THIRTEENTH JUDICIAL CIRCUIT
FAMILY LAW DIVISION

DISSOLUTION OF MARRIAGE

NO CHILDREN

BY AGREEMENT

(Packet #19)

USE THIS PACKET IF:

1) YOU ARE MARRIED AND ARE SEEKING A DIVORCE, and

2) NO CHILDREN HAVE BEEN BORN TO THE WIFE DURING THE MARRIAGE (even if they are not the Husband's children), or ALL OF THE CHILDREN BORN DURING THE MARRIAGE ARE OVER 18 AND ARE NOT DEPENDENT, and

3) YOUR SPOUSE IS COOPERATIVE AND WILLING TO COMPLETE ALL NECESSARY FORMS.

Marriage is a legal relationship. A court case (lawsuit) must be filed to end a marriage. If you choose to represent yourself (*pro se*) in your divorce, you should be aware that you will be required to follow the same rules that are required in cases filed by persons represented by attorneys. The judge assigned to your case is not necessarily required to grant what you request in a form. If you do not like the outcome of your case, you may not be able to change it. If you have any questions or concerns about your case, you should consult with an attorney.

If you do not know an attorney, you may call the Lawyer Referral Service at 221-7780. If you do not have the money to hire an attorney, you may apply to Bay Area Legal Services by calling 232-1343. You may also obtain legal information at the Legal Information Center at the George Edgecomb Courthouse (call 864-2280 for hours and information).

All instructions and forms distributed by the Thirteenth Judicial Circuit are provided merely as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist pro se (self-represented) litigants with their cases. The Thirteenth Judicial Circuit does not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form as drafted. Any person using these instructions and/or forms does so at his or her own risk, and the Thirteenth Judicial Circuit shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

In no event will the Florida Supreme Court, The Florida Bar, or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any direct, indirect, or consequential damages from their use.

THE FOLLOWING FORMS ARE CONTAINED IN THIS PACKET:

FORMS FOR BOTH PARTIES TO SIGN	FORM #	WHEN TO USE ?
General Information for Self-Represented Litigants	Appendix C	For your information only
12 Rules of Courtroom Civility	12 Rules	Required to start case
Marital Settlement Agreement	12.902(f)(2)	Required before uncontested hearing can be scheduled
Waiver of Mandatory Disclosure	Waiver	Use if both parties agree to waive Mandatory Disclosure requirement
FORMS FOR THE PETITIONER	**FORM #**	**WHEN TO USE**
Nonlawyer Disclosure	12.900(a)	Required if someone who is not a lawyer helps you with the forms
Civil Cover Sheet	12.928	Required to start case
Petition for Dissolution of Marriage	12.901(b)(2)	Required to start case
Financial Affidavit - Short Form	12.902(b)	Required if your income is less than $50,000/year
Financial Affidavit - Long Form	12.902(c)	Required if your income is more than $50,000/year
Affidavit of Corroborating Witness	12.902(i)	Required if you cannot prove your 6-month Florida residency with a current Driver's License, FL State ID, or Voter ID – cannot be signed before the date you file your case
Notice of Social Security Number	12.902(j)	Required to start case
Notice of Related Cases	12.900(h)	Required
Certificate of Compliance with Mandatory Disclosure	12.932	Required unless both parties agree in writing to waive Mandatory Disclosure
Notice of Confidential Information Within Court Filing	2.40(d)(2)	Use to notify the clerk of documents containing confidential information

FORMS FOR THE RESPONDENT	FORM #	WHEN TO USE
Answer and Waiver	12.903(a)	Required
Financial Affidavit - Short Form	12.902(b)	Required if your income is less than $50,000/year
Financial Affidavit - Long Form	12.902(c)	Required if your income is more than $50,000/year
Notice of Social Security Number	12.902(j)	Required to start case
Certificate of Compliance with Mandatory Disclosure	12.932	Required unless both parties agree in writing to waive Mandatory Disclosure
Fee Schedule for Family Law Cases	Fee	A schedule of fees for Family Law related cases
Office of Vital Statistics DH513	DH513	This form must be completed for submittal to the Office of Vital Statistics

STEP BY STEP INSTRUCTIONS

STEP ONE - Complete the forms to start the case and have them notarized

1) **FORMS MUST BE COMPLETED AND SIGNED IN BLACK INK AND MOST MUST BE NOTARIZED.** The clerk's office will notarize documents and charge a fee (see attached schedule). Please bring a valid ID.
2) **Names must be written the same way on all documents (no full names on one document and initials on another).**

3) **PETITIONER should complete the following forms and notarize the ones with a notary signature line:**
   A) Civil cover sheet - (does not need to be notarized)
   B) Petition for Dissolution of Marriage, Form 12.901(b)(2)
   C) Financial Affidavit
      - Short form, Form 12.902(b), if you make $50,000/year or less
      or
      - Regular form, Form 12.902(c), if you make more than $50,000/year
   D) Notice of Social Security Number, Form 12.902(j)
   E) Proof that you have been a Florida resident for at least the last 6 months
      - Affidavit of Corroborating Witness, Form 12.902(i) (cannot be signed before the date you file your case)
      or
      - Current Florida Driver's license indicating you have been a Florida resident for at least the last 6 months
      or
      - Current Florida ID card indicating you have been a Florida resident for at least the last 6 months
      or
      - Current voter's registration card indicating you have been a Florida resident for at least the last 6 months
   F) Certificate of Compliance with Mandatory Disclosure, Form 12.932 (required unless both parties agree in writing to waive Mandatory Disclosure)
   G) Notice of Related Cases, Form 12.900(h)

4) **RESPONDENT should complete the following forms and notarize the ones with a notary signature line:**
   A) Answer and Waiver, Form 12.903(a) -- **<u>The date of the Answer must not predate the date of the Petition</u>**
   B) Financial Affidavit
      - Short form, Form 12.902(b), if you make $50,000/year or less
        <u>or</u>
      - Regular form, Form 12.902(c), if you make more than $50,000/year
   C) Notice of Social Security Number, Form 12.902(j)
   D) Certificate of Compliance with Mandatory Disclosure, Form 12.932 (required unless both parties agree in writing to waive Mandatory Disclosure)

5) **BOTH PARTIES should complete the following forms and notarize the ones with a notary signature line:**
   A) Marital Settlement Agreement, Form 12.902(f)(2)
   B) 12 Rules of Courtroom Civility - (does not need to be notarized)
   C) Waiver of Mandatory Disclosure - both parties must sign if both agree to waive Mandatory Disclosure requirement
   D) DH513 form for the Office of Vital Statistics to be filed with the Clerk.

STEP TWO – Make copies

After you have completed the forms and have signed and notarized them, make at least 2 complete copies of everything you have signed (1 for each party) and a copy of the petitioner's Driver's License. Copies can be obtained for a fee in the Court Business Center, on the 6th floor of the George Edgecomb Courthouse. You may also purchase copies for $0.15 per page, <u>before</u> filing your case, from the Family Law Intake staff in room 101.

<u>STEP THREE - Filing your case</u>

1) Take the <u>*original*</u> set of completed and signed forms to the clerk on the 1st floor of the main courthouse and pay the filing fee.
2) The clerk will assign a case number and division.

<u>STEP FOUR – Scheduling the final hearing</u>

IF YOUR SPOUSE DOES NOT HAVE AN ATTORNEY

1. Contact the Case Management Unit (813-272-5173) to schedule the final hearing.
2. You will be contacted by mail regarding a court date.

IF YOUR SPOUSE IS REPRESENTED BY AN ATTORNEY

1. Contact the judicial assistant (J.A.) for the judge to whom your case is assigned and ask the J.A. for 3 possible hearing dates and times.
2. Call the opposing attorney and ask which of those dates and times is best for him/her.
3. Call the J.A. and tell her which date and time you have chosen.
4. Complete a Notice of Hearing, Form 12.923 (not included), with the place, date, and time of the hearing.
5. Sign the Notice of Hearing and complete the Certificate of Service part of the notice which states the date you are filing the notice and how you are providing a copy to the opposing attorney.
6. Make 3 copies of the Notice of Hearing.
7. File the original Notice of Hearing with the clerk.
8. Give a copy of the Notice of Hearing to the J.A., send a copy of the notice to your spouse's attorney, and keep a copy of the notice for your records.

COURT REPORTER?
If you want a court reporter for the hearing, you must arrange for this in advance and you must pay the court reporter's fee. If there is no record of the hearing and the judge rules against you, you may not be able to appeal the decision.

STEP FIVE – The final hearing

Normally the final hearing is when the divorce will be granted and all issues will be decided. If you do not go to the final hearing your case may be dismissed.

HOW TO DRESS - Dress appropriately. No shorts, tank tops, or sandals. Do not chew gum.

WHAT TO BRING
1) Your proof of residency
2) All evidence you want the court to consider in deciding your case, if your case is contested
3) A stamped envelope addressed to your spouse, if he/she will not be attending the hearing

WHAT TO EXPECT

The hearing will take place in a hearing room or a courtroom. You will not be in front of a jury, just the general magistrate or judge. Do not interrupt the magistrate or judge when he or she speaks. When speaking to the magistrate or judge, address him or her as "Your Honor" or "Judge."

Each court has at least one bailiff who is a deputy sheriff and is there to maintain order. When you arrive for your hearing, let the bailiff know that you are present and ready. He or she will announce your case when it is time for your hearing, and will tell you where to sit and where to place your belongings as you enter the hearing room. A bailiff will usually remain inside the room during your hearing. If witnesses are called, the bailiff will step out to bring the witness into the hearing room.

At your hearing, be prepared to discuss any issues covered in the petition (and the counterpetition, if one was filed) and be able to provide proof of any disputed facts by presenting evidence. Evidence is proof presented at a hearing in the form of witnesses (people), exhibits (documents), and objects (things). Not all evidence can be considered by the judge, however. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. Remember, the duty of establishing the facts that you want to present to the court is on YOU. You should provide the judge with admissible evidence to support the claims in your petition and your statements in court. Telling your story may not be enough to win your case.

Once both sides have presented their evidence, the judge will make a decision and sign your divorce judgment. The final judgment will contain all the details of your divorce and the court's decision, or will incorporate your Marital Settlement Agreement. Once the judge signs your divorce order, a copy will be given or mailed to you. The original order will go to the clerk's office to be recorded in the public records, and filed in your court file. When the judge signs the final judgment, your divorce will be final.

Family Forms and Packets - available for purchase at the Court Business Center

Form Packets with Instructions:

1) Complete packets with all forms and self-help instructions are priced individually and available at the Court Business Center (CBC), in Room 630 (6th Floor) of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, Florida.
2) Free online at:
   a) www.fljud13.org/Portals/0/Forms/pdfs/family/packetList.pdf
   b) www.hillsclerk.com/publicweb/forms.aspx#FamilyLaw → then click on "Family Law"

Individual Forms (may not include necessary instructions):

1) For $.10 per page at the Court Business Center (CBC), in Room 630 (6th Floor) of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, Florida.
2) Free online at: www.flcourts.org → then click on "Family Law Forms"

YOU MAY FILE FORMS AT THE FOLLOWING LOCATIONS:

Tampa - George Edgecomb Courthouse – Main Location
Clerk of the Circuit Court, 800 E. Twiggs Street, Room 101, Tampa, FL 33602

Brandon – Brandon Regional Service Center
Clerk of the Circuit Court, 311 Pauls Drive, Suite 110, Brandon, FL 33511

Plant City – Plant City Courthouse
Clerk of the Circuit Court, 301 N. Michigan, Room 1071, Plant City, FL 33563

Ruskin/Sun City – SouthShore Regional Service Center
Clerk of the Circuit Court, 410 30th Street SE, Ruskin, FL 33570