

## Court Requirements for Pro Se Drafting of Final Judgments in Dissolution of Marriage and Paternity Cases

In Florida, pro se litigants are held to the same rules and standards as attorneys. However, in order to facilitate the efficient and orderly resolution of Paternity and Dissolution of Marriage cases, the Court provides the following information and guidance.

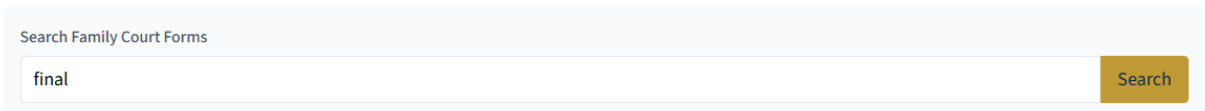
This document is intended solely to assist pro se litigants in preparing **Proposed Final Judgments** in Dissolution of Marriage and Paternity cases in Division 41. It does not address general litigation procedure and is limited to the information necessary for the Court to enter a Final Judgment. Dissolution of Marriage cases are discussed first, followed by Paternity cases beginning on page 5. The final section of this document addresses relocation issues, which may arise in either a Dissolution of Marriage or Paternity case. Relocation is discussed on page 7.

### **DISSOLUTION**


Dissolution of Marriage (divorce) cases are generally categorized based on the following issues:

- Whether the dissolution is contested or uncontested;
- Whether there are minor children of the marriage (including children born to the parties before the marriage);
- Whether there are marital assets or debts to be equitably distributed; and
- Whether spousal support (alimony) is requested or at issue.

Based on the foregoing factors, the type of Final Judgment to be entered will be determined. Proposed Final Judgment forms addressing these matters are available at the following link: <https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms> Once you get to the link, simply enter the term “final” in the Search Family Court Forms portion as follows:



And then scroll down and choose the appropriate form in word. For example, a contested dissolution with minor children and property would click the word version of Form 12.990(c)(1) “Final Judgment of Dissolution of Marriage with Dependent and Minor

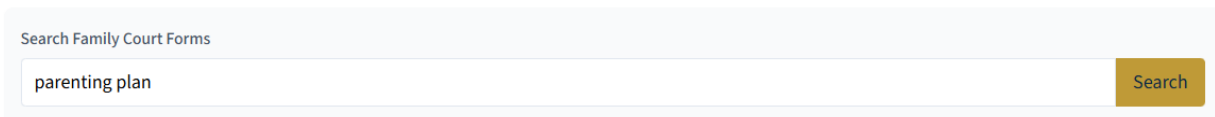
Children. Simply look to the left of the Form Number 12.990(c)(1) and find the  symbol and click that and complete that form. (Warning: if you simply click the title of the form it will be a pdf instead of word.)

## DISSOLUTION WITH CHILD OR CHILDREN

If a dissolution case involves a minor child or minor children, a Parenting Plan and Child Support Guidelines Worksheet must be completed and included with the proposed Final Judgment.

A sample **parenting plan** is online and found at the following link:

<https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms> Once you get to the link, simply enter the term “parenting plan” in the Search Family Court Forms portion as follows:




Search Family Court Forms

parenting plan

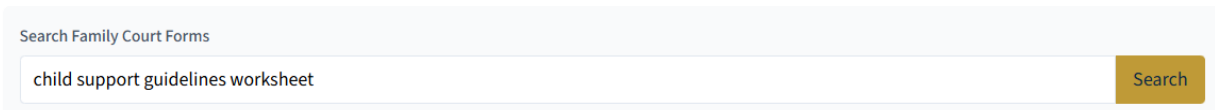
Search

Scroll down to see Parenting Plan and then simply look to the left of the From Number

12.995(a) and find the  symbol and click that and complete that form. (Warning: if you simply click the title of the form it will be a pdf instead of word.)

A **Child Support Guidelines Worksheet** is online:

<https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms> Once you get to the link, simply enter the term “Child support guidelines worksheet” in the Search Family Court Forms portion as follows:



Search Family Court Forms

child support guidelines worksheet

Search

Scroll down to see Child Support Guidelines Worksheet and then simply look to the left of

the From Number 12.902(e) and find the  symbol and click that and complete that form. (Warning: if you simply click the title of the form it will be a pdf instead of word.)

The number of Child Support Guidelines Worksheets required depends on the number and ages of the minor children involved.

More than one Guidelines Worksheet is required when there is more than one minor child and when child support obligations will change as children age out of eligibility. For example, if at the time of the dissolution there are three minor children ages 15, 12, and 10, separate Guidelines Worksheets must be prepared as follows: one worksheet for three

children until the oldest child turns eighteen; a second worksheet for two children until the second oldest child turns eighteen; and a third worksheet for one child until the youngest child turns eighteen.

If retroactive child support is pled, additional Guidelines Worksheets are required for each year for which retroactive child support is sought. Each worksheet must reflect the parties' incomes, overnights, and any other applicable factors for the relevant time period.

**In addition to the parenting plan and support guidelines the Court requires both parties to complete the Determination of Best Interest Form that is also in the Pro Se Corner of the Judge's website** located at <https://ninthcircuit.org/judges/circuit/michael-murphy> This document must be attached to your proposed parenting plan, and both of those attached to your Proposed Final Judgment along with the child support guidelines worksheet(s).

#### DISSOLUTION WITH OR WITHOUT CHILDREN

##### **MARITAL ASSETS (property) AND MARITAL DEBTS**

If there are marital assets or marital debts, the proposed Final Judgment **must** address equitable distribution.

Each party **must** identify all marital assets and marital debts, state the value assigned to each item as of the applicable valuation date, and specify which party is awarded each asset or debt. The proposed Final Judgment **must** clearly show the distribution of every identified marital asset and liability.

If an unequal distribution of marital assets or debts is requested, the proposed Final Judgment **must** state the specific factual and legal basis for the unequal distribution.

When there are multiple assets or debts, an equitable distribution schedule or table **must** be attached to the proposed Final Judgment and incorporated by reference.

##### **Example:**

If the marital estate includes a marital residence valued at \$400,000 with a \$250,000 mortgage, two vehicles valued at \$30,000 and \$20,000, a retirement account valued at \$100,000, and \$15,000 in credit card debt, the proposed Final Judgment **must** identify each item, assign a value to each, and specify which party is awarded each asset and responsible for each debt. The Final Judgment must also reflect the net distribution to each party.

If the Proposed Final Judgment form downloaded from the link provided does not contain sufficient space to list all marital assets and debts, the parties **must** attach a separate,

typed or clearly legible equitable distribution schedule to the Proposed Final Judgment. The attached schedule **must** set forth all marital assets and debts with the same level of detail and specificity required in the Proposed Final Judgment and **must** be incorporated by reference. **This requirement is intended to eliminate any ambiguity regarding the identification, valuation, and distribution of marital assets and debts, and to ensure that the Final Judgment clearly reflects which party is awarded each asset and responsible for each debt.**

#### **SPOUSAL SUPPORT (ALIMONY)**

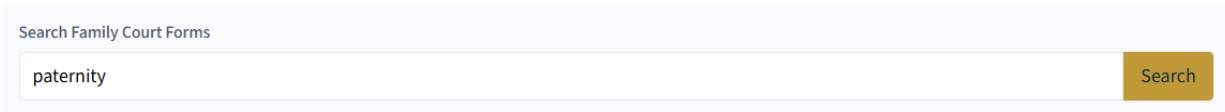
If spousal support has been pled, **the Court requires you to complete the Alimony – Required Factor-Based submission, that is also in the Pro Se Corner of the Judge’s website** located at <https://ninthcircuit.org/judges/circuit/michael-murphy> This document must be attached to Proposed Final Judgment.

#### **NAME CHANGE (RESTORATION OF PRE-MARRIAGE LAST NAME)**


The Court requires that you submit either a copy of your marriage license or birth certificate along with the proposed final judgment if you are asking the Court to restore your name to your pre-marriage last name.

## PATERNITY

For **PATERNITY** cases, the most typical issues are time sharing and child support (equitable distribution of marital assets and debts as well as alimony does not apply to Paternity cases), to find a proposed final judgment, go to the the following link: <https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms> Once you get to the link simply enter the term “paternity” in the Search Family Court Forms as follows:

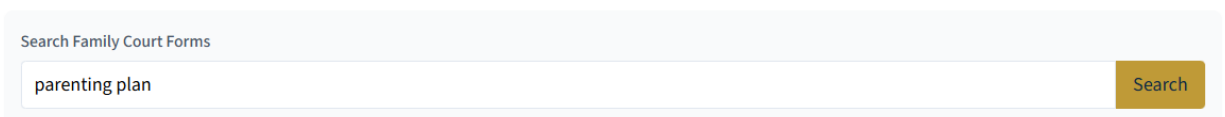
A screenshot of the 'Search Family Court Forms' interface. It features a light gray header with the text 'Search Family Court Forms'. Below this is a white search bar containing the text 'paternity'. To the right of the search bar is a yellow button with the text 'Search'.

Scroll down to Form 12.983(c) and look to the left of the Form Number 12.983(c) and find


the  symbol and click that and complete that form.

In a Paternity Case a Parenting Plan and Child Support Guidelines Worksheet must be completed and included with the proposed Final Judgment.

A sample **parenting plan** is online and found at the following link: <https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms> Once you get to the link, simply enter the term “parenting plan” in the Search Family Court Forms portion as follows:

A screenshot of the 'Search Family Court Forms' interface. It features a light gray header with the text 'Search Family Court Forms'. Below this is a white search bar containing the text 'parenting plan'. To the right of the search bar is a yellow button with the text 'Search'.

Scroll down to see Parenting Plan and then simply look to the left of the From Number

12.995(a) and find the  symbol and click that and complete that form. (Warning: if you simply click the title of the form it will be a pdf instead of word.)

A sample **Child Support Guidelines Worksheet** is online: <https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms> Once you get to the link, simply enter the term “Child support guidelines worksheet” in the Search Family Court Forms portion as follows:

Search Family Court Forms

child support guidelines worksheet

Search

Scroll down to see Child Support Guidelines Worksheet and then simply look to the left of



the From Number 12.902(e) and find the symbol and click that and complete that form. (Warning: if you simply click the title of the form it will be a pdf instead of word.)

The number of Child Support Guidelines Worksheets required depends on the number and ages of the minor children involved.

More than one Guidelines Worksheet is required when there is more than one minor child and when child support obligations will change as children age out of eligibility. For example, if at the time of the dissolution there are three minor children ages 15, 12, and 10, separate Guidelines Worksheets must be prepared as follows: one worksheet for three children until the oldest child turns eighteen; a second worksheet for two children until the second oldest child turns eighteen; and a third worksheet for one child until the youngest child turns eighteen.

If retroactive child support is pled, additional Guidelines Worksheets are required for each year for which retroactive child support is sought. Each worksheet must reflect the parties' incomes, overnights, and any other applicable factors for the relevant time period.

**In addition to the parenting plan and support guidelines the Court requires both parties to complete the Determination of Best Interest Form that is also in the Pro Se Corner of the Judge's website** located at <https://ninthcircuit.org/judges/circuit/michael-murphy> This document must be attached to your proposed parenting plan, and both of those attached to your Proposed Final Judgment along with the child support guidelines worksheet(s).

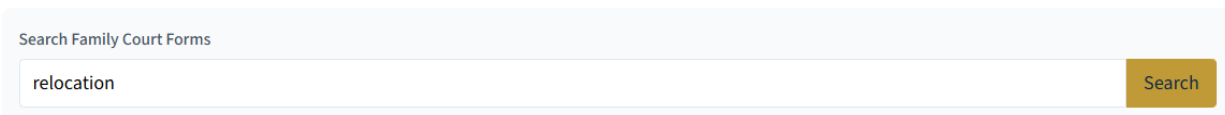
## RELOCATION

Relocation can be granted after a Final Judgment of Dissolution or after a Final Judgment of Paternity or Relocation can be granted as part of a dissolution or paternity action.

Fla. Stat. 61.13001(1)(e) states

“Relocation” means a change in the location of the principal residence of a parent or other person from his or her principal place of residence at the time of the last order establishing or modifying time-sharing, or at the time of filing the pending action to establish or modify time-sharing. The change of location must be at least 50 miles from that residence, and for at least 60 consecutive days not including a temporary absence from the principal residence for purposes of vacation, education, or the provision of health care for the child.

Proposed Final Judgment forms addressing relocation are available at the following link: <https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms> Once you get to the link, simply enter the term “relocation” in the Search Family Court Forms portion as follows:




Search Family Court Forms

relocation

Search

And then scroll down and choose the appropriate form in word. For example, Form 12.950(i) is a Final Judgment/supplemental final judgment granting relocation. Simply look

to the left of the Form Number 12.950(i) and find the  symbol and click that and complete that form. (Warning: if you simply click the title of the form it will be a pdf instead of word.)

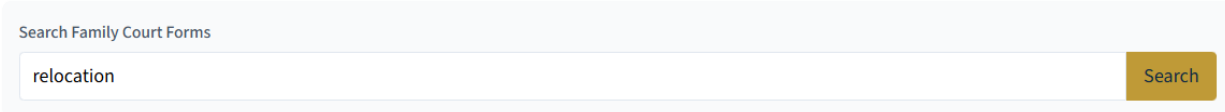
## PARENTING PLAN AND CHILD SUPPORT GUIDELINES WORKSHEET

If the petition for relocation is part of the Final Judgment of Dissolution or Final Judgment of Paternity than the parenting plan and support guidelines will already be part of the proposed final judgment as discussed in the Dissolution and Paternity portion of this document. However, **in every relocation case the Court also requires both parties to also complete Relocation-Required Factor-Based Submission Form that is also in the Pro Se Corner of the Judge's website** located at

<https://ninthcircuit.org/judges/circuit/michael-murphy> This document must be attached to your proposed parenting plan, and both of those attached to your Proposed Final Judgment along with the child support guidelines worksheet(s).

If the Petition for Relocation is separate from the Final Judgment of Dissolution or Final Judgment of Paternity you must provide a proposed parenting plan. A sample relocation **parenting plan** is online and found at the following link: :

<https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms> Once you get to the link, simply enter the term “relocation” in the Search Family Court Forms portion as follows:




Search Family Court Forms

relocation

Search

And then scroll down and choose to Form 12.995(c) titled Relocation/Long Distance

Parenting Plan. Simply look to the left of the Form Number and find the  symbol and click that and complete that form. (Warning: if you simply click the title of the form it will be a pdf instead of word.)

**Child Support Guidelines**, travel costs is to be considered in child support. The long parenting plan addresses travel costs; however, depending on how a stand alone relocation petition is pled, you may also be required to complete child support guidelines to accompany your proposed Final Judgment on Relocation.