

ANSWER
TO PETITION FOR DISSOLUTION OF MARRIAGE
NO CHILDREN

(Packet #22)

USE THIS PACKET IF:

- 1) YOU ARE MARRIED AND YOUR SPOUSE IS 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 HAS SERVED YOU WITH DIVORCE PAPERS TO ANSWER.

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.

<u>FORMS CONTAINED IN THIS PACKET</u>	<u>FORM #</u>	<u>WHEN TO USE</u>
General Information for Self-Represented Litigants	Appendix C	For your information only
12 Rules of Courtroom Civility	12 Rules	Required
Nonlawyer Disclosure	12.900(a)	Required if someone who is not a lawyer helps you with the forms
Answer, Waiver, and Request For Copy of Final Judgment of Dissolution of Marriage	12.903(a)	Use if you don't want to contest anything in the petition and you don't want to be notified of further proceedings
or	or	
Answer to Petition For Dissolution of Marriage	12.903(b)	Use if you want to file an answer but not a counterpetition
or	or	
Answer to Petition and Counterpetition For Dissolution of Marriage	12.903(c)(2)	Use if you want to file a counterpetition which tells the court what you want ordered
Financial Affidavit - Short Form	12.902(b)	Required if your income is less than \$50,000/yr
or	or	
Financial Affidavit - Long Form	12.902(c)	Required if your income is more than \$50,000/yr
Notice of Social Security Number	12.902(j)	Required
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
Notice of Confidential Information Within Court Filing	2.40(d)(2)	Use to notify the clerk of documents containing confidential information

STEP BY STEP INSTRUCTIONS

STEP ONE - Complete the required forms 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) **Your CASE NUMBER AND DIVISION must be written on all documents.**
- 4) **Within 20 calendar days from the date of service, complete the following forms and notarize the ones with a notary signature line:**
 - A) 12 Rules of Courtroom Civility - (does not need to be notarized)
 - B) Answer
 - Answer, Waiver, and Request For Copy of Final Judgment of Dissolution of Marriage, Form 12.903(a), if you don't want to contest anything in the petition and you don't want to be notified of further proceedings
 - or**
 - Answer to Petition For Dissolution of Marriage, Form 12.903(b), if you want to file an answer but not a counterpetition
 - or**
 - Answer to Petition and Counterpetition For Dissolution of Marriage, Form 12.903(c)(2), if you want to file a counterpetition asking for what you want the court to order
 - 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) DH513 form for the Office of Vital Statistics to be filed with the Clerk.
- 5) **Within 45 calendar days from the date of service, complete the following forms and notarize the ones with a notary signature line:**
 - A) Certificate of Compliance with Mandatory Disclosure, Form 12.932

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. 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, before filing your case, from the Family Law Intake staff in room 101.

STEP THREE - Filing your forms

Take the *original* set of completed and signed forms to the clerk on the 1st floor of the main courthouse. Make sure the case number is written on all forms.

STEP FOUR – Notifying your spouse

Mail or hand-deliver 1 set of copies to your spouse at the address on the Summons.

STEP FIVE – Mandatory Disclosure

You have 45 days from the date you were served to send your spouse all of the financial records required by the Mandatory Disclosure Rule (Florida Family Law Rule of Procedure 12.285). You are required to send copies of these documents to your spouse. You are not required to file them with the court. The documents you are required to give your spouse are listed in Form 12.932 - Certificate of Compliance With Mandatory Disclosure.

- 1) Complete and sign the Certificate of Compliance With Mandatory Disclosure, Form 12.932, indicating which documents you are sending to your spouse. Also indicate the date you are sending them and how you are delivering them (by mail, fax and mail, or hand-delivery).
- 2) Make 2 copies of the documents you will be sending to your spouse and 2 copies of the completed and signed Certificate of Compliance. One copy is for your records.
- 3) Send 1 copy of the documents and 1 copy of the Certificate of Compliance to your spouse.
- 4) File the original Certificate of Compliance with the clerk.

STEP SIX – Mediation (if you have filed an answer denying any allegations or filed a counterpetition)

If you filed an answer and dispute any of the allegations in the petition, you and your spouse will need to go to mediation to see if the disputed issue(s) can be resolved. Call the Mediation and Diversion office at 813-272-5642 and ask them to schedule a mediation date. If your spouse does not contact the mediation department or the issue(s) cannot be resolved in mediation, the final hearing will be set on the judge's contested docket.

STEP SEVEN – Preparing your case / gathering evidence (if you and your spouse do not agree and your case is contested)

If you are contesting issues in your divorce, you will need to be prepared to present evidence to the judge which supports your position(s). Gathering evidence is called "discovery." Discovery is governed by Florida Family Law Rules of Procedure 12.280 – 12.410 and Florida Rules of Civil Procedure 1.280 – 1.410.

Some discovery methods are:

1. Interrogatories – written questions you send to your spouse. See Forms 12.930(a), Notice of Service of Standard Family Law Interrogatories, and 12.930(b), Standard Family Law Interrogatories for Original Proceedings, and their instructions.
2. Notice of Production from Non-Party/Subpoena – a request to someone who is not a party in the case (not your spouse) to provide copies of documents to you or to produce documents to be copied by you. See Forms 12.931(a), Notice of Production from Non-Party, and 12.931(b), Subpoena for Production of Documents, and their instructions.
3. Depositions – taking someone's testimony (a party or non-party) under oath before a court reporter.
4. Request for Production of Documents and Things – a written request that your spouse provide specified documents or things for you to copy or examine. See Florida Rule of Civil Procedure 1.350.

Not all evidence can be considered by the judge. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. The duty of establishing the facts that you want to present to the court, or the burden of proof, is on YOU. You should provide the judge with admissible evidence to support the claims in your petition and your statements in court.

STEP EIGHT – Scheduling the final hearing

You will be notified by mail when the final hearing is scheduled.

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 NINE – The final hearing

Normally the final hearing is when the divorce will be granted and all issues will be decided.

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

WHAT TO BRING - All evidence you want the court to consider in deciding your case, if your case is contested

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/en/About-Us/Forms → 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