

**FAMILY LAW RULES COMMITTEE VIRTUAL MEETING AGENDA
(AMENDED)**

Tuesday, August 31, 2021

Noon-1:30 p.m.

[Click here for the zoom link](#)

I. CALL TO ORDER

- A. Approval of June 2021 minutes
- B. Approval of Agenda

II. Old Business (Priority Vote or Discussion)

A. Summary Judgement

Presenter: Michael Andriano/Ashley Taylor **Time Sensitive Due date
September 21**

The subcommittee recommends that a comment be filed rejecting the court's adoption of 12.510. However, the subcommittee has prepared amendments to the Rule if the court desires to keep the new version of 12.510. **Please read through the materials carefully and be prepared to vote on/discuss:**

1) Whether you are in agreement with rejection of the new 12.510 as adopted by the court on 7/8/2021?

2) Whether you are in favor of the new 12.510 as adopted with no additional modifications?

2) Whether you agree with the amendments proposed by the subcommittee?

3) Whether you have any additional amendments to new 12.510?

Materials on [Page 4](#)

Please see the docket [SC21-966](#)

B. Financial Affidavits

Presenter: Cory Brandfon

Family Section Comment

Response to Section Comment [Page 22](#)

III. Old Business (Vote or Discussion)

- A. Petition for Dissolution of Marriage Venue
Presenter: Susan Whitaker
Second Reading [Page 60](#)

- B. SB 590 Timesharing
Presenter: Michael Andriano
Subcommittee Recommends Changes after Comment [Page 63](#)

IV. OLD BUSINESS (Status Reports)

- A. Email Designation for Pro Se Litigants Subcommittee
Presenter: Romona Chaplin

- B. LGBTQ concerns
Presenter: Mark Sawicki

- C. Covid-19 Issues
Presenter: Michael Andriano/Marck Joseph

- D. Forms
Presenter: Bob Merlin

- E. Emergency Motions
Presenter: Roberta Walton/Cory Brandfon

- F. Equitable Distribution Subcommittee
Presenter: Judge McGillin/Susan Whitaker

- G. Simplified Dissolution
Comment Received
Presenter: Latoya Williams Shelton

- H. Out of State Custody Orders
Presenter: Roberta Walton

- I. Steering Committee Court Request
Presenter: Cory Brandfon

V. NEW BUSINESS

September 9, 2021 noon-1p.m. (VIRTUAL) Meeting

VI. ANNOUNCEMENTS

A Next Meeting Dates

September 9, 2021 noon-1p.m. (VIRTUAL)

October 15, 2021 9a.m.-1p.m. (VIRTUAL)(note this meeting is 4 hours)

November 16, 2021 noon- 1 p.m. (VIRTUAL)

January 28, 2022 (9a.m.-1p.m.) Rosen Shingle Creek Orlando (**IN PERSON**)

March 2, 2022 noon- 1p.m. (VIRTUAL)

June 24, 2022 (9 a.m.- 1p.m.) Hilton Orlando Bonnet Creek (**IN PERSON**)

May 3, 2022 noon- 1p.m.

Supreme Court of Florida

No. SC21-966

IN RE: AMENDMENTS TO FLORIDA FAMILY LAW RULE OF PROCEDURE 12.510.

July 8, 2021

PER CURIAM.

The Court, on its own motion, amends Florida Family Law Rule of Procedure 12.510 (Summary Judgment).¹ These amendments incorporate into the family law rules our recent changes to Florida Rule of Civil Procedure 1.510 (Summary Judgment).

When the Court first adopted the family law rules in 1995, it rejected the Family Law Rules Committee's recommendation to place the text of our civil rules of procedure into the new family law rules. *See In re Fam. L. Rules of Proc.*, 663 So. 2d 1047, 1047-48

1. We have jurisdiction. *See* art. V, § 2(a), Fla. Const.; Fla. R. Gen. Prac. & Jud. Admin. 2.140(d).

(Fla. 1995). However, the Court revisited the issue in 2017, with the Committee explaining developments in marital and family law practice and contending “that a stand-alone rule set will be helpful and less confusing for pro se litigants in that for most issues they will not have to consult multiple sets of rules for guidance.” *In re Amends. to Fla. Fam. L. Rules of Proc.*, 214 So. 3d 400, 401 (Fla. 2017). Therefore, in 2017, this Court incorporated the text of the civil procedure rules into the family law rules to create “a stand-alone set of Family Law Rules of Procedure.” *Id.*

Recently, this Court amended Florida Rule of Civil Procedure 1.510 to adopt almost all the text of Federal Rule of Civil Procedure 56 and to align Florida’s summary judgment standard with the federal standard. *See In re Amends. to Fla. Rule of Civil Proc. 1.510*, 46 Fla. L. Weekly S95 (Fla. Apr. 29, 2021). In keeping with our decision in 2017 to have a stand-alone set of family law rules, we now adopt amendments to Florida Family Law Rule 12.510 to incorporate the recent changes to Florida Rule of Civil Procedure 1.510.

Accordingly, the Florida Family Law Rules of Procedure are amended as reflected in the appendix to this opinion. New

language is indicated by underscoring; deletions are indicated by struck-through type. The amendments shall become effective immediately upon the issuance of this opinion. Because the amendments were not published for comment previously, interested persons shall have seventy-five days from the date of this opinion in which to file comments with the Court.²

It is so ordered.

CANADY, C.J., and POLSTON, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.
LABARGA, J., dissents with an opinion.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

2. All comments must be filed with the Court on or before September 21, 2021, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

LABARGA, J., dissenting.

For the reasons expressed in my dissent in *In re Amendments to Florida Rule of Civil Procedure 1.510*, 46 Fla. L. Weekly S95 (Fla. April 29, 2021), I dissent to the amendments to rule 12.510, Florida Family Law Rules of Procedure.

Original Proceeding – Florida Family Law Rules of Procedure

APPENDIX

Rule 12.510 Summary Judgment

(a) For Claimant. Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court shall state on the record the reasons for granting or denying the motion. The summary judgment standard provided for in this rule shall be construed and applied in accordance with the federal summary judgment standard. ~~A party seeking to recover on a claim, counterpetition, crossclaim, or third-party claim or to obtain a declaratory judgment may move for a summary judgment in that party's favor on all or any part of it with or without supporting affidavits at any time after the expiration of 20 days from the commencement of the action or after service of a motion for summary judgment by the adverse party.~~

(b) For Defending Party. Time to File a Motion. A party may move for summary judgment at any time after the expiration of 20 days from the commencement of the action or after service of a motion for summary judgment by the adverse party. The movant must serve the motion for summary judgment at least 40 days before the time fixed for the hearing. ~~A party against whom a claim, counterpetition, crossclaim, or third-party claim is asserted or a declaratory judgment is sought may move for a summary judgment in that party's favor as to all or any part of it at any time with or without supporting affidavits.~~

(c) Motion and Proceedings Thereon. Procedures.

(1) Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

(2) *Objection That a Fact Is Not Supported by Admissible Evidence.* A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.

(3) *Materials Not Cited.* The court need consider only the cited materials, but it may consider other materials in the record.

(4) *Affidavits or Declarations.* An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.

(5) *Timing for Supporting Factual Positions.* At the time of filing a motion for summary judgment, the movant must also serve the movant's supporting factual position as provided in subdivision (1) above. At least 20 days before the time fixed for the hearing, the nonmovant must serve a response that includes the nonmovant's supporting factual position as provided in subdivision (1) above. ~~The motion must state with particularity the grounds on which it is based and the substantial matters of law to be argued and must specifically identify any affidavits, answers to interrogatories, admissions, depositions, and other materials as would be admissible in evidence ("summary judgment evidence") on which the movant relies. The movant must serve the motion at least 20 days before the time fixed for the hearing, and must also serve at that time any summary judgment evidence on which the movant relies that has not already been filed with the court. The adverse~~

~~party must identify, by notice served under Florida Rule of Judicial Administration 2.516 at least 5 days prior to the day of the hearing, or delivered no later than 5:00 p.m. 2 business days prior to the day of the hearing, any summary judgment evidence on which the adverse party relies. To the extent that summary judgment evidence has not already been filed with the court, the adverse party must serve a copy on the movant under rule 2.516 at least 5 days prior to the day of the hearing, or by delivery to the movant's attorney no later than 5:00 p.m. 2 business days prior to the day of the hearing. The judgment sought must be rendered immediately if the pleadings and summary judgment evidence on file show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.~~

(d) Case Not Fully Adjudicated on Motion. When Facts Are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

(1) defer considering the motion or deny it;

(2) allow time to obtain affidavits or declarations or to take discovery; or

(3) issue any other appropriate order. ~~On motion under this rule if judgment is not rendered on the whole case or for all the relief asked and a trial or the taking of testimony and a final hearing is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, must ascertain, if practicable, what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It must then make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. On the trial or final hearing of~~

~~the action the facts so specified shall be deemed established, and the trial or final hearing shall be conducted accordingly.~~

(e) Form of Affidavits; Further Testimony. Failing to Properly Support or Address a Fact. If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by rule 1.510(c), the court may:

(1) give an opportunity to properly support or address the fact;

(2) consider the fact undisputed for purposes of the motion;

(3) grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it; or

~~(4) issue any other appropriate order. Supporting and opposing affidavits must be made on personal knowledge, must set forth such facts as would be admissible in evidence, and must show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all documents or parts thereof referred to in an affidavit must be attached to it or served with it. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or by further affidavits.~~

(f) When Affidavits Are Unavailable. Judgment Independent of the Motion. After giving notice and a reasonable time to respond, the court may:

(1) grant summary judgment for a nonmovant;

(2) grant the motion on grounds not raised by a party; or

(3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute. If it appears from the affidavits of a party opposing the

~~motion that the party cannot for reasons stated present by affidavit facts essential to justify opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.~~

(g) Affidavits Made in Bad Faith. Failing to Grant All the Requested Relief. If the court does not grant all the relief requested by the motion, it may enter an order stating any material fact—including an item of damages or other relief—that is not genuinely in dispute and treating the fact as established in the case. If it appears to the satisfaction of the court at any time that any of the affidavits presented under this rule are presented in bad faith or solely for the purpose of delay, the court must immediately order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorneys' fees, and any offending party or attorney may be adjudged guilty of contempt.

(h) Affidavit or Declaration Submitted in Bad Faith. If satisfied that an affidavit or declaration under this rule is submitted in bad faith or solely for delay, the court—after notice and a reasonable time to respond—may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may also be held in contempt or subjected to other appropriate sanctions.

Commentary

2021 Amendment. This rule is amended to correspond with Florida Rule of Civil Procedure 1.510, which was recently amended to adopt almost all the text of Federal Rule of Civil Procedure 56.

On July 8, 2021, the Florida Supreme Court, on its own motion, amended Florida Family Law Rule of Procedure 12.510 (summary judgment) incorporating into the family law rules the Court's recent changes to Florida Rule of Civil Procedure 1.510 (summary judgment). See *In re Amendments to Florida Family Law Rule of Procedure 12.510*, 2021 WL 2835331 (Fla. Jul. 8, 2021); *In re Amendments to Florida Rule of Civil Procedure 1.510*, 317 So. 3d 72 (Fla. 2021) (adopting the federal summary judgment standard). While acknowledging that summary judgment can be used to resolve a limited number of issues in family law cases, the reasons set forth below show why this new standard should not be adopted and incorporated into the Florida Family Law Rules.

Although most family law cases are fact driven, summary judgment can be used effectively to resolve a limited number of issues in family law cases. For example, the enforceability and interpretation of premarital and antenuptial agreements may be determined on summary judgment. See *Rangel v. Rangel*, 2021 WL 3235858, at *1 (Fla. 5th DCA Jul. 30, 2021) (reversing the entered summary judgment invalidating a deed conveying title to real property because the trial court did not consider the premarital agreement); *Sirgutz v. Sirgutz*, 319 So. 3d 39, 42–44 (Fla. 4th DCA 2021) (affirming the entered summary judgment order and holding that the lump-sum alimony provision in antenuptial agreement did not survive the former husband's death because although the agreement provided for the former wife's financial support in the event of the former husband's death if the parties were still married and residing together at the time of the husband's death, no similar intent was expressed relating to the lump-sum alimony provision and the agreement expressly provided that the former wife has an independent source of income). Additionally, parties may file motions for summary judgment seeking

the interpretation of divorce decrees. See *Estabrook v. Wise*, 348 So. 2d 355, 357 (Fla. 1st DCA 1977) (affirming the summary judgment order because the Texas divorce decree was a final judgment of divorce incorporating a property settlement agreement between the parties and any construction involving that decree sought here in Florida was improper since it should have first been resolved in Texas); *Taylor v. Taylor*, 258 So. 2d 500, 501–02 (Fla. 3d DCA 1972) (holding that the alleged error of the Ohio court in interpreting the Alabama divorce decree was not jurisdictional, and since both the Alabama and Ohio courts had personal and subject matter jurisdiction, the judgment of the Ohio court ordering divorced husband to pay arrearages due under the Alabama decree was entitled to full faith and credit in Florida, even if the Ohio judgment was incorrect). Of course, a motion for summary judgment may also be appropriate when the resolution of a question involving the interpretation or application of law will resolve a family law issue.¹ See *Topol v. Polokoff*, 88 So. 3d 341 (Fla. 4th DCA 2012) (addressing a question of law and affirming the summary judgment order holding that “a designation of beneficiary change made pursuant to a court order seeking to preserve the status quo in a dissolution of marriage proceeding does not survive the abatement of the proceedings upon the death of one of the parties”).

The following considerations counsel against imposing the new summary judgment standard in family law cases.

- A. Summary Judgment is inappropriate if discovery is not closed/completed and in family cases, discovery is often ongoing up until the eve of trial.

Florida case law is clear that summary judgment is inappropriate if discovery is not

¹ No case law was located regarding the interpretation or resolution of benefits (military, retirement, pension, etc.) on summary judgment.

closed. See *Benavides v. Medina*, 314 So. 3d 599 (Fla. 3d DCA 2020); *Skydive Space Center Inv. v. Pohjolainen*, 275 So. 3d 825 (Fla. 5th DCA 2019); *US Bank NA v. Holbrook*, 226 So. 3d 363 (Fla. 2d DCA 2017); *Osorto v. Deutsche Bank Nat Trust Co.*, 88 So. 3d 261 (Fla. 4th DCA 2012); *Southern California Funding Inc v. Hutto*, 438 So. 2d 426 (Fla. 1st DCA 1983). Under Florida Family Law Rule of Procedure 12.285(b)(2), any document required under this Rule for initial or supplemental proceedings must be served on the other party for inspection and copying within forty-five (45) days of service of the initial pleading on the respondent. Yet, as drafted, the proposed summary judgment rule contrarily presupposes a party could move for summary judgment as soon as twenty (20) days after service of the initial pleading. Moreover, under Rule 12.285(f), “[p]arties have a continuing duty to supplement documents described in this Rule, including financial affidavits, whenever a material change in their financial status occurs.” This material change could occur shortly before trial and even after discovery has been officially closed. Accordingly, discovery is not closed until the trial court establishes a formal discovery cut-off date, which is not typically until close proximity to trial, often a matter of weeks, and even if closed, Rule 12.285(f) imposes a continuing duty to update the parties’ financials.

B. Domestic relations cases are construed under specific state laws and have historically not been interpreted using the federal summary judgment standard.

The United States Supreme Court first articulated in *Barber v. Barber*, 62 U.S. 582, 584 (1858), that the domestic relations exception to federal jurisdiction prohibits federal courts from hearing cases involving family law questions within the traditional authority of the states. That exception was later addressed where the Court expanded to exception to reach “[t]he whole subject of the domestic relations of husband and wife, parent and child,” which “belongs to the laws of the States and not to the laws of the United States.”

Ex parte Burrus, 136 U.S. 586, 593–94 (1890).² The Florida Supreme Court stated in support of adopting the text of the federal summary judgment that “Florida litigants and judges will get the full benefit of the large body of case law interpreting and applying federal rule 56.”³ *In re Amendments to Florida Rule of Civil Procedure 1.510*, 317 So. 3d at 74–75. However, while likely a benefit to litigants and judges in cases governed by the Florida Rules of Civil Procedure which control many state law cases with corresponding causes of action arising under federal law, the large body of case law interpreting federal rule 56 is of reduced and seemingly minimal benefit to litigants and judges in cases governed by the Florida Family Rules of Procedure. These cases do not have corresponding federal causes of action arising under family law. Consequently, there are no federal cases interpreting rule 56 in the context of the overwhelming majority of domestic relations cases governed by the Florida Family Law Rules of Procedure.⁴

C. Family law cases involve a disproportionate number of pro se parties.

² See also *Ankenbrandt v. Richards*, 504 U.S. 689, 704 (1992) (holding that ordinarily, federal courts do not have jurisdiction over domestic relations matters involving, divorce, alimony, and child custody, but in this case, the suit was proper under § 1332 because it alleged committed torts against the parties and their children); *Coats v. Woods*, 819 F.2d 236 (9th Cir. 1987) (affirming the district court’s order dismissing the action relying on the abstention doctrine because, at its core, the case involved a child custody dispute, and the federal courts will not review state courts’ custody decision); *Fern v. Turnman*, 736 F.2d 1367, 1368 (9th Cir. 1984) (holding that when domestic relations are at the heart of litigation, federal jurisdiction is improper); *Wilkins v. Rogers*, 581 F.2d 399, 403–04 (4th Cir. 1978) (holding that the whole subject of domestic relations belongs to the laws of the state and not to the laws of the United States; thus, original federal jurisdiction of suits primarily involving domestic relations is improper, notwithstanding that the parties are residents of different states, and such disputes do not present a federal question, notwithstanding allegations of sexual discrimination).

³ Summary judgment’s intent is to allow for disposition by the judge and avoid the need to empanel a jury, a consideration that does not apply in family law cases, with few exceptions, because they are decided by bench trial.

⁴ Extensive legal research did not produce a published federal opinion (in all jurisdictions) interpreting/addressing the Florida Family Law Rules of Procedure.

Generally, when compared to the existing body of caselaw interpreting summary judgment under the applicable prior Florida Rule of Civil Procedure 1.510, rule 56 expands the availability and entry of summary judgment. The new proposed rule imposes onerous and possibly unforgiving requirements to respond to motions for summary judgment. The possible penalties for failing to respond to a motion for summary judgment are akin to the entry of a default judgment and adjudication on the merits is favored in family law, especially as it relates to children’s issues. See *Corridon v. Corridon*, 317 So. 3d 1198 1201 (Fla. 3d DCA 2021); *Shewmaker v. Shewmaker*, 283 So. 3d 894, 895–96 (Fla. 2d DCA 2019). This is because “the ‘best interest of the child’ standard precludes a determination of child custody based on a parent’s default.” *Armstrong v. Panzarino*, 812 So. 2d 512, 514 (Fla. 4th DCA 2002); see also *Leslie v. Gray-Leslie*, 187 So. 3d 380, 381 (Fla. 5th DCA 2016) (“[I]t is generally improper in a dissolution of marriage action to determine issues regarding the care and custody of minor children by entry of a default because the best interests of the children are the paramount consideration”). Indeed, the burden in family law cases to respond is even higher for pro se parties because the proposed rule requires a particular response to avoid the potential entry of summary judgment, rather than in civil cases where a mere response is sufficient.

It is a constant struggle for individual judges and the judicial system to ensure that pro se parties are afforded reasonable latitude in presenting their cases while still obligating them to the same rules applicable to represented parties. The rule, as drafted, imposes complex burdens and furthers the divide between pro se parties and represented parties as it relates to access to justice and adjudication of issues on the merits. This potential inequity is exacerbated by ambiguity within the proposed rule. As drafted, the

rule is unclear concerning whether summary judgment, partial summary judgment or the establishment of undisputed facts may be granted without a hearing.⁵ Multiple portions of the rule regarding timeframes reference proximity to a hearing, whereas others suggest the entry of orders after the respondent has been given a reasonable amount of time to respond. Accordingly, the proposed rule imposes complex and unique burdens on pro se parties in family law proceedings not present in civil cases.

D. The proposed rule exacerbates the historic backlog of cases due to COVID-19.

Like other areas of law, due largely to COVID-19 and factors beyond the control of the judiciary, including filing practices, family law is already experiencing a historic backlog of cases. In many divisions, fifteen (15) or thirty (30) -minute hearings are being scheduled out many months. Furthermore, judges are already struggling to comply with trial court time standards set forth in Florida Rule of Judicial Administration 2.250(a)(1)(C). If the rule does presuppose hearings as a prerequisite to entry of summary judgment, such hearings would essentially turn into “mini-trials” similar to temporary relief hearings, which in turn would merely cause further delays in setting final hearings. Based on the concerns raised above regarding the continuous nature of discovery in family law proceedings serving as a bar to entry of summary judgment, it is reasonable to expect that many contested summary judgment hearings will merely result in a denial of the motion and no progress being made towards resolution.

⁵ Bifurcation of issues is also disfavored in family law proceedings because it is the exception and not the rule and granting summary judgment or partial summary judgment would be akin to bifurcating the resolution of financial issues, child custody issues, and the actual dissolution of marriage. See *Cloughton v. Cloughton*, 393 So. 2d 1061, 1062 (Fla. 1980); *Woods v. Woods*, 610 So. 2d 71 (Fla. 4th DCA 1992).

Summary judgment should not be utilized to resolve claims or defenses related to children including time-sharing and parental responsibility. Courts are required to evaluate the child's best interest in determining time-sharing and parenting in accordance with the best interest of the child. §61.13(2)(c), Fla. Stat. (2021). Case law has interpreted this as preventing the Court from abdicating responsibility to any parent or an expert. See Lane v. Lane, 499 So. 2d 218, 219 (Fla. 4th DCA 1992) and Feliciano v. Feliciano, 674 So. 2d 937 (Fla. 4th DCA 1996).

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We propose the rule be amended to clarify as follows:

(a) ~~For Claimant.~~ Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. Summary judgment may not be sought to resolve issues related to children including time-sharing and parental responsibility. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court shall state on the record the reasons for granting or denying the motion. The summary judgment standard provided for in this rule shall be construed and applied in accordance with the federal summary judgment standard.

Rule 12.510(b) should be modified to expand the expiration time period to forty-five days after service in which a party to move for summary judgment. Florida's Family Law Rule of Procedure 12.285 requires all parties in the majority of family law actions to provide mandatory disclosures. These disclosures must be provided forty-five days after service of the initial pleading on the Respondent. Moving the stated time period from twenty days to forty-five days will allow time for the initial mandatory disclosures to be completed.

Given the importance of mandatory disclosures in family law and the need to complete discovery to ascertain all facts, we suggest adding a sentence that prevents a motion for summary judgment from being filed at any time if the moving party has outstanding mandatory disclosures or discovery requests.

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We propose the language change as follows:

A party may move for summary judgment at any time after the expiration of ~~20-~~ 45 days from the commencement of the action or after service of a motion for summary judgment by the adverse party. A motion for summary judgment may not be filed at any time if the moving party has outstanding mandatory disclosures or discovery requests, unless the issue is solely one of a matter of law. The movant must serve the motion for summary judgment at least 40 days before the time fixed for the hearing.

Family law is unique in that there are a high number of self-represented individuals within the court system. In order to ensure these individuals understand the impact of failing to respond, we propose that the rule require specific language advising opposing parties of the need to file a response. We propose that the following language be added to Rule 12.510(a):

(a) ~~(1) For Claimant.~~ Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense—or the part of each claim or

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defense—on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court shall state on the record the reasons for granting or denying the motion. The summary judgment standard provided for in this rule shall be construed and applied in accordance with the federal summary judgment standard.

(b) A Motion for Summary Judgment shall contain the following statement in all capital letters and in the same size type, or larger, as the type in the remainder of the Petition:

A RESPONSE TO THE MOTION FOR SUMMARY JUDGMENT MUST BE MADE IN WRITING, AND FILED WITH THE COURT, AND SERVED ON THE OTHER PARTY WITHIN TWENTY DAYS PRIOR TO THE HEARING DATE. YOUR RESPONSE MUST INCLUDE YOUR SUPPORTING FACTUAL POSITION. IF YOU FAIL TO RESPOND, THE COURT MAY ENTER ORDERS GRANTING THE SUMMARY JUDGMENT OR FINDING FACTS TO BE UNDISPUTED

In reviewing section (c) procedures, there were concerns about clarity especially given that the number of self-represented individuals in family law. We propose the following changes:

(c)-Procedures.

(1) Supporting Factual Positions. A party moving for or objecting to a summary judgment, who asserts that a fact cannot be or is genuinely disputed, must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials;
or

(B) showing that the materials cited to in a motion or response do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

It appears that the intent was that a Motion for Summary Judgment could be granted after hearing; however, the rule as written lacks this clarity. In family law, a hearing should be required to grant a summary judgment in order to ensure both parties view the process as fair and to ensure that both parties are heard. Given the number of self-represented litigants, the committee believe a hearing should be required prior to granting summary judgment in family law. The following changes are proposed to section (d), (e) and (f) to provide clarity and to address the committee's concerns.

The following changes should be made to section (d) (When Facts are Unavailable to the Nonmovant):

If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

(1) defer considering the motion or deny it;

(2) allow time to obtain affidavits or declarations or to take discovery; or

(3) issue any other appropriate order ~~except that an order granting summary judgment, either in whole or in part, or establishing a fact as undisputed, may not be entered without a hearing.~~

The following changes should likewise be made to section (e) (Failing to Properly Support or Address a Fact):

If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by rule 12.510(c), the court ~~must hold a properly noticed hearing requiring the parties' attendance and give an opportunity to properly support or address the facts. Thereafter, the court -may:~~

~~(1) give an opportunity to properly support or address the fact;~~

(12) consider the fact undisputed for purposes of the motion;

(23) grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it; or

~~(34) issue any other appropriate order~~

The following changes should also be made to section (f) (Judgment Independent of the Motion):

After giving notice, ~~and~~ a reasonable time to respond, and following a properly noticed hearing, the court may:

(1) grant summary judgment for a nonmovant;

(2) grant ~~or deny~~ the motion on grounds not raised by a party; or

(3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.

The following changes should likewise be made to section(g)

(g) Affidavits Made in Bad Faith-Failing to Grant All the Requested Relief. If the court, after a properly noticed hearing, does not grant all the relief requested by the motion, it may enter an order stating identifying any material fact—including an item of damages or other relief—that is not genuinely in dispute and treating the fact as established in the case, including the amount of support or a property award a n item of damages or other relief.

**PROPOSED RULE AMENDMENTS FROM THE FAMILY LAW RULES
COMMITTEE CONCERNING FINANCIAL AFFIDAVITS**

The Family Law Rules Committee invites comments on the proposed rule amendment anticipated to be included in a report to the court concerning regarding financial affidavits. The full text of the proposal can be found on The Florida Bar’s website at www.floridabar.org/rules/ctproc/.

Interested persons have until May 30, 2021, to submit any comments, electronically, to Cory Brandfon, Chair of the Family Law Rules Committee, at cory@harrishunt derr.com, and to the Bar staff liaison Mikalla Davis at midavis@floridabar.org.

Rule 12.285 (Mandatory Disclosure)	18-2-1	Adds a new subdivision (c)(2) that will allow waiver of filing the financial affidavit in certain circumstances. Deletes the last sentence in subdivision (d)(1) to align with the new (c)(2).
Form 12.902 (k) (Notice of Joint Verified Waiver of Filing Financial Affidavit)	18-2-1	Adds a new form to complete if litigants are waiving filing the financial affidavit.
Form 12.902 (l) (Affidavit of Income for Child Support)	21-0-0	Adds a new form to complete if litigants are waiving filing the financial affidavit and in compliance with Florida Statutes.

RULE 12.285. MANDATORY DISCLOSURE

(a) Application.

(1) **Scope.** This rule applies to all proceedings within the scope of these rules except proceedings involving adoption, simplified dissolution, enforcement, contempt, injunctions for protection against domestic, repeat, dating, or sexual violence, or stalking, and uncontested dissolutions when the respondent is served by publication and does not file an answer. Additionally, no financial affidavit or other documents shall be required under this rule from a party seeking attorneys' fees, suit money, or costs, if the basis for the request is solely under section 57.105, Florida Statutes, or any successor statute. Except for the provisions as to ~~financial affidavits and~~ child support guidelines worksheets, any portion of this rule may be modified by order of the court or agreement of the parties.

(2) **Original and Duplicate Copies.** Unless otherwise agreed by the parties or ordered by the court, copies of documents required under this rule may be produced in lieu of originals. Originals, when available, must be produced for inspection upon request. Parties shall not be required to serve duplicates of documents previously served.

(3) Documents Not to be Filed with Court; Sanctions.

(A) Except for the financial affidavit and child support guidelines worksheet, no documents produced under this rule shall be filed in the court file without first obtaining a court order.

(B) References to account numbers and personal identifying information to be filed in the court file are governed by Florida Rule of Judicial Administration 2.425.

(C) Sanctions are governed by rule 12.380.

(b) Time for Production of Documents.

(1) **Temporary Financial Relief Hearings.** Any document required under this rule in any temporary financial relief proceeding, whether an initial proceeding or supplemental proceeding, must be served on the other party for inspection and copying as follows.

(A) Any party seeking relief must serve the required documents on the other party at least ten days prior to the temporary financial hearing, unless the documents have already been served under subdivision (b)(2);

(B) The responding party, if not otherwise seeking relief, must serve the required documents on the party seeking relief at least five days prior to the temporary financial hearing, unless the documents have already been served under subdivision (b)(2) of this rule.

(2) Initial and Supplemental Proceedings. Any document required under this rule for any initial or supplemental proceeding must be served on the other party for inspection and copying within 45 days of service of the initial pleading on the respondent.

(c) Exemption from Requirement to File and Serve Financial Affidavit.

(1) The parties are not required to file ~~and/or~~ serve a financial affidavit under subdivisions (d) and (e) if they are seeking a simplified dissolution of marriage under rule 12.105, they have no minor children, have no support issues, and have filed a written settlement agreement disposing of all financial issues, or if the court lacks jurisdiction to determine any financial issues.

(2) Upon agreement of the parties and filing of a notice of joint verified waiver of filing financial affidavits in substantial conformity with Florida Supreme Court Approved Form 12.902(k) (Notice of Joint Verified Waiver of Filing Financial Affidavits), the court shall not require that financial affidavits be filed. In the notice, both parties must acknowledge:

(A) that evidence of their current or past financial circumstances may be necessary for future court proceedings;

(B) they each have provided the other with a fully executed and sworn financial affidavit in conformity with Florida Family Law Form 12.902(b) or 12.902(c), as applicable;

(C) they must not only keep and maintain copies of all financial affidavits they provide to the other party(s), but also keep and maintain copies of all financial affidavits the other party(s) provide; and

(D) that the waiver only applies to the current filing and does not automatically apply to any future filings.

(d) Disclosure Requirements for Temporary Financial Relief. In any proceeding for temporary financial relief heard within 45 days of the service of the initial pleading or within any extension of the time for complying with mandatory disclosure granted by the court or agreed to by the parties, the following documents must be served on the other party:

(1) A financial affidavit in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(b) if the party's gross annual income is less than \$50,000, or Florida Family Law Rules of Procedure Form 12.902(c) if the party's gross annual income is equal to or more than \$50,000. This requirement cannot be waived by the parties. ~~The affidavit must also be filed with the court.~~

(2) All complete federal and state personal income tax returns, gift tax returns, and foreign tax returns filed by the party or on the party's behalf for the past 3 years, including all attachments, including Forms W-2, 1099, K-1, and all accompanying schedules and worksheets comprising the entire tax return. A party may file a transcript of the tax return as provided by Internal Revenue Service Form 4506 T in lieu of his or her individual federal income tax return for purposes of a temporary hearing.

(3) IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared. If income tax returns have not been filed for any of the prior 2 years beyond the past year, then IRS forms W-2, 1099, and K-1 for those prior 2 years as well.

(4) Pay stubs or other evidence of earned income for the 6 months before compliance with these disclosure requirements for temporary financial relief.

(e) Parties' Disclosure Requirements for Initial or Supplemental Proceedings. A party must serve the following documents in any proceeding for an initial or supplemental request for permanent financial relief, including, but not limited to, a request for child support, alimony, equitable distribution of assets or debts, or attorneys' fees, suit money, or costs:

(1) A financial affidavit in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(b) if the party's gross annual income is less than \$50,000, or Florida Family Law Rules of Procedure Form 12.902(c) if

the party's gross annual income is equal to or more than \$50,000, which requirement cannot be waived by the parties. ~~The financial affidavits must also be filed with the court.~~ A party may request, by using the Standard Family Law Interrogatories, or the court on its own motion may order, a party whose gross annual income is less than \$50,000 to complete Florida Family Law Rules of Procedure Form 12.902(c). All documents supporting the income, assets, and liabilities figures entered into the financial affidavit must also be produced.

(2) All complete federal and state personal income tax returns, gift tax returns, and foreign tax returns filed by the party or on the party's behalf for the past 3 years, including all attachments, including Forms W-2, 1099, K-1, and all accompany schedules and worksheets comprising the entire tax return. A party may file a transcript of the tax return as provided by Internal Revenue Service Form 4506T in lieu of his or her individual federal income tax return for purposes of a temporary hearing.

(3) IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared. If income tax returns have not been filed for any of the prior 2 years beyond the past year, then IRS forms W-2, 1099, and K-1 for those prior 2 years as well.

(4) Pay stubs or other evidence of earned income for the 6 months before compliance with these disclosure requirements for initial or supplemental proceedings.

(5) A statement by the producing party identifying the amount and source of all income received from any source during the 6 months preceding the compliance with these disclosure requirements for initial or supplemental proceedings if not reflected on the pay stubs produced.

(6) All loan applications, financial statements, credit reports, or any other form of financial disclosure, including financial aid forms, prepared or used within the 24 months preceding compliance with these disclosure requirements for initial or supplemental proceedings, whether for the purpose of obtaining or attempting to obtain credit or for any other purpose.

(7) All deeds evidencing any ownership interest in property held at any time during the last 3 years, all promissory notes or other documents evidencing money owed to either party at any time within the last 24 months, and all leases, whether held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for a

party or a minor or adult dependent child of both parties, or in someone else's name on the party's behalf wherein either the party:

(A) is receiving or has received payments at any time within the last 3 years for leased real or personal property, or

(B) owns or owned an interest.

(8) All periodic statements from the last 12 months for all checking accounts, and for all other accounts (for example, savings accounts, money market funds, certificates of deposit, etc.), regardless of whether or not the account has been closed, including those held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for a party or a minor or adult dependent child of both parties, or in someone else's name on the party's behalf. For all accounts that have check-writing privileges, copies of canceled checks and registers, whether written or electronically maintained, shall also be produced, so that the payee and purpose of each individual instrument can be ascertained.

(9) All brokerage account statements in which either party to this action held within the last 12 months or holds an interest including those held in the party's name individually, in the party's name jointly with any person or entity, in the party's name as trustee or guardian for a party or a minor or adult dependent child of both parties, or in someone else's name on the party's behalf. For all accounts that have check-writing privileges, copies of canceled checks and registers, whether written or electronically maintained, shall also be produced, so that the payee and purpose of each individual instrument can be ascertained.

(10) The most recent statement and statements for the past 12 months for any profit sharing, retirement, deferred compensation, or pension plan (for example, IRA, 401(k), 403(b), SEP, KEOGH, or other similar account) in which the party is a participant or an alternate payee receiving payments and the summary plan description for any retirement, profit sharing, or pension plan in which the party is a participant or an alternate payee receiving payments. (The summary plan description must be furnished to the party on request by the plan administrator as required by 29 U.S.C. § 1024(b)(4).)

(11) The most recent statement and statements for the past 12 months for any virtual currency transactions in which either party to this action participated within the last 12 months or holds an interest, including those held in the party's name individually, in the party's name jointly with any person or entity,

in the party's name as trustee or guardian for a party or a minor or adult dependent child of both parties, or in someone else's name on the party's behalf. Virtual currency is a digital representation of value that functions as a medium of exchange, a unit of account, and/or a store of value. A listing of all current holdings of virtual currency shall also be disclosed.

(12) The declarations page, the last periodic statement, statements for the past 12 months, and the certificate for all life insurance policies insuring the party's life or the life of the party's spouse, whether group insurance or otherwise, and all current health and dental insurance cards covering either of the parties and/or their dependent children.

(13) Corporate, partnership, and trust tax returns for the last 3 tax years if the party has an ownership or interest in a corporation, partnership, or trust.

(14) All promissory notes evidencing a party's indebtedness for the last 24 months, whether since paid or not, all credit card and charge account statements and other records showing the party's indebtedness as of the date of the filing of this action and for the last 24 months preceding compliance with these disclosure requirements, and all present lease agreements, whether owed in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for a party or a minor or adult dependent child of both parties, or in someone else's name on the party's behalf.

(15) All written premarital or marital agreements entered into at any time between the parties to this marriage, whether before or during the marriage, and all affidavits and declarations of non-paternity or judgments of disestablishment of paternity for any minor or dependent children born or conceived during the marriage. Additionally, in any modification proceeding, each party must serve on the opposing party all written agreements entered into between them at any time since the order to be modified was entered.

(16) All documents supporting the producing party's claim that an asset or liability is nonmarital, for enhancement or appreciation of nonmarital property, or for an unequal distribution of marital property. The documents produced must be for the time period from the date of acquisition of the asset or debt to the date of production or from the date of the marriage, if based on premarital acquisition.

(17) Any court orders directing a party to pay or receive spousal or child support.

(f) Duty to Supplement Disclosure; Amended Financial Affidavit.

(1) Parties have a continuing duty to supplement documents described in this rule, including financial affidavits, whenever a material change in their financial status occurs.

(2) If an amended financial affidavit or an amendment to a financial affidavit is filed, the amending party must also serve any subsequently discovered or acquired documents supporting the amendments to the financial affidavit.

(g) Sanctions. Any document to be produced under this rule that is not served on the opposing party within the time periods set forth in subdivision (b)(1), as applicable, before a nonfinal hearing or in violation of the court's pretrial order shall not be admissible in evidence at that hearing unless the court finds good cause for the delay. In addition, the court may impose other sanctions authorized by rule 12.380 as may be equitable under the circumstances. The court may also impose sanctions upon the offending lawyer in lieu of imposing sanctions on a party.

(h) Extensions of Time for Complying with Mandatory Disclosure. By agreement of the parties, the time for complying with mandatory disclosure may be extended. Either party may also file, before the due date, a motion to enlarge the time for complying with mandatory disclosure. The court must grant the request for good cause shown.

(i) Objections to Mandatory Automatic Disclosure. Objections to the mandatory automatic disclosure required by this rule shall be served in writing at least 5 days before the due date for the disclosure or the objections shall be deemed waived. The filing of a timely objection, with a notice of hearing on the objection, automatically stays mandatory disclosure for those matters within the scope of the objection. For good cause shown, the court may extend the time for the filing of an objection or permit the filing of an otherwise untimely objection. The court must impose sanctions for the filing of meritless or frivolous objections.

(j) Certificate of Compliance. All parties subject to automatic mandatory disclosure must file with the court a certificate of compliance, Florida Family Law Rules of Procedure Form 12.932, identifying with particularity the documents which have been delivered and certifying the date of service of the financial affidavit and documents by that party. The party must swear or affirm under oath that the disclosure is complete, accurate, and in compliance with this

rule, unless the party indicates otherwise, with specificity, in the certificate of compliance.

(k) Child Support Guidelines Worksheet. If the case involves child support, the parties must file with the court at or before a hearing to establish or modify child support a Child Support Guidelines Worksheet in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(e). This requirement cannot be waived by the parties.

(l) Place of Production.

(1) Unless otherwise agreed by the parties or ordered by the court, all production required by this rule takes place in the county where the action is pending and in the office of the attorney for the party receiving production. Unless otherwise agreed by the parties or ordered by the court, if a party does not have an attorney or if the attorney does not have an office in the county where the action is pending, production takes place in the county where the action is pending at a place designated in writing by the party receiving production, served at least 5 days before the due date for production.

(2) If venue is contested, on motion by a party the court must designate the place where production will occur pending determination of the venue issue.

(m) Failure of Defaulted Party to Comply. Nothing in this rule shall be deemed to preclude the entry of a final judgment when a party in default has failed to comply with this rule.

Commentary

1995 Adoption. This rule creates a procedure for automatic financial disclosure in family law cases. By requiring production at an early stage in the proceedings, it is hoped that the expense of litigation will be minimized. See *Dralus v. Dralus*, 627 So.2d 505 (Fla. 2d DCA 1993); *Wrona v. Wrona*, 592 So.2d 694 (Fla. 2d DCA 1991); and *Katz v. Katz*, 505 So.2d 25 (Fla. 4th DCA 1987). A limited number of requirements have been placed upon parties making and spending less than \$50,000 annually unless otherwise ordered by the court. In cases where the income or expenses of a party are equal to or exceed \$50,000 annually, the requirements are much greater. Except for the provisions as to financial affidavits, other than as set forth in subdivision (k), any portion of this rule may be modified by agreement of the parties or by order of the court. For

instance, upon the request of any party or on the court's own motion, the court may order that the parties to the proceeding comply with some or all of the automatic mandatory disclosure provisions of this rule even though the parties do not meet the income requirements set forth in subdivision (d). Additionally, the court may, on the motion of a party or on its own motion, limit the disclosure requirements in this rule should it find good cause for doing so.

Committee Notes

1997 Amendment. Except for the form of financial affidavit used, mandatory disclosure is made the same for all parties subject to the rule, regardless of income. The amount of information required to be disclosed is increased for parties in the under-\$50,000 category and decreased for parties in the \$50,000-or-over category. The standard family law interrogatories are no longer mandatory, and their answers are designed to be supplemental and not duplicative of information contained in the financial affidavits.

1998 Amendment. If one party has not provided necessary financial information for the other party to complete a child support guidelines worksheet, a good faith estimate should be made.

2005 Amendment. The requirement that a party certify compliance with mandatory disclosure is intended to facilitate full disclosure and prevent a party from alleging that he or she did not know he or she had to provide documents required by this rule. This certification does not relieve the party of the duty to supplement disclosure.

2012 Amendment. Subdivision (b)(1)(B) is amended to provide for e-mail service in accordance with Florida Rule of Judicial Administration 2.516.

**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM
12.902(k) , NOTICE OF JOINT VERIFIED WAIVER OF FILING FINANCIAL
AFFIDAVITS (--/--)**

WHEN SHOULD THIS FORM BE USED?

You should only complete this form if all of the following are true:

1. Both parties prefer to keep their financial affidavits private and do not want them to be filed with the court;
2. You have received a copy of the other party's fully executed and complete financial affidavit;
3. You have provided the other party with a copy of your fully executed and complete financial affidavit; _____ and
4. You will keep and permanently maintain a copy of ALL financial affidavits exchanged in this case.

WHAT SHOULD I DO NEXT?

A copy of this form must be filed with the court and served on the other party or his or her attorney. The copy you are serving on the other party must be either mailed, e-mailed, or hand-delivered to the opposing party or his or her attorney on the same day indicated on the certificate of service. If it is mailed, it must be postmarked on the date indicated in the certificate of service. Service must be in accordance with Florida Rules of General Practice and Judicial Administration 2.516.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and Judicial Administration 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 General Practice and 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.

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 General Practice and Judicial Administration 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 Florida Rules of General Practice and 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 General Practice and Judicial Administration

2.516. You may find that rule at www.flcourts.org through the link to the Rules of General Practice and 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 address 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 General Practice and Judicial Administration 2.516.

WHERE CAN I FIND 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 61.30, Florida Statutes.

SPECIAL NOTES

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out this form, that person must give you a copy of a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before they help you. A nonlawyer helping you fill out this form also **must** put their name, address, and telephone number on the bottom of the last page of every form they help you complete.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

Petitioner,

and

Respondent.

NOTICE OF JOINT VERIFIED WAIVER OF FILING FINANCIAL AFFIDAVITS

The Petitioner, _____, and the Respondent, _____ (collectively "Parties"), hereby file this, their Notice of Joint Verified Waiver of Filing of Financial Affidavits, as follows:

1. The Parties acknowledge that evidence of their current or past financial circumstances may be necessary for future court proceedings.
2. The Parties acknowledge they each have provided the other with a fully executed and sworn financial affidavit in conformity with Florida Family Law Form 12.902(b) or 12.902(c), as applicable.
3. The Parties will each keep and maintain copies of not only ALL financial affidavits they provide to the other party(s) but will also keep and maintain copies of ALL financial affidavits the other party(s) provide.
4. This Notice of Joint Verified Waiver of Filing Financial Affidavits only applies to the current filing and does not automatically apply to any future filings. Either party may file with the court a copy of any financial affidavit exchanged if it is relevant to any disputed matter before the court in the future.

Nothing in this Notice of Joint Verified Waiver of Filing of Financial Affidavits precludes any party from filing their financial affidavit or that of the other party in the future if the financial condition of a party is relevant to a pending matter, nor shall it preclude a party from requesting that the other party serve upon them an initial or updated financial affidavit in the future.

Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

Signature of Petitioner

Printed Name: _____

Address: _____

City, State, Zip: _____

Signature of Respondent

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____
E-mail Address: _____

Telephone Number: _____
E-mail Address: _____

CERTIFICATE OF SERVICE

I certify that a copy of this document was [**check all used**] to the person(s) listed below on *(date)*.

Petitioner: () e-mailed () mailed () faxed () hand delivered

Attorney for Petitioner: () e-mailed () mailed () faxed () hand delivered

Respondent: () e-mailed () mailed () faxed () hand delivered

Attorney for Respondent: () e-mailed () mailed () faxed () hand delivered

Other: _____: () e-mailed () mailed () faxed () hand delivered

Signature of party or their attorney

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

E-mail Address(es): _____

Florida Bar Number: _____

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.902 (I), AFFIDAVIT OF INCOME FOR CHILD SUPPORT (--/--)

WHEN SHOULD THIS FORM BE USED?

You should complete this affidavit if **child support** is being requested in your case, you and the other parent have agreed to keep your **financial affidavits** confidential, and you have completed **Notice of Joint Verified Waiver of Filing Financial Affidavits**, Florida Supreme Court Approved Family Law Form 12.902(k).

This form should be typed or printed in black ink. You should **file** this document with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records.

WHAT SHOULD I DO NEXT?

A copy of this form must be filed with the court and served on the other party or his or her attorney. The copy you are serving on the other party must be either mailed, e-mailed, or hand-delivered to the opposing party or his or her attorney on the same day indicated on the certificate of service. If it is mailed, it must be postmarked on the date indicated in the certificate of service. **Service** must be in accordance with Florida Rules of General Practice and Judicial Administration 2.516.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and Judicial Administration 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 General Practice and 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.

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the sheriff or a certified process server, the Florida Rules of General Practice and Judicial Administration 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 Florida Rules of General Practice and Judicial Administration.** If you elect to participate in electronic service, which means serving and receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you must review Florida Rule of General Practice and Judicial Administration 2.516. You may find that rule at www.flcourts.org through the link to the Rules of General Practice and Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

Instructions for Florida Supreme Court Approved Family Law Form 12.902 (I) Affidavit of Income for Child Support (-/--)

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 address 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 General Practice and Judicial Administration 2.516.

WHERE CAN I FIND 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 61.30, Florida Statutes.

SPECIAL NOTES

If you want to keep your address confidential because you are the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence, do not enter the address, telephone, and fax information at the bottom of this form. Instead, file a Request for Confidential Filing of Address, Florida Supreme Court Approved Family Law Form 12.980(h).

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out this form, that person must give you a copy of a Disclosure from Nonlawyer, Florida Family Law Rules of Procedure Form 12.900(a), before they help you. A nonlawyer helping you fill out this form also must put their name, address, and telephone number on the bottom of the last page of every form they help you complete.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Division: _____

Petitioner,
and

Respondent.

NOTICE OF FILING AFFIDAVIT OF INCOME FOR CHILD SUPPORT

PLEASE TAKE NOTICE, that {name} _____, is filing the Affidavit of Income
for Child Support attached hereto.

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Affidavit of Income for Child Support was [check all used]: ()
e-mailed () mailed () faxed () hand delivered to the person(s) listed below on {date} _____
_____.

Other party or their attorney:

Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
E-mail Address(es): _____

Signature of party or their attorney
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
E-mail Address(es): _____
Florida Bar Number: _____

AFFIDAVIT OF INCOME FOR CHILD SUPPORT

Circle one: PETITIONER/ RESPONDENT

<u>Income</u>	<u>Monthly amount</u>
<u>1. Salary or wages</u>	
<u>2. Bonuses, commissions, allowances, overtime, tips, and other similar payments</u>	
<u>3. Business income from sources such as self-employment, partnerships, close corporations, and independent contracts (business income means gross receipts minus ordinary and necessary expenses required to produce income)</u>	
<u>4. Disability benefits/SSI</u>	
<u>5. Workers' compensation benefits and settlements</u>	
<u>6. Reemployment assistance or unemployment compensation</u>	
<u>7. Pension, retirement, or annuity payments</u>	
<u>8. Social Security benefits</u>	
<u>9. Spousal support received from this marriage</u>	
<u>10. Spousal support received from prior marriage</u>	
<u>11. Interest and dividends</u>	
<u>12. Rental income (gross receipts minus ordinary and necessary expenses required to produce income)</u>	

<u>13. Income from royalties, trusts, or estates</u>	
<u>13.Reimbursed expenses and in-kind payments to the extent that they reduce living expenses</u>	
<u>14.Gains derived from dealing in property (unless the gain is nonrecurring)</u>	
<u>15. Any other income of a recurring nature (identify source)</u>	
<u>16.TOTAL PRESENT MONTHLY GROSS INCOME</u> <u>(Add Lines 1-15)</u>	
<u>Deductions</u>	<u>Monthly amount</u>
<u>17. Federal, state, and local income tax (adjusted for actual filing status and allowable dependents and tax liabilities)</u>	
<u>17 a. Filing status</u>	
<u>17 b. Number of dependents claimed</u>	
<u>17 c. Federal income tax</u>	
<u>17 d. State income tax</u>	
<u>17 e. Local income Tax</u>	
<u>18. Total federal, state and local income tax</u>	
<u>19. FICA or self-employment taxes</u>	
<u>20. Medicare payments</u>	

<u>21. Mandatory union dues</u>	
<u>22. Mandatory retirement payments</u>	
<u>23. Health insurance payments, excluding payments for coverage of the minor child (ren)</u>	
<u>24. Court-ordered support for other children which is actually paid</u>	
<u>25. Spousal support paid in this marriage</u>	
<u>26. Spousal support paid in prior marriage</u>	
<u>27. TOTAL DEDUCTIONS</u> <u>(Add Lines 17-26)</u>	
<u>28. PRESENT MONTHLY NET INCOME</u> <u>(Subtract Line 27 from Line 16)</u>	

Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

Signature of party

Printed Name:

Address:

City, State, Zip:

Telephone Number:

E-mail Address:

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}* () Petitioner () Respondent

This form was completed with the assistance of:

{name of individual} _____,

{name of business} _____,

{address} _____,

{city} _____, *{state}* _____, *{telephone number}* _____.

To: Cory Brandfon, Chair of the Family Law Rules Committee
Mikalla Davis, Bar Staff Liaison

From: Family Law Section of The Florida Bar

Date: June 29, 2021

**COMMENT OF THE FAMILY LAW SECTION
TO THE PROPOSED CHANGE TO FLORIDA FAMILY LAW RULE OF
PROCEDURE 12.285 MANDATORY DISCLOSURES IMPACTING THE
FILING OF FINANCIAL AFFIDAVITS**

The Executive Committee of the Family Law Rules Committee (“the Committee”) met with Cory Brandfon, Chair of the Financial Affidavit Subcommittee (“the Subcommittee”), on August 6, 2021 to review and discuss the Comment of the Family Law Section (“the Section” and “the Comment”).

Upon reviewing the Comment and considering the Subcommittee’s (and Committee’s) prior contemplation of the various concerns raised by the Section, the Executive Committee voted unanimously to reject the Comment, with the exception of adopting possible minor changes in response to Subsections B(C) and B(E).

The Executive Committee interlineates its specific responses to the Comment below in red.

The following comments are made in response to The Proposed Rule Amendments from The Florida Bar Family Law Rules Committee regarding proposed changes to the Florida Family Law Rule of Procedure 12.285, Mandatory Disclosure.

Comment to Proposed Rule Change

The Family Law Section opposes the proposed change. While the intention may be to increase privacy and confidentiality, we believe this change can be obtained without creating the multitude of issues that would result if the parties fail to file financial affidavits. Alternatives could include changes to the Rules of Judicial Administration or legislative changes. It is worth noting that in probate cases, there is often a second, confidential file which contains financial information. A similar approach to family law may resolve the concerns as it relates to individual financial information while preserving the file for the Court and an accurate case history.

For at least 22 years, the Family Law Rules Committee has been attempting to minimize public access to financial information filed in a family law case. In 1998, both the Family Law Rules Committee and the Family Court Steering Committee asked that the Supreme Court of Florida amend Rule 12.400 (Confidentiality of Records and Proceedings) to find that, as a matter of public policy, financial information in a family law case could be sealed by the court at the request of one or both of the parties. *See Amendments to the Florida Family Law Rules of Procedure*, 723 So. 2d 208 (1998). In that opinion, citing *Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988), Justice Ben Overton wrote, “[w]hile we understand and are sympathetic to the committees’ concerns regarding the loss of privacy inherent in the filing of financial affidavits, we simply cannot find that public policy dictates the regular sealing of this type of information.” *Id.* at 210. Notably, however, *Barron* dealt with restrictions on

“closure” or “sealing” of information in a court proceeding, not the agreed-upon, elective, and non-binding non-filing of financial affidavits, as suggested by the Committee through the instant proposed revision to Rule 12.285 and the promulgation of Form 12.902(k) (Notice of Verified Joint Voluntary Waiver of Filing Financial Affidavits).

In *Amendments to the Florida Family Law Rules of Procedure*, Justice Overton also noted that the Court previously opined in *Barron* that the Legislature was free to enact legislation limiting public access to family law proceedings, but that it had not done so in the intervening 10-year period. *Id.* at 209. (“While Florida, as a matter of public policy, has expressly made certain civil proceedings confidential...and some states have enacted legislation limiting public access to divorce proceedings . . . , the Florida Legislature has chosen not to do so.”). While it is reasonable for the Section, as it does, to contemplate legislative action limit public access to financial affidavits in family law proceedings, the Legislature has failed to do so in the 33 years since *Barron*. Respectfully, there is no apparent reason to believe that the Legislature’s priorities will suddenly change in this regard. Nor is there apparent reason to believe the Section itself would make such legislation a legislative priority given the eventful legislative sessions of recent years past.

The above-referenced cases highlight prior efforts, inaction, and hurdles to limiting public access to sensitive financial information in family law cases through legislation and/or sealing of the court file. The Committee specifically contemplated

these obstacles and constitutional considerations in crafting the proposed revisions to 12.285 and creating Form 12.902(k). Neither the requirement of disclosure of financial information between the parties nor the public policy of permitting inspection and copying of public records are compromised by the Committee’s proposal herein.

Instead, the Committee’s proposal is predicated on two different but equally fundamental rights, to wit: (1) the right of privacy and (2) the right to contract. *See Art. I, §23, Fla. Const.* (“Every natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein. This section shall not be construed to limit the public’s right of access to public records and meetings as provided by law.”); *Suess v. Suess*, 289 So. 3d 525 (Fla. 2d DCA 2019) (“[I]t is well-settled that parties to a dissolution of marriage proceeding ‘may enter into settlement agreements imposing obligations the trial court could not otherwise impose under the applicable statutes.’”) (citing *Taylor v. Lutz*, 134 So. 3d 1146, 1148 (Fla. 1st DCA 2014)).

In *Suess*, the Second District Court of Appeal affirmed it the “well-established policy in Florida that settlement agreements are highly favored in the law.” 289 So. 3d at 529. (citations omitted). *See also Chovan v. Chovan*, 90 So. 3d 898, 900-01 (Fla. 4th DCA 2012). The *Suess* court also noted the axiomatic principle that courts are not permitted to relieve a party to a family law proceeding from a “bad bargain” unless there was fraud, overreaching or, assuming unreasonableness, a lack of adequate knowledge of marital property and income of parties when the agreement was reached.

See also Casto v. Casto, 508 So. 2d 330 (Fla. 1987). The *Casto* court noted, insightfully, that “[a] bad fiscal bargain that appears unreasonable can be knowledgably entered into for reasons other than insufficient knowledge of assets and income.” *Casto*, 508 So. 2d at 334. In other words, it is not for the court to question the motives or rationality of litigants choosing to enter into agreements in family law cases for reasons that may not be facially apparent (e.g., privacy). Lastly, it has been held that parties to a family law proceeding have a constitutional right to contract. *See Scott v. Scott*, 285 So. 2d 423, 425 (Fla. 2d DCA 1973) (“The parties do have a constitutional right to contract about such matters [alimony] although the court has the authority to modify.”).

The Committee’s proposal is nothing more than a temporary agreement between the parties to prioritize their privacy and not immediately file financial affidavits. As explained in greater detail below, as proposed, that agreement may be withdrawn (and a financial affidavit filed) at any time by either party when the financial condition of a party is at issue.

Notably, as alluded to above, the Committee’s proposal herein still *requires*, as a prerequisite to waiving filing of a financial affidavit, the service of a fully executed Family Law Financial Affidavit in conformity with Form 12.902(b) and (c). The Committee’s proposal also does not relieve a party from the production of other mandatory disclosure documents under Rule 12.285 (which themselves are not even *permitted* to be filed with the court per Rule 12.285(a)(3)(A) and subject a non-compliant party to sanctions). Therefore, the proposed rule change does not relieve a

party from providing the other with adequate knowledge of marital property and income

While there is support for alternative measures to provide confidentiality when filing financial affidavits, there are numerous concerns with the current proposed rule.

Based upon those concerns, the Family Law Section is unable to support the proposed rule change. The proposed change would create more problems than it solves and would impact self-represented individuals disproportionately.

A. Concerns with the Proposed Rule Change.

The proposed rule change as written would allow individuals to elect to forgo the filing of their financial affidavits in the court file. **Nothing in the Committee's proposal in any way limits the parties and the parties' counsels' reliance on financial affidavits, which must be fully executed and served upon the other party prior to a waiver of filing. Minimizing public access to sensitive financial information in family law proceedings has been a priority of the Committee for more than 22 years. Given the obstacles referenced above and the fundamental and well-established rights supporting the Committee's proposal, the Committee believes this is the most effective way to accomplish that priority.**

Thus, the docket would be missing this crucial piece of information which is heavily relied upon in family law cases. In family law cases, financial affidavits are routinely relied upon by the Court, the parties and the parties' counsel in determining child support, alimony, attorney's fees, equitable distribution, the value of the parties' assets and debts and modifications of child support and alimony.

The Committee's proposals do not obviate the requirement of parties executing and exchanging financial affidavits. The parties can rely on these documents without them being in the court file. Also, nothing in the Committee's proposals requires

parties to execute and file Form 12.902 (k) (Joint Verified Waiver of Filing Financial Affidavits), nor does the Committee's proposal preclude either party from filing their own financial affidavit or that of the other party at a time when the financial condition of a party is at issue, even after an initial waiver. If a party so chooses, they can file the financial affidavit if they need court intervention.

Lastly, nothing in the Committee's proposal obviates the requirement of filing a Child Support Guidelines Worksheet per Rule 12.285, and the Committee's proposal specifically includes the creation of Form 12.902(l) (Income Affidavit), to satisfy the requirement of Florida Statute § 61.30(14) and allow for computation of child support.

Financial Affidavits provide not only current information but historical information for the court and parties. In modifications of child support and alimony, a prior Financial Affidavit will provide the parties' incomes, deductions, past expenses and other items which are relevant to determining if there has been a substantial change of circumstances either in the parties' incomes, need or ability to pay. Although this information should be included in the Final Judgments or other orders calculating support, it frequently is not included.

Appellate courts have been tasked with considering modification actions for far longer than financial affidavits have been required. *See Scott*, 285 So. 2d at 425 (“In considering modification [of alimony] the court can and should take into consideration all factors and contrast the total circumstances at the time of the original order with all the current circumstances.”).

Also, Rule 12.285(e)(1) currently requires that “[a]ll documents supporting the income, assets, and liabilities figures entered into the financial affidavit must also be produced.” Nothing in the Committee’s proposal obviates this rule; therefore, unless the parties waive that mandatory disclosure provision (as they are currently permitted to do), both parties will have available and be able to share with the court, as necessary, specific financial documents to permit efficient judicial determination in a modification action. Moreover, as the accuracy of financial affidavits are frequently in dispute, supporting documents required under this rule are the best evidence of the “total circumstances” referenced by the court in *Scott*.

As the Section concedes, there is nothing stopping from the court from requiring that a marital settlement agreement or final judgment include net income figures for purposes of future child support or alimony modification actions, which can be accomplished without the filing of a financial affidavit.

The Family Law Section has great concern about negative impact the proposed rule change will have on the finality of judgments. In family law cases, parties have a specific ability to set aside a Final Judgment at any time as a result of a fraudulent

financial affidavit. Fl. Fam. L.R.P Rule 12.540. Fl. Fam. L.R.P Rule 12.540 provides that a motion pursuant to an allegation regarding a fraudulent financial affidavit has no time limit. Therefore, the proposed rule change unnecessarily creates a potential for more litigation and increased costs if the unfiled financial affidavit is collaterally attacked post-judgment consistent with the proposed rule change. This situation illustrates the specific need for the court docket to clearly set out what financial affidavits were utilized in the case.

The Section's concerns are misplaced. Even *drafts* of allegedly fraudulent financial affidavits that have been served but not filed are subject to collateral attack under Fla. Fam. L. R. P. 12.540. *See Engstrom v. Engstrom*, 258 So. 3d 507–08 (Fla. 3d DCA 2018).

Although the proposed rule change as written requires the parties to preserve their individual financial affidavits, the reality is that unrealistic. It is further fraught with potential for misrepresentation, confusion and even fraud. By having the Financial Affidavits filed in the court docket, all parties involved and the court have a clear indication of what was provided. It eliminates the ability to swap out information or change items at a later date. It further protects a party from being prohibited from modifying support as a result of a lack of information as to how the prior calculations were derived.

As alluded to above, the courts recognize in *Casto* well-established limitations to the court's ability to protect people from themselves. A party losing a financial

affidavit (or entering into a bad bargain) is not grounds to set aside an agreement, nor does the possibility of same warrant mandatory filing of a financial affidavits in the myriad cases where the financial conditions are never in dispute in a manner as to require judicial resolution, either in an original or supplemental proceeding.

While the Section cites *potential* concern, the Committee's proposal endeavors to resolve a long-standing *existing* problem recognized by both the Committee and even the Florida Supreme Court in *Amendments to the Florida Family Law Rules of Procedure*.

This change could ultimately result in more litigation, increased costs and prohibit self-represented parties or others from obtaining modifications of support and/or proving that relief should be granted from the Final Judgment. Parties wishing to keep their financial information private can currently request that their financial affidavits be sealed.

If nothing is done, or if the Committee continues to wait on possible legislative action, thousands of Florida's families will be required to file (and therefore, make public) the intimate details of their financial circumstances despite not wanting to do so and despite not ultimately requesting judicial assistance in resolving disputed financial matters. Those details currently include their income, assets, and expenses, including specific monthly spending on children's allowances, psychiatric/psychological/counselor for *children* and adults alike, monthly nonprescription and prescription medications for *children* and adults alike, among

other highly sensitive financial details.

While it is true that Rule 12.400(d) currently permits conditional sealing of financial information upon a showing that “it is likely that access to the information would subject a party to abuse, such as the use of the information by third parties for purposes unrelated to government or judicial accountability or to first amendment rights,” such a requirement is unreasonably burdensome given the practical considerations set forth herein and the viable alternative solution to excessive disclosure of financial information proposed by the Committee.

B. Alternatives to the Proposed Rule Change.

The privacy concerns related to the Financial Affidavits can be best corrected with changes to Florida Rule of Judicial Administration 2.420. By adding that the Financial Affidavit will be confidential in all cases, everyone's finances would be protected regardless of their knowledge and skill in asking for such privacy. Only those parties to the case and the Court would be able to view these documents; however, this would allow for the court record to still include this vital and often historically necessary information.

The Committee has formally proposed that Rule of General Practice and Judicial Administration 2.420 be amended to include Family Law Financial Affidavits, but there is only one precedent for amendment of that rule through the rulemaking process when not coupled with corresponding litigation. That one precedent, for pre-sentence investigation reports, emanated from a rule of criminal procedure governing confidentiality of same, which itself was previously codified as Florida Statute 921.231. Without legislation, there is no apparent reason to believe that the rule will be amended as the Section suggests.

It is noted that Florida Rule of Judicial Administration 2.420 requires confidentiality of estate inventories and accountings. This provision acknowledges the need to protect information related to individual's estates after death. We believe that an argument can be made that such protections should be extended to Financial Affidavits which disclose assets and liabilities during a dissolution of marriage and contain similar information that would be included in an estate inventory and

accounting.

Confidentiality of estate inventories and accountings was established by legislation. While the Committee appreciates that the legislative path is an option, for the reasons referenced above, the Committee's feels the best approach forward is making the proposed amendments.

In the event the Committee is unwilling to seek out alternative routes to accomplishing confidentiality and intends to move forward with the proposed rule change, we would propose the following changes to the rule and form:

A. The proposed rule should be limited to cases which settle and are not decided by the Court. The rule as written is broad and applies to all cases not just those which are settled.

For all of the reasons stated above, there is no reason to limit the rule to case that are settled, although, as a practical matter, it is expected that most litigants who avail themselves of the waiver will exercise their right to file their financial affidavit or that of the other party if a financial condition is at issue and a contested hearing (whether temporary or final) is held thereon. The courts have the ability to exercise necessary functions without financial affidavits in the record.

B. The proposed rule should require the parties to file with the joint waiver

and/or joint motion, the Affidavit of Income for Child Support. This document should be retitled Affidavit of Income and Expenses for Support and revised to also include total monthly expenses, health, dental and vision insurance costs for the child and daycare expenses for the child. The Income section should be clearly designated as a place for “gross” income by including that the word “gross: before the word “income” in the title and be labeled in bold.

Section 61.30(14), Florida Statutes (2020), already requires that “[e]very petition for child support or for modification of child support shall be accompanied by an affidavit which shows the party’s income, allowable deductions, and net income computed in accordance with this section. The affidavit shall be served at the same time that the petition is served.” § 61.30(14), Fla. Stat. (2020).

Nothing in the Committee’s proposal purport to obviate this statutory requirement; however, Form 12.902 (*l*) will serve as a viable alternative to public disclosure of unnecessary financial information, as currently occurs in many family law cases.

Form 12.902(*l*) is not intended to replace Child Support Guidelines Worksheets, which are still required per Rule 12.285.

C. The proposed rule should provide that the Financial Affidavits exchanged by the parties are initialed on each page and notarized prior to being exchanged. This will help with accuracy of the document and assist with preventing fraud. While this is not fool-proof, it will provide some level of small security. Other measures should be

considered on how to mitigate the potential for extensive litigation in future proceedings about which Financial Affidavits were used as they will not be in the court record.

The Committee does not oppose this suggestion; however, it does not feel it is necessary. Adding initials to each page will only incrementally assist the court in finding that a financial affidavit is what its proponent claims, as required for authentication or identification pursuant to section 90.901, Florida Statutes (2020).

As the Section alludes to, the filing of a fraudulent financial affidavit subjects the filing party to consequences under Fla. Fam. L. R. P. 12.540, including an indefinite timeframe for the other party to move for relief from judgment.

The Committee does not believe it is appropriate to condemn thousands of Florida's families to filing superfluous financial information based on the possibility that some bad actors may commit a crime and/or perjury by filing altered financial affidavits in family law cases.

D. Instead of the parties filing a Notice of Joint Verified Waiver of Filing Financial Affidavits, the parties should file a Joint Motion to Waive Financial Affidavit. The Joint Motion should be presented to the court which should rule upon same by issuing an order. The waiver should be granted only upon good cause shown.

E. Changes to the form should be made so that it is clear to self-represented individuals that their ability to obtain modification or certain other relief is impacted by the loss of a Financial Affidavit. This should be in capital letters and in bold.

Paragraph One of the Notice of Joint Verified Waiver of Filing Financial Affidavits

The Committee does not oppose this suggestion.

should be expanded to include a specific warning that lack of evidence of current or past financial circumstances may prevent awards of certain relief including modification of child support or alimony. If the committee opts to utilize a Joint Motion, these warning should likewise be included in that form.

The Section appreciates the hard work of the Family Law Rules Committee and appreciates the opportunity to provide this input.

Respectfully submitted this 29th day of June, 2021.

//s// K. Beth Luna

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**Petition for Dissolution of Marriage Venue Subcommittee of the
Florida Bar's Rules and Forms Committee**

Referral: To consider adding venue language to the Petition for DOM forms.

Committee Decision: We decided instead to add language to establish jurisdiction over the Respondent in cases where the Respondent is not a Florida resident, and to also amend DOM counterpetitions and petitions for support unconnected with DOM.

Proposed language to add:

We last resided together as a married couple at:

_____ {street address},
_____ {city, state, zip},
_____ {county}, _____ {country},
from _____ {start date} to _____ {end date}.

Proposal to add the language in red to each of the following 10 forms in the position indicated:

12.901(a) Petition for Simplified Dissolution of Marriage

3. We were married to each other on {date} _____ in the city of {city} _____
in state of {state} _____, or country of {country} _____.

We last resided together as a married couple at:

_____ {street address},
_____ {city, state, zip},
_____ {county}, _____ {country},
from _____ {start date} to _____ {end date}.

12.901(b)(1) Petition for Dissolution of Marriage with Dependent or Minor Child(ren)

3. MARRIAGE HISTORY

Date of marriage: {month, day, year} _____
Date of separation: {month, day, year} _____ (Please indicate if approximate)
Place of marriage: {county, state, country} _____

We last resided together as a married couple at:

_____ {street address},
_____ {city, state, zip},
_____ {county}, _____ {country},
from _____ {start date} to _____ {end date}.

12.901(b)(2) Petition for Dissolution of Marriage with Property but No Dependent or Minor Child(ren)

3. MARRIAGE HISTORY

Date of marriage: {month, day, year} _____

Date of separation: {month, day, year} _____ { Indicate if approximate}

Place of marriage: {county, state, country} _____

We last resided together as a married couple at:

_____ {street address},

_____ {city, state, zip},

_____ {county}, _____ {country},

from _____ {start date} to _____ {end date}.

12.901(b)(3) Petition for Dissolution of Marriage with No Dependent or Minor Child(ren) or Property

3. MARRIAGE HISTORY

Date of marriage: {month, day, year} _____

Place of marriage: {county, state, country} _____

We last resided together as a married couple at:

_____ {street address},

_____ {city, state, zip},

_____ {county}, _____ {country},

from _____ {start date} to _____ {end date}.

12.903(c)(1) Answer to Petition and Counterpetition for Dissolution of Marriage with Dependent or Minor Child(ren)

3. MARRIAGE HISTORY

Date of marriage: {month, day, year} _____

Date of separation: {month, day, year} _____ (Indicate if approximate)

Place of marriage: {county, state, country} _____

We last resided together as a married couple at:

_____ {street address},

_____ {city, state, zip},

_____ {county}, _____ {country},

from _____ {start date} to _____ {end date}.

12.903(c)(2) Answer to Petition and Counterpetition for Dissolution of Marriage with Property but No Dependent or Minor Child(ren)

3. MARRIAGE HISTORY

Date of marriage: {month, day, year} _____

Date of separation: {month, day, year} _____ (Indicate if approximate)

Place of marriage: {county, state, country} _____

We last resided together as a married couple at:

_____ {street address},

_____ {city, state, zip},

_____ {county}, _____ {country},

from _____ {start date} to _____ {end date}.

12.903(c)(3) Answer to Petition and Counterpetition for Dissolution of Marriage with No Dependent or Minor Child(ren) or Property

3. MARRIAGE HISTORY

Date of marriage: {month, day, year} _____

Place of marriage: {city, state, country} _____

Date of separation: {month, day, year} _____ (Indicate if approximate)

We last resided together as a married couple at:

_____ {street address},

_____ {city, state, zip},

_____ {county}, _____ {country},

from _____ {start date} to _____ {end date}.

12.904(a)(1) Petition for Support Unconnected with Dissolution of Marriage with Dependent or Minor Child(ren)

3. MARRIAGE HISTORY

Date of marriage: {month, day, year} _____

Date of separation: {month, day, year} _____ (Indicate if approximate).

Place of marriage: {county, state, country} _____.

We last resided together as a married couple at:

_____ {street address},

_____ {city, state, zip},

_____ {county}, _____ {country},

from _____ {start date} to _____ {end date}.

12.904(a)(2) Petition for Support and Parenting Plan Unconnected with Dissolution of Marriage with Dependent or Minor Child(ren)

3. MARRIAGE HISTORY

Date of marriage: {month, day, year} _____

Date of separation: {month, day, year} _____ (Indicate if approximate).

Place of marriage: {county, state, country} _____.

We last resided together as a married couple at:

_____ {street address},

_____ {city, state, zip},

_____ {county}, _____ {country},

from _____ {start date} to _____ {end date}.

12.904(b) Petition for Support Unconnected With Dissolution of Marriage with No Dependent or Minor Child(ren)

3. MARRIAGE HISTORY

Date of marriage: {month, day, year} _____

Date of separation: {month, day, year} (Indicate if approximate) _____)

We last resided together as a married couple at:

_____ {street address},

_____ {city, state, zip},

_____ {county}, _____ {country},

from _____ {start date} to _____ {end date}.

To: Cory Brandfon, Chair of the Family Law Rules Committee
Mikalla Davis, Bar Staff Liaison

From: Florida Family Law Section

Date: May 31, 2021

**COMMENT OF THE FAMILY LAW SECTION
TO THE PROPOSED FAMILY LAW FORM 12.908,
PETITION TO ESTABLISH PARENTAL RESPONSIBILITY AND A
PARENTING PLAN/TIME-SHARING SCHEDULE**

The following comments are made in response to the Proposed Family Law Form 12.908, Petition to Establish Parental Responsibility and a Parenting Plan/Time-Sharing Schedule, after thorough review by the members of the Rules and Forms Committee of the Family Law Section of the Florida Bar.

Comment to Proposed Form

It is the understanding of the Section that the proposed Form is intended to provide greater access for self-represented litigants seeking to establish parental responsibility and time-sharing once paternity and a child support obligation have been established. Of course, establishment of paternity and child support may arise either administratively by the Florida Department of Revenue (the “DOR”) pursuant to section 409.2563, Florida Statutes, or by a judicial determination pursuant to Chapter 742.

Clarifying Language Regarding the DOR. Because the method by which the child support order was established may trigger additional notice requirements to the DOR, the Section proposes that the Form include a field for the petitioner to indicate whether the obligation was established by the DOR or ordered by the Court. As noted above, this Form may be applicable in situations where a judicial officer has

entered a support order in a proceeding under Chapter 742. In such cases, the DOR does not have an interest and, as a result, no notice would be necessary in an action to establish parental responsibility and time-sharing. If the support order was administratively established by the DOR, on the other hand, the Form should specify that the DOR must receive copies of the filings. The Form should also list the mailing address, fax number, and email address to which such copies must be sent. The current proposed language states only that “A copy of this form should be sent to the Child Support Program at the Department of Revenue.”

Scientific Paternity Testing. Additionally, the current Form includes proposed language that seems at odds with the limited scope of its application. Specifically, the proposed Form indicates that the parties must complete “scientific paternity testing, if necessary.” Such testing would not be necessary, however, in cases where paternity has previously been established. Accordingly, the Section proposes deleting the reference to scientific paternity testing.

Modification of Prior Support Obligation. Paragraph four (4) of the proposed Form asks that the petitioner indicate whether they are seeking to modify a prior child support obligation. However, as written, the Form lacks the language necessary to sufficiently plead for a modification of child support. As such, the Section recommends adding additional language to Paragraph 4 that allows the petitioner to assert facts necessary to satisfy the modification pleading requirement. Additionally, the Section proposes adding a field to indicate whether the petitioner is seeking a superseding order as to child support in connection with the action to establish parental responsibility and parenting plan/time-sharing schedule.

Clarifying Instructions Regarding Required Filings. To further the purpose of ensuring clarity and access to justice for self-represented litigants, the Section suggests including language that specifies the documents that must be filed along with the proposed Form when instituting a proceeding. For example, the current

language states that the parties must file “all of the required papers.” In place of this, the Section proposes that the required documents be stated clearly as follows:

- Uniform Child Custody Jurisdiction Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d).
- Notice of Related Cases, Florida Family Law Rules of Procedure Form 12.900(h).
- Civil Cover Sheet, Florida Rules of Civil Procedure, Form 12.928.
- Parenting Plan, Florida Supreme Court Approved Family Law Form 12.995(a) or Supervised/Safety Focused Parenting Plan, Form 12.995(b).

The proposed language should also provide that the parties must submit a copy of the Certificate of Completion of the Parent Education and Family Stabilization Course within 45 days of filing the action.

Footer. Finally, the Section notes that the footer of the proposed Form currently reads: “Florida Supreme Court Approved Family Law Form 12.908, Petition to Establish Paternal Responsibility and a Parenting and Time-Sharing Schedule.” The Section suggests that this footer be amended to read: “Florida Family Law Rules of Procedure Form 12.908, Petition to Establish Parental Responsibility and a Parenting Plan and Time-Sharing Schedule.”

Respectfully submitted this 31st day of May, 2021.

/s/ Douglas Greenbaum
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**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW
FORM 12.908
PETITION TO ESTABLISH PARENTAL RESPONSIBILITY AND A
PARENTING PLAN/TIME-SHARING SCHEDULE (--/--)**

When should this form be used?

This form should be used by a parent to ask the court to establish parental responsibility and a parenting plan/time-sharing schedule, if child support has already been ordered in a Department of Revenue Administrative action and the parents are not married.

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.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and 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 General Practice and 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.**

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 General Practice and Judicial Administration 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 General Practice and 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 General Practice and Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of General Practice and 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 General Practice and Judicial Administration 2.516.

What should I do next?

For your case to proceed, you must properly notify the **respondent** of the **petition**. If you know where he or she lives, you should use **personal service**. If you absolutely do not know where he or she lives, you may use **constructive service**. However, if constructive service is used, the court may only grant limited relief. You should seek legal advice on constructive service. For more information see chapter 49, Florida Statutes.

If personal service is used, the **respondent** 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 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.

UNCONTESTED... If the respondent 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 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... If the respondent 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, **completed the scientific paternity testing, if necessary**, and filed all of the required papers. 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 the respondent 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 12.983(d).

A copy of this form should be sent to the Child Support Program at the Department of Revenue.

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 742, Florida Statutes.

Special notes...

With this form, you must also file the following:

Instructions for Florida Supreme Court Approved Family Law Form 12.908 Petition to Establish Parental Responsibility and a Parenting/Time-Sharing Schedule

- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d).
- **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.)
- **Settlement Agreement**, if you have reached an agreement on any or all of the issues. Although there is no form for this in these Florida Family Law Forms, you may construct a settlement agreement using the pertinent sections contained in **Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.902(f)(1).
- **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 with the petition if the petitioner seeks to establish child support. Otherwise, it must be filed within 45 days of service of the petition on the respondent.)
- **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 your spouse have agreed not to exchange these documents.)
- **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.

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: _____

Petitioner,

and

Respondent,

PETITION TO ESTABLISH PARENTAL RESPONSIBILITY AND A PARENTING PLAN/TIME-SHARING SCHEDULE

Petitioner, *{full legal name}* _____,
being sworn, certifies that the following information is true:

This is an action to determine parental responsibility and a parenting plan/time-sharing schedule under chapter 61 and 409, Florida Statutes, when child support has been ordered in a Department of Revenue administrative action.

SECTION I.

Name	Birth Date
(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____
(5) _____	_____
(6) _____	_____

1. _____
Petitioner's current address is: *{street address, city, state}*

2. _____
Respondent's current address is: *{street address, city, state}*

3. _____ () Petitioner () Respondent has been ordered to pay child support for the above-named child(ren) in *{county}* _____, *{state}*. **A copy of the child support order is attached.**

4. _____ Both parties are over the age of 18, and neither is, nor has been within a 30-day period immediately prior to this date, a person in the military service of the United States as defined by the Amended Sailors' and Soldiers' Civil Relief Act of 1940.

5. _____ Neither Petitioner nor Respondent is mentally incapacitated.

Florida Supreme Court Approved Family Law Form 12.908, Petition to Establish Parental Responsibility and a Parenting /Time-Sharing Schedule

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: **[one only]**

a. _____ shared by both parents.

b. _____ shared by both parents with ultimate decision making authority to _____ Petitioner _____ Respondent in _____ education _____ non-emergency medical decisions _____ other _____

c. 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). The Petitioner states that it is in the best interests of the child(ren) that:

The attached proposed Parenting Plan should be adopted by the court. The parties _____ have _____ have **not** agreed to the Parenting Plan.

The court should establish a Parenting Plan with the following provisions:

- No time-sharing for the: _____ Petitioner _____ Respondent
 - Limited time-sharing with the _____ Petitioner _____ Respondent
 - Supervised time-sharing for the _____ Petitioner _____ Respondent
 - Supervised or third-party exchange of the child(ren).
 - Time-sharing schedule as follows: _____
-
-

Explain why this schedule is in the best interests of the child(ren): _____

4. Petitioner () requests () does not request child support be recalculated, consistent with this petition and a superseding order be issued, if appropriate.

5. If necessary, a Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), () is, or () will be filed.

6. A completed Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), () is, or () will be filed, if necessary.

7. 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.

8. If not previously filed in this case, a completed Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j), is filed with this petition.

PETITIONER'S REQUEST

Petitioner requests that the Court enter an order that: [all that apply]

a. _____ adopts or establishes a Parenting Plan containing provisions for parental responsibility and time-sharing for the minor or dependent child(ren);

b. other relief as follows: _____

Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

Dated: _____

Signature of Party
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
E-mail Address(es): _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this (numeric date) this (numeric date) day of (month), (year), by (name of person making statement).

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or deputy clerk.]

____ Personally known
____ Produced identification
____ Type of identification produced _____

I certify that a copy of this document was served to the person(s) listed below on {date}

_____.

Department of Revenue

Deputy Agency Clerk
Child Support Program
P.O. Box 8030
Tallahassee, FL 32314-8030

Other party or his/her attorney:

Name: _____
Address: _____
City, State, Zip: _____
Fax Number: _____
E-mail Address(es): _____

Signature of Party or his/her attorney:
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
E-mail Address(es): _____
Florida Bar Number: _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, THEY MUST FILL IN THE BLANKS BELOW:

[fill in all blanks] This form was prepared for the: {choose only one} () Petitioner () Respondent

This form was completed with the assistance of:

{name of individual} _____.

{name of business} _____.

{address} _____.

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