

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY
LAW FORM 12.904(a),
PETITION FOR SUPPORT UNCONNECTED WITH DISSOLUTION OF
MARRIAGE WITH DEPENDENT OR MINOR CHILD(REN)
(07/13)**

When should this form be used?

This form may be used to ask the court to enter a support order if your spouse has the ability to contribute to you and your minor child(ren), but has failed to do so. You can **only** use this form if a dissolution of marriage has not been filed **and** based upon the time-sharing schedule, you are entitled to support. If a petition for dissolution of marriage has been filed, you should 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), instead of using this petition. Also, if you are requesting that an order be entered for you to pay support to your spouse, you should not file this form.

This petition cannot address the issues of property, debts, or parental responsibility and time-sharing with child(ren). It only deals with alimony and child support.

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 you live and keep a copy for your records. Because you are filing this petition, you are also referred to as the petitioner and your spouse as the respondent.

What should I do next?

For your case to proceed, you must properly notify your spouse of the petition. Because this petition concerns child support and alimony, you should use personal service. If your spouse is in the military service of the United States, additional steps for service may be required. See, for example, **Memorandum for Certificate of Military Service**, Florida Supreme Court Approved Family Law Form 12.912(a) and **Affidavit of Military Service**, Florida Supreme Court Approved Family Law Form 12.912(b). Service on a spouse who is in the military can be complicated; therefore, you may wish to consult an attorney regarding this issue.

Your spouse has 20 days to answer after being served with your petition. Your case will then generally proceed in one of the following three ways:

DEFAULT. If after 20 days, no answer has been filed, you may file a **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), with the clerk of court. Then, if you have filed all of the required papers, you may call the clerk, family law intake staff, or judicial assistant to set a final hearing. You must notify your spouse 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.

UNCONTESTED. If your spouse files an answer that agrees with everything in your petition or an answer and waiver, **and** you have complied with **mandatory disclosure** and filed all of the required papers, you may call the clerk, family law intake staff, or judicial assistant to set a final hearing. You must notify your spouse 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. If your spouse files an answer or an answer and **counterpetition**, which disagrees with or denies anything in your petition, **and** you are unable to settle the disputed issues, you should 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. Then you should contact the clerk, family law intake staff, or judicial assistant for instructions on how to set your case for **trial** (final hearing). If your spouse files an answer and counterpetition, you should answer the counterpetition within 20 days using an **Answer to Counterpetition**, Florida Supreme Court Approved Family Law Form 12.903(d).

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 section 61.09, Florida Statutes.

Special notes...

If you do not have the money to pay the filing fee, you may obtain an Application for Determination of Civil Indigent Status from the clerk, fill it out, and the clerk will determine whether you are eligible to have filing fees deferred.

With this form you must also file the following:

- **Notice of Social Security Number**, Florida Supreme Court Approved Family Law Form 12.902(j).
- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d), if the case involves minor or dependent child(ren).
- **Family Law Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c).
- **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 the respondent, if not filed at the time of the petition, unless you and the other party have agreed not to exchange these documents.)
- **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e), if you are asking that child support be ordered in the final judgment. (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.)

Alimony. Alimony may be awarded to a spouse if the judge finds that he or she has an actual need for it and that the other spouse has the ability to pay. **If you want alimony, you must**

request it in writing in the original petition. 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, lump sum alimony, or rehabilitative alimony.**

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 and the number of overnights the child(ren) spend with each parent. 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.

Temporary Relief. If you need temporary relief regarding 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.

Final Judgment Forms. These family law forms contain a **Final Judgment of Support Unconnected with Dissolution of Marriage with Dependent or Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.994(a), which the judge may use if your case is contested. 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

In re: the Marriage of:

Case No: _____

Division: _____

_____,
Husband,
and
_____,
Wife.

PETITION FOR SUPPORT UNCONNECTED WITH DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR CHILD(REN)

I, *{full legal name}* _____, the
() Husband () Wife, the Petitioner, being sworn, certify that the following statements are true:

1. JURISDICTION

() Husband () Wife () Both live in Florida at the filing of this Petition for Support Unconnected with Dissolution of Marriage, which is filed pursuant to section 61.09, Florida Statutes.

2. Husband [**Choose only one**] () is () is not a member of the military service.
Wife [**Choose only one**] () is () is not a member of the military service.

3. MARRIAGE HISTORY

- a. Date of marriage: *{month, day, year}* _____.
b. Date of separation: *{month, day, year}* _____ (___ Please indicate **if approximate**)

4. MINOR CHILD(REN)

[Choose **all** that apply]

- a. ___ The wife is pregnant. The baby is due on: *{date}* _____.
b. ___ The minor (under 18) child(ren) common to both parties are:

Name	Birth date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name	Birth date
_____	_____
_____	_____

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 incapacity are:

Name	Birth date
_____	_____
_____	_____

5. A completed Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j), is filed with this petition.
6. A completed Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c) () is, or () will be filed.
7. A completed Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), is, or will be, filed.
8. 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 petition.

SECTION I. SPOUSAL SUPPORT (ALIMONY)

1. ____ Husband ____ Wife does not request spousal support (alimony) from the other spouse at this time.

OR

2. ____ Husband ____ Wife has the ability to contribute to the maintenance of the other spouse and has failed to do so. ____ Husband ____ Wife requests that the Court order the other spouse 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. 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 ____ Husband ____ Wife to pay and any specific request(s) for type of alimony (temporary, permanent, rehabilitative, bridge-the-gap, durational, and/or lump sum)

3. ___ Other provisions relating to alimony including any tax treatment and consequences:

4. ___ Husband ___ Wife requests life insurance on the other spouse's life, provided by that spouse, to secure such support.

SECTION II. CHILD SUPPORT

1. ___ Husband ___ Wife has the ability to contribute to the maintenance of his or her minor child(ren) and has failed to do so. Based upon the time-sharing schedule, the ___ Husband ___ Wife is entitled to child support.

[Choose **all** that apply]

2. ___ Husband ___ Wife requests that the Court award child support as determined by Florida's child support guidelines, section 61.30, Florida Statutes.

3. ___ Husband ___ Wife requests that the Court award child support to be paid beyond the age of 18 years by ___ Husband ___ Wife because:

a. ___ the following child(ren), {name(s)} _____, is (are) dependent because of a mental or physical incapacity which began prior to the age of 18 {explain}: _____

b. ___ the following child(ren), {name(s)} _____, is (are) dependent in fact, is (are) in high school and is (are) between the ages of 18 and 19; said child(ren) is (are) performing in good faith with a reasonable expectation of graduation before the age of 19.

4. ___ Husband ___ Wife requests that medical/dental insurance for the minor child(ren) be provided by: [Choose only one]

- a. ___ Husband.
- b. ___ Wife.

5. ___ Husband ___ Wife requests that uninsured medical/dental expenses for the child(ren) be paid:

[Choose only one]

- a. ___ by Husband.
- b. ___ by Wife.
- c. ___ by Husband and Wife 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. _____ Husband _____ Wife requests that life insurance to secure child support be provided by:
- a. _____ Husband
 - b. _____ Wife
 - c. _____ Both

SECTION III. OTHER RELIEF

SECTION IV. REQUEST

(This section summarizes what you are asking the Court to include in the order for support.)

_____ Husband _____ Wife requests that the Court enter an order establishing support **and**:

[Choose **all** that apply]

- a. _____ awarding spousal support (alimony) as requested in Section I of this petition;
- b. _____ establishing child support for the minor child(ren) common to both parties, as requested in Section II of this petition;
- c. _____ awarding other relief as requested in Section III of this petition; and any other items the Court deems necessary.

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

Dated: _____

Signature of () Husband () Wife
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
Email Address: _____

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: *{choose only one}* () Husband () Wife

This form was completed with the assistance of:

{name of individual} _____,
{name of business} _____,
{address} _____,
{city} _____, *{state}* _____, *{telephone number}* _____.