

## SELF-HELP PACKET FOR DISSOLUTION OF MARRIAGE WITH PROPERTY BUT NO 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 property but no dependent or minor children from the marriage.

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.

The following 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 of 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, 1<sup>st</sup> 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)(2) **Petition for Dissolution of Marriage With Property But No 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: Only the form for income under \$50,000 is provided in this packet. If your income is greater than \$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 along 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 others- 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 provide proof of residency.

8.\_\_\_\_ Form 12.902(f)(2) **Marital Settlement Agreement With Property, but no Dependent or Minor Children.** (This may be filed if the parties are in agreement to the terms of the divorce including property, debt distribution and alimony, if applicable).

9.\_\_\_\_ 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.

10. \_\_\_\_ **Final Judgment of Dissolution of Marriage with Property But No Dependent or Minor Children. THE FINAL JUDGMENT MUST BE NEATLY AND ACCURATELY TYPED, AND IN GOOD CONDITION FOR THE JUDGE TO SIGN.** Samples are provided in the packet. If you served by publication, your order must indicate that the court has **limited jurisdiction** in the first paragraph. Bring the original Final Judgment plus two (2) additional copies and two (2) self addressed stamped envelopes to your final hearing.

11.\_\_\_\_ Waiver of Personal Appearance (only Family Law Court staff can determine if you are eligible to waive your appearance at a hearing). If you are eligible, you will be instructed accordingly after you have filed your Request for Hearing.

12.\_\_\_\_ If anyone other than a lawyer helps you to complete any of these 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 9 above. Mandatory Disclosure may be waived by filing the **Agreement to Waive Mandatory Disclosure** per number 5 above. Financial Affidavits cannot be waived.

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

Once you have N 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 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 or he/she lives outside the state and cannot be personally served?**

If you have no way of locating the respondent or he/she lives out of state and cannot be served with the Petition for Dissolution of Marriage, you must use what is called *constructive service* or publication. *Constructive service* is allowed only when the other party has never lived in Florida and 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*. 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 Affidavit in a designated place for the required four-week period.

When **ALL** 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, **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.

### **NOTICE OF LIMITATION OF SERVICES PROVIDED**

This list of forms and procedural information should be considered as a guideline and not legal advice. It is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits, assets or liabilities.

The personnel in this self-help program are not acting as your lawyer or providing legal advice to you. Self-help personnel are not acting on behalf of the Court or any judge. The presiding judge in your case may require amendment of form(s) or substitution of a different form other than any you may have obtained from the clerk-s office, the self-help office or a legal forms provider. The form(s) you file are only a request of the Court. The judge is not required to grant the relief requested in a form. The personnel in this self-help program cannot tell you what your legal rights or remedies are, represent you in court or tell you how to testify in court. Self-help services are available to all persons who are or will be parties to a family case. The information you give to and receive from self-help personnel is not confidential and may be subject to disclosure at a later date. Nothing you may tell family court personnel is confidential. If another person involved in your case seeks assistance from this self-help program, that person will receive the same service provided to you.

Clerk-s Office Family Law Division: 595-4331

Court Administration Family Law Self Help Office: Division AL@ 595-4407  
Division AM@ 595-3735  
Division AP@ 595-4497