

**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) (02/18)**

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. The person filing the **petition** in a dissolution of marriage proceeding is also referred to as the **petitioner** and his or her **spouse** as the **respondent**. The person filing the **counterpetition** is referred to as the **counterpetitioner** and his or her spouse as the **counterrespondent**.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

What should I do next?

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

Your spouse 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 contact 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 issue raised in the petition or counterpetition. If you are unable to settle the disputed issues, either spouse 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.

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

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 one spouse if the judge finds that one spouse has an actual need for it and also finds that the other spouse has the ability to pay. **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 permanent alimony, bridge-the-gap alimony, durational alimony, and/or rehabilitative alimony. If alimony is awarded, the judge may order periodic payments, payments in lump sum, or both.

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 of you 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 contact 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: _____

In re: the Marriage of

Petitioner/Counter-Respondent,

and

Respondent/Counter-Petitioner.

**ANSWER TO PETITION AND COUNTERPETITION FOR DISSOLUTION OF
MARRIAGE WITH PROPERTY BUT NO DEPENDENT OR MINOR
CHILD(REN)**

I, *{full legal name}* _____,
Respondent/Counter-Petitioner being sworn, certify that the following information is true:

ANSWER TO PETITION

1. I **agree** with 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 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

_____ Respondent/Counter-Petitioner _____ Petitioner/ Counter-Respondent

_____ Both has (have) lived in Florida for at least 6 months before the filing of this Petition for

Dissolution of Marriage.

2. Respondent/Counter-Petitioner _____ is or _____ is not a member of the military service.
Petitioner/Counter-Respondent _____ is or _____ is not a member of the military service.
 3. MARRIAGE HISTORY
Date of marriage: {month, day, year} _____
Date of separation: {month, day, year} _____ (____ Indicate if approximate)
Place of marriage: {county, state, country} _____
 4. THERE ARE NO MINOR (UNDER 18) OR DEPENDENT CHILD(REN) COMMON TO BOTH PARTIES AND NEITHER SPOUSE IS 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:
 - a. _____ The marriage is irretrievably broken.
- OR**
- 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.

[Indicate *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/Counter-Petitioner should be awarded an interest in the other spouse's property because:

_____.

SECTION II. SPOUSAL SUPPORT (ALIMONY)

1. Respondent/Counter-Petitioner forever gives up any right to spousal support (alimony) from the other spouse.

OR

2. Respondent/Counter-Petitioner requests that the Court order the other spouse to pay the following spousal support (alimony) and claims that he or she has an actual need for the support that he or she is requesting **and that the other spouse has the ability to pay that support**. Spousal support (alimony) is requested in the amount of \$_____ every _____ week _____ other week _____ month, or _____ other _____ beginning {date} _____ and continuing until {date or event} _____.

Explain why the Court should order Petitioner/Counter-Respondent to pay, and any specific request(s) for type of alimony (temporary, permanent, bridge-the-gap, durational, rehabilitative, and/or lump sum):

_____.

3. _____ Other provisions relating to alimony including any tax treatment or consequences:

_____.

4. Respondent/Counter-Petitioner requests life insurance on the other spouse's life, provided by that spouse, to secure such support.

SECTION III. OTHER

1. Respondent/Counter-Petitioner requests to be known by the following former legal name, which was {former legal name} _____.
2. Other relief {specify}:

_____.

SECTION IV. REQUEST (This section summarizes what you are asking the Court to include in the final judgment of dissolution of marriage.)

Respondent/Counter-Petitioner requests that the Court enter an order dissolving the marriage **and**:

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 Respondent/Counter-Petitioner'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 ___ mailed ___ faxed and mailed ___ e-mailed ___ hand delivered to the person(s) listed below on {date}_____.

Petitioner/Counter-Respondent or his/her attorney:

Printed Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

Designated E-mail Address(es): _____

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/Counter-Petitioner

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

Designated E-mail Address(es): _____

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] This form was prepared for the Respondent/Counter-Petitioner

This form was completed with the assistance of:

{name of individual} _____,

{name of business} _____,

{address} _____,

{city} _____, {state} _____, {zip code} _____, {telephone number} _____.