

## **SELF-HELP PACKET FOR DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR CHILDREN**

The forms you will need for filing a dissolution of marriage depend upon many factors including whether or not you have children or property and whether or not you agree or disagree on the terms of the divorce. This instruction sheet is for litigants who have dependent or minor children. **PLEASE NOTE THAT SOME OF THE SUPREME COURT FORMS INCLUDED IN THIS PACKET MAY BE INCOMPLETE OR OUTDATED DUE TO RECENT CHANGES IN LAWS OR RULES. THIS DOES NOT CHANGE HOW THOSE LAWS OR RULES MAY AFFECT YOUR CASE OR FILING REQUIREMENTS.**

There are fees for filing this petition and for service by the Sheriff's Office (if needed). If you cannot pay the fees at the time of filing because of unemployment or insufficient income, you may meet the criteria to be declared indigent. You must complete a Civil Affidavit/Application for Indigent Status with the Clerk of Court. Once you have completed this form, the Clerk of Court will determine if you meet the criteria for indigency. If you meet the criteria, your filing fee will be waived. If obtaining service of process by the Sheriff, you will need to take a copy of the Civil Affidavit/Application to the Sheriff's Office along with your summons and attachments.

**Please read the General Information for Self-Represented Litigants at the front of your packet before proceeding. You cannot be given a hearing date until all required forms have been completed accurately and filed with the Clerk of Court, and all allowed time periods for filing information have passed.**

### Definitions

**Petitioner:** Individual making a written request.  
**Respondent:** Individual receiving or answering written request.

Below is a checklist of forms and requirements. Specific instructions are available for each form to assist you in completing them correctly. **You may need to obtain additional forms depending on your circumstances.** The questions that follow this checklist may help you to determine other forms you may need. Additional forms may be obtained from the Clerk of Court, Family Law Division, 1st Floor, M. C. Blanchard Judicial Building, 190 Governmental Center, Pensacola, Florida or most can be downloaded from the Internet at [www.flcourts.org](http://www.flcourts.org) and/or [www.escambiaclerk.com](http://www.escambiaclerk.com).

### **Information and documents to be filed (you may want to use this as a checklist):**

1. \_\_\_\_\_ Form 12.901(b)(1) **Petition for Dissolution of Marriage With Dependent or Minor Children.**
2. \_\_\_\_\_ **Acknowledgment of Limitation of Services** (must be filed with your petition).
3. \_\_\_\_\_ Form 12.903(a) **Answer, Waiver, and Request for Copy of Final Judgment of Dissolution of Marriage.** This may be used by the respondent if he/she agrees to the petition, or he/she may obtain and file an Answer or Answer and Counter Petition.

4. \_\_\_\_ Form 12.902(b) - Individual Income Under \$50,000 or 12.902(c) - Individual Income over \$50,000. **Family Law Financial Affidavit (need two - one from each party).**  
**Note: The Financial Affidavits for incomes below \$50,000 are in this packet, if your income is over \$50,000 you will need to obtain the Financial Affidavit for income over \$50,000.**
5. \_\_\_\_ Form 12.932 **Certificate of Compliance with Mandatory Disclosure (need two - one from each party).** This is to be filed with the mandatory disclosure documents (i.e., tax returns, pay-stubs, W2's, etc.) **or Agreement to Waive Mandatory Disclosure** (if the parties agree with each other= Financial Affidavits and require no further financial information).
6. \_\_\_\_ Form 12.902 (j) **Notice of Social Security (need two - one from each party).**
7. \_\_\_\_ Form 12.902(i) **Affidavit of Corroborating Witness** as proof of residency in Florida for at least six (6) months prior to the date petition is filed. At least one party must file proof of residency.
8. \_\_\_\_ Form 12.902(f)(1) **Marital Settlement Agreement With Dependent or Minor Children.** This may be filed if the parties agree to the terms of the divorce, including all matters concerning the children. **IMPORTANT CHANGES: CHAPTER 61 OF FLORIDA STATUTES NOW REQUIRES THAT PARTIES FILE A DETAILED PARENTING PLAN FOR THE CHILDREN (ATTACHED IS A SAMPLE PARENTING PLAN THAT MAY BE HELPFUL TO YOU).**
9. \_\_\_\_ Form 12.902(d) **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit.**
10. \_\_\_\_ Form 12.902(e) **Child Support Guidelines Worksheet.**
11. \_\_\_\_ **Memorandum to Clerk.** (Complete all information on this form except the payment information section - form may be neatly handwritten). You will need to bring this to your final hearing along with the Final Judgment).
12. \_\_\_\_ Form 12.910(a) **Summons** and Form: 12.910 (b) **Process Service Memorandum or Acceptance of Service and Waiver of Service of Process by Sheriff** (when the parties agree to waive service by the Sheriff). If the party lives in another county, the Summons and Process Service Memorandum need to be served by a sheriff or certified process server in that county. The Summons and Process Service Memorandum are **not** provided in the packet. The Clerk of Court will prepare the Summons for you.
13. \_\_\_\_ **Any other order of the court relating to custody, visitation or child support** of the dependent or minor children of this marriage, must be filed along with the Petition for Dissolution of Marriage.
14. \_\_\_\_ **Final Judgment of Dissolution of Marriage With Dependent or Minor Child(ren).** A sample of an uncontested Final Judgment is included in the packet. If your case is contested, you will likely have a trial to determine what will be in the final judgment. **THE FINAL JUDGMENT MUST BE ACCURATE, NEATLY TYPED AND IN GOOD CONDITION FOR THE JUDGE-S**

**SIGNATURE.** Bring the original Final Judgment plus two (2) additional copies, the Memorandum to Clerk and two (2) self addressed stamped envelopes (one for each party) to your final hearing.

15.\_\_\_\_ In addition to filing the above forms, **both the petitioner and the respondent are required to attend a course for divorcing parents with children prior to being given a final hearing date.** See *attached list for providers*. Information is available from the clerk or at the Self Help Office on the 3<sup>rd</sup> floor of the M.C. Blanchard Building. Make certain you obtain and file confirmation of your attendance with the Clerk's Office.

16.\_\_\_\_ If anyone other than a lawyer helps you to complete any of the forms, you must file Form 12.900(a) **Disclosure from Non-lawyer.**

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### **What if we agree to everything?**

If both parties agree to the terms of the divorce they may file the **Marital Settlement Agreement** per item number 8 above. The respondent may waive service by the Sheriff by signing an **Acceptance of Service and Waiver of Service of Process by Sheriff** per number 12 above. Parties may waive Mandatory Disclosure of financial information by filing the **Agreement to Waive Mandatory Disclosure** per item number 5 above.

### **Where do I file the forms?**

Once you have completed the Petition for Dissolution and other required documents (forms 1-10 above) you must file the originals with the **Family Law Clerk of Court located at the M.C. Blanchard Building, 190 Governmental Center, 1<sup>st</sup> Floor, Pensacola, Florida** F (850) 595-4331. Keep a copy for your records. Take the original plus one copy of the Petition for Dissolution to the clerk and tell them you want to serve the respondent. A copy of the Petition will be attached to the Summons to be served on the respondent.

### **What do I do after I have filed?**

The Clerk will issue the Summons along with attachments to the other party. You may also want to attach a blank Financial Affidavit and Notice of Social Security Number to the Summons for the respondent to complete. The Summons informs the respondent that he/she will have 20 days to respond to your petition. If the respondent lives in Escambia County, take the summons with attachments to the Escambia County Sheriff's Office Civil Division for service of process on the respondent. The Sheriff's Office will send a Return of Service to you and to the Clerk of Court, stating whether the respondent was or was not served. If the respondent lives in another county, he/she must be served by the Sheriff or a certified process server in that county.

### **What if I want to stop the process or withdraw the petition?**

If you decide not to pursue the petition and want to dismiss it, you can file form 12.927 **Notice of Voluntary Dismissal** with the Clerk of Court.

### **What if we want to establish child support that is different from the guidelines worksheet?**

If you want the Court to consider child support that is different than what is established by the child support guidelines worksheet, you may file Form 12.943 **Motion to Deviate from Child Support Guidelines.**

### **What if the respondent does not answer or file the necessary forms?**

Once the respondent has been served or waived service, he/she will have 20 days to file an **Answer to the Petition of Dissolution of Marriage** or an **Answer and Counter Petition**. If a Counter Petition is filed, you may then file Form 12.903(d) **Answer to the Counter Petition**. If the respondent fails to serve or file a

response or any paper within the 20 days allowed, you may file Form 12.922(a) **Motion for Default**. **With the Motion for Default**, you must also file Form 12.912(b) **Nonmilitary Affidavit (if you are certain the other party is not in the military)**. This requests that the court allow you to proceed to a final hearing date. If he/she responds but fails to file the necessary documents within the 45 days allowed (e.g., financial affidavit, mandatory disclosure, etc.) or attend the required parenting course, you may file a **Motion to Compel** to ask the court to require him/her to file the forms and/or attend the course. If you have used constructive service, you may also have to request a waiver of financial documents with a **Request to Waive** form.

**What if I cannot locate the respondent to have the Petition served or he/she does not and has not lived in Florida?**

If you have no way of locating the respondent or he/she has never lived in the State of Florida, you must serve the Petition for Dissolution of Marriage through publication - this is called *constructive service*. *Constructive service* is allowed only when the other party has never lived in Florida or you do not know where they are. If you have a last known Florida address, you must attempt *personal service* first, before you can use *constructive service*. If you are unsure of the last known address, you must conduct a diligent search to try and locate him/her. The requirements for service on the respondent are complex so please read the information provided on service carefully.

**IMPORTANT: The Court may have limited jurisdiction in your case if you used *constructive service* on the respondent.** For *constructive service* you will need to file the following with the clerk: Form 12.913(a) **Notice of Action for Dissolution of Marriage** and Form 12.913(b) **Affidavit of Diligent Search and Inquiry**. The Notice must be published with a qualified local newspaper at least once per week for four (4) consecutive weeks (ask the clerk for a list of qualified newspapers). In addition, if you do not know if the respondent is on active duty in the United States Military, you will need to fill out form 12.912(a) **Memorandum for Certificate of Military Service** and mail one copy to each of the military branches (you may ask Clerk or Pro Se staff for further instructions). If you cannot afford to pay to publish the Notice, you will need to file an Affidavit of Indigency, Form 12.902(a). If the clerk determines that you cannot afford these fees, they will post your **Notice of Action for Dissolution of Marriage** in a designated place for the required four-week period.

When **ALL** required documents have been completed and required time periods have passed (i.e., 20 days for the respondent to answer and 45 days to file financial information) and you believe your case is ready for a final hearing, **FILE YOUR REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF-ADDRESSED STAMPED ENVELOPES - ONE ADDRESSED TO EACH PARTY**. Your case will be reviewed and a trial date, hearing date or further instructions will be provided to you by mail. **PLEASE DO NOT CALL TO INQUIRE.**