.

Q: Why would I want to get a copy of my credit report?

A: You may want to review your credit report:

- because the information it contains affects whether you can get a loan — and how much you will have to pay to borrow money.
- to make sure the information is accurate, complete, and up-to-date before you apply for a loan for a major purchase like a house or car, buy insurance, or apply for a job.
- to help guard against identity theft. That's when someone uses your personal information — like your name, your Social Security number, or your credit card number — to commit fraud. Identity thieves may use your information to open a new credit card account in your name. Then, when they don't pay the bills, the delinquent account is reported on your credit report. Inaccurate information like that could affect your ability to get credit, insurance, or even a job.

Q: How long does it take to get my report after I order it?

A: If you request your report online at www.annualcreditreport.com, you should be able to access it immediately. If you order your report by calling toll-free 877-322-8228, your report will be processed and mailed to you within 15 days. If you order your report by mail using the Annual Credit Report Request Form, your request will be processed and mailed to you within 15 days of receipt.

Whether you order your report online, by phone, or by mail, it may take longer to receive your report if the nationwide consumer reporting company needs more information to verify your identity.

There may be times when the nationwide consumer reporting companies receive an extraordinary volume of requests for credit reports. If that happens, you may be asked to re-submit your request. Or, you may be told that your report will be mailed to you sometime after 15 days from your request. If either of these events occurs, the nationwide consumer reporting companies will let you know.

Q: Are there any other situations where I might be eligible for a free report?

A: Under federal law, you're entitled to a free report if a company takes adverse action against you, such as denying your application for credit, insurance, or employment, and you ask for your report within 60 days of receiving notice of the action. The notice will give you the name, address, and phone number of the consumer reporting company. You're also entitled to one free report a year if you're unemployed and plan to look for a job within 60 days; if you're on welfare; or if your report is inaccurate because of fraud, including identity theft. Otherwise, a consumer reporting company may charge you up to \$9.50 for another copy of your report within a 12-month period.

To buy a copy of your report, contact:

- Equifax
800-685-1111
www.equifax.com
- Experian
888-EXPERIAN (888-397-3742)
www.experian.com
- Trans Union
800-916-8800
www.transunion.com

Under state law, consumers in Colorado, Georgia, Maine, Maryland, Massachusetts, New Jersey, and Vermont already have free access to their credit reports.

Q: Should I order a report from each of the three nationwide consumer reporting companies?

A: It's up to you. Because nationwide consumer reporting companies get their information from different sources, the information in your report from one company may not reflect all, or the same, information in your reports from the other two companies. That's not to say that the information in any of your reports is necessarily inaccurate; it just may be different.

Q: Should I order my reports from all three of the nationwide consumer reporting companies at the same time?

A: You may order one, two, or all three reports at the same time, or you may stagger your requests. It's your choice. Some financial advisors say staggering your requests during a 12-month period may be a good way to keep an eye on the accuracy and completeness of the information in your reports.

Q: What if I find errors — either inaccuracies or incomplete information — in my credit report?

A: Under the Fair Credit Reporting Act, both the consumer reporting company and the information provider (that is, the person, company, or organization that provides information about you to a consumer reporting company) are responsible for correcting inaccurate or incomplete information in your report. To take advantage of all your rights under this law, contact the consumer reporting company and the information provider.

1. Tell the consumer reporting company, in writing, what information you think is inaccurate.

Consumer reporting companies must investigate the items in question — usually within 30 days — unless they consider your dispute frivolous. They also must forward all the relevant data you provide about the inaccuracy to the organization that provided the information. After the information provider receives notice of a dispute from the consumer reporting company, it

must investigate, review the relevant information, and report the results back to the consumer reporting company. If the information provider finds the disputed information is inaccurate, it must notify all three nationwide consumer reporting companies so they can correct the information in your file.

When the investigation is complete, the consumer reporting company must give you the written results and a free copy of your report if the dispute results in a change. (This free report does not count as your annual free report under the FACT Act.) If an item is changed or deleted, the consumer reporting company cannot put the disputed information back in your file unless the information provider verifies that it is accurate and complete. The consumer reporting company also must send you written notice that includes the name, address, and phone number of the information provider.

2. Tell the creditor or other information provider in writing that you dispute an item. Many providers specify an address for disputes. If the provider reports the item to a consumer reporting company, it must include a notice of your dispute. And if you are correct — that is, if the information is found to be inaccurate — the information provider may not report it again.

Q: What can I do if the consumer reporting company or information provider won't correct the information I dispute?

A: If an investigation doesn't resolve your dispute with the consumer reporting company, you can ask that a statement of the dispute be included in your file and in future reports. You also can ask the consumer reporting company to provide your statement to anyone who received a copy of your report in the recent past. You can expect to pay a fee for this service.

If you tell the information provider that you dispute an item, a notice of your dispute must be included any time the information provider reports the item to a consumer reporting company.

Q: How long can a consumer reporting company report negative information?

A: A consumer reporting company can report most accurate negative information for seven years and bankruptcy information for 10 years. There is no time limit on reporting information about criminal convictions; information reported in response to your application for a job that pays more than \$75,000 a year; and information reported because you've applied for more than \$150,000 worth of credit or life insurance. Information about a lawsuit or an unpaid judgment against you can be reported for seven years or until the statute of limitations runs out, whichever is longer.

Q: Who else can get a copy of my credit report?

A: The Fair Credit Reporting Act specifies who can access your credit report. Creditors, insurers, employers, and other businesses that use the information in your report to evaluate your applications for credit, insurance, employment, or renting a home are among those that have a legal right to access your report.

Q: Can my employer get my credit report?

A: Your employer can get a copy of your credit report only if you agree. A consumer reporting company may not provide information about you to your employer, or to a prospective employer, without your written consent.

The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint or to get free information on consumer issues, visit www.ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters Internet, telemarketing, identity theft, and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

November 2004



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 Helpful Links

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 Reports & Testimony
 Helpful Links

LAW ENFORCEMENT

Investigations
 Helping Victims
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ID THEFT STATISTICS**EN ESPAÑOL****HOT LINKS**

Remedying the Effects of
 Identity Theft

What To Do if Your
 Personal Information Has
 Been Compromised

How Not to Get Hooked
 by a Phishing Scam

Information
 Compromise: Business
 Guidance

ID Theft Affidavit

- What should I do if someone has stolen or scammed my personal information or identification documents?
- How can I prevent identity theft from happening to me?
- I have a computer and use the Internet. What should I be concerned about?
- **What's an active duty alert?**
- Are companies allowed to print my entire credit card number on my receipt?
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- When should I provide my Social Security number?
- Should I buy identity theft insurance?

What should I do if someone has stolen or scammed my personal information or identification documents?

If your information or identification documents were stolen or scammed, you have an opportunity to prevent the misuse of that information if you can take action quickly.

- For financial account information such as credit card or bank account information: Close those accounts immediately. When you open new ones, place passwords on these accounts. Avoid using your mother's maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers.
- For SSNs: Call the toll-free fraud number of any one of the three major credit bureaus and place an initial fraud alert on your credit reports. This can help prevent an identity thief from opening new credit accounts in your name. See [What are fraud alerts?](#)
- To replace an SSN card: Call the Social Security Administration at 1-800-772-1213 to get a replacement.
- For driver's license or other identification documents: Contact the issuing agency. Follow their procedures to place fraud flags and to get replacements.

Once you have taken these precautions, there really isn't anything more you need to do except to check for the signs that your information is being misused. See [How can I tell if I'm a victim of identity theft?](#) You don't have to file an identity theft report with the police or with the FTC until you find out if your information is actually being misused. If another crime was committed, such as theft of your purse or wallet or your house or car was broken into, report that crime to the police.

How can I prevent identity theft from happening to me?

As with any crime, you can't guarantee that you will never be a victim, but you can minimize your risk. By managing your personal information wisely, cautiously and with an awareness of the issue, you can help guard against identity theft.

- Don't give out personal information on the phone, through the mail or over the Internet unless you've initiated the contact or are sure you know who you're dealing with. Identity thieves may pose as representatives of banks, Internet service providers (ISPs) and even government agencies to get you to reveal your SSN, mother's maiden name, account numbers, and other identifying information. Before you share any personal

Learn how to minimize your risk or recover from identity theft with our top guide.

Take Charge: Fighting Back Against Identity Theft
 [TXT]

ROBO DE IDENTIDAD
 Algo malo puede pasarle a su buen nombre
 [TXT] [PDF]



information, confirm that you are dealing with a legitimate organization. Check an organization's website by typing its URL in the address line, rather than cutting and pasting it. Many companies post scam alerts when their name is used improperly. Or call customer service using the number listed on your account statement or in the telephone book. For more information, see [How Not to Get Hooked by a 'Phishing' Scam](#).

- Don't carry your SSN card; leave it in a secure place.

- Secure personal information in your home, especially if you have roommates, employ outside help or are having service work done in your home.

- Guard your mail and trash from theft:
 - Deposit outgoing mail in post office collection boxes or at your local post office, rather than in an unsecured mailbox. Promptly remove mail from your mailbox. If you're planning to be away from home and can't pick up your mail, call the U.S. Postal Service at 1-800-275-8777 to request a vacation hold. The Postal Service will hold your mail at your local post office until you can pick it up or are home to receive it.

 - To thwart an identity thief who may pick through your trash or recycling bins to capture your personal information, tear or shred your charge receipts, copies of credit applications, insurance forms, physician statements, checks and bank statements, expired charge cards that you're discarding, and credit offers you get in the mail. If you do not use the pre-screened credit card offers you receive in the mail, you can opt out by calling 1-888-5-OPTOUT (1-888-567- 8688). Please note that you will be asked for your Social Security number in order for the credit bureaus to identify your file so that they can remove you from their lists and you still may receive some credit offers because some companies use different lists from the credit bureaus' lists. For more information, see [How can I prevent companies from using my personal information for marketing?](#)

- Carry only the identification information and the number of credit and debit cards that you'll actually need.

- Place passwords on your credit card, bank and phone accounts. Avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers. When opening new accounts, you may find that many businesses still have a line on their applications for your mother's maiden name. Use a password instead.

- Ask about information security procedures in your workplace or at businesses, doctor's offices or other institutions that collect personally identifying information from you. Find out who has access to your personal information and verify that it is handled securely. Ask about the disposal procedures for those records as well. Find out if your information will be shared with anyone else. If so, ask if you can keep your information confidential.

- Give your SSN only when absolutely necessary. Ask to use other types of identifiers when possible. If your state uses your SSN as your driver's license number, ask to substitute another number. Do the same if your health insurance company uses your SSN as your account number.

- Pay attention to your billing cycles. Follow up with creditors if your bills don't arrive on time. A missing bill could mean an identity thief has taken over your account and changed your billing address to cover his tracks.

- Be wary of promotional scams. Identity thieves may use phony offers to get you to give them your personal information.

- Keep your purse or wallet in a safe place at work as well as any copies you may keep of administrative forms that contain your sensitive personal information.
- When ordering new checks, pick them up at the bank, rather than having them sent to your home mailbox.
- If you're being deployed in the military, place an active duty alert. See [What's an active duty alert?](#)

I have a computer and use the Internet. What should I be concerned about?

If you're storing personal information such as SSNs, financial records, tax returns, birth dates, or bank account numbers in your computer, the following tips can help you keep your computer and your personal information safe from intruders:

- Virus protection software should be updated regularly, and patches for your operating system and other software programs should be installed to protect against intrusions and infections that can lead to the compromise of your computer files or passwords. Ideally, virus protection software should be set to automatically update each week. The Windows XP operating system also can be set to automatically check for patches and download them to your computer.
- Do not open files sent to you by strangers, or click on hyperlinks or download programs from people you don't know. Be careful about using file-sharing programs. Opening a file could expose your system to a computer virus or a program known as "spyware," which could capture your passwords or any other information as you type it into your keyboard. For more information, see [File Sharing: A Fair Share? Maybe Not](#) and [Spyware](#).
- Use a firewall program, especially if you use a high-speed Internet connection like cable, DSL or T-1 that leaves your computer connected to the Internet 24 hours a day. The firewall program will allow you to stop uninvited access to your computer. Without it, hackers can take over your computer, access the personal information stored on it, or use it to commit other crimes.
- Use a secure browser – software that encrypts or scrambles information you send over the Internet – to guard your online transactions. Be sure your browser has the most up-to-date encryption capabilities by using the latest version available from the manufacturer. You also can download some browsers for free over the Internet. When submitting information, look for the "lock" icon on the browser's status bar to be sure your information is secure during transmission.
- Try not to store financial information on your laptop unless absolutely necessary. If you do, use a strong password – a

combination of letters (upper and lower case), numbers and symbols. A good way to create a strong password is to think of a memorable phrase and use the first letter of each word as your password, converting some letters into numbers that resemble letters. For example, "I love Felix; he's a good cat," would become 1LFHA6c. Don't use an automatic log-in feature that saves your user name and password, and always log off when you're finished. That way, if your laptop is stolen, it's harder for a thief to access your personal information.

- Before you dispose of a computer, delete all the personal information it stored. Deleting files using the keyboard or mouse commands or reformatting your hard drive may not be enough because the files may stay on the computer's hard drive, where they may be retrieved easily. Use a "wipe" utility program to overwrite the entire hard drive
- Look for website privacy policies. They should answer questions about maintaining accuracy, access, security, and control of personal information collected by the site, how the information will be used, and whether it will be provided to third parties. If you don't see a privacy policy – or if you can't understand it – consider doing business elsewhere.

What's an active duty alert?

If you are a member of the military and away from your usual duty station, you may place an active duty alert on your credit reports to help minimize the risk of identity theft while you are deployed. Active duty alerts are in effect on your report for one year. If your deployment lasts longer, you can place another alert on your credit report.

When you place an active duty alert, you'll be removed from the credit reporting companies' marketing list for pre-screened credit card offers for two years unless you ask to go back on the list before then.

To place this alert on your credit report, or to have it removed, contact one of the three major [credit bureaus](#). You will be required to provide appropriate proof of your identity: that may include your SSN, name, address and other personal information requested by the consumer reporting company. You may use a personal representative to place or remove an alert.

When a business sees the alert on your credit report, it must verify your identity before issuing credit. As part of this verification process, the business may try to contact you directly. This may cause some delays if you're trying to obtain credit. To compensate for possible delays, you may wish to include a cell phone number, where you can be reached easily, in your alert. Remember to keep all contact information in your alert current.

Are companies allowed to print my entire credit card number on my receipt?

After December 4, 2006, companies will not be allowed to print your credit or debit card expiration date or more than the last 5 digits of your card number on your electronic receipt. Some businesses will be required to make this change sooner, depending on the way they process credit card transactions. The law will allow receipts that are hand written or mechanically imprinted to show your entire number and

expiration date, even after December 4, 2006. For more information see section 605(g) of the FCRA.

How can I prevent companies from using my personal information for marketing?

More organizations are offering consumers choices about how their personal information is used. For example, many let you "opt out" of having your information shared with others or used for marketing purposes. For more information see [Privacy: What You Do Know Can Protect You](#) and [Privacy Choices for Your Personal Financial Information](#). You also can visit the FTC websites [Privacy Initiatives](#) and [National Do Not Call Registry](#).

When should I provide my Social Security number?

Your employer and financial institution will likely need your SSN for wage and tax reporting purposes. Other businesses may ask you for your SSN to do a credit check, like when you apply for a car loan. Sometimes, however, they simply want your SSN for general record keeping. If someone asks for your SSN, ask the following questions:

- Why do you need it?
- How will it be used?
- How do you protect it from being stolen?
- What will happen if I don't give it to you?

If you don't provide your SSN, some businesses may not provide you with the service or benefit you want. Getting satisfactory answers to your questions, though, will help you to decide whether you want to share your SSN with the business.

Should I buy identity theft insurance?

Some companies offer insurance or similar products that claim to give you protection against the costs associated with resolving an identity theft case. As with any product or service, make sure you understand what you're getting before you buy. Be aware that most creditors will only deal with you to resolve problems, so the insurance company in most cases will not be able to reduce that burden. Contact your local consumer protection agency or the Better Business Bureau to find out if they have any complaints on file.



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- [ID THEFT STATISTICS](#)
- [EN ESPAÑOL](#)

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- [Remedying the Effects of Identity Theft](#)
- [What To Do If Your Personal Information Has Been Compromised](#)
- [How Not to Get Hooked by a Phishing Scam](#)
- [Information Compromise: Business Guidance](#)
- [ID Theft Affidavit](#)

WELCOME TO THE FEDERAL TRADE COMMISSION: YOUR NATIONAL RESOURCE FOR IDENTITY THEFT

Welcome to the Federal Trade Commission: Your National Resource for Identity Theft

How can someone steal your identity? Identity theft occurs when someone uses your personal information such as your name, Social Security number, credit card number or other identifying information, without your permission to commit fraud or other crimes.

Identity theft is a serious crime. People whose identities have been stolen can spend months or years - and their hard-earned money - cleaning up the mess thieves have made of their good name and credit record. In the meantime, victims may lose job opportunities, be refused loans, education, housing or cars, or even get arrested for crimes they didn't commit.

If you think your identity has been stolen, here's what to do now:

- 1** Contact the fraud departments of any one of the three major credit bureaus to place a fraud alert on your credit file. The fraud alert requests creditors to contact you before opening any new accounts or making any changes to your existing accounts. As soon as the credit bureau confirms your fraud alert, the other two credit bureaus will be automatically notified to place fraud alerts. Once the alert is placed, you may order a free copy of your credit report from all three major credit bureaus.
- 2** Close the accounts that you know or believe have been tampered with or opened fraudulently. Use the ID Theft Affidavit when disputing new unauthorized accounts.
- 3** File a police report. Get a copy of the report to submit to your creditors and others that may require proof of the crime.
- 4** File your complaint with the FTC. The FTC maintains a database of identity theft cases used by law enforcement agencies for investigations. Filing a complaint also helps us learn more about identity theft and the problems victims are having so that we can better assist you.

For more in-depth information on recovering from identity theft and help with specific problems, read [Take Charge: Fighting Back Against Identity Theft](#).

LEARN HOW TO MINIMIZE YOUR RISK OR RECOVER FROM IDENTITY THEFT WITH OUR TOP GUIDES.

Learn how to minimize your risk or recover from identity theft with our top guides.

**ID THEFT
What's It All About?
[TXT] [PDF]**



**Take Charge: Fighting Back Against Identity Theft
[TXT] [PDF]**



**ROBO DE IDENTIDAD
Algo malo puede pasarle a su buen nombre
[TXT] [PDF]**





Facts for Consumers



Take Charge: Fighting Back Against Identity Theft

(formerly: "ID Theft: When Bad Things Happen to Your Good Name")

To Print: Use File/Page Setup in your browser to set page margins to zero or your printer's minimum margin settings.

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INTRODUCTION

In the course of a busy day, you may write a check at the grocery store, charge tickets to a ball game, rent a car, mail your tax returns, change service providers for your cell phone, or apply for a credit card. Chances are you don't give these everyday transactions a second thought. But an identity thief does.

Identity theft is a serious crime. People whose identities have been stolen can spend months or years and thousands of dollars cleaning up the mess the thieves have made of a good name and credit record. In the meantime, victims of identity theft may lose job opportunities, be refused loans for education, housing, or cars, and even get arrested for crimes they didn't commit. Humiliation, anger, and frustration are among the feelings victims experience as they navigate the process of rescuing their identity.

Working with other government agencies and organizations, the Federal Trade Commission (FTC) has produced this booklet to help you remedy the effects of an identity theft. It describes what steps to take, your legal rights, how to handle specific problems you may encounter on the way to clearing your name, and what to watch for in the future.

HOW IDENTITY THEFT OCCURS

I first was notified that someone had used my Social Security number for their taxes in February 2004. I also found out that this person opened a checking account, cable and utility accounts, and a cell phone account in my name. I'm still trying to clear up everything and just received my income tax refund after waiting four to five months. Trying to work

HANDLING CRIMINAL RECORDS THAT ARE A BARRIER TO EMPLOYMENT¹

Jacksonville Area Legal Aid, Inc. offers assistance to qualified applicants to seal or expunge criminal records.

Are employers allowed to ask about or check my criminal history?

Yes. In fact, employers are required by federal and Florida law to run a criminal background check on applicants or employees in certain jobs that involve positions of trust or security or the care of children, the disabled or the elderly. Employers are not prohibited from obtaining criminal history records so long as their policies regarding obtaining and using such records are applied in a non-discriminatory way.

What does it mean to seal or expunge criminal records?

Sealing a criminal record means removing it from public view. Expunging a record means that it is physically destroyed. The effect of either is that with certain exceptions, you are lawfully allowed to deny that the sealed or expunged offense occurred. You may have to admit a sealed or expunged offense if applying for or working in jobs that involve positions of trust or security or the care of children, the disabled or the elderly.

Who is eligible to seal or expunge a criminal record?

Under Florida law, you may seal or expunge only one criminal record in a lifetime unless the offenses are related. Only those who were never convicted of any crime are eligible. Under the applicable law, you are not considered to have been “convicted” if found guilty but adjudication was withheld. Therefore, you may be eligible so long as you have no offense where there was an “adjudication of guilt.” In addition, if the record was disposed of as adjudication withheld, you cannot seek an expungement until after it has been sealed for ten (10) years or no prosecution must have occurred. Certain dangerous offenses may not be sealed or expunged depending on your plea.

What is the cost to seal or expunge a criminal record?

If eligible for services through Jacksonville Area Legal Aid, Inc., there is no charge for attorney’s fees. However, there are fees to other agencies, such as the Florida Department of Law Enforcement and the county clerk of court.

What if I am not eligible to seal or expunge a criminal record but am having trouble finding a job because of the record?

On job applications and in interviews, you must be honest about the criminal record, so it is important that you know what your record contains. If you are not sure, obtain a copy of your record so you can be prepared to deal with it. You can obtain copies of Florida criminal history records through the arresting agencies, courts where the offenses were prosecuted or the Florida Department of Law Enforcement.

If you believe there is an error on your record, take action to correct it. If an offense appears that did not involve you, it may involve identity theft where someone used your name and identifying information when arrested. This can be easily corrected at no

¹ The information provided here is general in nature and not intended as legal advice. The laws discussed are subject to change without notice. Seek legal advice for more information.

charge by submitting a Compromised Identity Review Claim Form to the Florida Department of Law Enforcement. (Obtain the form at www.fdle.state.fl.us. Click on the Criminal History Records Search button, then look for the link for Compromised Identify Review.) Other mistakes, such as an offense by someone with the same or similar name and birth date may need to be corrected at the court where the offense was prosecuted and the agency that reported the offense under your name.

Failure to be honest about your record on a job application or in an interview can result in not being hired or immediate discharge if the employer learns of the offense. Even if the employer was not concerned about your record, it may decide not to hire you or fire you for being dishonest if you did not disclose the offense when asked. Most employment applications contain language stating that you certify that the information you provided is *true and complete*, meaning that you answered all questions honestly and thoroughly.

Be sure to read questions on employment applications carefully and only answer what is asked. If asked only about felonies, you have no duty to volunteer information about misdemeanors. If asked only about offenses within a certain time period, you have no duty to volunteer information beyond that time period. If asked only about offenses for which you were found guilty, you have no duty to volunteer information about arrests where charges were dismissed or you were found not guilty.

On applications and in interviews, admit the offense and express remorse, then focus on the positive things you have done since that time - such as education, training or accomplishments; letters of recommendation from employers or community members; the length of time since the last offense; the fact that the offense occurred when you were young; etc.

Search out employers who hire ex-offenders. Employers are given incentives to hire ex-offenders through a tax credit. If otherwise unable to find work, try to locate employers who participate in this program. In addition, you may qualify for a free, limited-time fidelity bond that protects an employer against theft crimes by you. Your local **WorkSource** office can assist with more information about special programs for employment of ex-offenders.

You may request a pardon from the Governor. While obtaining a pardon does not change your eligibility to seal or expunge a record, it may help you in your job search because it shows forgiveness of the offense. For more information about how to request a pardon, call (850) 488-2952.

Where can I get help?

Call Jacksonville Area Legal Aid at 356-8371 for information on applying for help.

**JACKSONVILLE AREA LEGAL AID, INC.
Employment Law Project**

LEXSTAT Fla. Stat. 943.059

LexisNexis (TM) Florida Annotated Statutes
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§ 943.059. Court-ordered sealing of criminal history records

The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). **A criminal history record that relates to a violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section.** The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(1) *PETITION TO SEAL A CRIMINAL HISTORY RECORD.* --Each petition to a court to seal a criminal history record is complete only when accompanied by:

(a) A certificate of eligibility for sealing issued by the department pursuant to subsection (2).

(b) The petitioner's sworn statement attesting that the petitioner:

1. Has never, prior to the date on which the petition is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing a felony or a misdemeanor specified in s. 943.051(3)(b).

2. Has not been adjudicated guilty of or adjudicated delinquent for committing any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains.

3. Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, former s. 943.058, or from any jurisdiction outside the state.

4. Is eligible for such a sealing to the best of his or her knowledge or belief and does not have any other petition to seal or any petition to expunge pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) *CERTIFICATE OF ELIGIBILITY FOR SEALING.* --Prior to petitioning the court to seal a criminal history record, a person seeking to seal a criminal history record shall apply to the department for a certificate of eligibility for sealing. The department shall, by rule adopted pursuant to chapter 120, establish procedures pertaining to the application for and issuance of certificates of eligibility for sealing. The department shall issue a certificate of eligibility for sealing to a person who is the subject of a criminal history record provided that such person:

(a) Has submitted to the department a certified copy of the disposition of the charge to which the petition to seal pertains.

(b) Remits a \$ 75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.

(c) Has never, prior to the date on which the application for a certificate of eligibility is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing a felony or a misdemeanor specified in *s. 943.051(3)(b)*.

(d) Has not been adjudicated guilty of or adjudicated delinquent for committing any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains.

(e) Has never secured a prior sealing or expunction of a criminal history record under this section, former *s. 893.14*, former *s. 901.33*, or former *s. 943.058*.

(f) Is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the petition to seal pertains.

(3) *PROCESSING OF A PETITION OR ORDER TO SEAL.*

(a) In judicial proceedings under this section, a copy of the completed petition to seal shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to seal.

(b) If relief is granted by the court, the clerk of the court shall certify copies of the order to the appropriate state attorney or the statewide prosecutor and to the arresting agency. The arresting agency is responsible for forwarding the order to any other agency to which the arresting agency disseminated the criminal history record information to which the order pertains. The department shall forward the order to seal to the Federal Bureau of Investigation. The clerk of the court shall certify a copy of the order to any other agency which the records of the court reflect has received the criminal history record from the court.

(c) For an order to seal entered by a court prior to July 1, 1992, the department shall notify the appropriate state attorney or statewide prosecutor of any order to seal which is contrary to law because the person who is the subject of the record has previously been convicted of a crime or comparable ordinance violation or has had a prior criminal history record sealed or expunged. Upon receipt of such notice, the appropriate state attorney or statewide prosecutor shall take action, within 60 days, to correct the record and petition the court to void the order to seal. The department shall seal the record until such time as the order is voided by the court.

(d) On or after July 1, 1992, the department or any other criminal justice agency is not required to act on an order to seal entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, shall arise against any criminal justice agency for failure to comply with an order to seal when the petitioner for such order failed to obtain the certificate of eligibility as required by this section or when such order does not comply with the requirements of this section.

(e) An order sealing a criminal history record pursuant to this section does not require that such record be surrendered to the court, and such record shall continue to be maintained by the department and other criminal justice agencies.

(4) *EFFECT OF CRIMINAL HISTORY RECORD SEALING.* --A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of *s. 119.07(1)* and *s. 24(a)*, Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former *s. 893.14*, former *s. 901.33*, and former *s. 943.058*, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or *s. 943.0585*;
4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in *s. 110.1127(3)*, *s. 393.063(15)*, *s. 394.4572(1)*, *s. 397.451*, *s. 402.302(3)*, *s. 402.313(3)*, *s. 409.175(2)(i)*, *s. 415.102(4)*, *s. 415.103*, *s. 985.407*, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

(b) Subject to the exceptions in paragraph (a), a person who has been granted a sealing under this section, former *s. 893.14*, former *s. 901.33*, or former *s. 943.058* may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge a sealed criminal history record.

(c) Information relating to the existence of a sealed criminal record provided in accordance with the provisions of paragraph (a) is confidential and exempt from the provisions of *s. 119.07(1)* and *s. 24(a)*, Art. I of the State Constitution, except that the department shall disclose the sealed criminal history record to the entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes. It is unlawful for any employee of an entity set forth in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6. to disclose information relating to the existence of a sealed criminal history record of a person seeking employment or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment or licensure decisions. Any person who violates the provisions of this paragraph commits a misdemeanor of the first degree, punishable as provided in *s. 775.082* or *s. 775.083*.

(5) *STATUTORY REFERENCES.* --Any reference to any other chapter, section, or subdivision of the Florida Statutes in this section constitutes a general reference under the doctrine of incorporation by reference.

HISTORY: *s. 4*, ch. 92-73; *s. 44*, ch. 93-39; *s. 3*, ch. 94-127; *s. 20*, ch. 94-154; *s. 96*, ch. 94-209; *s. 4*, ch. 95-427; *s. 53*, ch. 96-169; *s. 8*, ch. 96-402; *s. 444*, ch. 96-406; *s. 1848*, ch. 97-102; *s. 58*, ch. 98-280; *s. 116*, ch. 99-3; *s. 10*, ch. 99-188; *s. 5*, ch. 99-300; *s. 17*, ch. 99-304; *s. 3*, ch. 2000-246; *s. 28*, ch. 2000-320; *s. 5*, ch. 2001-127; *s. 1*, ch. 2002-212.

NOTES:

NOTE.--Section 4, ch. 2002-212, provides that "[e]xcept as specifically provided otherwise in this act, the provisions reenacted by this act [relating to this section] shall be applied retroactively to July 1, 1999, or as soon thereafter as the Constitution of the State of Florida and the Constitution of the United States may permit."

LexisNexis (TM) Notes: CASE NOTES TREATISES AND ANALYTICAL MATERIALS



FLORIDA DEPARTMENT OF LAW ENFORCEMENT CRIMINAL HISTORY INFORMATION

Search Florida's Criminal Histories

[Home](#) [Search](#) [Service Help](#) [FAQ](#) [Info & Links](#) [Restricted User](#)

By Mail

To request criminal history information, you may simply send a letter or print out, complete and mail the **criminal history information request form (PDF)** provided on this web site to:

**Florida Department of
Law Enforcement
User Services Bureau
Criminal History
Services
PO Box 1489
Tallahassee FL 32302**

Requesting Criminal Histories from FDLE

The Florida Department of Law Enforcement (FDLE), Division of Criminal Justice Information Services (CJIS), is the central repository for criminal history information for the state of Florida. In addition to maintaining criminal history information, it is our responsibility to provide public access to this information when requested.

Criminal history information is a record of **serious** arrests in Florida. When you request criminal history information on an individual, your results will state whether the subject has or does not have a Florida criminal history record. If there is a record that **may be** for the individual searched, a copy of the criminal history record along with your request will be forwarded to you. **Please be aware that, unless a fingerprint card is submitted and a fingerprint comparison performed, it is impossible for us to be sure if the record belongs to the individual you requested or if another individual has a similar name and identifiers.** The accuracy of the information you provide is critical since we search our criminal history files based on your submission information.

If no possible record is found in our repository, your request will be stamped in red ink, "**FDLE found NO Florida criminal history based on the information provided. No criminal record check was conducted for other states or for the FBI.**" Reasons why this may occur are as follows:

- Subject has never been arrested or fingerprinted in Florida
- Subject's Florida record is sealed or expunged
- Subject's criminal fingerprint card was sent to FDLE but it contained a major error, has not been received by FDLE or not yet entered into repository
- Arresting agency failed to submit criminal fingerprint card to FDLE
- Subject's criminal fingerprint card was sent to the FBI but not to FDLE (Arrests prior to 1983, two fingerprint cards were supposed to be submitted from local criminal justice agencies; one to the FBI and the other to FDLE)
- Subject was arrested as a juvenile before 10/1/94 or as a juvenile but for an arrest FDLE is not authorized to provide
- Subject was arrested by a Federal agency or in a state other than Florida (NCIC rules do not allow dissemination of national or other state criminal history information for public record/non-criminal justice purposes)

The cost for criminal history information is \$24.00 per request and is non-refundable. Make check or money order payable to Florida Department of Law Enforcement.

To request criminal history information, you may simply send a letter or print out, complete and mail the **criminal history information request form (PDF)** provided on this web site to:

Florida Department of Law Enforcement

**User Services Bureau
Criminal History Services
PO Box 1489
Tallahassee FL 32302**

Please include in your request a return address and the individual's name, any known aliases, date of birth or approximate age(s), race, sex and if available social security number and last known address. Your check or money order for \$24.00 per individual should accompany your request. This process takes approximately five business days excluding postal delivery time.

If you have any questions regarding the above information or if we can be of further assistance, please contact the Criminal History Services Section at (850) 410-8109.



FLORIDA DEPARTMENT OF LAW ENFORCEMENT CRIMINAL HISTORY INFORMATION

Search Florida's Criminal Histories

[Home](#) [Search](#) [Service Help](#) [FAQ](#) [Info & Links](#) [Restricted User](#)

About this Service:

THE FEE FOR THIS SERVICE IS
\$24 EFFECTIVE JULY 1, 2008
PURSUANT TO FLORIDA LAW

Cost

Information Required

Search Results

Security

IMPORTANT

If you need CERTIFIED documentation, please do not use this service. You should mail your request to FDLE and indicate that the results require certification. We will certify the results and mail them back to you.

Please see [Requesting Criminal Histories from FDLE](#) to obtain the FDLE criminal history request form and mailing information.

Welcome to the FDLE Criminal History Information on the Internet site. FDLE is the central repository of criminal history information for the State of Florida. This site allows you to perform a search of FDLE's Computerized Criminal History (CCH) files which include **State of Florida criminal history information only**. FDLE's CCH files are continuously updated to provide you with the most current information. The information you receive today, could be outdated tomorrow as additional arrests and related information are added.

There will be a charge of **\$24.00** against your credit card for each name search performed, regardless of search results. This Internet service will provide you with a list of possible matches similar to the subject of your inquiry. You must review this list and determine if any of the possible candidates match your subject. If you request the record of more than one candidate, an additional charge of **\$24.00 Per Record** will be billed to your credit card. A search may return as many as five possible matches or candidates. It is also possible your search will result in no possible candidates. The accuracy of the information you provide is critical to the search results since we search our records based on your submission information. This is a search of descriptive information and a positive identification can only be confirmed by fingerprint comparison.

This is a self service application. You are required to perform the criminal history search and make a determination as to whether your subject matches a criminal history record contained within FDLE's CCH files. Your search results are returned instantly and you may print and/or have your results emailed to you. Your results will not be sent by regular mail. Requests for results older than 5 business days cannot be reproduced.

Please note that certified criminal history results will not be provided to you for searches performed through this Internet site. Certified results are generally required for the purposes of immigration and national/international adoptions. Criminal history requests required for these purposes should be mailed to FDLE for processing.

Falsifying or altering any of the returned information with intent to misrepresent the contents is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

START YOUR SEARCH NOW



Criminal History Information Request

Pursuant to provisions of Chapter 119 and Section 943.053, Florida Statutes, I am requesting a criminal history record check on the following individual:

Last Name:		Reserve this space for stamping FDLE's results
First Name:	Middle Name:	
Other Names Used:		
Race:	Sex:	
Social Security Number:		

Required Information

Last & First Name - Complete name of person Sex - Male or Female Date of Birth
Race - White; Black; American Indian or Alaskan; Asian or Pacific Islander; or Unknown
 *****INDICATE HISPANIC PERSONS AS WHITE OR BLACK BASED ON SKIN COLOR*****

Optional Information

Social Security Number, Middle Name & Other Names Used

Payment Options

Personal or Business Check – Must include pre-printed name of account holder and mailing address

Money Order – Must be made payable in U.S. Funds

All payments must be made payable to FDLE

Please print this form and mail it (along with the required \$24 processing fee, payable to FDLE) to:

Florida Department of Law Enforcement User Services Bureau Criminal History Services P.O. Box 1489 Tallahassee, FL 32302
--

Mail Criminal History Information Request Results To:

Contact Person:	Street:
Contact Telephone:	City:
ORI Number: (if applicable)	State:
Date Submitted:	ZIP:

Payment in the amount of _____ is enclosed.
(The fee is \$24 per individual inquired upon.)



Search



Seal and Expunge Home Contact Us Frequently Asked Questions

Instructions for Applying for a Certificate of Eligibility

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- Publications
- Audio & Video Content
- Organizational Chart
- Commissioner's Bio
- FAQ's

Alerts

- View Current Amber & Missing Child Alerts
- View Current Silver Alerts

Search Our Systems

- Sexual Offender Database
- Criminal History Records
- Missing Children
- Endangered Persons
- Wanted/Missing Persons
- Unsolved Homicides
- Stolen Property
- Career Offenders

Councils

Contact Us

- FDLE Contacts
- FDLE Regional Contacts



In order to obtain a Certificate of Eligibility to petition the court to seal or expunge a criminal history record, the following requirements must be met pursuant to [s.943.0585\(2\)](#) and [s.943.059\(2\)](#), Florida Statutes.

- Section A of the application must be completed and signed in the presence of a notary public.
- The applicant must be fingerprinted by authorized law enforcement personnel or a criminal justice agency. The fingerprint form must include the applicant's name, race, sex, date of birth, *social security number (SOC) , and signature, prior to submission to FDLE. A FDLE Fingerprint Form, FD 40-024, is supplied with the application package.
- The applicant must provide a certified disposition of the case that he/she is applying to have sealed or expunged. This may be obtained from the Clerk of Court in the county in which the charge(s) were brought. For Pre-trial Intervention cases and other Diversion programs, a certified letter of completion from the State Attorney's office may substitute for a certified disposition. Please provide a certified copy of Termination of Probation, if applicable.
- A **NONREFUNDABLE** money order or cashier's check for \$75.00 made payable to the FDLE must accompany the application.
- If you are requesting an expunction of a criminal history record, you must have the state attorney or statewide prosecutor complete Section B of the application. (If not completed, the application will be processed as a sealing of your criminal history record).

Special Note: All of the items listed above are required at the time that the application is submitted. If an item is missing or the application or fingerprint form is not completed, the application will be returned unprocessed.

* This information is voluntary; failure to disclose may delay the processing time of your application

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
APPLICATION FOR CERTIFICATION OF ELIGIBILITY
PLEASE TYPE OR PRINT ALL INFORMATION**

SECTION A - ALL APPLICANTS

Last Name		First Name		Middle Name	
Aliases: Maiden: Divorce		Residence Phone ()		Business Phone ()	
Date of Birth (DOB) MONTH DAY YEAR		Race	Sex	Social Security No.	
Mailing Address		City		State	Zip
Permanent Address		City		State	Zip
Arresting Agency	Date(s) of Arrest		Florida Drivers License No.		

Select One: **Expunge** **Seal** **NOTE:** For Expunction applications, the State Attorney or Statewide Prosecutor must complete Section B.

Charge(s)

1. _____

2. _____

3. _____

4. _____

I hereby certify that the information contained herein is true and correct to the best of my knowledge.

Signature _____ Date _____

NOTARY
(PLEASE STAMP WITH SEAL)

Sworn to and subscribed before me
This _____ Day of _____, 20_____

(Signature of Notary Public)

(Print, Type, or Stamp Commissioned Name of Notary or Deputy Clerk of the Court)
Personally Known _____ or Produced Identification _____

Type of Identification Produced: _____

State Attorney/Statewide Prosecutor	County	Circuit	Reviewing Officer
-------------------------------------	--------	---------	-------------------

Charge(s) Description	Statute Violation	Case Number	Action
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

FOR EXPUNCTION APPLICATIONS ONLY

SECTION B - STATE ATTORNEY FOR EXPUNCTION APPLICATIONS ONLY

If one of the paragraphs below is checked, my signature below indicates that, based on the disposition of all charges related to the above-referenced case, that case is eligible to be expunged, if the applicant is otherwise eligible to have his or her record expunged under law. My signature does not imply that the applicant has satisfied all other statutory eligibility criteria, or that this Office would not oppose a petition to expunge the above-referenced case. By checking paragraph 1, 2, or 3, I certify that the above-referenced case is presently eligible to be expunged, assuming that the applicant is otherwise eligible, because:

1. An indictment, information, or other charging document was not filed or issued in the case; OR

2. An indictment, information, or other charging document, if filed or issued in the case, was dismissed or nolle prosequi by the state attorney or statewide prosecutor, or was dismissed by a court of competent jurisdiction; OR

3. (a) None of the charges (acts) related to the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains resulted in an adjudication of guilt or of delinquency; AND
(b) The record of the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains has been sealed for at least 10 years; AND
(c) None of the charges (if any) for which adjudication of guilt or of delinquency was withheld relates to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s. 943.0435.

Signature _____ Title(Prosecuting Authority) _____ Date _____

The above-referenced case is not eligible to be expunged because:

One or more of the charges (acts) related to the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains resulted in an adjudication of guilt or of delinquency;

OR, BECAUSE OF ONE OR MORE OF THE FOLLOWING REASONS:

The record of the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains has not been sealed for at least 10 years;

One or more of the charges for which an adjudication of guilt or of delinquency was withheld relate to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s. 943.0435;

Records available to this Office disclose some other ground of statutory ineligibility (e.g., adjudication of guilt in a different case; previous expunction or sealing).

Signature _____ Title(Prosecuting Authority) _____ Date _____

SECTION C FDLE

Acct/Budget _____ Date Received _____ Check _____ Processed By _____	Expunge/Seal Section I.D.# _____ ORI _____ Certification Status Approved Denied Seal <input type="checkbox"/> <input type="checkbox"/> Expunge <input type="checkbox"/> <input type="checkbox"/>	Expunge/Seal Section Date Received _____ Date Entered _____ Date Mailed _____
---	--	--

IMPORTANT: A CERTIFICATE OF ELIGIBILITY IS VALID FOR 12 MONTHS FROM THE DATE OF ISSUANCE. AFTER THAT TIME, A NEW CERTIFICATE MUST BE APPLIED FOR.

GENERAL INSTRUCTIONS & INFORMATION:

1. **Applicable law:** Sections 943.0585 and 943.059, Florida Statutes, and Chapter 11C-7, Florida Administrative Code (FAC), govern the use of this application, for the expunction or sealing of non-judicial criminal history records by criminal justice agencies. These statutes and the implementing rules require that you obtain a **Certificate of Eligibility** from the Florida Department of Law Enforcement (FDLE) **prior** to requesting a court for an order to seal or expunge your non-judicial criminal history records, and that you provide the information required by this application process.
2. Please type or print all information, except signatures. Complete all required portions of the application and submit all required documents and the processing fee noted below, under Section A. Failure to disclose your social security number (SOC) may delay the processing time of your application. **If your application is submitted without all the required information, documentation, or the processing fee, FDLE may reject your application.**
3. **Mailing information:** Mail your completed application package and fee to the following address:

**Florida Department of Law Enforcement
ATTN: Expunge/Seal Section
P.O. Box 1489
Tallahassee, Florida 32302-1489**

4. **Contact Information:** FDLE's Expunge/Seal Section – (850) 410-7870.
5. **Optional Personal Review of your Florida criminal history record:** If you have questions about what appears in your Florida criminal history record maintained by FDLE, you may wish to obtain a Personal Review of your record from FDLE, pursuant to Chapter 11C-8, FAC, before submitting this application form. The Personal Review is **optional** and is not required for FDLE to process your Application for Certification of Eligibility for expunction or sealing of your record. To obtain a Personal Review, please complete and submit the enclosed FDLE **Fingerprint form** and a **letter** to FDLE at the address above. If you submit the fingerprint form and a letter for your Personal Review, please **DO NOT** send in the APPLICATION or the \$75.00 processing fee **until** the Personal Review is completed; the results of your personal review may influence your decision to request the expunction or sealing of your criminal history record.

SECTION A: FOR ALL APPLICANTS

1. Complete **every part** of **SECTION A**. Make sure your **signature**, as the applicant, is **notarized**.
2. If you were given a **Notice to Appear** and not physically arrested for the charge(s), indicate the date of the Notice to Appear in the box marked "Date of Arrest."
3. **NON-REFUNDABLE Processing Fee:** Submit with your application a **money order or Cashier's check** in the amount of **\$75.00**, made payable to the Florida Department of Law Enforcement (FDLE).
4. Submit the attached **fingerprint form** with your fingerprints, as part of your application packet. **This form must be completed by authorized personnel at a law enforcement or criminal justice agency**, using **only** the attached FDLE Fingerprint form. (If you have obtained a **Personal Review**; send the **fingerprint card back** with the enclosed fingerprint form, please resubmit the same form for the Expunge/Seal "Certificate of Eligibility" application.)
5. Provide a **certified copy of the final disposition(s)** for **each** of the charges you list on your application. Dispositions can usually be obtained from the office of the Clerk of Courts in the county where you were charged. For Pretrial Intervention and other Diversion programs, a **certified letter of completion** from the State Attorney or Statewide Prosecutor may substitute for a certified disposition. If you received probation for any of the charges, you must also submit a **certified copy of the termination of your probation**.

SECTION B: FOR EXPUNCTION APPLICANTS ONLY

1. **Submit the application to the State Attorney or Statewide Prosecutor for completion of SECTION B only if you are applying to have your records EXPUNGED.** NOTE: In addition to proper completion of Section B, you must also submit the certified copies of disposition(s) and termination of probation required under Section A.

SECTION C: FOR FDLE USE ONLY

**REASONS AN APPLICATION FOR CERTIFICATE OF ELIGIBILITY TO SEAL OR
EXPUNGE A CRIMINAL HISTORY RECORD WILL BE DENIED**

Pursuant to Sections s.943.0585 and s.943.059, Florida Statutes, a Certificate of Eligibility to expunge or seal a criminal history record **cannot** be issued under any of the following circumstances:

1. The criminal history record reflects that you have been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing any felony or a misdemeanor specified in s.943.051(3)b. **Certain driving violations are classified as criminal, such as DUI, reckless driving, and (with some exceptions) driving while license is suspended/canceled/revoked.**
2. The criminal history record reflects that you have been adjudicated guilty of or adjudicated delinquent for committing one or more of the acts stemming from the arrest or alleged criminal activity to which the application pertains.
3. The criminal history record reflects that you have received a prior sealing or expunction of a criminal history record under s.943.0585, s.943.059, former s.893.14, former s.901.33, former s.943.058, or from any jurisdiction outside the state.
4. The criminal history record to which the application pertains relates to a violation of s.393.135, s.394.4593, s.787.025, chapter 794, s.796.03, s.800.04, s.810.14, s.817.034, s.825.1025, s.827.071, chapter 839, s.847.0133, s.847.0135, s.847.0145, s.893.135, s.916.1075, a violation enumerated in s.907.041, or a violation of any offense qualifying for registration as a sexual predator under s.775.21 or for registration as a sexual offender under s.943.0435, Fla. Stat., with a finding of guilt, or a plea or guilty or nolo contendere (without regard to whether adjudication was withheld).
5. The criminal history record reflects that you have another petition to seal or expunge pending before a court of competent jurisdiction.
6. The criminal history record reflects that the court supervision applicable to the disposition of the arrest or alleged criminal activity to which the application pertains has not been completed.
7. **[For expunction only]** The criminal history record reflects that some or all of the charges related to the arrest or criminal activity to which the application pertains were not dismissed prior to trial, adjudication, or the withholding of adjudication, If no other disqualification applies, the record would be eligible to be sealed.

PLEASE NOTE: The Governor and Cabinet of Florida, acting in the capacity of the Board of Executive Clemency, declared on June 10, 1999, that the granting of a full pardon does not remove any condition of ineligibility for sealing or expunging a criminal history record which would otherwise be imposed by a conviction or withholding of adjudication pursuant to Sections 943.0585 and 943.059, Florida Statutes, and, acting in the capacity of agency head of the Department of Law Enforcement, the Board directed FDLE to deny a Certificate of Eligibility to any person receiving a pardon who is otherwise ineligible for the sealing or expunging of the person's criminal history record.

DISQUALIFYING CHARGES FOR EXPUNCTION/SEALING

A request for a certificate of eligible for an expunction or sealing of a criminal history record will be denied if the defendant was found guilty or pled guilty or nolo contendere, even if the adjudication was withheld, on any violation of the following:

Offenses listed in S.907.041, F.S.

1. Arson
2. Aggravated Assault
3. Aggravated Battery
4. Illegal use of explosives
5. Child abuse or Aggravated Child Abuse
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult
7. Aircraft piracy
8. Kidnapping
9. Homicide
10. Manslaughter
11. Sexual Battery
12. Robbery
13. Carjacking
14. Lewd, lascivious, or indecent assault or act upon or in the presence of a child under the age of 16 years
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of a person in familial or custodial authority
16. Burglary of a dwelling
17. Stalking of Aggravated Stalking
18. Act of Domestic Violence, as defined in s.741.28
19. Home-invasion Robbery
20. Act of Terrorism as defined by s.775.30
21. Attempting or conspiring to commit any of the above crimes
22. Manufacturing any substances in violation of chapter 893

S.393.135, F.S.

Sexual misconduct with developmentally disabled person and related offenses

S.394.4593, F.S.

Sexual misconduct with mentally ill person and related offenses

S.787.025, F.S.

Luring or enticing a child

Chapter 794, F.S.

Sexual Battery and related offense

S.796.03, F.S.

Procuring person under 18 for prostitution

S.800.04, F.S.

Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age

S.810.14, F.S.

Voyeurism

S.817.034, F.S.

Florida Communication Fraud Act

(Scheme to Defraud or Organized Fraud, as defined in s.817.034, F.S.)

S.825.1025, F.S.

Lewd or lascivious offense upon or in presence of elderly person or disabled adult

S.827.071, F.S.

Sexual performance by a child

Chapter 839, F.S.

Offenses by Public Officers and Employees

S.847.0133, F.S.

Showing, etc., obscene literature to minor

S.847.0135, F.S.

Computer pornography

S.847.0145, F.S.

Selling or buying of minors

S.893.135, F.S.

Trafficking in controlled substances

S.916.1075

Sexual misconduct with mentally deficient or mentally ill defendant and related offenses

A violation of any offense qualify for registration as a sexual predator under s.775.21 or for registration as a sexual offender under s.943.0435.

All references are from Florida Statutes

FINGERPRINTS FOR APPLICATION FOR CERTIFICATION OF ELIGIBILITY

Name:
Last _____ **First** _____ **Middle** _____

Alias(aka)
Name: Last _____ **First** _____ **Middle** _____

RACE: __ **SEX:** __ **DOB:** _____ * **SOC:** _____ **Place of Birth:** _____

**Please mail completed application and fingerprints to:
 FDLE, P.O. Box 1489, Tallahassee, FL 32302, Attn: Expunge/Seal Section**

Signature of official taking fingerprints: _____ **ORI:** _____

Signature of person fingerprinted: _____ **Date:** _____

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little	
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little	
Left Four Fingers Taken Simultaneously		L. Thumb	R. Thumb	Right Four Fingers Taken Simultaneously	

- Social Security Number, this information is voluntary; failure to disclose may delay the processing time of your application.

DID YOU REMEMBER TO:

- Complete the application? Did you Sign and date the application in front of a notary?
- Provide a certified (stamped copy) disposition of your case you want to have sealed/expunged?
- Include your name, race/sex, date of birth, social security number and signature on the fingerprint form?
- Provide a \$75.00 check or money order made payable to FDLE? Did you sign and completely fill out the check or money order?
- Include an Attorney's letterhead, if you (applicant) are represented by an attorney?
- Make copies of your application and documents for your records?
- For Expunge Applicants only: Is Section B completed and signed by the State Attorney's Office?
- For Juvenile Expunge Applicants only: Is Section B completed and signed by the State Attorney's Office?

FDLE asks that you provide your social security number (SSN). The decision to provide your SSN is at your option, and if you provide your SSN, FDLE will use it for purposes of identification, and may share the information with other agencies for the same purpose. FDLE's request for your SSN is authorized by state law because use of it is imperative for FDLE to fulfill its lawful duties and responsibilities. Your failure to provide your SSN may result in a delay in processing your application or request.

Family Law

Family Law Self-Help Information

If you contacted JALA for assistance with a Family Law issue and were referred to our website because JALA is unable to accept your case, self-help information and instructions for how you can handle common Family law issues on your own are available below.

Helpful Web Links

In addition to the information listed below, useful forms for use in Family Law proceedings may also be found at:

[Alachua County Clerk of the Court](#)

[Escambia County Clerk of the Court](#)

Brochures

Need more information so you may better understand your Family Law Issue? Brochures for the following subjects are available by clicking on the titles below:

[Simplified Divorce](#)

[Caregiving for Children of Others](#)

[Representing Yourself in a Family Law Case](#)

[Your Rights as an Unwed Parent](#)

[How to Establish Paternity](#)

[Getting Child Support](#)

[How to Reduce Child Support](#)

[Stop Domestic Violence](#)

[Injunction for Protection Fact Sheet](#)

Filing Instruction Sheets

Need more information about how to handle your own Family Law issue with the Courts? Filing Instruction Sheets for a variety of common Family Law Issues are available below:

[Dissolution of Marriage – Simplified](#)

[Dissolution of Marriage – Filing With Children](#)

[Dissolution of Marriage – Filing No Children With Property](#)

Dissolution of Marriage – Filing With Children

Dissolution of Marriage – Filing No Children With Property

Dissolution of Marriage – Filing No Children No Property

Dissolution of Marriage – Answering With Children

Dissolution of Marriage – Answering No Children With Property

Dissolution of Marriage – Answering No Children No Property

Paternity – Affirmatively Filing

Paternity – Answering

Modification – Filing Child Support

Modification – Filing Child Custody

Modification – Answering Child Support

Modification – Answering Child Custody

Disestablishment of Paternity – Filing

Contempt – Filing

Motion for Temporary Support – With Children

Temporary Relative Custody – Filing

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- [Local Self-Help Centers](#)
- [Family Law Forms](#)
- [Family Law Rules and Opinions](#)
- [Free or Low-Cost Legal Aid](#)
- [Elders - Court and Legal Information](#)
- [Probate](#)
- [Landlord-Tenant Forms](#)
- [Small Claims](#)
- [Lawyer Referral](#)
- [Mediator Search](#)
- [Guardianship](#)

The family forms below are forms that the Florida Supreme Court has approved for public use, based upon opinions the Court has issued. They are designed for use by everyone, but are especially helpful to individuals who wish to represent themselves (pro se) in court matters related to family law.



FAMILY LAW FORMS

GETTING STARTED:

To understand HOW THE FORMS WORK and for BASIC INSTRUCTIONS TO FILL OUT FORMS, follow this link. Also, you need to Read These Forms First, and you may want to Apply for Civil Indigent Status.

Press Ctrl+F to FIND a Form (using key words)

Here is a "Quick Links" list to Forms and Other Information on this page OR GO IMMEDIATELY TO THE ENTIRE LIST OF FORMS:

- [Dissolution of Marriage \(Divorce\)](#)
- [Representation Forms, Petitions, Supplemental \(Modification\) Petitions, Answers, and Supporting Documents](#)
- [Service](#) (the requirement for one party to formally notify the other party of the lawsuit)
- [Procedural](#) (refers to the process by which a court hears and determines what happens in a case)
- [Discovery](#) (Discovery is the pre-trial phase in a case in which each party can obtain evidence from the opposing party.)
- [Motions](#)
- [Temporary/Concurrent Custody](#)
- [Domestic, Repeat, Sexual, and Dating Violence](#)
- [Step-Parent Adoption](#)
- [Name Change](#)
- [Paternity](#)
- [Parenting Coordinator](#)
- [Parenting Plan](#)
- [Judgments and Orders](#)

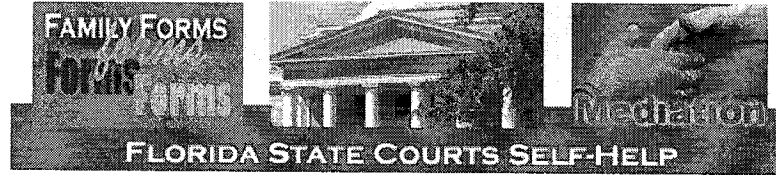
FORM VARIATIONS (RTF, PDF, and WEB FORMS):

What are these form variations?

Still Having Difficulties?

Contact Florida Courts Self-Help at selfhelp@flcourts.org or call (850) 921-0004 IF YOU HAVE A QUESTION ABOUT ANY OF THE FOLLOWING:

- [Local Self-Help Centers](#)
- [Family Law Forms](#)
- [Family Law Rules and Opinions](#)
- [Free or Low-Cost Legal Aid](#)
- [Elders - Court and Legal Information](#)
- [Probate](#)
- [Landlord-Tenant Forms](#)
- [Small Claims](#)
- [Lawyer Referral](#)
- [Mediator Search](#)
- [Guardianship](#)



For information or questions regarding matters related to self-help in this circuit, contact:

CLAY COUNTY

Family Court Services
 Clay County Courthouse, Room 207
 825 North Orange Avenue
 PO Drawer 1867
 Greencove Springs, FL 32043
 phone: (904) 278-3636
 fax: (904) 278-3640

DUVAL COUNTY

Family Court Services
 Duval County Unified Courthouse
 501 West Adams Street, Room 2150
 Jacksonville, FL 32202
 phone: (904) 255-1060
 fax: (904) 255-1054

NASSAU COUNTY

Nassau County Judicial Annex
 76347 Veterans Way
 Yulee, FL 32097
 phone: (904) 548-4908
 fax: (904) 548-4849

[Home](#) | [Search](#) | [Family Law Forms](#) | [Employment](#)
[Florida Supreme Court](#) | [Privacy Policy](#) | [Accessibility Statement](#)



GETTING CHILD SUPPORT: WHAT CAN I DO?

WHAT IS CHILD SUPPORT?

Child support is money provided to parents raising their children without the financial help of the other parent being in the home. Non-parents caring for children may also be eligible to receive child support. Only parents can be required to pay support. Child support is paid to meet the needs of the child, including housing, utilities, food, clothing, and medical care.

MAY I REFUSE CHILD SUPPORT?

Children have the right to receive child support. Parents do not have the right to give up child support. For example, a parent cannot agree to give up child support to get the other parent to give up visitation.

HOW CAN I GET CHILD SUPPORT?

A parent who is not supporting his or her child can be ordered by a court to pay child support. Whether the parent is ordered to pay, and how much, will depend on the parent's income. Other factors, such as childcare and health insurance expenses for the child may also affect the amount.

HOW DO I GET A COURT ORDER FOR CHILD SUPPORT?

You will need to file a case to get child support. The type of case you need to file depends on your circumstances. If you are married, but separated, you may file for dissolution of marriage (divorce). If you do not want a divorce, you may file for child support alone.

WHAT IF I AM NOT MARRIED?

The other parent can be ordered to pay child support through a paternity case. In a paternity case, the father may either admit that he is the child's father, or the court can order a DNA test. Even if the father is already on the birth certificate, a paternity case is required to get child support between unmarried parents.

WHO CAN HELP ME GET CHILD SUPPORT?

The Child Support Enforcement Program may be able to help you. It provides assistance with starting child support, collecting child support that has already been ordered, and increasing child support that has already been ordered. You may contact the Child Support Enforcement Program at 1-800-622-KIDS. You should call for an appointment. You can also find out the location of the office in or near your county by phone, by internet at www.myflorida.com/dor/childsupport, or in the resource section of this guide.

WILL I HAVE TO PAY FOR THE CHILD SUPPORT ENFORCEMENT PROGRAM TO HELP ME?

If you receive welfare on behalf of your child, there are no fees. If you do not receive welfare, there is only a \$25 application fee. You do not have to pay filing or attorney's fees. The Child Support Enforcement Program will ask the court to hold the other parent responsible.

IF I RECEIVE WELFARE FOR A CHILD IN MY CARE, CAN I STILL GET CHILD SUPPORT FROM THE CHILD'S PARENT?

If you receive welfare for a child, your right to support is assigned to the State. The State will try to sue the other parent for future child support for you, and for repayment of the welfare the State provided to you in the past. If child support is ordered, you will have the right to decide whether you want to continue receiving welfare, or receive the future child support. If you continue to receive welfare, the State may keep all or a portion of the child support as repayment for the welfare. When you no longer receive welfare, you can receive the full amount of the child support being paid.

WHAT IS THE STATE OF FLORIDA DISBURSEMENT UNIT?

The State of Florida Disbursement Unit is the payment-processing center for child support in all Florida cases. The court will require child support to be paid through the disbursement unit, unless you agree otherwise. When the disbursement unit receives a payment from a non-custodial parent, a check is cut to the custodial parent or other caretaker the next working day. You may also call the disbursement unit toll free at 1-877-769-0251 to check when the last payment was received. You may also get a printout of payments from most local courthouse depositories. In Duval County, contact the Domestic Relations Depository, Room 402, Duval County Courthouse, 330 East Bay Street, Jacksonville, and (904) 630-1130. In Clay County, contact the Central Governmental Depository, Clay County Courthouse, 825 North Orange Avenue, Green Cove Springs, and (904) 278-3691. Check with your Clerk of Court in other counties.

WHAT IF THE PERSON I NEED SUPPORT FROM LIVES IN ANOTHER STATE?

The Child Support Enforcement Program can call on its sister programs in other states to sue a parent outside of Florida for child support. You do not have to travel there.

WHAT CAN I DO TO HELP MY CHILD SUPPORT CASE?

- Know the address and place of work of the parent who should pay child support.
- Keep good records of money received and money owed.
- Keep all the court orders you receive and bring them with you to appointments with lawyers or child support enforcement workers.
- Write down any questions you have and bring them with you to appointments with lawyers or child support enforcement workers.

DO I HAVE TO ALLOW THE OTHER PARENT VISITATION EVEN IF HE OR SHE IS NOT PAYING CHILD SUPPORT AS ORDERED?

If visitation has been ordered, you should not stop visitation because of failure to pay child support. Otherwise, you may be held in contempt of court. The proper way to deal with non-payment of child support is to ask the court to hold the non-custodial parent in contempt of court for failure to pay child support.

WHAT IF I WANT A DIVORCE?

JACKSONVILLE AREA LEGAL AID, INC. may be able to handle your divorce if you qualify for free legal help and you meet our guidelines for divorce cases.

WHAT IF I DO NOT QUALIFY FOR LEGAL AID?

If you need help finding a private lawyer to take your case, the LAWYER REFERRAL SERVICE may help you. The Lawyer Referral Service can arrange for you to meet with a lawyer for 30 minutes for \$50. Costs for additional services will be subject to arrangement with the lawyer. You can call the service at 399-5780 for an appointment.

If you cannot retain an attorney, you may file your own case. 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.

RESOURCES

Jacksonville Bar Association

Lawyer Referral Service
(904) 399-5780

Child Support Enforcement Program

921 North Davis Street, Bldg. A,
Suite 350 (Duval)
Suite 250 (Nassau)
Jacksonville, FL 32209
(800) 622-5437

3540 Highway 17 N, Suite 123 (Clay)
Green Cove Springs, FL 32043
(800) 622-5437

75 King Street, Room 241 (St. John's)
St. Augustine, FL 32084
(800) 622-5437

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

Jacksonville Area Legal Aid, Inc. is supported in part by:

The City Of Jacksonville

NE Florida Area Agency on Aging

Florida Department of Elder Affairs

United Way of Northeast Florida

Office of Attorney General

Baker, Clay, Duval, Nassau County Filing Fees

Victims of Crimes Act/Violence Against Women Act

The Florida Bar Foundation with funds provided by Florida's Interest on Trust Accounts Program

Family Court Services

Room 413, Duval County Courthouse
330 East Bay Street, Jacksonville, FL 32202
(904) 630-2111

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

Prepared by: Jacksonville Area Legal Aid, Inc., A United Way Agency

Revised 01/09

The information provided in this brochure is not a substitute for legal advice.

The laws described here may change without notice.



HOW TO REDUCE OR MODIFY YOUR CHILD SUPPORT PAYMENTS

HOW CAN I CHANGE THE AMOUNT OF SUPPORT I HAVE TO PAY?

The only legal way to change your child support payments is to have a judge decide to reduce or suspend your child support payments.

WHEN CAN I REDUCE MY CHILD SUPPORT PAYMENTS?

A judge can reduce or suspend your child support payments if there has been a "substantial change" in your circumstances since the Final Judgment or court Order containing the judge's decision in your case was entered. A substantial change in circumstances is anything affecting your ability to pay or the children's need to receive child support. For example, if you lose your job or get laid off; your employer cuts your salary; you have a dramatic increase in expenses or a prolonged illness; or the children start living with you, one or more of these events may be considered a substantial change in circumstances.

HOW DO I GET A CHILD SUPPORT MODIFICATION ORDER?

First, you need to file a written petition with the Court which includes your current address. This petition can be a letter written to the judge who ordered you to pay child support, but it should be notarized. You must send a copy of your petition to the party receiving child support or their attorney, if they have one, and keep a copy for yourself.

To make it easier for the Court to file your petition, you need to put a caption and case number at the top of the first page of the papers. You can copy the case number, division and the names of the parties from your old Court papers. You can download a form Supplemental Petition for Modification of Child Support from the Florida Supreme Court website at www.flcourts.org.

WHAT SHOULD MY PETITION SAY?

If you can't afford to continue paying child support, you should ask the Court to reduce or suspend your payments. Your petition should also include any information showing a substantial change in your circumstances and why you can not continue to pay your child support obligation.

You will also need to complete a financial affidavit. The financial affidavit is a sworn statement that contains information regarding your income, expenses, assets and liabilities. This affidavit should be signed and notarized. You should file the original financial affidavit with your petition, mail a copy of the financial affidavit to the other party, and keep a copy for yourself.

WHAT HAPPENS AFTER I FILE MY PETITION?

The judge will set a date for a hearing. You will be notified of the time, date and place of the hearing. Your children's caretaker is also entitled to a notice of the hearing. You must attend the hearing. Men should wear a coat and tie and women should wear a dress or pantsuit. If you do not appear at the hearing, the judge may dismiss your case.

You can represent yourself in court without an attorney's help. At the hearing, the judge will want to know why you can't keep up with your child support. You need to bring all of your financial records or other proof with you to the hearing that you can't continue paying child support.

If the judge finds that you do not have the present ability to pay child support, the judge will reduce or suspend your payments.

WHAT IF I STOP PAYING CHILD SUPPORT WITHOUT GETTING A COURT ORDER?

If you don't pay or are late with your payments, your children's caretaker can have a contempt order issued against you. You will be required to appear in Court and explain to the judge why you have not paid your child support. If the judge finds that you were able to pay, but willfully refused to do so, and that you have the present ability to pay, the judge can put you in jail until you pay all or part of the amount you owe. The judge can also place a lien against your property. The property can then be sold to get the child support money.

HOW CAN I GET ASSISTANCE IN REDUCING MY CHILD SUPPORT?

You may call the Lawyer's Referral Service at 399-5780 for assistance in finding a private attorney. It costs \$50 for a 30-minute meeting with an attorney. Fees for further services can be arranged with that attorney.

You should be aware that as of 1992 the Child Support Enforcement Program is legally required to assist parents in reducing their child support payments. Their address is 921 North Davis Street, Bldg. A, Jacksonville, Florida, 32202. You may call them at 1-800-622-5437 for an appointment. You should be aware that there is now a \$25 application fee for assistance.

The Family Court Services program, located in Room 413 of the courthouse provides free legal clinics on how to modify a court order. You can contact them at 630-1130 for more information.

The Clerk of the Court, located in Room 103 of the courthouse sells a packet of forms and instructions on how to file a modification action. In addition, you can access the family law forms from the Florida Supreme Court website at www.flcourts.org.

RESOURCES

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

Prepared by: Jacksonville Area Legal Aid, Inc., A United Way Agency

Revised 01/09

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LEGAL OPTIONS FOR CARING FOR THE CHILDREN OF OTHERS

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

With special funding under the **OLDER AMERICANS ACT** from **NE FLORIDA AREA AGENCY ON AGING** and
THE FLORIDA DEPT. OF ELDER AFFAIRS

JACKSONVILLE AREA LEGAL AID, INC.
IS SUPPORTED IN PART BY:
The Florida Bar Foundation
The City of Jacksonville
United Way of Northeast Florida
Northeast Florida Area Agency on Aging -
under the Older Americans Act and the
State of Florida Dept. of Elder Affairs
U.S. Dept. of Housing and Urban Development
The State of Florida
Florida Dept. of Children & Families -
Office of Refugee Services
Private Contributions

Revised 6/06

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INTRODUCTION

Many children are cared for by their extended families, godparents, or family friends. Questions often arise for these caregivers who are providing for children who are not their own:

- ! What legal documents are required to care for the children?
- ! What legal rights do caregivers have if the parents come to take the children?

! What benefits are the caregivers eligible to receive for the children?

WHAT ARE MY LEGAL OPTIONS?

The chart inside summarizes the legal options available to caregivers and the benefits they may receive with each. A general description of each option also follows:

Consent to Medical Treatment without Legal Documents

Florida law (' 743.0645, Fla. Stat.) allows the following relatives to consent to the routine medical and dental care of children when their parents cannot be located to provide the consent:

- ! child-s grandparents**
- ! child-s adult brother or sister**
- ! child-s adult aunt or uncle**

Only routine medical and dental care is covered by this law. Surgery, general anesthesia, psychotropic drugs, or other extraordinary treatment is not covered. Of course, health professionals may still treat a child when there is an emergency endangering the child-s health, even when the parents cannot be located (' 743.064(1), Fla. Stat.).

Power of Attorney Documents

Florida law (' 743.0645, Fla. Stat.) allows *any person* with a valid Power of Attorney executed by a child-s parents to consent to routine medical and dental care when the parents cannot be located. The Power of Attorney also gives the caregiver the right to consent to necessary surgery and general anesthesia, unless specifically excluded. Other rights may also be included in the document. The Power-of-Attorney is valid until it expires, is destroyed, or is revoked.

Temporary Custody Orders for Extended Family Members

Florida law (Ch. 751, Fla. Stat.) allows a child-s grandparents, great grandparents, great great grandparents, aunts and uncles, great aunts and great uncles, first cousins, adult siblings, or step-parents (if still happily married to the parents) to file for a court order granting them temporary custody of the child in their care. The parents must either consent, fail to object, or be proved unfit. The order allows the caregiver to consent to medical treatment, enroll the child in school, and qualify for other benefits. The order is valid until the child-s parents request the court to dissolve the order, and prove they are now able to take care of their child.

Guardianship

Florida law (Ch. 744, Fla. Stat.) allows *any person*, unless convicted of a felony, to file to become legal guardian of a child. The parents must either consent, fail to object, or be proved unable to care for their child. Guardianship is valid until the child-s parents request the court to dissolve the order. A guardian may have to attend a class and file annual reports with the court unless the court agrees to waive these requirements. The law is geared to caregivers providing for children with assets to be managed. It is also used by caretakers who do not meet the extended family requirement for a temporary custody order.

Adoption

Florida law (Ch. 63, Fla. Stat.) allows *any heterosexual person* to adopt a child. This legal procedure completely terminates the parents' rights and responsibilities concerning the child. It gives the caregiver full parental rights as if the child was born to the caregiver. The parents must consent, not object, or be proved to have abused or abandoned the child. Non-relative applicants must be reviewed by the Florida Department of Children & Families, unless the court waives this requirement. An adoption order is permanent.

Dependency Action

Florida law (Ch. 39, Fla. Stat.) protects children who have been abandoned, abused, or neglected. The State, after a call to the abuse hotline (1-800-96-ABUSE), or *any person* may file a dependency case to remove a child from one or both parents until the parents are no longer a danger to their child. While the child is out of the home, if the other parent is not a safe choice, the child's other family members will be given preference for placement, although there is no guarantee. Also, they may be eligible for relative caregiver financial benefits. If no family member or other adult comes forward, the child is placed in shelter or Foster Care.

SUMMARY OF CAREGIVER'S LEGAL OPTIONS AND BENEFITS AVAILABLE

CHARACTERISTICS	MEDICAL CONSENT (NO DOC.)	POWER OF ATTORNEY	TEMPORARY RELATIVE CUST. ORDER	GUARDIANSHIP ORDER	ADOPTION ORDER	DEPENDENCY ORDER
LEGAL DOCUMENT REQUIRED	NO	YES	YES	YES	YES	YES
REQUIRES A COURT PROCEDURE	NO	NO	YES	YES	YES	YES
FLEXIBILITY FOR THE PARENT(S)	VERY FLEXIBLE	VERY FLEXIBLE	MODIFIABLE BY COURT	MODIFIABLE BY COURT	NONE	MODIFIABLE BY COURT
SECURITY FOR CAREGIVER	NONE	NONE	STABLE	STABLE	PERMANENT	SUBJECT TO DCF APPROVAL
PARENT(S) MUST BE NOTIFIED OR CONSENT	NO, EXCEPT IF SURGERY REQUIRED	YES	YES	YES	YES, AND RIGHTS MUST BE TERMINATED	YES
CHILD MUST CONSENT	NO	NO	NO	NO	YES, IF 12 YEARS OR OLDER	NO
CAREGIVERS COVERED BY LEGAL OPTION	GRAND PARENT, AUNT, UNCLE ADULT BROTHER OR SISTER	ANYONE - RELATIVE OR NON-RELATIVE	ONLY GRAND-PARENT, AUNT, UNCLE, ADULT BROTHER OR SISTER, FIRST COUSIN, STEP-PARENT	ANYONE - RELATIVE OR NON-RELATIVE WITHOUT FELONY CONVICTION	ANYONE - NON-RELATIVES HAVE MORE REQUIREMENTS - (HOMOSEXUALS CURRENTLY EXCLUDED)	ANYONE SUBJECT TO DCF AND COURT APPROVAL
TEMPORARILY PREVENTS PARENT(S) FROM TAKING CHILD(REN) FROM CAREGIVER	NO	NO	YES	YES	YES, PERMANENTLY	YES

TANF (FORMERLY AFDC)	YES, WITHIN 5TH DEGREE KINSHIP	YES, WITHIN 5TH DEGREE KINSHIP	YES	YES	YES	YES
FOODSTAMPS	YES	YES, BUT NOT NECESSARY	YES, BUT NOT NECESSARY	YES, BUT NOT NECESSARY	YES, BUT NOT NECESSARY	YES, BUT NOT NECESSARY
HUD HOUSING	SOMETIMES	SOMETIMES	YES	YES	YES	YES
HABITAT HOUSING	SOMETIMES	SOMETIMES	YES	YES	YES	YES
PRIVATE INSURANCE COVERAGE	NO	SOMETIMES, BUT UNLIKELY	SOMETIMES	SOMETIMES	YES	SOMETIMES
SOCIAL SECURITY BENEFITS FOR CHILD(REN) ON CAREGIVER'S CHECK (A) IF STEP-PARENT, GRANDPARENT OR STEP-GRANDPARENT (B) IF OTHER RELATIVE OR NON-RELATIVE	(A) YES, IF SPECIFIC REQUIREMENTS ARE MET (B) NO	(A) YES, IF SPECIFIC REQUIREMENTS ARE MET (B) NO	(A) YES, IF SPECIFIC REQUIREMENTS ARE MET (B) NO	(A) YES, IF SPECIFIC REQUIREMENTS ARE MET (B) NO	(A) YES (B) YES	(A) YES, IF SPECIFIC REQUIREMENTS ARE MET (B) NO
PAYEE ON CHILD(REN)'S SOCIAL SECURITY CHECK	YES, WITH PARENT COOPERATION	YES, IF WRITTEN IN DOCUMENT	YES	YES	YES	YES
ENROLL CHILD IN SCHOOL, REVIEW RECORDS AND CONSENT TO PROGRAMMING	NO	MAYBE, IF WRITTEN IN DOCUMENT	YES	YES	YES	YES
ALLOWS PARENT(S) TO JOIN THE ARMED FORCES	NO	NO	YES	YES	YES	YES

RESOURCES

JACKSONVILLE BAR ASSOCIATION

Lawyer Referral Service
(904) 399-5780

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

FAQs on Driver License Suspensions and Revocations - Answers

How do I clear a suspension for failure to comply with traffic summons, to appear on a traffic summons or to pay fine?

Driver license is suspended indefinitely. Contact the [traffic court](#) in the county where the traffic summons was issued, satisfy the traffic summons and present proof of the satisfaction plus a \$47.50 reinstatement fee in any Florida [driver license office](#). Some traffic courts allow payment for the traffic summons online via credit card. Check the [traffic court web site](#) to determine if you can pay yours now.

Out-of-state residents must send the satisfaction and \$47.50 reinstatement fee and a letter of residency to:

*The Bureau of Driver Improvement
P.O. Box 5775
Tallahassee, Florida 32314-5775
Make Check Payable to the Division of Driver Licenses*

A clearance letter will be mailed to you. If inquiring about an out-of-state traffic summons on the Florida driver record, contact the court that has jurisdiction. If more ticket information is needed, contact the Bureau of Customer Services at (850) 922-9000.

How do I clear unpaid tickets?

Tickets must be paid in the [traffic court](#) in the county in which the citation was issued. Some traffic courts allow payment online via credit card. Check the [traffic court web site](#) to determine if you can pay yours now.

How do I clear a suspension for failure to complete court-ordered school or school election was made, but I did not attend, or school election was made and I was not eligible to attend?

Driver license is suspended indefinitely. Contact the [traffic court](#) in the county where the traffic summons was issued, satisfy the traffic summons and present proof of the satisfaction plus a \$47.50 reinstatement fee in any Florida [driver license office](#).

Out-of-state residents must send the satisfaction and \$47.50 reinstatement fee and a letter of residency to:

*The Bureau of Driver Improvement
P.O. Box 5775
Tallahassee, Florida 32314-5775*

A clearance letter will be mailed to you.

How do I reinstate if my license is revoked for inadequate vision?

The individual must submit a report of eye exam to a [Florida Driver License office](#) and may be licensed if minimum vision standards are met. If record states "Inadequate/Field of Vision," then a vision report including a "Field of Vision Chart" must be mailed to:

*The Bureau of Driver Improvement
Vision Section
2900 Apalachee Parkway, MS 87
Tallahassee, Florida 32399-0570*

The Medical Board will review the chart, advise the department, and the department will advise the individual.

How do I reinstate after my license is suspended for being incapable of operating a motor vehicle safely?

Suspension is for one year. You are not eligible for a hardship license but can request a hearing for the purpose of requesting one or two more opportunities to pass the test.

When the suspension has expired, then the subject must pass the exams required before re-licensing.

What is the suspension for 12 points in 12 months?

...18 points in 18 months?

...24 points in 36 months?

12 points earned within 12 months results in a 30-day suspension.
18 points earned within 18 months results in a 3-month suspension.
24 points earned within 36 months results in a 12-month suspension.

In computing the total points, the offense date will be used. Subject may apply for a hardship license through the Administrative Reviews Office (see listing "Under Suspension - Need Driver License for Work") where you live. To reinstate for a hardship license or when time expires, you will need to take a required examination, submit Advanced Driver Improvement (ADI) school enrollment, a \$35.00 reinstatement fee and any applicable license fees.

How do I reinstate my license after a suspension for a violation (not DUI related) resulting in death or personal injury?

Driver license will be suspended for 1 year. You may apply for a hardship through the Administrative Reviews Office (see listing "Under Suspension - Need Driver License for Work") where you live. To reinstate for a hardship license or when time expires, you will need to take a required examination, submit Advanced Driver Improvement (ADI) school enrollment, a \$35.00 reinstatement fee and any applicable license fee.

How do I reinstate my license after a revocation as a Habitual Traffic Offender (HTO)?

Driver license will be revoked for 5 years. After 1 year from the effective date of revocation, the subject may request a hardship license. Contact the Administrative Reviews Office (see listing "Under Suspension - Need Driver License for Work") where you live. Advanced Driver Improvement (ADI) School will be required unless alcohol was involved, then a Driving Under the Influence (DUI) school will be required.

If the HTO revocation has expired, a Florida resident must still obtain authority to restore through the Administrative Reviews Office (see listing "Under Suspension - Need Driver License for Work") where you live.

How can I be re-licensed in another state after my HTO revocation has expired in Florida?

Contact the Customer Service Center at 850/922-9000 for information on reinstatement requirements.

How do I reinstate after my license is suspended for fraudulently obtaining a driver license?

License will be suspended for one year. The applicant may petition the department for a hearing to determine whether or not fraud has been committed. If not, then the suspension will be removed.

If fraud is proven, then the subject may apply for a hardship license. If approved for hardship, or if the time is expired, a test must be taken, \$35 reinstatement fee, and any applicable license fees.

How do I reinstate after my license is suspended for being delinquent in child support?

This is an indefinite suspension of your driver license. The individual must present an affidavit, Form # DHSMV 73986, from the child support agency, depository or the clerk of the court. The affidavit must be dated within 30 days of the reinstatement to be honored. No exam is required, but a \$35.00 fee is required to reinstate the driver license. If the affidavit is dated before the suspension date, then the suspension is deleted and no fee is required.

Write to request Form #DHSMV 73986:

*The Bureau of Records
2900 Apalachee Parkway, Rm. B235 - MS 91
Tallahassee, Florida 32399-0570*

I have a Florida license and received a traffic ticket in another state. Will this affect my Florida driving record?

If you hold a Florida license and have received a ticket in another state, they will send Florida the ticket information and it will be added to your record. You will receive points on your license if the ticket is a point-accessible violation according to Florida Statute 322.27(3). Florida law does not allow any school or program to remove points for a ticket received in another state.

Any unpaid ticket reported by another state will result in the suspension of your Florida license. If this has happened you must contact the county where you received the ticket and obtain a receipt with the Court seal. You must present this receipt to DHSMV via fax (850-487-7080), or mail, or in person at any Florida Driver License Office. There will be a \$47.50 reinstatement fee due if the ticket was paid after the Florida suspension date. If you are not sure if you owe the \$47.50 fee or have trouble contacting the county where you received the ticket, please call 850-922-9000 or inquire at your local Driver License Office in person.

Subject: CLS Pro Bono Project - addition to notebook [Fwd: FW: Directions for Obtaining Driving Records]

From: Blane McCarthy <bgm@bgmccarthy.com>

Date: Tue, 25 Aug 2009 11:32:48 -0400

To: Vicki Bowers <vbowers@bowerselderlaw.com>, Cheryl Brittle <britkeeper@gmail.com>, Lori Aldrich <laldrich@rtlaw.com>, Angela Cook <acook@crmjax.org>, Princess Evans <pevans@crmjax.org>, Hollyn Foster <hollynf@bellsouth.net>, Sarah Fowler <sarah.fowler@jaxlegalaid.org>, Steve Gaerke <stevegaerke@aol.com>, "Roger K. Gannam" <rgannam@lindellfarson.com>, Tom Harper <gth@harpergerlach.com>, "Chris Hazelip, Esquire" <chazelip@rtlaw.com>, Jeanne Helton <jhelton@smithhulsey.com>, Aaron Honaker <APH@stmllaw.net>, Mark Hulsey <hulseyfirm@bellsouth.net>, Bruce Humphrey <bhumphrey@birchfieldhumphrey.com>, Brent McBurney <bmcburney@clsnet.org>, "Blane G. McCarthy" <bgm@bgmccarthy.com>, "Rose Marie K. Preddy" <rpreddy@preddyllaw.com>, Megan Banister <MBanister@RinamanLaw.com>, "Jeanine B. Sasser" <jbs@sasserlaw.net>, Jerry Sessions <JSessions@SessionsLawFirm.com>, Judi Setzer <judisetzer@comcast.net>, John Tolson <jftolson@bellsouth.net>, Lisa Peacock <lpeacock@bellsouth.net>, Sean Belmudez <spbelmudez@fcsf.edu>, Tabitha F Fishgrab <tffishgrab@fcsf.edu>, "Jeffrey A. Sims" <JSims@crmjax.org>, Jerry Lee Hanbery <jhanbery@vbwr.com>, Ford Banister <lfordbanister@yahoo.com>, Megan Banister <meganbanister@yahoo.com>, Karl Green <green@jaxlegal.com>, Karl Green <karlgreen@aol.com>, Bederia Moore <bederiajmoore@yahoo.com>, Gordon Crawford <kgcrawford@gmail.com>

Pro Bono project teammates,

Below is an email from Chris Hazelip's paralegal on how to obtain driving record information for our CRM residents with traffic ticket issues. Please print this email, the attachments, and insert them into your reference book for future use. We encounter this issue often.

Thanks.

Blane

--

Blane McCarthy - Injury Lawyer and Mediator
P.O. Box 56860
Jacksonville, FL 32241
(904) 391.0091
Fax (904) 391.6888
bgm@bgmccarthy.com
www.bgmccarthy.com

Founder - Jacksonville Christian Lawyer Directory
(904) 223-JCLD (5253)
www.jacksonvillechristianlawyerdirectory.com

----- Original Message -----

Subject:FW: Directions for Obtaining Driving Records

Date:Thu, 9 Jul 2009 10:07:17 -0400

From:Chris Hazelip <CHazelip@rtlaw.com>

To:Blane McCarthy <bgm@bgmccarthy.com>

Blane,

I thought I had sent this to you before, but here it is.

Chris

From: Jeannie Stacy

Sent: Tuesday, June 16, 2009 2:05 PM

To: Chris Hazelip

Subject: Directions for Obtaining Driving Records

If you have the party's driver's license number you can obtain an "unofficial" record from the Department of Highway Safety & Motor Vehicles (DHSMV) online at no charge. Go to www.flhsmv.gov and click on "Drivers License Check." On the "Drivers License Check" page you will enter the party's driver's license number (see

Exhibit "A" attached). The results page of the Drivers License Check will let you know if the driver's license is good or if it is canceled, suspended, revoked or disqualified (see Exhibit "B" attached). If you do not have the party's driver's license number you will need to send in a written request to the DHSMV (procedure explained in the next paragraph).

For an "official" driving record from the DHSMV you will need to mail in a request to the "Bureau of Records." Attached as Exhibit "C" is the instruction page for requesting the official record by mail and the fees for such records. There are some counties that can provide you with a driving record (Duval County is not one of them). Attached as Exhibit "D" are the list of counties that do provide driving records and their telephone numbers.

Jeannie Stacy
Assistant to:
Fred D. Franklin, Jr. and Christopher C. Hazelip
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207
(904) 346-5729 - Direct Line
(904) 396-0663 - Facsimile

TAX ADVICE DISCLOSURE: Pursuant to the requirements of Internal Revenue Service Circular 230, we advise you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of: (1) avoiding penalties that may be imposed under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or matter addressed in this communication.

CONFIDENTIALITY NOTICE: The information and all attachments contained in this electronic communication are legally privileged and confidential information, subject to the attorney-client privilege and intended only for the use of intended recipients. If the reader of this message is not an intended recipient, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately of the error by return email and please permanently remove any copies of this message from your system and do not retain any copies, whether in electronic or physical form or otherwise.

Thank you.

Rogers Towers, P.A. (904) 398-3911

Exhibit A.pdf	Content-Type: application/octet-stream
	Content-Encoding: base64

Exhibit B.pdf	Content-Type: application/octet-stream
	Content-Encoding: base64

Exhibit C.pdf	Content-Type: application/octet-stream
----------------------	---

Content-Encoding: base64

Exhibit D.pdf

Content-Type: application/octet-stream

Content-Encoding: base64

EXHIBIT "A"

- Driver License Check --
- Online Insurance Update --
- Driving School Eligibility Check --
- Social Security Number Update --
- Parental Access to Minor's Driving History --

Please enter your Driver License Number below. Social Security Number and/or Insurance update(s), if applicable, are available on the Driver License Check results page.

To access the driving history of your child under the age of 18, enter the teen's driver license number below. After we retrieve the record, you may enter the last four digits of the driver's Social Security Number and the date of birth to view the driving history.

Enter your driver license number:

.....

When you check your license by entering the number above, if it shows "VALID" it simply indicates that the department has already received information and cleared your record. You may disregard any notice you received and print the response as your latest official receipt from this agency.

EXHIBIT "B"

Driver License Check

As of Jun 16, 2009, at 01:26 PM, driver license number [REDACTED] is currently **CANCELED, SUSPENDED, REVOKED, or DISQUALIFIED**. This is a result of the following infractions shown on your driving record. Please note that this is not an official driving record. For information on how to obtain an official driving record, [click here](#). All information provided is based on what we have received from courts and law enforcement agencies. **Review all items and requirements listed below before paying reinstatement fees.** This license is a Class E. Restrictions are A. Endorsements are (NONE ON RECORD). Motorcycle endorsements are (NONE ON RECORD).

You are eligible for Driving School Election. You last elected to attend school on Aug 8, 2007. You have elected to attend school 1 times in the past 10 years. Information regarding Driving School Election can be found at the [HSMV Home Page - Driver License - Driving Courses](#).

Your personal information in Florida motor vehicle and driver records is blocked in accordance with the [Driver Privacy Protection Act](#).

Your Social Security Number has been verified. Thank You.

COURT SUSPENSION(s) - Court Requirements Not Met				Status: EFFECTIVE
Description	Effective Date	Ticket Number	County/State	Court Address and Phone Number
FAILED TO PAY TRAFFIC FINE(PENALTY)	09/09/2008	[REDACTED]	DUVAL	3470 BEACH BOULEVARD JACKSONVILLE (904)391-6700
FAILED TO PAY TRAFFIC FINE(PENALTY)	09/09/2008	[REDACTED]	DUVAL	3470 BEACH BOULEVARD JACKSONVILLE (904)391-6700
FAILED TO PAY TRAFFIC FINE(PENALTY)	12/04/2008	[REDACTED]	DUVAL	3470 BEACH BOULEVARD JACKSONVILLE (904)391-6700
FAILED TO APPEAR ON TRAFFIC SUMMONS	01/05/2009	[REDACTED]	DUVAL	3470 BEACH BOULEVARD JACKSONVILLE (904)391-6700
FAILED TO PAY TRAFFIC FINE(PENALTY)	01/13/2009	[REDACTED]	DUVAL	3470 BEACH BOULEVARD JACKSONVILLE (904)391-6700

[Click Here](#) for information to resolve these effective court suspensions, court requirements not met.

Would you like to look up another record?

EXHIBIT "C"

Search

How do I obtain my driving record (abstract)?

Driver records (abstracts) may be purchased at many county clerk offices and from private vendors.

To obtain a copy of a driving record from your county court clerk, see the [list of court clerks](#) who provide this service.

To obtain a copy of a driving record from a private vendor, see the [list of private vendors](#).

To obtain a copy of a driving record by mail, please submit a written request which includes the individual's full name, date of birth or approximate age, social security number, Florida driver license number (if available) and the address where to send the record, along with the appropriate fee to:

Bureau of Records
P. O. Box 5775
Tallahassee, Florida 32314-5775

Please allow two weeks for processing your request.

If you wish to use next day delivery carriers to speed the mail time, please send your request to:

Bureau of Records
2900 Apalachee Parkway, MS 90
Tallahassee, Florida 32389-0575.

Personal information on driver records is protected by the Driver Privacy Protection Act. You may request personal information from your own record by completing and notarizing the [Request for Personal Information form](#) and mailing it to the address listed above.

Cost for records are:
\$2.10 3-year
\$3.10 7-year
\$3.10 complete history
\$3.10 3 year, 7-year or complete CERTIFIED COPY

You may pay by personal check or money order made payable to the Division of Driver Licenses.

Links

QUESTIONS ABOUT THE DRIVING RECORD

Driver Privacy Protection Act (DPPA)

To obtain a copy of a driving record from your county court clerk, see the [list of court clerks](#) who provide this service.

To obtain a copy of a driving record from a private vendor, see the [list of private vendors](#).

EXHIBIT "D"

Florida Driving Records Available From County Court Clerk Offices

County	Address	Telephone
Alachua	220 S. Main Street, Gainesville	(352) 374-3609
Baker	339 E. MacClenny Avenue, Macclenny 32063	(904) 259-3686
Bay	300 E. 4th Street (32401), Panama City 32402	(850) 747-5132
Bradford	945 N. Temple Avenue, Starke 32091	(904) 966-6296
Brevard	400 South Street, Titusville 32780	(321) 637-5413
Broward	201 SE 6th Street, Room 130, Ft. Lauderdale 33301	(954) 831-6565
Charlotte	350 East Marion Ave., Punta Gorda 33951	(941) 637-2121
Citrus	110 N. Apopka Avenue, Room 101, Inverness 34450	(352) 341-6400
Clay	825 N. Orange Avenue, Green Cove Springs 32043	(904) 284-6302
Collier	3301 Tamiami Trail E., Bldg. L-6 (34112), Naples 34101-3044	(239) 774-8105
Columbia	145 N. Hernando Street, Lake City 32056-2069	(386) 758-1342
DeSoto	115 E. Oak Street (34268), Arcadia 34265	(883) 993-4880
Dixie	Highway 351 & King Avenue (32202), Cross City 32628	(352) 498-1200
Escambia	190 Governmental Cir., Rm. 234, Pensacola 32501-5796	(850) 585-4360
Flagler	201 E. Moody Blvd., Room 138, Bunnell 32110	(386) 437-7414
Franklin	33 Market Street #203, Apalachicola 32320	(850) 653-8861
Gadsden	10 E. Jefferson Street, Quincy 32351	(850) 875-8817
Gilchrist	112 S. Main Street, Trenton 32693	(352) 483-3170
Glades	500 Avenue, Moore Haven 33471	(863) 946-6010
Gulf	1000 5th St., Rm. 148, Port St. Joe 32456	(850) 229-6113
Hamilton	207 NE First Street, Room 106, Jasper 32052	(904) 792-3512
Hardee	417 W. Main Street, Wauchula 33873-1749	(863) 773-2070
Hendry	Courts Building (Hwy 80 & 29 S), LaBelle 33975	(863) 875-5209
Hernando	20 N. Main Street, Room 134, Brooksville 34801	(352) 754-4201
Highlands	430 S. Commerce Avenue, Room 103, Sebring 33870	(863) 402-6565
Hillsborough	9309 N Florida Avenue (Floriland Mall), Tampa 33612	(813) 276-8100
Holmes	201 N. Oklahoma Street, Bonifay 32425	(850) 547-1100
Indian River	2000 16th Avenue (32960), Vero Beach 32961	(772) 770-5185
Jackson	4445 E. Lafayette Street (32446), Marianna 32446	(850) 482-9899
Jefferson	County Courthouse, Room 10, Monticello 32344	(850) 342-0218
Lafayette	Corner of Fletcher & Main, Mayo 32066	(386) 294-1600
Lake	550 W. Main Street, Tavares 32778	(352) 742-4133
Lee	Justice Bldg., 1703 Monroe St. (33901), Ft. Myers 33902	(239) 335-2283
Leon	2810 Sharer Road, Suite 17 32312, Tallahassee 32312	(850) 577-4100
Levy	365 Court Street, Bronson 32621	(352) 486-5254
Madison	101 S. Range Street, Room 109, Madison 32341	(850) 973-1503
Manatee	1115 Manatee Avenue W., Bradenton 34206	(941) 741-4060
Marion	110 NW First Avenue (34475), Ocala 34478	(352) 820-3368
Martin	100 E. Ocean Blvd. (34994), Stuart 34995	(772) 288-5542
Miami-Dade	1351 N.W. 12th Street, Miami 33125	(305) 275-1111
Nassau	76347 Veterans Way, Yulea	(904) 321-5711
Okaloosa	Courthouse Annex, 1250 N. Elgin Pkwy., Shalimar 32579	(850) 651-7226
Okneechee	304 NW 2nd Street, Room 107, Okneechee 34972	(863) 763-1639
Orange	425 North Orange Avenue, Room 410 32862-8292	(407) 836-6000
Osceola	12 S. Vernon Avenue, Kissimmee 34741-1767	(407) 343-3566
Palm Beach	205 N. Dixie Hwy (33401), West Palm Beach 33402	(561) 355-2994
Pinellas	14250 - 49th Street North, Clearwater 33762	(727) 464-7000
Polk	330 W. Church Street (33830), Bartow 33831-9000	(863) 534-4446
Putnam	410 St. Johns Avenue, Palatka 32178	(386) 329-0350
Santa Rosa	6865 Caroline Street (32570), Milton 32572	(850) 983-4620
Sarasota	2000 Main Street, Suite 102, Sarasota 34237	(941) 861-7400
St. Johns	4010 Lewis Speedway (32095), St. Augustine 32085	(904) 818-3628
St. Lucie	218 South 2nd Street, Ft. Pierce 34950	(772) 871-5375
Suwannee	County Courthouse, 200 S. Ohio Ave., Live Oak 32064	(386) 362-0559
Taylor	108 N. Jefferson Street (32347), Perry 32348	(850) 838-3506
Union	Union County Courthouse, 55 W. Main St., Rm. 103, Lake Butler 32054	(904) 496-3711
Volusia	101 N. Alabama, DeLand 32721	(386) 736-5905
Wakulla	3056 Crawfordville Highway, Crawfordville 32327	(850) 926-0905
Walton	571 Highway 90, East, DeFuniak Springs 32433	(850) 892-8118
Washington	1289 Jackson Ave., Courthouse, Chipley 32428	(850) 638-6289

Links

[Driver Privacy Protection Act \(DPPA\)](#)
 To obtain a copy of a driving record from a private vendor, see the [list of private vendors](#).



Department of Health Office of Vital Statistics

INSTRUCTIONS FOR AMENDING A CERTIFICATE OF LIVE BIRTH

Birth Certificate Amendments; Who May Apply; Fees. A request for an amendment to a birth certificate shall be accompanied by statutory fees required pursuant to subsection (3) of Rule 64V-1.014, Florida Administrative Code (F.A.C.), and documentary evidence, if required, by section 64V-1.003, F.A.C. The required Affidavit of Amendment to Certificate of Live Birth, DH Form 430 must be signed before a notarizing official by a registrant who is at least 18 years of age or if disability of nonage has been removed and the registrant provided proof of such removal; or if under the age of 18, by his or her parent(s) named on the certificate or guardian or agency having legal custody of the registrant. If amendment is to the child's name and the child is under the age of 18, both parents (if both named on the birth record) must sign the required affidavit before a notarizing official. If both parents not willing or available, the name can only be amended pursuant to court order.

PURSUANT TO S. 382.026(1), FLORIDA STATUTES – IT IS A THIRD DEGREE FELONY TO WILLFULLY AND KNOWINGLY MAKE FALSE STATEMENT IN AN APPLICATION FOR AN AMENDMENT TO A CERTIFICATE REQUIRED UNDER THIS CHAPTER.

NO SUPPORTING DOCUMENTARY EVIDENCE REQUIRED FOR THE FOLLOWING ITEMS

- ◆ Hour of birth, parent(s) age or date of birth, residence, mailing address, social security numbers;
- ◆ Misspelling or transposition of letters;
- ◆ Adding given name(s) of registrant up to the registrant's seventh (7th) birthday;
- ◆ Amending name(s) of registrant up to the registrant's first (1st) birthday. After 1 year from the date of birth, a change to a registrant's name (other than a correction which can be support by documentary evidence) will be processed upon receipt of a legal change of name issued from a court of competent jurisdiction;
- ◆ Adding of given name(s) of parent(s);
- ◆ Sex, if item was left blank, or if sex as recorded is clearly in conflict with given names as recorded at the time of birth;
- ◆ Date of birth up to 10 days within the same calendar year but not later than file date;
- ◆ Mother's maiden name if married surname was originally recorded; or
- ◆ Parent(s) state or country of birth except a change from foreign country to the United States.

1. Complete the green form **Application for Amended Birth Certificate**, DH Form 429.
2. Complete the white form **Affidavit of Amendment to Certificate of Live Birth**, DH Form 430
3. To amend any of the above items, mail both the application and notarized affidavit with a check or money order made payable to: **Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, ATTN: Correction Unit**

CORRECTION OF THE FOLLOWING ITEMS REQUIRES DOCUMENTARY EVIDENCE IN ADDITION TO ITEMS 1 – 3 ABOVE

Amendment to birth certificates as specified below shall be accompanied by original, certified, or notarized supporting documentary evidence. Except for correction of the year of birth, documents submitted for registrant 18 years or older must have been established prior to the 18th birthday and must be at least 5 years old; documents submitted for registrant under the age of 18 must have been established within 7 years of the date of birth. To correct the year of birth, the documentation must have been established within the first 7 years of the date of birth. – **DOCUMENTS ARE SUBJECT TO VERIFICATION WITH THE ORIGINATING SOURCE AND WILL BE RETURNED AFTER REVIEW.**

- ◆ Adding given name(s) of registrant after the registrant's seventh (7th) birthday;
- ◆ Correcting name of the registrant after the registrant's first (1st) birthday;
- ◆ Sex of the child, if it does not met criteria contained in section above;
- ◆ Date of birth more than 10 days but less than one (1) year provided that the requested change is not in conflict with the filing date of the birth certificate;
- ◆ Year of birth provided that the requested change is not in conflict with the filing date of the birth certificate;
- ◆ Place of birth;
- ◆ Name of attendant.

INFORMATION CONTINUES ON BACK OF THIS SHEET

DH Form 660, Apr. 2002
(Obsoletes previous editions)

- ◆ Parent(s) names, except for those amendments meeting criteria contained in section above;
- ◆ Parent(s) state or country of birth from foreign born to United States; and
- ◆ Parent(s) race.

DOCUMENTATION TO INCLUDE

- | | |
|---|---|
| <ul style="list-style-type: none"> (1) Name of Child (2) Name of Parent (3) Sex of Child | <ul style="list-style-type: none"> (4) Date of Birth (5) Place of Birth (6) Date Document Originally Established |
|---|---|

Documents submitted must be the original or a certified/notarized copy. Any foreign language document must be accompanied by a certified English translation.

- ◆ Court Order;
- ◆ Medical record or statement based on established records from a hospital, licensed physician, licensed midwife, or a public health nurse employed by the department;
- ◆ Vital Records of parent(s) or sibling(s), where appropriate;
- ◆ School Record;
- ◆ Military Record;
- ◆ Census Record;
- ◆ Social Security Application; (print-out/numident)
- ◆ Insurance Application; or
- ◆ Voter Registration Record.

Other records that are verifiable and contain the required facts and support the amendment being requested may be substituted for the suggested documents.

SOURCE ADDRESSES

SCHOOL RECORD: May be obtained from the county superintendent or principal of the school on official letterhead, affidavit from or a certified transcript. You can visit the website at www.fadss.org/

CENSUS RECORD: Bureau of the Census, P. O. Box 1545, Jeffersonville, Indiana 47131. A substantial fee is required thus we usually do not suggest this unless a last resort. You can visit the website at www.census.gov/

MILITARY RECORD: Check with the respective personnel office of your branch of service at a military installation closest to you for the address to your particular records center.

SOCIAL SECURITY (Numident): Social Security Administration, OCRO – EEU, P. O. Box 33022, 33 N. Greene Street, Baltimore, Maryland 21290. A fee is required. You may also wish to contact your local social security office to see if a social security numident can be obtained locally.

For further information contact the Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, ATTN: Correction Unit. Telephone (904) 359-6900 ext. 9005.

INFORMATION AND INSTRUCTIONS FOR AMENDMENT TO BIRTH RECORD APPLICATION

Statute/Rule references may be accessed through the website address at the bottom of this form

FEES: The amendment-processing fee is nonrefundable, even if the amendment cannot be completed. In addition, it can only be applied to this case and cannot be credited or transferred to another case.

ELIGIBILITY: Pursuant to s. 382.025, Florida Statutes, except for those births occurring over 100 years ago that are not under seal, birth certificates are confidential and can be issued only to the registrant (the child named on the record) if of legal age (18), parent, guardian, or a legal representative of one of these persons or by court order. Events occurring over 100 years ago not under seal are public record and available to anyone providing fee and application.

REQUIREMENT FOR ORDERING: If applicant is self, parent or guardian, the applicant must provide a copy of valid photo identification. If guardian, a copy of appointment order must also be included. If legal representative, your attorney Bar ID number and the name and a notation of whom you represent must be included with your request. If not one of the above persons, you will need to complete and have notarized the Affidavit to Release a Birth Certificate, DH Form 1958, and submit with this Application for Amendment to Florida Birth Certificate, DH Form 429, or provide a court order. A release form is available from this office, most local vital statistics offices within the county health department and our website. Website address located at bottom of this form.

TYPES OF AMENDMENTS:

A. An amendment resulting from a court ordered action:

- Adoption (for assistance call (904)359-6900, ext.9001)
- Legal Name Change (for assistance call (904)359-6900, ext.9005)
- Paternity Establishment (for assistance call (904)359-6900, ext.9004)

B. An amendment made administratively pursuant to vital statistics law (Chapter 382, F.S) and rule authority (Chapter 64V-1 F.A.C.) (for assistance call (904)359-6900, ext.9005)

- Paternity Acknowledgement
- Correction resulting from a misspelling or typographical error or omission
- Correction of child's name
- Change to child's name within 1 year of birth. Note: A legal change of name issued pursuant to s. 68.07(4), Florida Statutes, is required to change the name after the 1st birthday UNLESS supporting documentation can be provided. In regard to a legal name change, we can only amend a Florida birth record based on a legal name change that has been granted in a Florida court

C. Putative Father:

This DH 429 form, is not used for Putative Father related issues. For more information and assistance please visit our website below or call (904)359-6900, ext.1086.

Correction to a child's name resulting from a misspelling or a typographical error can be made at any time after the child's birth without supporting documentation.

Omissions of child's given name(s) may be made up to the child's 7th birthday without supporting documentation. Corrections to a child's name (other than misspellings, typographical errors, or omissions) may be made only if documentary evidence supporting the correction can be provided. In all cases, such changes to a minor child's name will be made ONLY if both parents named on the birth record (if both are named) are in agreement and sign the required affidavit before a notarizing official. If both parents are not in agreement or not available to sign, the name can only be amended by a legal change of name (court order).

See s. 64V-1.002 and .003, Florida Administrative Code, for additional information defining our authority to make corrections to a birth record.

IMPORTANT: IF A NAME HAS BEEN CHANGED PREVIOUSLY ON THE BIRTH RECORD PURSUANT TO A COURT ORDER, I.E., BY ADOPTION, PATERNITY ACTION OR LEGAL NAME CHANGE, IT CAN ONLY BE CHANGED SUBSEQUENTLY THROUGH ANOTHER COURT ORDER. IN REGARD TO A LEGAL NAME CHANGE, WE CAN ONLY AMEND A FLORIDA BIRTH RECORD BASED ON A LEGAL NAME CHANGE THAT HAS BEEN GRANTED IN A FLORIDA COURT.

RESPONSE TIME: Response time for processing an amendment varies depending upon our workload at the time your request is received. Generally, an amendment is completed within two to three weeks. RUSH processing is available for those who need assurance of faster service. Orders received in an envelope marked RUSH and with the \$10.00 RUSH fee will be given priority over other pending work; however, no amended certificate can be issued until all required evidence, forms, applicable fees and appropriate signatures have been received and meet the criteria as established by law or in rules of the department.

MAIL THIS APPLICATION WITH PAYMENT TO VITAL STATISTICS, ATTN: AMENDMENT SECTION, P.O. BOX 210,
Jacksonville, FL 32231-0042

http://www.doh.state.fl.us/planning_eval/vital_statistics/index.html



APPLICATION FOR AMENDMENT TO FLORIDA BIRTH RECORD

IMPORTANT: Read the entire application form before completing. **TYPE OR PRINT**

Requirement for ordering: If you are an eligible applicant, complete and sign this application, state your relationship to registrant and provide a copy of valid photo identification. If you are an attorney representing an eligible person, you need only sign, provide professional license or bar number, indicate name of person whom you represent and their relationship to the registrant in the appropriate spaces below. If applicant is not an eligible person, an Affidavit to Release a Birth Certificate, DH Form 1958, must be completed and signed by an eligible person before a notarizing official and submitted in addition to this application form. Acceptable forms of photo identification are the following: Driver's License, State Identification Card, Passport, and/or Military Identification Card.

NAME ON OR FOR NEW BIRTH RECORD OF REGISTRANT	FIRST	MIDDLE	LAST	SUFFIX		
NAME AS RECORDED ON CURRENT BIRTH RECORD	FIRST	MIDDLE	LAST	SUFFIX		
DATE OF BIRTH	MONTH	DAY	YEAR (4-DIGIT)	AGE	STATE FILE NUMBER (IF KNOWN)	SEX
PLACE OF BIRTH	HOSPITAL	CITY OR TOWN	COUNTY	FLORIDA		
MOTHER'S MAIDEN NAME (Name before marriage)	FIRST	MIDDLE	LAST (MAIDEN)	SUFFIX		
FATHER'S NAME	FIRST	MIDDLE	LAST	SUFFIX		

CHECK TYPE OF AMENDMENT: Adoption Correction Legal Name Change Paternity Establishment

\$20.00 AMENDMENT PROCESSING FEE Includes the issuance of ONE certification

FEES ARE NONREFUNDABLE: . See information entitled "Fees" on reverse side

Quantity	=	Amount
1	=	\$20.00

1st additional certification: \$9.00	\$9.00	X	1	=\$9.00	\$
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Other additional certifications (after the 1st additional certification) are \$4.00 each	\$4.00	X		=	\$
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RUSH ORDERS (Optional): \$10.00 per order. Envelope must be marked "RUSH". (Refer to Information entitled Response Time)

Yes No

\$

TOTAL AMOUNT ENCLOSED: Check or money order payable to **Vital Statistics** in U.S. Dollars (DO NOT SEND CASH)
Florida Law Imposes an additional service charge of \$15 for dishonored checks

\$

To provide false information relative to an amendment of a Florida birth record or obtain confidential information contained on a Florida birth record under false or fraudulent purposes is a third-degree felony punishable by the terms and conditions as set forth in Florida Statutes.

APPLICANT NAME/DELIVERY INFORMATION

Applicant's Name TYPE OR PRINT	FIRST	MIDDLE	LAST (INCLUDING ANY SUFFIX)	RELATIONSHIP TO REGISTRANT
DELIVERY ADDRESS (INCLUDE APT. NUMBER, IF APPLICABLE)	CITY	STATE	ZIP CODE	
DAYTIME PHONE NUMBER INCLUDING AREA CODE ()	ALTERNATE PHONE NUMBER INCLUDING AREA CODE ()	SIGNATURE OF APPLICANT		
IF ATTORNEY, PROVIDE BAR/PROFESSIONAL LICENSE NUMBER	IF ATTORNEY, PROVIDE NAME OF PERSON YOU REPRESENT IIF NOT THE REGISTRANT AND THEIR RELATIONSHIP TO REGISTRANT			
EMAIL ADDRESS				
IF THE CERTIFICATION IS TO BE MAILED TO ANOTHER PERSON OR ADDRESS USE THE SPACES BELOW TO SPECIFY SHIP TO NAME AND ADDRESS.				
SHIP TO NAME TYPE OR PRINT	FIRST	MIDDLE	LAST	SUFFIX
HOME PHONE NUMBER ()	SHIP TO STREET ADDRESS (AND APT.)			
WORK PHONE NUMBER ()	CITY	STATE	ZIP CODE	

INSTRUCTIONS - READ CAREFULLY

Any person who willfully and knowingly makes any false statement on a certificate, record, or report required by Chapter 382, Florida Statutes, or on an application for an amendment thereof, commits a felony of the third degree, punishable as provided in s. 775.084, Florida Statutes.

1. Complete only the upper half of the affidavit. This affidavit will be attached to the original birth certificate thus becoming part of the birth record. Therefore, when completing, please use black typewriter ribbon or print clearly using black ink.
 - a. **REGISTRANT'S FULL NAME AT BIRTH** - Enter the registrant's (person for whom the record is filed) name as it SHOULD APPEAR on the birth certificate.
 - b. **STATE FILE NUMBER** - Enter if known, otherwise, leave blank.
 - c. **BIRTH DATE AND BIRTH PLACE** - Enter correct date and place of birth of registrant.
 - d. **COLUMN 1 "ITEM OMITTED OR IN ERROR"** - List the item(s) in error. Child's Full Name, Mother's Maiden Name, Father's Name, Date of Birth, etc.
 - e. **COLUMN 2 "BIRTH CERTIFICATE SHOWS"** - Enter the information that is currently shown on the birth certificate.
 - f. **COLUMN 3 "SHOULD BE"** - Enter the correct information. There are enough lines to make four corrections. If more than four corrections are indicated, you may enter two items per line thus allowing for eight corrections
2. Affidavit must be signed by registrant if of legal age of 18 or if not of legal age by parent(s) or legal guardian in the presence of a notary public. **IF CORRECTION IS TO THE REGISTRANT'S NAME AND THE REGISTRANT IS UNDER THE AGE OF 18, THE AFFIDAVIT MUST BE SIGNED BY BOTH MOTHER AND FATHER < BOTH SIGNATURES MUST BE NOTARIZED.**
3. **AFFIDAVIT NOT ACCEPTABLE IF ERASURES OR ALTERATIONS ARE MADE.**

IF ASSISTANCE IS NEEDED IN CONNECTION WITH THIS AMENDMENT, CONTACT THIS OFFICE AT (904) 359-6900, Ext. 9005.

AFFIDAVIT OF AMENDMENT OF CERTIFICATE OF LIVE BIRTH
(READ INSTRUCTIONS ABOVE BEFORE COMPLETING AND SIGNING)

REGISTRANT'S FULL NAME AT BIRTH		STATE FILE OR BIRTH NUMBER	
		109 -	
DATE OF BIRTH MONTH/DAY/YEAR	PLACE OF BIRTH/CITY OR TOWN	COUNTY	STATE
			FLORIDA
ITEM OMITTED OR IN ERROR	BIRTH CERTIFICATE SHOWS	SHOULD BE	
I HEREBY DECLARE UPON OATH THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT		Personally Known _ or Produced Identification _	
SIGNATURE		Type Identification Produced _____	
X _____		_____	
SUBSCRIBED AND SWORN BEFORE ME THIS	_____	COMMISSION EXPIRES: _____	
____ day of _____, 20__	(Signature of Notary)	SEAL	

	(Printed Name of Notary)		
I HEREBY DECLARE UPON OATH THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT		Personally Known _ or Produced Identification _	
SIGNATURE		Type Identification Produced _____	
_____		_____	
SUBSCRIBED AND SWORN BEFORE ME THIS	_____	COMMISSION EXPIRES: _____	
____ day of _____, 20__	(Signature of Notary)	SEAL	

	(Printed Name of Notary)		