

# INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.903(c)(2), ANSWER TO PETITION AND COUNTERPETITION FOR DISSOLUTION OF MARRIAGE WITH PROPERTY BUT NO DEPENDENT OR MINOR CHILD(REN)(10/11)

## When should this form be used?

This form should be used when you are responding to a **petition** for **dissolution of marriage** with property but no 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:

- **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 No Dependent or Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.902(f)(2), if you 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 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.)

**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 equal. Many factors, including 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, or temporary alimony, you may file a **Motion for Temporary Support with No Dependent or Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.947(c). 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 No Dependent or Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.902(f)(2). Both parties must sign this agreement before a notary public. Any issues on which you are unable to agree will be considered **contested** and settled by the judge at the final hearing.

**Final Judgment Forms...** These family law forms contain a **Final Judgment of Dissolution of Marriage with Property but No Dependent or Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.990(c)(2), 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 Property but No Dependent or Minor Child(ren) (Uncontested)**, Florida Supreme Court Approved Family Law Form 12.990(b)(2). 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.

**ANSWER TO PETITION AND COUNTERPETITION FOR DISSOLUTION OF MARRIAGE  
WITH PROPERTY BUT NO 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 PROPERTY BUT NO  
DEPENDENT OR 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 [Choose only one] ( ) is ( ) is not a member of the military service.  
Respondent [Choose only one] ( ) is ( ) is not a member of the military service.
3. MARRIAGE HISTORY  
Date of marriage: {month, day, year} \_\_\_\_\_
4. THERE ARE NO MINOR (UNDER 18) OR DEPENDENT CHILD(REN) COMMON TO BOTH PARTIES AND THE WIFE IS NOT PREGNANT.

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

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

**SECTION I. MARITAL ASSETS AND LIABILITIES**

[Choose only one]

- 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.

[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 No Dependent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.902(f)(2).
- 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:

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

[Choose only one]

- 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 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): \_\_\_\_\_

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[Choose **if** applies] ( ) Respondent requests life insurance on Petitioner's life, provided by Petitioner, to secure such support.

**SECTION III. OTHER**

1. [If Respondent is also the Wife, Choose one only] ( ) yes ( ) no Respondent/Wife wants to be known by her former name, which was *{full legal name}*\_\_\_\_\_.

2. Other relief *{specify}*: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION IV. 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**:

[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. \_\_\_ restoring Wife's former name as requested in Section III of this petition;
4. \_\_\_ awarding other relief as requested in Section III of this petition; and any other terms the Court deems necessary.

I certify that a copy of this document was [Choose one only] ( ) mailed  
( ) faxed and mailed ( ) hand delivered to the person(s) listed below on *{date}* .

**Petitioner or his/her attorney:**

Printed 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 motion 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 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.