

## SELF-HELP PACKET FOR PETITION FOR SUPPORT UNCONNECTED WITH DISSOLUTION OF MARRIAGE WITHOUT CHILDREN

These instructions and forms can be used if you and your spouse have separated, and you want to ask the court to order your spouse to pay alimony. Different forms are to be used if you or the other party have already filed a Petition for Dissolution of Marriage. **You must know your spouse's address to be able to serve him/her with your petition.**

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. 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 can be downloaded from the Internet at [www.flcourts.org](http://www.flcourts.org) or [www.escambiaclerk.com](http://www.escambiaclerk.com). The questions following this checklist will help you to determine additional forms that may be needed.

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

1. \_\_\_ **Petition for Support Unconnected with Dissolution of Marriage with Children or Petition for Support Unconnected with Dissolution of Marriage without children.**
2. \_\_\_ **Acknowledgment of Limitation of Services** (must be filed with your petition).
3. \_\_\_ **Family Law Financial Affidavit** - Individual Income Under \$50,000 or Individual Income over \$50,000. **(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.*
4. \_\_\_ **Certificate of Compliance with Mandatory Disclosure (need two - one from each party) *or* Agreement to Waive Mandatory Disclosure** (if the parties agree with each others' Financial Affidavits and require no further financial information).
5. \_\_\_ **Notice of Social Security (need two - one from each party).**
6. \_\_\_ **Summons and 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 has resided here in the

past but now lives elsewhere, 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. Please read instructions on service carefully.

7. **Notice of Hearing if parties agree to the requested support or Notice for Trial if parties do not agree.** (This notice must be filed with the Clerk of Court, and a copy provided to the respondent by mail or hand delivery).
  8. **Final Judgment for Temporary Support.** A sample of the 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. **A FINAL JUDGMENT THAT IS ACCURATE, NEATLY TYPED AND IN GOOD CONDITION MUST BE BROUGHT TO THE FINAL HEARING FOR THE JUDGE TO SIGN. IN ADDITION YOU WILL NEED TO PROVIDE THE MEMORANDUM TO CLERK AND TWO (2) SELF-ADDRESSED STAMPED ENVELOPES (One addressed to each party).**
  9. **Disclosure from Non-lawyer.** If anyone other than a lawyer helps you to complete any of the forms, you must file Form 12.900(a)
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### **Where do I file the forms?**

Once you have completed the Petition for Temporary Support and other required documents (forms 1-5 above) you must file the originals with the **Family Law Clerk of Court located at the M.C. Blanchard Building, 190 Governmental Center, 1st Floor, Pensacola, Florida** F (850) 595-4331. Keep a copy for your records. Take the original plus one copy of the Petition 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 previously lived here but now lives elsewhere, you must have him/her served by the Sheriff or a certified process server in the county where he/she resides.

### **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 **Notice of Voluntary Dismissal** with the Clerk of Court.

### **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 for Support Unconnected with Dissolution of Marriage** or an **Answer and Counterpetition**. If a Counterpetition is filed, you may then file an **Answer to the Counterpetition**. If the respondent fails to serve or file a response or any paper within the 20 days allowed, you will need to file a **Motion for Default**. **With the Motion for Default**, you must also file the **Nonmilitary Affidavit** form (**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.) you will need to file a **Motion to Compel** to ask the court to require him/her to

file the required documents.

~~When 411 required documents have been completed, all 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, call **(850) 595-0368** to ensure that you have completed all requirements. If your case is ready for a hearing and is not contested, go to the family law office on the 3<sup>rd</sup> floor of the M. C. Blanchard Building to get a hearing date. If the case is contested, you will need to file a Notice for Trial. Make certain that you provide the other party with a copy of the notice, either by mail or hand delivery.