

# INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.901(b)(1), PETITION FOR DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR CHILD(REN) (10/11)

## When should this form be used?

This form should be used when a husband or wife is filing for a **dissolution of marriage** and you and your spouse have a dependent or minor child(ren) together or the wife is pregnant. You and/or your **spouse** must have lived in Florida for at least 6 months before filing for a dissolution in Florida. You must **file** this form if the following is true:

- You and your spouse have a dependent or minor child(ren) together or the wife is pregnant.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk**. You should file the original with the **clerk of the circuit court** in the county where you live and keep a copy for your records.

## What should I do next?

For your case to proceed, you must properly notify your spouse of the **petition**. If you know where he or she lives, you should use **personal service**. If you absolutely do not know where he or she lives, you may use **constructive service**. You may also be able to use constructive service if your spouse resides in another state or country. However, if constructive service is used, other than granting a divorce, the court may only grant limited relief. For more information on constructive service, see **Notice of Action for Dissolution of Marriage**, Florida Supreme Court Approved Family Law Form 12.913(a), and **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b). If your spouse is in the military service of the United States, additional steps for service may be required. See, for example, **Memorandum for Certificate of Military Service**, Florida Supreme Court Approved Family Law Form 12.912(a). In sum, the law regarding constructive service and service on an individual in the military service is very complex and you may wish to consult an attorney regarding these issues.

If personal service is used, the **respondent** has 20 days to answer after being served with your petition. Your case will then generally proceed in one of the following three ways:

**DEFAULT.** If after 20 days, your spouse has not filed an **answer**, you may file a **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), with the clerk of court. Then, if you have filed all of the required papers, you may call the clerk, **family law intake staff**, or **judicial assistant** to set a **final hearing**. You must notify your spouse of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

**UNCONTESTED.** If your spouse files an answer that agrees with everything in your petition or an answer and waiver, **and** you have complied with **mandatory disclosure** and filed all of the required papers, you may call the clerk, family law intake staff, or judicial assistant to set a final hearing. You must notify your spouse of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

**CONTESTED.** If your spouse files an answer or an answer and **counterpetition**, which disagrees with or denies anything in your petition, **and** you are unable to settle the disputed issues, you should file a **Notice for Trial**, Florida Supreme Court Approved Family Law Form 12.924, after you have complied with mandatory disclosure and filed all of the required papers. Some circuits may require the completion of **mediation** before a final hearing may be set. You should contact the clerk, family law intake staff, or judicial assistant for instructions on how to set your case for trial (final hearing). If your spouse files an answer and counterpetition, you should answer the counterpetition within 20 days using an **Answer to Counterpetition**, Florida Supreme Court Approved Family Law Form 12.903(d).

### Where can I look for more information?

**Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms.** The words that are in **“bold underline”** in these instructions are defined there. For further information, see chapter 61, Florida Statutes.

### Special notes...

If you do not have the money to pay the filing fee, you may obtain an Application for Determination of Civil Indigent Status from the clerk, fill it out, and the clerk will determine whether you are eligible to have filing fees deferred.

If you want to keep your address confidential because you are the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence do not enter the address, telephone, and fax information at the bottom of this form. Instead, file **Request for Confidential Filing of Address**, Florida Supreme Court Approved Family Law Form 12.980(h).

With this form, you must also file the following:

- Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d).
- Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), if you are asking that child support be ordered in the final judgment. (If you do not know your spouse's income, you may file this worksheet after his or her financial affidavit has been served on you.)
- Affidavit of Corroborating Witness, Florida Supreme Court Approved Family Law Form 12.902(i) OR photocopy of current Florida driver's license, Florida identification card, or voter's registration card (issue date of copied document must be at least six months before date case is actually filed with the clerk of the circuit court).
- Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.902(f)(1), if you and your spouse have reached an agreement on any or all of the issues.
- Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j).
- Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c). (This must be filed with the petition if the petitioner seeks to establish child support. Otherwise, it must be filed within 45 days of service of the petition on the respondent.)
- Certificate of Compliance with Mandatory Disclosure, Florida Family Law Rules of Procedure Form 12.932. (This must be filed within 45 days of service of the petition on the respondent, if not filed at

the time of the petition, unless you and your spouse have agreed not to exchange these documents.)

- Parenting Plan, Florida Supreme Court Approved Family Law Form 12.995(a) or Supervised/Safety Focused Parenting Plan, Form 12.995(b). If the parents have reached an agreement, a signed and notarized Parenting Plan should be attached. If the parents have not reached an agreement, a proposed Parenting Plan may be filed.

**Parenting Plan and Time-Sharing.** If you and your spouse are unable to agree on parenting arrangements and a time-sharing schedule, a judge will decide for you as part of establishing a Parenting Plan. The judge will decide the parenting arrangements and time-sharing based on the child(ren)'s best interests. Regardless of whether there is an agreement, the court reserves jurisdiction to modify issues relating to the minor child(ren).

The judge may request a **parenting plan recommendation** or appoint a **guardian ad litem** in your case. This means that a neutral person will review your situation and report to the judge concerning parenting issues. The purpose of such intervention is to be sure that the best interests of the child(ren) is (are) being served. For more information, you may consult section 61.13, Florida Statutes.

A **parenting course** must be completed prior to entry of the final judgment. You should contact the clerk, family law intake staff, or judicial assistant about requirements for parenting courses where you live.

Listed below are some terms with which you should become familiar before completing your petition. **If you do not fully understand any of the terms below or their implications, you should speak with an attorney before going any further.**

- **Shared Parental Responsibility**
- **Sole Parental Responsibility**
- **Supervised Time-Sharing**
- **No contact**
- **Parenting Plan**
- **Parenting Plan Recommendation**
- **Time-Sharing Schedule**

**Child Support.** The court may order one parent to pay **child support** to assist the other parent in meeting the child(ren)'s material needs. **Both parents are required to provide financial support**, but one parent may be ordered to pay a portion of his or her support for the child(ren) to the other parent. Florida has adopted guidelines for determining the amount of child support to be paid. These guidelines are based on the combined income of **both** parents and take into account the financial contributions of both parents. You must file a **Family Law Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c), and your spouse will be required to do the same. From your financial affidavits, you should be able to calculate the amount of child support that should be paid using the **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e). Because the child support guidelines take several factors into consideration, change over time, and vary from state to state, your child support obligation may be more or less than that of other people in seemingly similar situations.

**Alimony.** Alimony may be awarded to a spouse if the judge finds that he or she needs it and that the other spouse has the ability to pay it. **If you want alimony, you must request it in writing in the original petition or counterpetition. If you do not request alimony in writing before the final hearing, it is waived (you may not request it later).** You may request either permanent alimony, lump sum alimony, or rehabilitative alimony.

**Marital/Nonmarital Assets and Liabilities.** Florida law requires an **equitable distribution** of marital assets and marital liabilities. “Equitable” does not necessarily mean “equal.” Many factors, including child support, time-sharing, and alimony awards, may lead the court to make an unequal (but still equitable) distribution of assets and liabilities. Nonmarital assets and nonmarital liabilities are those assets and liabilities which the parties agree or the court determines belong to, or are the responsibility of, only one of the parties. If the parties agree or the court finds an asset or liability to be nonmarital, the judge will not consider it when distributing marital assets and liabilities.

**Temporary Relief.** If you need temporary relief regarding temporary use of assets, temporary responsibility for liabilities, parental responsibility and time-sharing with child(ren), temporary child support, or temporary alimony, you may file a **Motion for Temporary Support and Time-Sharing with Dependent or Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.947(a). For more information, see the instructions for that form.

**Marital Settlement Agreement** If you and your spouse are able to reach an agreement on any or all of the issues, you should file a **Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.902(f)(1). Both of you must sign this agreement before a notary public or deputy clerk. Any issues on which you are unable to agree will be considered contested and settled by the judge at the final hearing.

**Parenting Plan.** In all cases involving minor or dependent child(ren), a Parenting Plan shall be approved or established by the court. If you and your spouse have reached an agreement, you should file a **Parenting Plan**, Florida Supreme Court Approved Family Law Form 12.995(a), **Safety Focused Parenting Plan**, Florida Supreme Court Approved Family Law Form 12.995(b), which addresses the time-sharing schedule for the child(ren). If you have not reached an agreement, a proposed Parenting Plan may be filed. If the parties are unable to agree, a **Parenting Plan will be established by the court.**

**Final Judgment Form.** These family law forms contain a **Final Judgment of Dissolution of Marriage with Dependent or Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.990(c)(1), which the judge may use if your case is contested. If you and your spouse reach an agreement on all of the issues, the judge may use a **Final Judgment of Dissolution of Marriage with Dependent or Minor Child(ren) (Uncontested)**, Florida Supreme Court Approved Family Law Form 12.990(b)(1). You should check with the clerk, family law intake staff, or judicial assistant to see if you need to bring a final judgment with you to the hearing. If so, you should type or print the heading, including the circuit, county, case number, division, and the parties’ names, and leave the rest blank for the judge to complete at your hearing or trial.

**Nonlawyer.** Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill

out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_,  
Petitioner,  
And  
\_\_\_\_\_,  
Respondent.

**PETITION FOR DISSOLUTION OF MARRIAGE  
WITH DEPENDENT OR MINOR CHILD(REN)**

I, {full legal name} \_\_\_\_\_, the  
[Choose only one]  Husband  Wife, being sworn, certify that the following statements are true:

1. JURISDICTION/RESIDENCE  
 Husband  Wife  Both has (have) lived in Florida for at least 6 months before the filing of this Petition for Dissolution of Marriage.
2. The husband [Choose only one]  is  is not a member of the military service.  
The wife [Choose only one]  is  is not a member of the military service.
3. MARRIAGE HISTORY  
Date of marriage: {month, day, year} \_\_\_\_\_  
Date of separation: {month, day, year} \_\_\_\_\_ (Please indicate if approximate)
4. DEPENDENT OR MINOR CHILD(REN)  
[Choose all that apply]
  - a.  The wife is pregnant. Baby is due on: {date} \_\_\_\_\_
  - b.  The minor (under 18) child(ren) common to both parties are:

Name	Birth date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- c.  The minor child(ren) born or conceived during the marriage who are **not** common to both parties are:

**Name** **Birth date**

\_\_\_\_\_

\_\_\_\_\_

The birth father(s) of the above minor child(ren) is (are) *{name and address}* \_\_\_\_\_

\_\_\_\_\_

- d.  The child(ren) common to both parties who are 18 or older but who are dependent upon the parties due to a mental or physical disability are:

**Name** **Birth date**

\_\_\_\_\_

\_\_\_\_\_

5. A completed Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c)  is filed or  will be timely filed.
6. A completed Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d), is filed with this petition. (You **must** complete and attach this form in a dissolution of marriage with minor child(ren)).
7. A completed Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j), is filed with this petition.
8. This petition for dissolution of marriage should be granted because:  
[Choose only one]
- a.  The marriage is irretrievably broken.
- b.  One of the parties has been adjudged mentally incapacitated for a period of 3 years prior to the filing of this petition. A copy of the Judgment of Incapacity is attached.

**SECTION I. MARITAL ASSETS AND LIABILITIES[]**

1.  There are no marital assets or liabilities.
2.  There are marital assets or liabilities. All marital and nonmarital assets and liabilities are (or will be) listed in the financial affidavits, Florida Family Law Rules of Procedure Form 2.902(b) or (c), to be filed in this case.  
[Choose all that apply]
- a.  All marital assets and liabilities have been divided by a written agreement between the parties, which is attached, to be incorporated into the final judgment of dissolution of marriage. (The parties may use Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.902(f)(1).
- b.  The Court should determine how the assets and liabilities of this marriage are to be distributed, under section 61.075, Florida Statutes.
- c.  Petitioner should be awarded an interest in Respondent's property because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SECTION II. SPOUSAL SUPPORT (ALIMONY)**

[Choose only one]

1.  Petitioner forever gives up his/her right to spousal support (alimony) from Respondent.
  
2.  Petitioner requests that the Court order Respondent to pay the following spousal support (alimony) and claims that he or she has a need for the support that he or she is requesting **and Respondent has the ability to pay that support**. Spousal support (alimony) is requested in the amount of \$\_\_\_\_ every  week  other week  month, beginning {date} \_\_\_\_\_ and continuing until {date or event} \_\_\_\_\_

Explain why the Court should order Respondent to pay and any specific request(s) for type of alimony (temporary, permanent, rehabilitative, and/or lump sum): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Choose if applicable]  Petitioner requests life insurance on Respondent’s life, provided by Respondent, to secure such support.

**SECTION III. PARENTING PLAN ESTABLISHING PARENTAL RESPONSIBILITY AND TIME-SHARING**

1. The minor child(ren) currently reside(s) with  Mother  Father  Other: {explain} \_\_\_\_\_

2. **Parental Responsibility.** It is in the child(ren)’s best interests that parental responsibility be: [Choose only one]

- a.  shared by both Father and Mother.
- b.  awarded solely to  Father  Mother. Shared parental responsibility would be detrimental to the child(ren) because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. **Parenting Plan and Time-Sharing.** It is in the best interests of the child(ren) that the family be ordered to comply with a Parenting Plan that  includes  does not include parental time-sharing with the child(ren). The Petitioner states that it is in the best interests of the child (ren) that:

[Choose only one]

- a.  The attached proposed Parenting Plan should be adopted by the court. The parties  have  have **not** agreed to the Parenting Plan.
  
- b.  The court should establish a Parenting Plan with the following provisions:
  - No time-sharing for the  Father  Mother.
  - Limited time-sharing with the  Father  Mother.
  - Supervised Time-Sharing for the  Father  Mother.
  - Supervised or third-party exchange of the child(ren).
  - Time-Sharing Schedule as follows: \_\_\_\_\_



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4. Explain why this request is in the best interests of the child(ren): \_\_\_\_\_

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**SECTION IV. CHILD SUPPORT**

[Choose **all** that apply]

1.  Petitioner requests that the Court award child support as determined by Florida's child support guidelines, section 61.30, Florida Statutes. A completed Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), is, or will be filed. Such support should be ordered retroactive to:
  - a.  the date of separation {date} \_\_\_\_\_.
  - b.  the date of the filing of this petition.
  - c.  other {date} \_\_\_\_\_ {explain} \_\_\_\_\_
  
2.  Petitioner requests that the Court award child support to be paid beyond the age of 18 years because:
  - a.  the following child(ren) {name(s)} \_\_\_\_\_ is (are) dependent because of a mental or physical incapacity which began before the age of 18. {explain} \_\_\_\_\_
  
  - b.  the following child(ren) {name(s)} \_\_\_\_\_ is (are) dependent in fact and is (are) in high school while he/she (they) are between the ages of 18 and 19; said child(ren) is (are) performing in good faith with reasonable expectation of graduation before the age of 19.
  
3.  Petitioner requests that the Court award a child support amount that is more than or less than Florida's child support guidelines. Petitioner understands that Motion to Deviate from Child Support Guidelines, Florida Supreme Court Approved Family Law Form 12.943, **must** be filed before the court will consider this request.
  
4.  Petitioner requests that medical/dental insurance for the minor child(ren) be provided by:

[Choose **only one**]

  - a.  Father.
  - b.  Mother.
  
5.  Petitioner requests that uninsured medical/dental expenses for the child(ren) be paid:

[Choose **only one**]

  - a.  by Father.
  - b.  by Mother.
  - c.  by Father and Mother [each pay one-half].
  - d.  according to the percentages in the Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e).
  - e.  Other {explain}: \_\_\_\_\_

- 
6. Petitioner requests that life insurance to secure child support be provided by:
- a.  Father.
  - b.  Mother.
  - c.  Both.

**SECTION V. OTHER**

1. [If Petitioner is also the Wife, please indicate by either  yes  or no whether Petitioner/Wife wants to be known by her former name, which was *{full legal name}*
- 

2. Other relief *{specify}*:
- 
- 
- 
- 
- 

**SECTION VI. PETITIONER'S REQUEST** (This section summarizes what you are asking the Court to include in the final judgment of dissolution of marriage.)

Petitioner requests that the Court enter an order dissolving the marriage **and**:

[Choose **all** that apply]

- 1.  distributing marital assets and liabilities as requested in Section I of this petition;
- 2.  awarding spousal support (alimony) as requested in Section II of this petition;
- 3.  adopt or establish a Parenting Plan containing provisions for parental responsibility and time-sharing for the dependent or minor child(ren) common to both parties, as requested in Section III of this petition;
- 4.  establishing child support for the dependent or minor child(ren) common to both parties, as requested in Section IV of this petition;
- 5.  restoring Wife's former name as requested in Section V of this petition;
- 6.  awarding other relief as requested in Section V of this petition; and any other terms the Court deems necessary.

**I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of PETITIONER

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary or  
deputy clerk.]

\_\_\_\_ Personally known  
\_\_\_\_ Produced identification  
\_\_\_\_ Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:** [fill in  
all blanks]

I, {full legal name and trade name of nonlawyer} \_\_\_\_\_,  
a nonlawyer, whose address is {street} \_\_\_\_\_,  
{city} \_\_\_\_\_, {state} \_\_\_\_\_, {phone} \_\_\_\_\_,  
helped {name} \_\_\_\_\_, who is the petitioner, fill out this form.