

CASE PROGRESSION CHECKLIST

DISSOLUTION OF MARRIAGE WITH PROPERTY BUT NO DEPENDENT OR MINOR CHILD(REN) AND WITHOUT DEPENDENT OR MINOR CHILD(REN) OR PROPERTY

This checklist has been prepared to assist you with the necessary procedure for bringing your case to a final hearing. This checklist lists the minimum requirements and 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 the necessary steps noted below are followed would reduce procedural difficulties and time delays.

1. Initial filing

A. Required forms

- Petition for Dissolution of Marriage With Property but No Dependent or Minor Children - Form 12.901(b)(2) **OR** Petition for Dissolution of Marriage With NO Property or Dependent or Minor Children - Form 12.901(b)(3)
- Civil Cover Sheet (local requirement)
- Notice of Social Security Number - Form 12.902(j)
- Notice of Related Cases – Form 12.900(h)
- Supplemental Information Regarding Parties (local requirement)
- Financial Affidavit – Form 12.902(b) or 12.902(c) **OR** both Notice of Joint Verified Waiver of filing Financial Affidavit – Form 12.902(k)
- Certificate of Compliance of 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 signed by both parties.
- Marital Settlement Agreement for Dissolution of Marriage with Property but no Dependent or Minor Child(ren) – Form 12.902(f)(2), if you and your spouse have reached an agreement on any or all issues, must be signed by both parties and notarized.
- Legal description of any real property owned (together or individually)

- Photo copy of a valid Florida Driver's License, Florida ID Card or Voter's Registration (issue date of the document used must be at least 6 months prior to the filing of the Petition with the Clerk of the Circuit Court) **OR** an Affidavit of Corroborating Witness – Form 12.902(i)
- Disclosure from Non-Lawyer (This form is used when someone other than a Lawyer or Paralegal assists you with completing your documents.
- Summons: Personal service on an individual – Form 12.910(a)
- Process Service Memorandum – Form 12.910(b)
- Designation of Email Address for a Party not Represented by an Attorney – Form 2.602

B. Required Fees

- Filing fee paid or waiver granted by the Clerk of Court
- Fees for Process Server paid directly to process server. The cost for service is set by the Process Server. The filing party must obtain service procedures, including fees, from the Process Server. A complete list of Pinellas County process servers may be obtained online at www.MyPinellasClerk.org

II. Service of Process

A. Personal Service

- Summons returned “served” and filed by the Clerk – Form 12.910(a)
After 20 days have passed from the day the Respondent was served, check to see if the Respondent has filed an Answer or any other paperwork within the 20 day period.
- Summons returned “not served” and filed by the Clerk – Form 12.910(a)
- Request that the Clerk issue an alias summons, if address known.
(if proper service is not obtained, the Court cannot hear your case)
- Constructive Service (also known as service by Publication or Posting. 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). This form must be fully completely, check all that apply.
- Notice of Action for Dissolution of Marriage - Form 12.913(a)(1)

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 the Clerk – Form 12.922(a) (no sooner than 20 days after date of service.
- Affidavit of Military Service – Form 12.912(b)
- Default entered by Clerk – Form 12.922(b)
- If the Respondent file a form, but not an answer, you will need to motion the Court to enter a Default and set a hearing on your motion.

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

III. SETTING A HEARING

After an Answer is filed or the Clerk enters a Default:

Call the Family Law office to request a review of your case to see whether or not it is ready for a hearing (727)582-7200. Your court case will be checked for completeness (if the other party filed a counter-petition, you are required to file an answer to it). If it is ready for hearing the Family Law office will pass it on to the General Magistrate's office for scheduling and you will receive a notice of hearing from their office.

Any delays in filing requested items may delay the scheduling of your hearing.

Please make arrangements for child care, if applicable. Children are not allowed to attend (in person or via Zoom) without prior order per Fla.Fam.L.R.P. 12.407.