

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.903(c)(1), ANSWER TO PETITION AND COUNTERPETITION FOR DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR CHILD(REN)(03/09)

When should this form be used?

This form should be used when you are responding to a petition for dissolution of marriage with dependent or minor child(ren) and you are asking the court for something not contained in the petition. The answer portion of this form is used to admit or deny the allegations contained in the petition, and the counterpetition portion of this form is used to ask for whatever you want the court to do for you.

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 the petition was filed and keep a copy for your records.

What should I do next?

You have 20 days to answer after being served with the other party's petition. A copy of this form must be mailed **or** hand delivered to the other party. After you file an answer and counterpetition your case will then generally proceed as follows:

The other party is required to answer your counterpetition within 20 days using an **Answer to Counterpetition**, Florida Supreme Court Approved Family Law Form 12.903(d).

UNCONTESTED... Your dissolution is uncontested if you and your spouse agree on all issues raised in the petition and the counterpetition. If this is the case, **and** you and the other party have complied with mandatory disclosure and filed all of the required papers, either party may call the clerk, family law intake staff, or judicial assistant to set a final hearing. If you request the hearing, you must notify the other party 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... Your dissolution is contested if you and your spouse disagree on any issues raised in the petition or counterpetition. If you are unable to settle the disputed issues, either party may 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).

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...

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 do not know the other party'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 have reached an agreement on any or all of the issues.
- **Parenting Plan**, Florida Supreme Court Approved Family Law Form 12.9.995(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.
- **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 within 45 days of service of the petition on you, if not filed at the time you file this answer.)
- **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 you, if not filed at the time you file this answer, unless you and the other party have agreed not to exchange these documents.)

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 schedule 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 or mediation 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 your 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 Δ 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.

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), or a Supervised/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. **A Parenting Plan will be established by the court.**

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 parties 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.

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/Counter respondent,

and

Respondent/Counterpetitioner.

**ANSWER TO PETITION AND COUNTERPETITION
FOR DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR CHILD(REN)**

I, {full legal name} _____, Respondent, being sworn, certify that the following information is true:

ANSWER TO PETITION

1. I **agree** with Petitioner as to the allegations raised in the following numbered paragraphs in the Petition and, therefore, **admit** those allegations: {indicate section and paragraph number}

_____.
2. I **disagree** with Petitioner as to the allegations raised in the following numbered paragraphs in the Petition and, therefore, **deny** those allegations: {indicate section and paragraph number}

_____.
3. I currently am unable to admit or deny the following paragraphs due to lack of information: {indicate section and paragraph number} _____
_____.

COUNTERPETITION FOR DISSOLUTION OF MARRIAGE WITH MINOR CHILD(REN)

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. Petitioner [**one** only] () is () is not a member of the military service.
Respondent [**one** only] () is () is not a member of the military service.
3. MARRIAGE HISTORY
Date of marriage: {month, day, year} _____

Place of marriage: {city, state, country} _____
Date of separation: {month, day, year} _____ (indicate if approximate)

4. DEPENDENT OR MINOR CHILD(REN)

[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	Place of Birth	Birth date	Sex
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

Name	Place of Birth	Birth date	Sex
_____	_____	_____	_____
_____	_____	_____	_____

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	Place of Birth	Birth date	Sex
_____	_____	_____	_____
_____	_____	_____	_____

5. 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 counterpetition. You **must** complete and attach this form in a dissolution of marriage with minor child(ren).

6. A completed Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j), is filed with this counterpetition.

7. This counterpetition for dissolution of marriage should be granted because:

[one only]

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 counterpetition. A copy of the Judgment of Incapacity is attached.

SECTION I. MARITAL ASSETS AND LIABILITIES

[one only]

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 12.902(b) or (c), to be filed in this case.

[**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. ___ Respondent should be awarded an interest in Petitioner=s property because: _____

SECTION II. SPOUSAL SUPPORT (ALIMONY)

[**one** only]

1. ___ Respondent forever gives up his/her right to spousal support (alimony) from Petitioner.

2. ___ Respondent requests that the Court order Petitioner 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 that Petitioner 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 Petitioner to pay and any specific request(s) for type of alimony (temporary, permanent, rehabilitative, and/or lump sum): _____

[**if** applies] () Respondent requests life insurance on Petitioner=s life, provided by Petitioner, 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: [one only]

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 Respondent 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 ___ Husband ___ Wife.

() Limited time-sharing with the ___ Husband ___ Wife.

() Supervised time-sharing for the ___ Husband ___ Wife.

() Supervised or third-party exchange of the child(ren).

() Time-sharing as follows: _____

Explain why this request is in the best interests of the child(ren): _____

SECTION IV. CHILD SUPPORT [all that apply]

1. Respondent 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. ___ Respondent 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. ___ Respondent requests that the Court award a child support amount that is more than or less than Florida's child support guidelines. Respondent 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. Respondent requests that medical/dental insurance coverage for the minor child(ren) be provided by:
[**one** only]
 - a. ___ Father.
 - b. ___ Mother.
5. ___ Respondent requests that uninsured medical/dental expenses for the child(ren) be paid:
[**one** only]
 - a. ___ by Father.
 - b. ___ by Mother.
 - c. ___ by Father and Mother each paying 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. ___ Respondent requests that life insurance to secure child support be provided by:
 - a. ___ Father.
 - b. ___ Mother.
 - c. ___ Both.

SECTION V. OTHER

1. If Respondent is also the Wife, please indicate by either () yes **OR** () no whether Respondent/Wife wants to be known by her former name, which was *{full legal name}* :

2. Other relief *{specify}*: _____

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

Respondent requests that the Court enter an order dissolving the marriage **and**:
[**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 certify that a copy of this document was [one only] () mailed () faxed and mailed () hand delivered to the person(s) listed below on {date} _____.

Petitioner or his/her attorney:

Name: _____
 Address: _____
 City, State, Zip: _____
 Fax Number: _____

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

Dated: _____

 Signature of Respondent/Counterpetitioner
 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 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, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____
who is the respondent, fill out this form.