

CASE PROGRESSION CHECKLIST

DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR CHILD(REN)

This checklist has been prepared to assist you with the necessary procedure for bringing your case to final hearing. This checklist lists the minimum requirements and, even though fairly specific, may not be all-inclusive for every case. **It is not intended, and should not be substituted for proper legal advice from an attorney.** You should, however, find that making sure all necessary steps noted below are followed would reduce procedural difficulties and time delays.

I. INITIAL FILING

A. Required forms

_____ Petition for Dissolution of Marriage with Dependent or Minor Child(ren) – Form 12.901(b)(1).

_____ Child Support Guideline Worksheet – 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 to you.)

_____ Uniform Child Custody Jurisdiction and Enforcement Affidavit (UCCJEA) – Form 12.902(d).

_____ Affidavit of Corroborating Witness – 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.)

_____ Financial Affidavit – Form 12.902(b) or 12.902(c). This must be filed within 45 days of service of petition on the Respondent, if not filed at time of the petition. (Financial Affidavit cannot be waived.)

_____ Notice of Social Security Number – Form 12.902(j).

_____ Non-military Affidavit – Form 12.912(b) (Required only for obtaining a default on petitions that have been personally or constructively served, not required with any joint form.)

_____ Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren) – Form 12.902(f)(1), if you and your spouse have reached an agreement on any or all of the issues. Requires both signatures, notarized.

_____ Parenting Plan – Form 12.995(a)

or

_____ Supervised/Safety-Focused Parenting Plan – Form 12.995(b)

_____ Certificate of Compliance with Mandatory Disclosure – 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.)

or:

_____ Waiver of Mandatory Disclosure documents signed by both parties (cannot waive Financial Affidavits.)

_____ Process Service Memorandum – Form 12.910(b).

_____ Civil Cover Sheet (local requirement.)

_____ Legal Description to any real property owned (together or individually)

B. Required Fees

_____ Filing fee paid or fee waiver granted by Court.

_____ Fees paid for process service by Pasco County Sheriff or fees waiver granted. (Separate check or money order made payable to the Sheriff.) If service is required outside of Pasco County, the party who filed the petition must obtain service procedure information including fees from the county where the other party resides. This information along with applicable fees must be provided to the Clerk's Office. The Clerk's Office will prepare the summons and forward the paperwork to the address provided. Most other states will not honor a Florida Affidavit of Indigence.

C. Required Course

_____ If minor child(ren), completion of an approved parenting course or order waiving attendance.

II. SERVICE OF PROCESS

A. Personal Service

_____ Summons returned "served" and filed by Clerk – Form 12.910(a).

_____ After 20 days and 5 days mailing have passed from the day Respondent was served, check to see whether Respondent filed an answer or **any** paper within the 25 day period. If yes, you may check this item.

(If both checked, skip to Section III; if no answer filed, go to "B".)

_____ Summons returned "not served" and filed by Clerk – Form 12.910(a).

_____ Request clerk issue an alias summons, if address is known.

(If proper service is not obtained, the court cannot hear your case.)

_____ Constructive service also known as "service by publication." This can be used only if you do not know where the other party is. This can be a very complicated area of the law.

_____ Affidavit of Diligent Search and Inquiry – Form 12.913(b).

_____ Notice of Action for Dissolution of Marriage – Form 12.913(a).

If constructive service is used, other than granting a dissolution, the court may grant only limited relief. This is a complicated area of the law and you may wish to consult with an attorney before using constructive service.

B. Default

_____ Respondent failed to answer or file any paper after service.

_____ Motion for Default filed with Clerk – Form 12.922(a) (no sooner than 25 days after date of service)

and

_____ Default entered by Clerk –Form 12.922(b).

_____ Respondent filed a form but not an answer you will need to motion the court to enter default and set a hearing on your motion.

Only now is the case potentially ready for setting for trial/final hearing.

Note: A hearing will not be set until both parties have filed financial affidavits and completed one of the approved parenting courses.

III. SETTING A HEARING

After answer is filed or Clerk enters default:

_____ Prepare a Motion to Set Final Hearing and file it with the Clerk of Circuit Court. (See address below.)
You must also provide the following additional paperwork along with the Motion to Set Final Hearing:

_____ Notice of Hearing and two copies

_____ Two stamped envelopes, one addressed to you and the other addressed to your spouse.

*****If you asked the Clerk of Court to keep your address CONFIDENTIAL, do not address your envelope******

You will receive your Notice of Hearing in a couple of weeks which will provide you with the date and time of your final hearing. **If you have not provided the necessary paperwork your hearing may be delayed.**

Please make arrangements for child care if applicable. Children are not allowed to attend without prior Order, per Fla.Fam.L.R.P. 12.407.

By Mail: Clerk of Circuit Court, P.O. Drawer 338, New Port Richey, FL

In Person: Clerk of Circuit Court, West Pasco Judicial Center, 7530 Little Road, New Port Richey, FL **-or-**
Dade City Courthouse, 38053 Live Oak Avenue, Dade City, FL

The Law Library is located in New Port Richey and Dade City at the following locations:

New Port Richey: West Pasco Judicial Center, 7530 Little Road, New Port Richey, FL

Dade City: Pasco County Courthouse, 38053 Live Oak Ave, Room 126, Dade City, FL