

SPECIAL AFFIDAVIT

FOR UNCONTESTED

DISSOLUTION

OF

MARRIAGE

WITHOUT A HEARING

**SPECIAL AFFIDAVIT FOR UNCONTESTED DISSOLUTION OF MARRIAGE
WITHOUT FINAL HEARING**

Attached you will find a Special Affidavit for Uncontested Dissolution of Marriage and other related forms. The affidavit is to be used if you, as the petitioner in your dissolution of marriage action, wish to request that a final judgment (completion of your divorce) be entered without the necessity of a final hearing.

If you do not follow the directions completely, your paperwork will be returned to you.

***Do not return the Special Affidavit for Uncontested Dissolution of Marriage unless 20 days has passed since you filed your petition.**

1. Complete the Special Affidavit for Uncontested Dissolution of Marriage packet in its entirety. The affidavit must be typed or printed legibly in ink. You must fill in every blank correctly. If a question does not apply to your case, write N/A or No in the blank. You must complete every area of the affidavit.
2. The affidavit must be signed in the presence of a notary public.
3. Mail or hand deliver a copy of the complete Special Affidavit for Uncontested Dissolution of Marriage Packet to your spouse.
4. Complete the original Special Affidavit for Uncontested Dissolution of Marriage Packet (signed and notarized) and file with the Clerk of Court. You may hand deliver the originals or mail to:

Santa Rosa County Clerk of Court
Attention: Domestic Relations
4025 Avalon Blvd.
Milton, FL 32583

Once your Special Affidavit Packet has been filed with the Clerk's Office, your case will be prepared and forwarded to the Family Law Pro Se Coordinator. Once reviewed, it will be forwarded to the Judge assigned to your case. If the Court feels it is appropriate to enter the final judgment without a final hearing, it will do so. Please remember that the Court is not required to enter a final judgment without a hearing. You will be notified by the Family Law Pro Se Coordinator if there is a problem with your documents as submitted or if a hearing is necessary.

You and your spouse will receive a conformed copy of the Final Judgment of Dissolution of Marriage approximately **4-6 weeks** after submission of your completed Special Affidavit Packet.

To obtain a certified copy of the Final Judgment of Dissolution of Marriage after the entry of your judgment, you may contact the Clerk of the Circuit Court, Family Law Division and pay the appropriate fee.

PLEASE NOTE: If the wife's former name has been restored, she must have a certified copy of the final judgment to complete that change on legal documents and records.

For additional procedural information, you may contact the Family Law Pro Se Coordinator at:

Kay Camp
Family Law Pro Se Coordinator
(850) 981-5588

IN THE CIRCUIT COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA
FAMILY LAW DIVISION

In re: The Marriage of

_____,
Petitioner/ _____,
and

Case Number ____ DR 00 ____
Division " ____ "

_____,
Respondent/ _____.

NOTICE OF FILING
SPECIAL AFFIDAVIT FOR UNCONTESTED DISSOLUTION OF MARRIAGE
WITHOUT A HEARING

TO: _____

YOU ARE HEREBY NOTIFIED the Petitioner/Counter-petitioner has filed a *Special Affidavit for Uncontested Dissolution of Marriage Without a Hearing* a copy of which is **attached** to this Notice. If you in any way disagree with the facts alleged in this Special Affidavit, and/or you desire a hearing before the Court, **you must within 15 days of the date of this Notice, file a written objection with the Clerk of Court.** If you are not represented by an attorney, your objection may be submitted by regular U.S. mail or hand-delivery to the Clerk of Court, Family Law Division, Santa Rosa County Courthouse, 4025 Avalon Blvd., Milton, Florida, 32583. Attorneys shall e-file any objection. A copy of any objection filed with the Court must also be furnished to the attorney whose name appears at the end of this Notice.

THIS IS THE ONLY NOTICE THAT YOU WILL RECEIVE PRIOR TO THE FINAL JUDGMENT BEING SUBMITTED TO THE ASSIGNED JUDGE.

If you do not raise any objection as indicated above, the Final Judgment of Dissolution of Marriage will be entered without a hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by () e-mail
() regular U.S. mail () hand delivery to _____ on this _____
day of _____, 20__.

ATTORNEY'S NAME HERE
Address: _____
City, State, Zip: _____
Telephone Number: _____
E-mail: _____
Florida Bar Number: _____

IN THE CIRCUIT COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA
FAMILY LAW DIVISION

In re: The Marriage of

_____,
Petitioner/ _____,
and

Case Number ____ DR 00 ____
Division " ____ "

_____,
Respondent/ _____.

SPECIAL AFFIDAVIT FOR UNCONTESTED DISSOLUTION OF MARRIAGE
WITHOUT A HEARING

STATE OF FLORIDA
COUNTY OF SANTA ROSA

I, the undersigned, under oath and under penalty of perjury, swear or affirm as follows:

1. My name is _____. I am the Petitioner / Counter-petitioner (*circle one*) in the above action. I am now married to _____. We were married in _____ (*city and state*) on _____ (*date*).
2. I have carefully re-read my Petition/Counter-petition for Dissolution of Marriage. Everything stated in it is true and accurate to the best of my knowledge and belief or I have made the corrections below:

3. Is your spouse now, or was your spouse at any time thirty days prior to the filing of the Petition for Dissolution of Marriage, a member of the Armed Forces of the United States, National Guard, or reserve member on active duty, or an active duty commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration?

 Yes No
4. The Petition for Dissolution of Marriage was filed on _____, 20__.
5. Have either you or your spouse resided in the State of Florida continuously as a permanent resident for more than six (6) months before the date the Petition was filed?

 Yes No

Which spouse? _____ (*write "Husband", "Wife", or "Both"*)
6. "Irretrievably broken" means that the marriage cannot be salvaged in any way, not even with the help of marriage counseling. Is your marriage irretrievably broken?

Yes No

Briefly state why: _____

7. Are there children born of this marriage who are still minors (under age 18 or still in high school with an anticipated date of graduation prior to age 19)?

Yes No

If yes, state their names and dates of birth:

Name Date of Birth

8. Have all children who were born during the marriage that are still minors, even those not the biological child(ren) of the Husband, been listed in the Petition/Counter-petition for Dissolution of Marriage?

Yes No

If no, state their names and dates of birth:

Name Date of Birth

9. Is the Wife pregnant at this moment?

Yes No

10. Have both you and your spouse fully disclosed all assets, liabilities, and incomes to each other?

Yes No

11. Have you and your spouse **both** signed a **written notarized** agreement settling all of the issues in this case?

Yes No *(if no, go to question 17)*

12. Do you recognize **both** your signature and the signature of your spouse on that agreement?

Yes No

13. Do you believe this agreement is fair?

Yes No

14. Did both you and your spouse sign this written agreement freely and voluntarily?

Yes No

15. Were either you or your spouse harassed, coerced or threatened by anyone into signing this agreement?

Yes No

16. Do you want the Court to adopt this agreement as part of the Final Judgment of Dissolution of Marriage?

Yes No (*go to question 18*)

17. If there is no agreement, do you wish the Court to enter a Final Judgment of Dissolution of Marriage granting the relief requested in the Petition for Dissolution of Marriage?

Yes No

18. Is the Wife asking the Court to restore a prior name or maiden name?

Yes No (*if no, go to question 19*)

Was this relief requested by the Wife in her Petition/Counter-petition?

Yes No

If yes, state the **full** restored name desired: _____

NOTE: The Court can only restore a legal name that the Wife once had, either by birth or marriage. It cannot grant a new name that the Wife has never had before. This name is a maiden name prior married name (*check one*).

19. Is there anything you believe the Court should know that has not been covered above? If so, briefly state: _____

NOTE: You must show proof that either the husband or wife has been a permanent or continuous resident of the State of Florida. Residency cannot be less than six (6) months prior to the date the Petition was filed with the Clerk. You may do this in one of two ways:

- A. By submitting an **enlarged**, readable photocopy of a valid Florida driver's license or voter's registration. The **date of issue** must prove your residency. If it does not, you have failed to prove residency and your case will be held up until proper proof is received; or
- B. By submitting an Affidavit of Corroborating Witness, Florida Supreme Court Approved Family Law Form 12.902(i). The witness must be someone other than a party to this action and an adult who is a Florida resident.

Petitioner / Counter-petitioner

SWORN TO AND SUBSCRIBED before me on this ____ day of _____, 20____,
by _____, who is () personally known to me or who has () produced
_____ as identification.

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by () e-mail
() regular U.S. mail () hand delivery to _____ on this ____
day of _____, 20__.

ATTORNEY'S NAME HERE

Address: _____

City, State, Zip: _____

Telephone Number: _____

E-mail: _____

Florida Bar Number: _____

IN THE CIRCUIT COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA
FAMILY LAW DIVISION

In re: The Marriage of

_____,
Petitioner/_____,
and
_____,
Respondent/_____.

Case Number 20__ DR 00_____
Division “_____”

CHECKLIST FOR UNCONTESTED DISSOLUTION OF MARRIAGE

The Petitioner/Counter-petitioner states that all documents required for the entry of a Final Judgment of Dissolution of Marriage without a hearing have either been filed with the Clerk of Court or are presented with this checklist. A copy of the Clerk’s docket is attached hereto. The document tag numbers of the required documents are noted in the appropriate column below.

<u>Minimum Documents</u>		Clerk’s Document Tag #	Presented with this Checklist
Petition for Dissolution of Marriage			
Return of Service	OR		
Acceptance/Waiver of Service			
Answer to Petition			
Husband’s Notice of Social Security No.			
Wife’s Notice of Social Security No.			
Husband’s Financial Affidavit			
Wife’s Financial Affidavit			
Husband’s Certificate of Compliance with Mandatory Disclosure Rule 12.285	OR		
Wife’s Certificate of Compliance with Mandatory Disclosure Rule 12.285			
Both Parties’ Agreement to Waive Mandatory Disclosure Rule 12.285			
Marital/Mediated Settlement Agreement			
Proof of Residency			
Special Affidavit for Uncontested Dissolution of Marriage Without a Hearing			
Notice of Filing Special Affidavit			
Proposed Final Judgment (w/copy sent to other party)			

The following documents required <u>ONLY</u> if there is/are minor child(ren)		
Husband's UCCJEA Affidavit		
Wife's UCCJEA Affidavit		
Husband's Certificate of Completion of DCF approved course		
Wife's Certificate of Completion of DCF approved course		
Parenting Plan		
Child Support Guidelines "CSG" (if more than one child, additional CSG's <u>must</u> be filed per F.S. 61.13(1)(a)(1)). Child support to be considered by the Court <u>complies</u> <u>deviates</u> (<i>check one</i>) with the CSG's. If deviates, see below		
Motion to Deviate from CSG's		

CERTIFICATE OF COUNSEL

The undersigned attorney certifies that he/she has reviewed this case, all entries on the above checklist are correct and this case is procedurally proper for the entry of a Final Judgment of Dissolution of Marriage without the necessity of a hearing.

_____, Esquire

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by () e-mail () regular U.S. mail () hand delivery to _____ on this _____ day of _____, 20__.

 ATTORNEY'S NAME HERE
 Address: _____
 City, State, Zip: _____
 Telephone Number: _____
 E-mail: _____
 Florida Bar Number: _____