

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY
LAW FORM 12.904(a)(2),
PETITION FOR SUPPORT AND PARENTING PLAN UNCONNECTED
WITH DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR
CHILD(REN)
(02/18)**

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. It may also be used to establish a Parenting Plan with a time-sharing schedule. 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 or debts. It only deals with alimony, child support, and Parenting Plans.

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.

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?

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 **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 contact 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 contact 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.

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...

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 your spouse's income, you may file this worksheet after your spouse's financial affidavit has been served on you.)
- **Parenting Plan**, Florida Supreme Court Approved Family Law Form 12.995(a), (b), or (c). If the parents have reached an agreement, a signed and notarized Parenting Plan should be attached. If the parents have not reached an agreement, a proposed Parenting Plan may be filed.

Alimony. Alimony may be awarded to a spouse if the judge finds that one spouse 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, and/or rehabilitative alimony. If alimony is awarded, the judge may order periodic payments, payments in lump sum, or both.

Child Support. Both parents are required to provide financial support for their minor or dependent children; however, the court may order one parent to pay child support 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.

Parenting Plan and Time-Sharing. If you and your spouse are unable to agree on parenting arrangements and a time-sharing schedule, a judge will decide for you as part of establishing a Parenting Plan. The judge will decide the parenting arrangements and time-sharing based on the child(ren)'s best interests. Regardless of whether there is an agreement, the court reserves jurisdiction to modify issues relating to the minor child(ren).

The judge may request a **parenting plan recommendation** or appoint a **guardian ad litem** in your case. This means that a neutral person will review your situation and report to the judge concerning parenting issues. The purpose of such intervention is to be sure that the best interests of the child(ren) is (are) being served. For more information, you may consult section 61.13, Florida Statutes.

A **parenting course** must be completed prior to entry of the final judgment. You should contact the clerk, family law intake staff, or judicial assistant about requirements for parenting courses where you live.

Listed below are some terms with which you should become familiar before completing your petition. **If you do not fully understand any of the terms below or their implications, you should speak with an attorney before going any further.**

- **Shared Parental Responsibility**
- **Sole Parental Responsibility**
- **Supervised Time-Sharing**
- **No contact**
- **Parenting Plan**
- **Parenting Plan Recommendation**
- **Time-Sharing Schedule**

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: _____

_____,
Petitioner,

and

_____,
Respondent.

**PETITION FOR SUPPORT AND PARENTING PLAN UNCONNECTED
WITH DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR
CHILD(REN)**

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

1. JURISDICTION

_____ Petitioner _____ Respondent _____ Both live in Florida at the filing of this Petition for Support and Parenting Plan Unconnected with Dissolution of Marriage, which is filed pursuant to section 61.09, Florida Statutes.

2. Petitioner _____ is or _____ is not a member of the military service.
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. MINOR CHILD(REN)

[Indicate all that apply]

a. _____ Petitioner is pregnant. The baby is due on: *{date}* _____

b. _____ Respondent is pregnant. The baby is due on: *{date}* _____

c. _____ The minor (under 18) child(ren) common to both parties, conceived or born during the marriage, are:

Name

Birth date

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 filed with this petition or _____ will be timely filed.
7. A completed Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), _____ is filed with this petition, or _____ will be timely 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. _____ **Petitioner does not request spousal support (alimony) from Respondent at this time.**

OR

2. _____ Respondent has the ability to contribute to Petitioner's support and has failed to do so. Petitioner requests that the Court order Respondent to pay spousal support (alimony) to Petitioner, who claims that he or she has an actual need for the support that he or she is requesting. 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 Respondent 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. Petitioner requests life insurance on the other spouse's life, provided by that spouse, to secure such support.

SECTION II. PARENTING PLAN ESTABLISHING PARENTAL RESPONSIBILITY AND TIME-SHARING

1. The minor child(ren) currently reside(s) with _____ Petitioner _____ Respondent _____ Other:
{explain} _____

2. **Parental Responsibility.** It is in the child(ren)'s best interests that parental responsibility be:
{Choose only one}
- a. _____ shared by both parents;
 - b. _____ awarded solely to _____ Petitioner _____ Respondent. Shared parental responsibility would be detrimental to the child(ren) because: _____

_____.

3. **Parenting Plan and Time-Sharing.** It is in the best interests of the child(ren) that the family be ordered to comply with a Parenting Plan that _____ includes _____ does not include parental time-sharing with the child(ren). For purposes of a Parenting Plan, the Petitioner will be referred to as *{name or designation}* _____, and the Respondent will be referred to as *{name or designation}* _____. The Petitioner states that it is in the best interests of the child(ren) that:

- {Choose only one}*
- a. _____ The attached proposed Parenting Plan should be adopted by the court. The parties *{Choose only one}* _____ have _____ have **not** agreed to the Parenting Plan.
 - b. _____ Each child will have time-sharing with both parents as follows: _____

(_____ Indicate if a separate sheet is attached.)

- c. _____ The court should establish a Parenting Plan with the following provisions for:
{Insert name or designation of the appropriate parent in the space provided}
_____ No time-sharing for Parent _____
_____ Limited time-sharing with Parent _____
_____ Supervised Time-Sharing for Parent _____ Parent _____;
_____ Supervised or third-party exchange of the child(ren).
_____ Explain: _____

_____.

4. Explain why this request is in the best interests of the child(ren): _____

_____.

SECTION III. CHILD SUPPORT

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

[Indicate all that apply]

2. _____ Petitioner requests that the Court award child support as determined by Florida’s child support guidelines, section 61.30, Florida Statutes.

3. _____ Petitioner requests that the Court award child support to be paid beyond the age of 18 years by Respondent 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. _____ Petitioner requests that medical/dental insurance for the minor child(ren) be provided by:
[Choose only one]

a. _____ Petitioner.

b. _____ Respondent.

5. _____ Petitioner requests that uninsured medical/dental expenses for the
child(ren) be paid: **[Choose only one]**

a. _____ by Petitioner

b. _____ by Respondent

c. _____ equally (each spouse pays 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. _____ Petitioner requests that life insurance to secure child support be provided by:
_____ Respondent _____ both spouses.

SECTION IV. OTHER RELIEF

SECTION V. REQUEST

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

Petitioner requests that the Court enter an order:

*{Indicate **all** that apply}*

- 1. ____ awarding spousal support (alimony) as requested in Section I of this petition;
- 2. ____ adopting or establishing a Parenting Plan containing provisions for parental responsibility and time-sharing for the dependent or minor child(ren), as requested in Section II of this petition;
- 3. ____ establishing child support for the minor child(ren), as requested in Section III of this petition;
- 4. ____ awarding other relief as requested in Section IV 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 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 Petitioner

This form was completed with the assistance of:

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