

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE FLORIDA  
FAMILY LAW RULES OF PROCEDURE  
(THREE-YEAR CYCLE)**

**CASE NO.:**

**THREE-YEAR CYCLE REPORT OF  
THE FAMILY LAW RULES COMMITTEE**

Steven P. Combs, Chair, Family Law Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this three-year cycle report of the Family Law Rules Committee under *Fla. R. Jud. Admin.*

2.140(b). All rule and form amendments have been approved by the full Committee and, as required by *Rule 2.140(b)(2)*, reviewed by The Florida Bar Board of Governors. The voting records of the Committee and the Board of Governors are shown on the attached table of contents (*see Appendix A*).

The proposed amendments were published for comment in the July 1, 2010, Florida Bar *News* (*see Appendix D*) and posted on The Florida Bar's website (*see Appendix D*). Three comments were received. The first was a petition requesting passage of a statute governing collaborative law signed by 44 individuals (*see Appendix E*). As this comment was outside the purview of the Committee, no action was taken on it. Two other substantive comments were received from Rosemarie S. Roth and Robert J. Merlin (*see Appendix E*). These comments were considered by the Committee at its September 24, 2010, meeting. By a vote of 24-0, the Committee agreed to

further amend the rule based on the comments received. The comments and changes are discussed below. As required by *Rule 2.140(b)(2)*, because changes were made to the original proposal, the amended rule was again submitted to the Board of Governors, published in the October 15, 2010, *Florida Bar News*, and posted on The Florida Bar website. (See Appendix E.) The Board of Governors approved the amendments by a vote of 34-0.

The proposed rules and forms are attached in the full-page (*see Appendix B*) and two-column (*see Appendix C*) formats. The reasons for the amendments are as follows:

**Rule 12.070 and Forms 12.913(a)(1), (a)(2), (b), and (c).** The Committee recommends amending *Fla. Fam. L. R. P.* 12.070 to add a new subdivision (c)(2):

(2) For constructive service of process in any case or proceedings involving a parenting plan for a minor child under chapter 61, Florida Statutes, or an action to determine temporary custody by extended family under chapter 751, Florida Statutes, the petitioner shall file an affidavit of diligent search and inquiry that conforms with Florida Family Law Rules of Procedure Form 12.913(b). If the responding party cannot be located, the party shall be served with process by

publication in the manner provided by chapter 49, Florida Statutes. The notice shall be published in the county in which the party is last known to have resided and in the county in which the court is located. The clerk of the circuit court shall mail a copy of the notice to the party's last known address.

This amendment is designed to address a conflict between Chapter 49, Florida Statutes, and the notice requirements of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), sections 61.501 *et seq.*, Florida Statutes, and to ensure that parties receive due process notice in “custody” cases. Section 61.518(1), Florida Statutes, provides: “Before a child custody determination is made under this part, notice and an opportunity to be heard *in accordance with the standards of s. 61.509* must be given to all persons entitled to notice under the laws of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person acting as a parent” (emphasis added). Section 61.509(1), Florida Statutes, provides: “Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the laws of the state in which the service is made. *Notice must be given in a manner reasonably calculated to give actual notice, but may be made by publication if other means are not*

*effective*” (emphasis added).

There are three problems in using constructive service to give notice in child “custody cases.” First, neither Chapter 49, Florida Statutes, nor *Rule* 12.070 define what efforts are necessary to comply with the diligent search requirements of section 49.041, Florida Statutes. Second, section 49.041, Florida Statutes, does not require the petitioner to disclose the other party’s last known address. If the petitioner cannot locate the other party’s current residence, the petitioner can simply affirm that the residence of the person is “[u]nknown to the affiant.” § 49.041(3)(a), Fla. Stat. This allows petitioners to make marginal efforts to locate the other party and makes it difficult for the court to assess whether the search is diligent. Third, the petitioner is required to publish notice in “the county where the court is located” even if the opposing party never lived in that county or the state of Florida. § 49.10(1)(a), Fla. Stat. When the petitioner is indigent, the notice may be posted in the courthouse where the action is pending. §§ 49.10(1)(b), 49.11, Fla. Stat. Publication of notice under these circumstances is not “reasonably calculated to provide actual notice” as required by section 61.509(1), Florida Statutes. In fact, publication under these circumstances does not provide any notice at all.

The Florida Legislature recognized these deficiencies and corrected

them in adoption proceedings, *see* sections 63.088(5)–(6), Florida Statutes, and in proceedings to make an alleged biological father responsible for child support by terminating the legal father’s parental rights, *see* section 409.257(3), Florida Statutes. These statutes require a petitioner to state the legal father’s last known address, perform a specific diligent search, and publish notice in the county in which the legal father last resided. *Rule* 12.070 was amended to make this procedure applicable to all paternity proceedings that could result in termination of a legal father’s parental rights. *In re Amendments to the Florida Family Law Rules of Procedure*, 962 So. 2d 302 (Fla. 2007) (adopting *Rule* 12.070(c)(1) and *Form* 12.913(c)). However, the problem still exists with respect to proceedings to establish a parenting plan for a minor child under Chapter 61, Florida Statutes, and an action to determine temporary custody by extended family under Chapter 751, Florida Statutes. Approving the proposed amendments to *Rule* 12.070 and *Forms* 12.913(a)(1)–(c) will help correct this problem.

The proposal is not perfect. There are legitimate questions, such as, “How does a party publish in a foreign country such as Mexico?” and, “If notice is posted in the courthouse in Florida, can notice be posted in another state?” Under the Uniform Child Custody Jurisdiction Act (UCCJA), former sections 61.1301 *et seq.*, Florida Statutes, these questions could be resolved

by asking the court to direct the method of giving notice. *See* § 61.1312(1)(d), Fla. Stat. (2001). This provision was not included in the UCCJEA. However, forms for a motion, notice, and order are provided in §§4.18–4.20 of FLORIDA DISSOLUTION OF MARRIAGE (Fla. Bar CLE 10th ed. 2010). This is a complicated area of law and that is why it is recommended in the instructions to the forms that the party consult an attorney.

There is also some concern about the additional cost for publishing in two different locations. The Committee was reluctant to propose only publishing in the county in which the person last resided because it deviates from section 49.10(1)(a), Florida Statutes; however, it seems that publishing notice in the county in which the other party last resided provides better notice than publishing in a location where the party never resided. *See Arnstein v. Arnstein*, 422 So. 2d 1052 (Fla. 4th DCA 1982), in which the appellate court found that personal service was not an impediment to exercising in rem jurisdiction in a dissolution of marriage. The court stated that the “purpose of service under these circumstances is not to acquire or exercise jurisdiction. It is to give notice in a due process sense so that the method selected should be reasonably calculated to bring the proceedings to the attention of the party upon whom service is sought. Personal service, when feasible, seems admirably suited to accomplish that purpose.” *Id.* at

1053. Nevertheless, the Committee took a conservative approach and recommended publishing in the county in which the court is located to comply with section 49.10(1)(a), Florida Statutes, and publishing in the county in which the person last resided to provide due process notice, which is the purpose of constructive service. The petitioner's responsibility to provide due process notice should not be disregarded based on the cost of publication.

The Committee also proposed amendments to existing forms and instructions for using constructive service.

The Committee amended *Fla. Sup. Ct. App. Fam. L. Form* 12.913(a), Notice of Action for Dissolution of Marriage, to limit its use to dissolution of marriage proceedings in which the parties are not litigating parenting or support issues. The Committee added instructions about including a description of property in the Notice of Action, when property is an issue in the dissolution of marriage, and provided a place in the form to do so. The form was renumbered 12.913(a)(1). Adoption of this form does not depend on the amendments to *Rule* 12.070.

The Committee created a new *Form* 12.913(a)(2), Notice of Action For Family Cases With Minor Child. The new form includes instructions requiring disclosure of the opposing party's last known address and for

publication in the county in which the action is pending and in the county in which the opposing party last resided as provided under the proposed changes to *Rule* 12.070. The instructions distinguish between publication in those cases and in cases in which a petitioner is seeking to terminate a legal father's parental rights to establish paternity in an alleged biological father. *Rule* 12.070(c)(1) requires publication in the county in which the legal father last resided. The committee also incorporated instructions for cases in which property is an issue and provided a space on the form to describe the property.

The Committee amended *Form* 12.913(b), Affidavit of Diligent Search and Inquiry, to include a requirement to disclose the other party's last known address and to provide a place on the form to do so.

The Committee amended *Form* 12.913(c), to refer to proposed *Form* 12.913(a)(2), Notice of Action, change "other parent" to "legal father," delete the reference to *Fla. R. Civ. P.* 1.070, and emphasize the importance of giving notice to the legal parent that is likely to provide actual notice. These changes are not substantive and do not depend on the adoption of proposed *Rule* 12.070.

If the Court finds that the proposed change to *Rule* 12.070 should not include publication in two different locations, the Court should still approve



changes to the rule requiring the petitioner to file an “affidavit of diligent search and inquiry that conforms with Florida Family Law Rules of Procedure Form 12.913(b)” and requiring the clerk to mail a copy of the notice to the opposing party’s last known address. A last known residence is the last place a person is known to have “lived.” A “last known address” cannot be “unknown.” The last known residence may have been with the petitioner, but it may have been in another county or another state. For example, one parent may have left the other parent in another state and lived in Florida for more than six months with the children, giving Florida subject matter jurisdiction over the dissolution of marriage, parental responsibility, and time-sharing with the children. Under current law, the Florida parent could ask for sole parental responsibility and 100% time-sharing and publish notice in Florida without disclosing that the other parent never lived in Florida. The key to due process lies in whether there is a true diligent search and a legitimate attempt to notify the other parent. The Committee stopped short of requiring an enhanced diligent search in all cases involving a minor child, but emphasized the importance of notice in the instructions and the need to disclose the other party’s last known address. These changes are necessary to ensure due process notice to the opposing party, who is usually the child’s other parent.

The proposed changes have not been approved by the Family Law Section. There was not time between the final vote and the petition to obtain this approval, but they have been forwarded to then-Chair Peter Gladstone for review. Magistrate Susan Keith, Chair of the Florida Supreme Court Family Law Forms Advisory Workgroup, participated in drafting the forms.

**Rule 12.745.** The collaborative law process is a contractual, voluntary, nonadversarial dispute resolution process used in dissolutions of marriage. Unlike mediation, the parties cannot be ordered by the court to participate, and each must be represented by counsel. It is a nonadversarial approach to resolving disputes using a protocol of commitment to cooperation, full disclosure, and honesty. The cornerstone of the process is that if the process terminates without settlement, counsel for the parties must withdraw and not participate in future litigation involving the subject matter of the collaborative process. The disqualification requirement is significant. It creates an environment in which parties and their counsel are focused on resolving the dispute without thoughts of possible litigation. It incentivizes parties to reach agreement and avoid the increased time and expense of engaging new counsel. It also removes the possible financial incentive that counsel could have in a case failing to settle and instead keeps the focus on accomplishing the client's goals by reaching an agreement.

Proposed *Rule 12.745* sets forth a collaborative process protocol. Parties and their counsel can elect to use the process as a vehicle to resolve their dispute. The parties must enter into a collaborative participation agreement, a written contract that sets forth the essential terms and conditions of the collaborative process. The rule aims to minimally standardize collaborative participation agreements. To allow the parties greater flexibility and relieve the court's workload, the rule provides for the abatement of the matter on the joint request of the parties. Unless otherwise agreed, the parties will not seek the court's intervention while the process is ongoing. If a party terminates the process, counsel must file a notice of same without specifying the reason. If a settlement is reached, it must be in writing and signed by the parties and their attorneys. On approval by the court, the settlement agreement can be made part of the final judgment or order.

In arriving at proposed *Rule 12.745*, members of the Collaborative Process Subcommittee looked at the opinion of the American Bar Association on collaborative law, reviewed the Uniform Collaborative Law Act being drafted by the Uniform Law Commission, and worked in association with committees of the Family Law Section. Members of this subcommittee were also members of the Collaborative Law Subcommittee

of the Family Law Section’s Rules and Forms Committee. Attention was given to concerns of the Section’s Mediation and Collaborative Law Committee. Proposed *Rule 12.745* conforms to the views of those committees.

Following publication of the committee’s proposed rules amendments in *The Florida Bar News* and on The Florida Bar’s website, three comments on *Rule 12.745* were received. (See Appendix E.) One comment was essentially a petition proposing creation of a collaborative law statute. The other two comments were from attorneys practicing collaborative law and were essentially identical. The substantive comments raised five issues. The committee voted 24-0 to approve the following response to the comments and to amend the original proposal.

*Rule 12.745(b)* provides:

**Notice of Collaborative Process.** The parties may file a joint notice of participation in collaborative process stating that they have entered into a collaborative participation agreement.

A comment was made that in the vast majority of cases, a collaborative law matter is instituted before litigation is filed and, therefore, suggests that it would be best to start *Rule 12.745(b)* with, “If an action is pending, the parties may . . .”

The Family Law Rules apply to actions concerning family law matters. *Rule* 12.010(a)(1). With the exception of ancillary proceedings, an action commences when the complaint or petition is filed. *Fla. R. Civ. P.* 1.050; *Rule* 12.050. Until an action is filed, the matter is not before the court. To insert “If an action is pending” in subdivision (b) may be misinterpreted as implying that *Rule* 12.745 applies if an action is not pending.

Requirements for a collaborative process instituted before litigation are within purview of the legislature and not of the judiciary. In the absence of statutory requirements, practitioners can include in the collaborative participation agreement provisions deemed appropriate, including compliance with certain requirements of *Rule* 12.745. There is no need to include additional language that the notice may be filed “in a pending action.”

As originally proposed, *Rule* 12.745(c)(4)(E) provided:

**(c) Collaborative Participation Agreement. A**

collaborative participation agreement must: . . .

(4) include the following provisions: . . .

(E) a party may not seek the intervention

of the court during the collaborative process unless otherwise agreed to by the parties;

The comments critical of subdivision (c)(4)(E) allege that the parties can never agree to seek judicial intervention during the collaborative process and that doing so terminates the process. This subdivision prohibits the parties from seeking unilateral judicial intervention. The disagreement is actually whether the parties can jointly agree to judicial intervention during the process.

The Family Law Rules Committee intended for *Rule* 12.745(c)(4)(E) to limit the intervention of the court unless the parties agreed to review and ratification of temporary or partial agreements by the court without terminating the collaborative process. The language may give the impression that the parties can agree to greater court interventions.

The Committee also considered *Rule* 12.745(g) which provides:

**(g) Settlement Agreement and Final Judgment.**

Any settlement agreement shall be in writing and signed by the parties and their attorneys. The settlement agreement may be filed and upon approval by the court can be made part of the final judgment or order.

Temporary or partial agreements are also encompassed within *Rule* 12.745(g). Based on these considerations, the Family Law Rules Committee

deleted from *Rule* 12.745(c)(4)(E) “unless otherwise agreed to by the parties.”

*Rule* 12.745(c)(4)(F) as originally proposed provided:

**(c) Collaborative Participation Agreement. A**

collaborative participation agreement must: . . .

(4) include the following provisions: . . .

(F) each party shall make timely, full, candid, and informal financial disclosure, including all information reasonably related to any issue in the matter upon request of the other party and within a reasonable time. The parties shall, at a minimum, comply with the mandatory disclosure requirements pursuant to Rules 12.285(d) and (e), Florida Family Law Rules of Procedure.

A comment was made that the last sentence of subdivision (c)(4)(F) should be deleted as it is contrary to *Rule* 12.285(a)(1). In actuality, *Rule* 12.745 is contrary to other Family Law Rules of Procedure. This proposed rule pertains exclusively to the collaborative process, an alternative dispute resolution method. Parties utilizing it are exempt from application of other Family Law Rules of Procedure. In accordance with *Rule* 12.745(d), upon the filing of a joint request for abatement, the court shall abate the matter.

The parties are not permitted to unilaterally seek the intervention of the court. *Rule* 12.745(c)(4)(E). While engaged in the collaborative process, the parties and their attorneys are not subject to sanctions under *Rule* 12.285(f) or *Rule* 12.380 for failure to make discovery as required by other Family Law Rules of Procedure.

The collaborative process entails an atmosphere of cooperation between the parties. There is no need for formal discovery. *Rule* 12.745(c)(4)(F) provides for the informal, voluntary production of information. If a party desires information the other party fails to provide, the party can terminate the collaborative process and seek formal discovery. It is doubtful that a party making a full and candid disclosure of financial matters would not comply with the minimum requirements of *Rules* 12.285(d) and (e). Still, the Family Law Rules Committee feels that *Rule* 12.745(c)(4)(F) should not deny parties in a collaborative process the liberty granted other litigants under *Rule* 12.285(a)(1). Therefore, the Committee deleted the last sentence in *Rule* 12.745(c)(4)(F): “The parties shall, at a minimum, comply with the mandatory disclosure requirements pursuant to Rules 12.285(d) and (e), Florida Family Law Rules of Procedure.”

*Rule* 12.745(c)(4)(G) as originally drafted provided:



**(c) Collaborative Participation Agreement. A**

collaborative participation agreement must: . . .

(4) include the following provisions: . . .

(G) state whether upon termination of the collaborative process, with or without an agreement:

(i) a nonparty participant will be permitted to participate or testify in the matter or a substantially related matter.

(ii) a nonparty participant's work product will be admissible in the matter or a substantially related matter.

Comments were made that subdivision (c)(4)(G) could allow the parties to agree that their respective nonparty participant attorneys can participate in litigation. A fundamental provision of the collaborative process is that an attorney cannot represent a party in litigation after the collaborative process is terminated. The disqualification requirement creates an economic incentive for settlement.

The Committee considered possible ways that this issue could be addressed. Rule Reg. Fla. Bar 4-1.16(a), Declining or Terminating Representation, could be amended to include a collaborative process

attorney disqualification provision. This alternative is not within the authority of this committee. *Rule 12.745* could be modified to provide that on termination of the collaborative process, the attorney for each party must withdraw and is disqualified from representing the party in any proceeding related to the collaborative matter. A third alternative is for *Rule 12.745* not to include a disqualification provision.

It was noted that the Rules Regulating the Florida Bar do not prohibit attorneys agreeing to such a restriction. Rule 4-5.6, Restrictions on the Right to Practice, forbids an attorney from making: “(b) an agreement in which a restriction on the lawyer’s right to practice is part of the settlement of a client controversy.” In the collaborative process, an attorney is prohibited from representing a client if the process terminates without a settlement of a client controversy. An attorney in a collaborative process is not in violation of Rule 4-5.6 by entering into an agreement in which the right to practice is part of the termination of the process and not of the settlement of a client’s controversy. An attorney has the freedom to enter into a collaborative participation agreement containing a disqualification provision.

*Rule 12.745* could contain a distinct attorney disqualification subdivision. However, it was felt that in doing so, the rule, rather than the attorney, created the imposition of disqualification. If the disqualification

provision is an element of the collaborative participation agreement, the attorney entering into it is exercising the freedom of choice. The rule thus allows attorneys desirous of utilizing the provisions afforded by the rule liberty to decide.

The Committee added to the requirements of a collaborative participation agreement under *Rule* 12.745(c)(4) the following subdivision:

(I) that if the collaborative process is terminated the attorney for each party, and any attorney in a law firm with which the collaborative attorney is associated, must withdraw and is disqualified from representing the party in any proceeding related to the collaborative matter.

*Rule* 12.745(c)(4)(H) provides:

**(c) Collaborative Participation Agreement.** A collaborative participation agreement must: . . .

(4) include the following provisions: . . .

(H) state whether any written partial settlement agreements survive the termination of the collaborative process and can be submitted to the court for ratification and enforcement.

Comments were made that *Rule* 12.745(c)(4)(H) should be mandatory and not left to the discretion of the parties. Making mandatory that any written partial agreement survives the termination of the collaborative process and must be submitted to the court may cause more harm than benefit.

Before termination of the collaborative process, the parties may agree to vacate any agreements already reached. There are many reasons why parties may decide to invalidate the partial agreement. A partial agreement may be voidable on a variety of grounds including, but not limited to, fraud, mistake, misrepresentation, duress, undue influence, or abuse of a fiduciary relationship. The parties themselves may both be innocent of any wrongdoing. The parties may wish to remedy the situation and enter into a different partial agreement. To require that all partial agreements must be submitted to the court would have a stifling effect on parties reaching anything short of a total settlement agreement. The parties may not want the court to know all partial agreements that they agree to vacate or explain the reasons for such action. They may not want the court file to contain voided partial agreements. It would also be a waste of judicial economy to review all partial agreements before deciding to ratify any.

Whether a partial settlement agreement should survive the termination of the collaborative process and be submitted to the court should be left to

the discretion of the parties. Therefore, the Committee declined to further amend *Rule* 12.745(c)(4)(H).

The Committee respectfully asks that the Court amend the Florida Family Law Rules of Procedure as outlined in this report.

Respectfully submitted \_\_\_\_\_.

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## **APPENDIX A**

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Committee vote: 22-0-0

Board of Governors vote: 36-0

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12.745.	<u>COLLABORATIVE PROCESS RULE</u>	[NEW RULE]
	<u>Committee vote:</u> 18-1-1	
	<u>Board of Governors vote:</u> 36-0	
12.750.	FAMILY SELF-HELP PROGRAMS	[NO CHANGE]

## SECTION II. FAMILY LAW FORMS, COMMENTARY, AND INSTRUCTIONS

[EDITOR’S NOTE: Forms in bold are Florida Family Law Rules of Procedure Forms, cited as Fla. Fam. L. R. P. Form. All others are Florida Supreme Court Approved Family Law Forms, cited as Fla. Sup. Ct. App. Fam. L. Form. See Fla. Fam. L. R. P. 12.015.]

### GENERAL INFORMATION FOR SELF-REPRESENTED

LITIGANTS [NO CHANGE]

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- |                  |  |             |
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| <b>12.900(a)</b> | <b>DISCLOSURE FROM NONLAWYER</b>   | [NO CHANGE] |
| (b)              | <b>NOTICE OF LIMITED APPEARANCE</b>  | [NO CHANGE] |
| (c)              | <b>CONSENT TO LIMITED APPEARANCE</b>   |             |
|                  | <b>BY ATTORNEY</b>   | [NO CHANGE] |
| (d)              | <b>TERMINATION OF LIMITED APPEARANCE</b>                                       | [NO CHANGE] |
| (e)              | <b>ACKNOWLEDGMENT OF ASSISTANCE</b>  |             |
|                  | <b>BY ATTORNEY</b>   | [NO CHANGE] |
| (f)              | <b>SIGNATURE BLOCK FOR ATTORNEY MAKING LIMITED APPEARANCE</b>                  | [NO CHANGE] |
| (g)              | <b>AGREEMENT LIMITING REPRESENTATION</b>                                       | [NO CHANGE] |
| (h)              | <b>NOTICE OF RELATED CASES</b>   | [NO CHANGE] |
| <b>12.901(a)</b> | <b>PETITION FOR SIMPLIFIED DISSOLUTION OF MARRIAGE</b>                         | [NO CHANGE] |
| (b)(1)           | <b>PETITION FOR DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR CHILD(REN)</b> | [NO CHANGE] |
| (b)(2)           | <b>PETITION FOR DISSOLUTION OF</b>   |             |

MARRIAGE WITH PROPERTY BUT  
NO DEPENDENT OR MINOR  
CHILD(REN) [NO CHANGE]

(b)(3) PETITION FOR DISSOLUTION OF  
MARRIAGE WITH NO DEPENDENT  
OR MINOR CHILD(REN) OR  
PROPERTY [NO CHANGE]

SUPPORTING DOCUMENTS

**12.902(b) FAMILY LAW FINANCIAL AFFIDAVIT  
(SHORT FORM) [NO CHANGE]**

(c) **FAMILY LAW FINANCIAL  
AFFIDAVIT [NO CHANGE]**

(d) UNIFORM CHILD CUSTODY  
JURISDICTION AND ENFORCEMENT  
ACT (UCCJEA) AFFIDAVIT [NO CHANGE]

(e) **CHILD SUPPORT GUIDELINES  
WORKSHEET [NO CHANGE]**

(f)(1) MARITAL SETTLEMENT AGREEMENT  
FOR DISSOLUTION OF MARRIAGE  
WITH DEPENDENT OR MINOR  
CHILD(REN) [NO CHANGE]

(f)(2) MARITAL SETTLEMENT AGREEMENT  
FOR DISSOLUTION OF MARRIAGE  
WITH PROPERTY BUT NO DEPENDENT  
OR MINOR CHILD(REN) [NO CHANGE]

**(f)(3) MARITAL SETTLEMENT AGREEMENT  
FOR SIMPLIFIED DISSOLUTION OF  
MARRIAGE [NO CHANGE]**

(i) AFFIDAVIT OF CORROBORATING  
WITNESS [NO CHANGE]

(j) NOTICE OF SOCIAL SECURITY  
NUMBER [NO CHANGE]

12.903(a) ANSWER, WAIVER, AND REQUEST  
FOR COPY OF FINAL JUDGMENT  
OF DISSOLUTION OF MARRIAGE [NO CHANGE]

(b) ANSWER TO PETITION FOR  
DISSOLUTION OF MARRIAGE [NO CHANGE]

(c)(1) ANSWER TO PETITION AND  
COUNTERPETITION FOR

- DISSOLUTION OF MARRIAGE  
WITH DEPENDENT OR MINOR  
CHILD(REN) [NO CHANGE]
- (c)(2) ANSWER TO PETITION AND  
COUNTERPETITION FOR  
DISSOLUTION OF MARRIAGE  
WITH PROPERTY BUT NO  
DEPENDENT OR MINOR  
CHILD(REN) [NO CHANGE]
- (c)(3) ANSWER TO PETITION AND  
COUNTERPETITION FOR  
DISSOLUTION OF MARRIAGE  
WITH NO DEPENDENT OR  
MINOR CHILD(REN) OR  
PROPERTY [NO CHANGE]
- (d) ANSWER TO COUNTERPETITION [NO CHANGE]
- (e) ANSWER TO SUPPLEMENTAL  
PETITION [NO CHANGE]

PETITIONS FOR SUPPORT UNCONNECTED WITH DISSOLUTION  
OF MARRIAGE

- 12.904(a) PETITION FOR SUPPORT  
UNCONNECTED WITH DISSOLUTION  
OF MARRIAGE WITH DEPENDENT  
OR MINOR CHILD(REN) [NO CHANGE]
- (b) PETITION FOR SUPPORT UNCONNECTED  
WITH DISSOLUTION OF MARRIAGE  
WITH NO DEPENDENT OR MINOR  
CHILD(REN) [NO CHANGE]

SUPPLEMENTAL PETITIONS TO MODIFY FINAL JUDGMENT

- 12.905(a) SUPPLEMENTAL PETITION TO MODIFY  
PARENTING PLAN/TIME-SHARING  
SCHEDULE AND OTHER RELIEF [NO CHANGE]
- (b) SUPPLEMENTAL PETITION FOR  
MODIFICATION OF CHILD  
SUPPORT [NO CHANGE]
- (c) SUPPLEMENTAL PETITION FOR  
MODIFICATION OF ALIMONY [NO CHANGE]
- (d) SUPPLEMENTAL PETITION FOR

TEMPORARY MODIFICATION  
OF PARENTING ISSUES FOR  
CHILDREN OF PARENT ACTIVATED,  
DEPLOYED, OR TEMPORARILY  
ASSIGNED TO MILITARY SERVICE [NO CHANGE]

12.910–12.919 SERVICE

- 12.910(a) SUMMONS: PERSONAL SERVICE  
ON AN INDIVIDUAL** [NO CHANGE]
- (b) PROCESS SERVICE MEMORANDUM [NO CHANGE]
- 12.912(a) MEMORANDUM FOR CERTIFICATE  
OF MILITARY SERVICE [NO CHANGE]
- (b) NONMILITARY AFFIDAVIT [NO CHANGE]
- 12.913(a)(1) NOTICE OF ACTION FOR  
DISSOLUTION OF MARRIAGE  
(NO CHILD OR FINANCIAL  
SUPPORT) [AMENDED]
- Committee vote: 22-0-0  
Board of Governors vote: 36-0
- (a)(2) NOTICE OF ACTION FOR FAMILY  
CASES WITH MINOR  
CHILDREN [NEW FORM]
- Committee vote: 22-0-0  
Board of Governors vote: 36-0
- (b) **AFFIDAVIT OF DILIGENT SEARCH  
AND INQUIRY** [AMENDED]
- Committee vote: 22-0-0  
Board of Governors vote: 36-0
- (c) **AFFIDAVIT OF DILIGENT SEARCH** [AMENDED]
- Committee vote: 22-0-0  
Board of Governors vote: 36-0
- 12.914 CERTIFICATE OF SERVICE [NO CHANGE]
- 12.915 NOTICE OF CURRENT ADDRESS [NO CHANGE]

12.920–12.929 PROCEDURAL

- 12.920(a) MOTION FOR REFERRAL TO  
GENERAL MAGISTRATE** [NO CHANGE]
- (b) **ORDER OF REFERRAL TO GENERAL  
MAGISTRATE** [NO CHANGE]
- (c) **NOTICE OF HEARING BEFORE**

	<b>GENERAL MAGISTRATE</b>	[NO CHANGE]
12.921	NOTICE OF HEARING (CHILD SUPPORT ENFORCEMENT HEARING OFFICER)	[NO CHANGE]
12.922(a)	MOTION FOR DEFAULT	[NO CHANGE]
(b)	DEFAULT	[NO CHANGE]
(c)	MOTION TO SET ASIDE DEFAULT OR DEFAULT JUDGMENT	[NO CHANGE]
12.923	NOTICE OF HEARING (GENERAL)	[NO CHANGE]
12.924	NOTICE FOR TRIAL	[NO CHANGE]
12.927	NOTICE OF VOLUNTARY DISMISSAL	[NO CHANGE]
<b>12.928</b>	<b>FAMILY COURT COVER SHEET</b>	[NO CHANGE]
12.930–12.939 DISCOVERY		
<b>12.930(a)</b>	<b>NOTICE OF SERVICE OF STANDARD FAMILY LAW INTERROGATORIES</b>	[NO CHANGE]
(b)	<b>STANDARD FAMILY LAW INTERROGATORIES FOR ORIGINAL OR ENFORCEMENT PROCEEDINGS</b>	[NO CHANGE]
(c)	<b>STANDARD FAMILY LAW INTERROGATORIES FOR MODIFICATION PROCEEDINGS</b>	[NO CHANGE]
12.931(a)	NOTICE OF PRODUCTION FROM NONPARTY	[NO CHANGE]
(b)	SUBPOENA FOR PRODUCTION OF DOCUMENTS FROM NONPARTY	[NO CHANGE]
<b>12.932</b>	<b>CERTIFICATE OF COMPLIANCE WITH MANDATORY DISCLOSURE</b>	[NO CHANGE]
12.940–12.949 MOTIONS		
12.940(d)	MOTION TO MODIFY OR DISSOLVE TEMPORARY INJUNCTION	[NO CHANGE]
(e)	ORDER DISSOLVING TEMPORARY INJUNCTION	[NO CHANGE]
12.941(a)	VERIFIED MOTION FOR TEMPORARY INJUNCTION TO PREVENT REMOVAL OF MINOR CHILD(REN)	

	AND/OR DENIAL OF PASSPORT SERVICES	[NO CHANGE]
(b)	TEMPORARY INJUNCTION TO PREVENT REMOVAL OF MINOR CHILD(REN) AND/OR DENIAL OF PASSPORT SERVICES (EX PARTE)	[NO CHANGE]
(c)	TEMPORARY INJUNCTION TO PREVENT REMOVAL OF MINOR CHILD(REN) AND/OR DENIAL OF PASSPORT SERVICES (AFTER NOTICE)	[NO CHANGE]
(d)	EMERGENCY VERIFIED MOTION FOR CHILD PICK-UP ORDER	[NO CHANGE]
(e)	ORDER TO PICK-UP MINOR CHILD(REN)	[NO CHANGE]
12.942(a)	MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM	[NO CHANGE]
(b)	ORDER APPOINTING GUARDIAN AD LITEM	[NO CHANGE]
12.943	MOTION TO DEVIATE FROM CHILD SUPPORT GUIDELINES	[NO CHANGE]
12.944(a)	MOTION FOR TESTIMONY AND ATTENDANCE OF MINOR CHILD(REN)	[NO CHANGE]
(b)	ORDER FOR TESTIMONY AND ATTENDANCE OF MINOR CHILD(REN)	[NO CHANGE]
12.947(a)	MOTION FOR TEMPORARY SUPPORT AND TIME-SHARING WITH DEPENDENT OR MINOR CHILD(REN)	[NO CHANGE]
(b)	TEMPORARY ORDER OF SUPPORT AND TIME-SHARING WITH DEPENDENT OR MINOR CHILD(REN)	[NO CHANGE]
(c)	MOTION FOR TEMPORARY SUPPORT WITH NO DEPENDENT OR MINOR CHILD(REN)	[NO CHANGE]
(d)	TEMPORARY SUPPORT ORDER WITH NO DEPENDENT OR MINOR	



	CHILD(REN)	[NO CHANGE]
12.950	RELOCATION WITH MINOR CHILD	
12.950(a)	AGREEMENT FOR RELOCATION WITH MINOR CHILDREN	[NO CHANGE]
(b)	MOTION FOR ORDER PERMITTING RELOCATION BY AGREEMENT	[NO CHANGE]
(c)	PETITION FOR DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR CHILD(REN) AND RELOCATION	[NO CHANGE]
(d)	SUPPLEMENTAL PETITION TO PERMIT RELOCATION WITH MINOR CHILDREN	[NO CHANGE]
(e)	MOTION FOR TEMPORARY ORDER GRANTING RELOCATION	[NO CHANGE]
(f)	TEMPORARY ORDER GRANTING/ DENYING RELOCATION	[NO CHANGE]
(g)	MOTION FOR CIVIL CONTEMPT AND/OR RETURN OF CHILDREN	[NO CHANGE]
(h)	ORDER ON MOTION FOR CIVIL CONTEMPT FOR RELOCATION AND/OR RETURN OF CHILDREN	[NO CHANGE]
(i)	FINAL JUDGMENT/SUPPLEMENTAL FINAL JUDGMENT GRANTING RELOCATION	[NO CHANGE]
(j)	FINAL JUDGMENT/SUPPLEMENTAL FINAL JUDGMENT DENYING RELOCATION	[NO CHANGE]
12.951	DISESTABLISHMENT OF PATERNITY	
12.951(a)	PETITION TO DISESTABLISH PATERNITY AND/OR TERMINATE CHILD SUPPORT OBLIGATION	[NO CHANGE]
(b)	ORDER DISESTABLISHING PATERNITY AND/OR TERMINATING CHILD SUPPORT OBLIGATION	[NO CHANGE]

12.952–12.959 AVAILABLE FOR FUTURE CATEGORIES

12.960–12.969 CONTEMPT/ENFORCEMENT

- 12.960 MOTION FOR CIVIL  
CONTEMPT/ENFORCEMENT [NO CHANGE]
- 12.961 NOTICE OF HEARING ON MOTION FOR  
CONTEMPT/ENFORCEMENT [NO CHANGE]
- 12.962 WRIT OF BODILY ATTACHMENT [NO CHANGE]

12.970–12.979 AVAILABLE FOR FUTURE CATEGORIES

12.980–12.989 SPECIAL CASES

DOMESTIC AND REPEAT VIOLENCE

- 12.980(a) PETITION FOR INJUNCTION FOR  
PROTECTION AGAINST DOMESTIC  
VIOLENCE [NO CHANGE]
- (b)(1) ORDER SETTING HEARING ON  
PETITION FOR INJUNCTION  
FOR PROTECTION AGAINST  
DOMESTIC VIOLENCE, REPEAT  
VIOLENCE, DATING VIOLENCE,  
OR SEXUAL VIOLENCE WITHOUT  
ISSUANCE OF AN INTERIM  
TEMPORARY INJUNCTION [NO CHANGE]
- (b)(2) ORDER DENYING PETITION FOR  
INJUNCTION FOR PROTECTION  
AGAINST DOMESTIC VIOLENCE,  
REPEAT VIOLENCE, DATING  
VIOLENCE, OR SEXUAL  
VIOLENCE WITHOUT ISSUANCE  
OF AN INTERIM TEMPORARY  
INJUNCTION [NO CHANGE]
- (c)(1) TEMPORARY INJUNCTION FOR  
PROTECTION AGAINST DOMESTIC  
VIOLENCE WITH MINOR  
CHILD(REN) [NO CHANGE]
- (c)(2) TEMPORARY INJUNCTION FOR  
PROTECTION AGAINST  
DOMESTIC VIOLENCE

- WITHOUT MINOR CHILD(REN) [NO CHANGE]

(d)(1) FINAL JUDGMENT OF INJUNCTION  
FOR PROTECTION AGAINST  
DOMESTIC VIOLENCE WITH  
MINOR CHILD(REN)  
(AFTER NOTICE) [NO CHANGE]
- (d)(2) FINAL JUDGMENT OF INJUNCTION  
FOR PROTECTION AGAINST  
DOMESTIC VIOLENCE WITHOUT  
MINOR CHILD(REN)  
(AFTER NOTICE) [NO CHANGE]
- (e) ORDER OF DISMISSAL OF TEMPORARY  
INJUNCTION FOR PROTECTION  
AGAINST DOMESTIC VIOLENCE,  
REPEAT VIOLENCE, DATING  
VIOLENCE, OR SEXUAL VIOLENCE [NO CHANGE]
- (f) PETITION FOR INJUNCTION FOR  
PROTECTION AGAINST REPEAT  
VIOLENCE [NO CHANGE]
- (g) SUPPLEMENTAL AFFIDAVIT IN  
SUPPORT OF PETITION FOR  
INJUNCTION FOR PROTECTION  
AGAINST DOMESTIC VIOLENCE,  
REPEAT VIOLENCE, DATING  
VIOLENCE, OR SEXUAL VIOLENCE [NO CHANGE]
- (h) PETITIONER'S REQUEST FOR  
CONFIDENTIAL FILING  
OF ADDRESS [NO CHANGE]
- (i) MOTION FOR EXTENSION OF  
INJUNCTION FOR PROTECTION  
AGAINST DOMESTIC VIOLENCE,  
REPEAT VIOLENCE, DATING  
VIOLENCE, OR SEXUAL  
VIOLENCE [NO CHANGE]
- (j) MOTION FOR MODIFICATION OF  
INJUNCTION FOR PROTECTION  
AGAINST DOMESTIC VIOLENCE,  
REPEAT VIOLENCE, DATING  
VIOLENCE, OR SEXUAL VIOLENCE [NO CHANGE]
- (k) TEMPORARY INJUNCTION FOR

- PROTECTION AGAINST REPEAT  
VIOLENCE [NO CHANGE]
- (l) FINAL JUDGMENT OF INJUNCTION  
FOR PROTECTION AGAINST REPEAT  
VIOLENCE (AFTER NOTICE) [NO CHANGE]
- (m) ORDER EXTENDING INJUNCTION FOR  
PROTECTION AGAINST DOMESTIC  
VIOLENCE, REPEAT VIOLENCE,  
DATING VIOLENCE, OR SEXUAL  
VIOLENCE [NO CHANGE]
- (n) PETITION FOR INJUNCTION FOR  
PROTECTION AGAINST DATING  
VIOLENCE [NO CHANGE]
- (o) TEMPORARY INJUNCTION FOR  
PROTECTION AGAINST DATING  
VIOLENCE [NO CHANGE]
- (p) FINAL JUDGMENT OF INJUNCTION  
FOR PROTECTION AGAINST DATING  
VIOLENCE (AFTER NOTICE) [NO CHANGE]
- (q) PETITION FOR INJUNCTION FOR  
PROTECTION AGAINST SEXUAL  
VIOLENCE [NO CHANGE]
- (r) TEMPORARY INJUNCTION FOR  
PROTECTION AGAINST SEXUAL  
VIOLENCE [NO CHANGE]
- (s) FINAL JUDGMENT OF INJUNCTION  
FOR PROTECTION AGAINST SEXUAL  
VIOLENCE (AFTER NOTICE) [NO CHANGE]
- (t) PETITION BY AFFIDAVIT FOR ORDER  
TO SHOW CAUSE FOR A VIOLATION  
OF FINAL JUDGMENT OF INJUNCTION  
FOR PROTECTION AGAINST  
DOMESTIC VIOLENCE, REPEAT  
VIOLENCE, DATING VIOLENCE,  
OR SEXUAL VIOLENCE [NO CHANGE]
- (u) ORDER TO SHOW CAUSE [NO CHANGE]

ADOPTION

- 12.981(a)(1) STEPPARENT ADOPTION: CONSENT  
AND WAIVER BY PARENT [NO CHANGE]

- (a)(2) STEPPARENT ADOPTION: CONSENT OF ADOPTEE [NO CHANGE]
- (a)(3) AFFIDAVIT OF NONPATERNITY [NO CHANGE]
- (a)(4) STEPPARENT ADOPTION: AFFIDAVIT OF DILIGENT SEARCH [NO CHANGE]
- (a)(5) INDIAN CHILD WELFARE ACT AFFIDAVIT [NO CHANGE]
- (a)(6) MOTION FOR SEARCH OF THE PUTATIVE FATHER REGISTRY [NO CHANGE]
- (a)(7) ORDER GRANTING MOTION FOR SEARCH OF THE PUTATIVE FATHER REGISTRY [NO CHANGE]
- (b)(1) JOINT PETITION FOR ADOPTION BY STEPPARENT [NO CHANGE]
- (b)(2) FINAL JUDGMENT OF STEPPARENT ADOPTION [NO CHANGE]
- (c)(1) PETITION FOR ADOPTION OF ADULT BY STEPPARENT [NO CHANGE]
- (c)(2) STEPPARENT ADOPTION: CONSENT OF ADULT ADOPTEE'S SPOUSE [NO CHANGE]
- (d)(1) PETITION FOR ADOPTION INFORMATION [NO CHANGE]
- (d)(2) ORDER RELEASING ADOPTION INFORMATION [NO CHANGE]

NAME CHANGE

- 12.982(a) PETITION FOR CHANGE OF NAME (ADULT) [NO CHANGE]
- (b) FINAL JUDGMENT OF CHANGE OF NAME (ADULT) [NO CHANGE]
- (c) PETITION FOR CHANGE OF NAME (MINOR CHILD(REN)) [NO CHANGE]
- (d) CONSENT FOR CHANGE OF NAME (MINOR CHILD(REN)) [NO CHANGE]
- (e) FINAL JUDGMENT OF CHANGE OF NAME (MINOR CHILD(REN)) [NO CHANGE]
- (f) PETITION FOR CHANGE OF NAME (FAMILY) [NO CHANGE]
- (g) FINAL JUDGMENT OF CHANGE OF NAME (FAMILY) [NO CHANGE]

PATERNITY

- 12.983(a) PETITION TO DETERMINE PATERNITY  
AND FOR RELATED RELIEF [NO CHANGE]
- (b) ANSWER TO PETITION TO DETERMINE  
PATERNITY AND FOR RELATED  
RELIEF [NO CHANGE]
- (c) ANSWER TO PETITION AND  
COUNTERPETITION TO  
DETERMINE PATERNITY AND  
FOR RELATED RELIEF [NO CHANGE]
- (d) ANSWER TO COUNTERPETITION [NO CHANGE]
- (e) MOTION FOR SCIENTIFIC  
PATERNITY TESTING [NO CHANGE]
- (f) ORDER ON MOTION FOR SCIENTIFIC  
PATERNITY TESTING [NO CHANGE]
- (g) FINAL JUDGMENT OF PATERNITY [NO CHANGE]

**12.984 RESPONSE BY PARENTING  
COORDINATOR [NO CHANGE]**

12.990–12.999 JUDGMENTS AND ORDERS

- 12.990(a) FINAL JUDGMENT OF SIMPLIFIED  
DISSOLUTION OF MARRIAGE [NO CHANGE]**
- (b)(1)FINAL JUDGMENT OF DISSOLUTION  
OF MARRIAGE WITH MINOR  
CHILD(REN) (UNCONTESTED) [NO CHANGE]
- (b)(2)FINAL JUDGMENT OF DISSOLUTION  
OF MARRIAGE WITH PROPERTY  
BUT NO DEPENDENT OR MINOR  
CHILD(REN) (UNCONTESTED) [NO CHANGE]
- (b)(3)FINAL JUDGMENT OF DISSOLUTION  
OF MARRIAGE WITH NO PROPERTY  
OR DEPENDENT OR MINOR  
CHILD(REN) (UNCONTESTED) [NO CHANGE]
- (c)(1)FINAL JUDGMENT OF DISSOLUTION  
OF MARRIAGE WITH DEPENDENT  
OR MINOR CHILD(REN) [NO CHANGE]
- (c)(2)FINAL JUDGMENT OF DISSOLUTION  
OF MARRIAGE WITH PROPERTY

	BUT NO DEPENDENT OR MINOR CHILD(REN)	[NO CHANGE]
12.993(a)	SUPPLEMENTAL FINAL JUDGMENT MODIFYING PARENTAL RESPONSIBILITY, VISITATION, OR PARENTING PLAN/TIME-SHARING SCHEDULE AND OTHER RELIEF	[NO CHANGE]
(b)	SUPPLEMENTAL FINAL JUDGMENT MODIFYING CHILD SUPPORT	[NO CHANGE]
(c)	SUPPLEMENTAL FINAL JUDGMENT MODIFYING ALIMONY	[NO CHANGE]
(d)	SUPPLEMENTAL TEMPORARY JUDGMENT MODIFYING PARENTING ISSUES FOR CHILD(REN) OF A PARENT ACTIVATED, DEPLOYED, OR TEMPORARILY ASSIGNED TO MILITARY SERVICE	[NO CHANGE]
12.994(a)	FINAL JUDGMENT FOR SUPPORT UNCONNECTED WITH DISSOLUTION OF MARRIAGE WITH DEPENDENT OR MINOR CHILD(REN)	[NO CHANGE]
(b)	FINAL JUDGMENT FOR SUPPORT UNCONNECTED WITH DISSOLUTION OF MARRIAGE WITH NO DEPENDENT OR MINOR CHILD(REN)	[NO CHANGE]
12.995(a)	PARENTING PLAN	[NO CHANGE]
(b)	SUPERVISED/SAFETY-FOCUSED PARENTING PLAN	[NO CHANGE]
(c)	RELOCATION/LONG DISTANCE PARENTING PLAN	[NO CHANGE]
12.996(a)	<b>INCOME DEDUCTION ORDER</b>	[NO CHANGE]
(b)	<b>NOTICE TO PAYOR</b>	[NO CHANGE]
(c)	<b>NOTICE OF FILING RETURN RECEIPT</b>	[NO CHANGE]
12.998	<b>ORDER OF REFERRAL TO PARENTING COORDINATOR</b>	[NO CHANGE]

## **APPENDIX B**



## **RULE 12.070. PROCESS**

(a) **Service of Initial Process.** Upon the commencement of all family law actions, including proceedings to modify a final judgment, service of process shall be as set forth in Florida Rule of Civil Procedure 1.070.

(b) **Summons.** The summons, cross-claim summons, and third-party summons in family law matters shall be patterned after Florida Family Law Rules of Procedure Form 12.910(a) and shall specifically contain the following language:

WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.

(c) **Constructive Service.**

(1) For constructive service of process on the legal father in any case or proceeding to establish paternity which would result in termination of the legal father's parental rights, the petitioner shall file an affidavit of diligent search and inquiry that conforms with Florida Family Law Rules of Procedure Form 12.913(c). If the legal father cannot be located, he shall be served with process by publication in the manner provided by chapter 49, Florida Statutes. The notice shall be published in the county where the legal father was last known to have resided. The clerk of the circuit court shall mail a copy of the notice to the legal father at his last known address.

(2) For constructive service of process in any case or proceedings involving a parenting plan for a minor child under chapter 61, Florida Statutes, or an action to determine temporary custody by extended family under chapter 751, Florida Statutes, the petitioner shall file an affidavit of diligent search and inquiry that conforms with Florida Family Law Rules of Procedure Form 12.913(b). If the responding party cannot be located, the party shall be served with process by publication in the manner provided by chapter 49, Florida Statutes. The notice shall be published in the county in which the party is last known to have resided and in the county in

which the court is located. The clerk of the circuit court shall mail a copy of the notice to the party's last known address.

(23) For constructive service of process in all other cases, an affidavit of diligent search and inquiry in substantial conformity with Florida Family Law Rules of Procedure Form 12.913(b), must be filed.

**(d) Domestic, Repeat, Dating, and Sexual Violence Proceedings.** This rule does not govern service of process in domestic, repeat, dating, and sexual violence proceedings.

**RULE 12.745. COLLABORATIVE PROCESS RULE**

**(a) Applicability.** This rule governs the use of the collaborative process in family matters and related issues.

**(b) Notice of Collaborative Process.** The parties may file a joint notice of participation in collaborative process stating that they have entered into a collaborative participation agreement.

**(c) Collaborative Participation Agreement.** A collaborative participation agreement must

(1) be in writing;

(2) identify the attorney engaged by each party to represent their interests in the collaborative process;

(3) contain a signed acknowledgment by each party's attorney confirming representation;

(4) include the following provisions:

(A) describe the nature and scope of the matter;

(B) state the parties' intention to attempt to resolve the matter through the use of the collaborative process;

(C) that each party must be represented by an attorney;

(D) that if an attorney is allowed to withdraw by order of the court the collaborative process terminates 30 days from the date of the order unless:

(i) the unrepresented party engages a successor attorney;

(ii) the collaborative participation agreement is amended to identify and include the successor attorney's signed acknowledgement confirming representation; and

(iii) the successor attorney files with the court a notice of representation.

(E) a party may not seek the intervention of the court during the collaborative process;

(F) each party shall make timely, full, candid, and informal financial disclosure, including all information reasonably related to any issue in the matter upon request of the other party and within a reasonable time;

(G) state whether upon termination of the collaborative process, with or without an agreement

(i) a nonparty participant will be permitted to participate or testify in the matter or a substantially related matter.

(ii) a nonparty participant's work product will be admissible in the matter or a substantially related matter.

(H) state whether any written partial settlement agreements survive the termination of the collaborative process and can be submitted to the court for ratification and enforcement; and

(I) that if the collaborative process is terminated, the attorney for each party, and any attorney in a law firm with which the collaborative attorney is associated, must withdraw and is disqualified from representing the party in any proceeding related to the collaborative matter.

**(d) Abatement of Proceeding.** If the parties file a joint request for abatement, the court shall abate the matter for 90 days. Upon further joint request, the court may further abate the matter.

**(e) Termination Without Settlement.** Either party may terminate the collaborative process by providing written notice to his or her attorney. The attorney shall file with the court a notice of termination of the collaborative process stating the date the process terminated, but not specify any reason for the termination.

**(f) Alternative Dispute Resolution Permitted.** Nothing in this rule shall be construed to prohibit the parties from using, by mutual agreement, other forms of alternative dispute resolution to reach a settlement on any of the issues included in the collaborative participation agreement.

**(g) Settlement Agreement and Final Judgment.** Any settlement agreement shall be in writing and signed by the parties and their attorneys. The settlement agreement may be filed and upon approval by the court can be made part of the final judgment or order.

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY  
LAW FORM 12.913(a)(1), NOTICE OF ACTION FOR  
DISSOLUTION OF MARRIAGE  
(NO CHILD OR FINANCIAL SUPPORT) (01/12)**

**When should this form be used?**

This form may be used to obtain **constructive service** (also called service by publication) in a **dissolution of marriage** case that does not involve a minor child or financial support if you do not know where your **spouse** lives or if your spouse lives outside Florida and you are unable to obtain **personal service**. Constructive notice will allow the court to dissolve the marriage, but personal service is required before a court can order payment of financial support, such as spousal support (alimony) or costs. If you are asking the court to decide how real or personal property located in Florida should be divided, the Notice of Action must include a specific description of the property. However, if you use constructive service, the court may can grant only limited relief because its jurisdiction is limited. For example, the court can grant your divorce but cannot decide issues of child support, spousal support (alimony), or division of property or debts. This is a complicated area of the law and you ~~may wish to~~ should consult an attorney before using constructive service.

You should complete this form by typing or printing the appropriate information in black ink. You should insert your spouse's name and last known address and then **file** this form with the **clerk of the circuit court** in the county where your petition for dissolution of marriage was filed. You must also complete and file an **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b). You should keep a copy for your records.

After the **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b), is filed, the clerk will sign this form. The form must then be given to a qualified local newspaper in the county where the case is pending to be published once each week for four consecutive weeks. When in doubt, ask the clerk which newspapers in your area are "qualified." The newspaper will charge you for this service. If you cannot afford to pay the cost of publication of this notice in a qualified newspaper, you may ask the clerk to post the notice at a place designated for such postings. You will need to file an **Application for Determination of Civil Indigent Status**, which you can obtain from the clerk. If the clerk determines that you cannot afford these costs, the clerk will post the notice of action. ~~In Dade, Broward, and Duval counties, you may ask the clerk to publish your notice without charge.~~

## 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.** For further information, see rule 12.070, Florida Family Law Rules of Procedure, and ~~rule 1.070, Florida Rules of Civil Procedure~~ chapter 49, Florida Statutes.

### Special notes...

If the other party fails to respond to your **petition** within the time limit stated in the notice of action that is published or posted, you are entitled to request a **default**. (See **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), and **Default**, Florida Supreme Court Approved Family Law Form 12.922(b).)

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 **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.

**NOTICE OF ACTION FOR DISSOLUTION OF MARRIAGE  
(NO CHILD OR FINANCIAL SUPPORT)**

TO: *{name of Respondent}* \_\_\_\_\_  
*{Respondent's last known address}* \_\_\_\_\_

YOU ARE NOTIFIED that an action for dissolution of marriage has been filed against you and that you are required to serve a copy of your written defenses, if any, to it on *{name of Petitioner}* \_\_\_\_\_, whose address is \_\_\_\_\_ on or before *{date}* \_\_\_\_\_, and file the original with the clerk of this Court at *{clerk's address}* \_\_\_\_\_ before service on Petitioner or immediately thereafter. **If you fail to do so, a default may be entered against you for the relief demanded in the petition.**

The action is asking the court to decide how the following real or personal property should be divided: *{insert "none" or, if applicable, the legal description of real property, a specific description of personal property, and the name of the county in Florida where the property is located}* \_\_\_\_\_.

**Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents upon request.**

**You must keep the Clerk of the Circuit Court's office notified of your current address. (You may file Notice of Current Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be mailed to the address on record at the clerk's office.**

**WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.**



Dated: \_\_\_\_\_.

CLERK OF THE CIRCUIT COURT

By: \_\_\_\_\_

Deputy Clerk

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS**

**BELOW:** [fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* \_\_\_\_\_,

a nonlawyer, located at *{street}* \_\_\_\_\_, *{city}* \_\_\_\_\_,

*{state}* \_\_\_\_\_, *{phone}* \_\_\_\_\_, helped *{name}* \_\_\_\_\_,

who is the petitioner, fill out this form.

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY  
LAW FORM 12.913(a)(2), NOTICE OF ACTION FOR FAMILY CASES  
WITH MINOR CHILD(REN) (01/12)**

**When should this form be used?**

This form may be used to obtain **constructive service** (also called service by publication) in an action involving a parenting plan for a minor child under chapter 61, Florida Statutes; an action to determine temporary custody by extended family under chapter 751, Florida Statutes; and termination of a legal father's parental rights when another man is alleged to be the biological father. "Parenting plan" means a document created to govern the relationship between the parents relating to decisions that must be made regarding the minor child and must contain a time-sharing schedule for the parents and child. Section 61.046(14), Florida Statutes. You may use constructive service if you do not know where the other party lives or if the other party lives outside Florida and you are unable to obtain **personal service**. Constructive notice will allow the court to grant the relief requested, but personal service is required before a court can order payment or termination of **child support**, spousal support (**alimony**), or costs. If you are asking the court to decide how real or personal property located in Florida should be divided, the **Notice of Action** must include a specific description of the property. If you use constructive service, the court can grant only limited relief because its jurisdiction is limited. This is a complicated area of the law and you should consult an attorney before using constructive service.

You should complete this form by typing or printing the appropriate information in black ink. You must insert the other party's name and last known address and then **file** this form with the **clerk of the circuit court** in the county where your petition was filed. You must also complete and file an **Affidavit of Diligent Search and Inquiry**. Use Florida Family Law Rules of Procedure Form 12.913(b) unless you are serving the legal father in a paternity case where another man is alleged to be the biological father, in which case, you must use Form 12.913(c). You should keep a copy for your records.

After the **Affidavit of Diligent Search and Inquiry**, Family Law Rules of Procedure Form 12.913(b) or 12.913(c), is filed, the clerk will sign this form. You will need to publish notice for once each week for four consecutive weeks in a "qualified" newspaper in the county where the case is pending. When in doubt, ask the clerk which newspapers are "qualified." The newspaper will charge you for this service. If you cannot afford to pay the cost of publishing this notice, you may ask the clerk to post the notice at a place designated for such postings. You will need to file an **Application for Determination of Civil Indigent Status**, which you can obtain from the clerk. If the clerk determines that you cannot afford these costs, the clerk will post the notice of action. If the last known

address of the other party is in a different county or state from where your case is pending, you must also publish notice once each week for four consecutive weeks in a “qualified” newspaper located in the county where the other party last resided. If your case involves termination of a legal father's parental rights when another man is alleged to be the biological father, you need to publish the notice only in the county where the legal father was last known to have resided. You are responsible for locating a “qualified” newspaper in the county where the other party last resided and paying the cost of publication.

### **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.** For further information, see rule 12.070, Florida Family Law Rules of Procedure, rule 1.070, Florida Rules of Civil Procedure, sections 61.501–61.542, Florida Statutes and chapter 49, Florida Statutes.

### **Special notes...**

If the other party fails to respond to your **petition** within the time limit stated in the notice of action that is published or posted, you are entitled to request a **default**. (See **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), and **Default**, Florida Supreme Court Approved Family Law Form 12.922(b).)

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 **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.

**NOTICE OF ACTION FOR**

*{specify action}* \_\_\_\_\_

TO: *{name of Respondent}* \_\_\_\_\_

*{Respondent's last known address}* \_\_\_\_\_

YOU ARE NOTIFIED that an action for *{identify the type of case}* \_\_\_\_\_ has been filed against you and that you are required to serve a copy of your written defenses, if any, to it on *{name of Petitioner}* \_\_\_\_\_, whose address is \_\_\_\_\_ on or before *{date}* \_\_\_\_\_, and file the original with the clerk of this Court at *{clerk's address}* \_\_\_\_\_

before service on Petitioner or immediately thereafter. **If you fail to do so, a default may be entered against you for the relief demanded in the petition.**

*{If applicable, insert the legal description of real property, a specific description of personal property, and the name of the county in Florida where the property is located}* \_\_\_\_\_

**Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents upon request.**

**You must keep the Clerk of the Circuit Court's office notified of your current address. (You may file Notice of Current Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be mailed to the address on record at the clerk's office.**

**WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.**

Dated: \_\_\_\_\_.

CLERK OF THE CIRCUIT COURT

By: \_\_\_\_\_

Deputy Clerk

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:** [fill in  
**all blanks]**

I, *{full legal name and trade name of nonlawyer}* \_\_\_\_\_,


a nonlawyer, located at *{street}* \_\_\_\_\_, *{city}* \_\_\_\_\_,

*{state}* \_\_\_\_\_, *{phone}* \_\_\_\_\_, helped *{name}* \_\_\_\_\_


who is the petitioner, fill out this form.

# INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.913(b), AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY (01/12)


## When should this form be used?

This form is to be used with **Notice of Action for Dissolution of Marriage (No Child or Financial Support)**,  Florida Supreme Court Approved Family Law Form 12.913(a)(1), and **Notice of Action For Family Cases With Minor Child**, Form 12.913(a)(2), to obtain **constructive service** (also called service by publication) in a ~~dissolution of marriage~~ case.


The other party is entitled to actual notice of the proceedings when possible. When it is necessary to use constructive notice, it must be given in a way that is likely to provide actual notice. You must disclose the last known address of the other party. A last known address cannot be unknown. This form includes a checklist of places you can look for information on the location of ~~your spouse~~ the other party. While you do not have to look in all of these places, the court must believe that you have made a very serious effort to get information about ~~your spouse~~ the other party's location and that you have followed up on any information you received.

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 and a **Notice of Action for Dissolution of Marriage (No Child or Financial Support)**,  Florida Supreme Court Approved Family Law Form 12.913(a)(1), or **Notice of Action For Family Cases With Minor Child**, Form 12.913(a)(2), with the **clerk of the circuit court** in the county where your petition ~~for dissolution of marriage~~ is filed. You should keep a copy for your records.

## 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.** For further information, see rule 12.070,  Florida Family Law Rules of Procedure and ~~rule 1.070(e) and (f)~~, Florida Rules of Civil Procedure chapter 49, Florida Statutes.

## Special notes...

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 **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.

### AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

I, *{full legal name}* \_\_\_\_\_, being sworn, certify that the following information is true:

1. I have made diligent search and inquiry to discover the name and current residence of Respondent: *{Specify details of search}* **Refer to checklist below and identify all actions taken (any additional information included such as the date the action was taken and the person with whom you spoke is helpful) (attach additional sheet if necessary):**

~~check~~ all that apply]

- United States Post Office inquiry through Freedom of Information Act for current address or any relocations.
- Last known employment of Respondent, including name and address of employer. You should also ask for any addresses to which W-2 Forms were mailed, and, if a pension or profit-sharing plan exists, then for any addresses to which any pension or plan payment is and/or has been mailed.
- Unions from which Respondent may have worked or that governed particular trade or craft.
- Regulatory agencies, including professional or occupational licensing.
- Names and addresses of relatives and contacts with those relatives, and inquiry as to Respondent's last known address. You are to follow up any leads of any addresses where Respondent may have moved. Relatives include, but are not limited to: parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great-grandparents, former in-laws, stepparents, stepchildren.
- Information about the Respondent's possible death and, if dead, the date and location of the death.
- Telephone listings in the last known locations of Respondent's residence.
- Internet at <http://www.switchboard.com> or other Internet people finder or the library checked for me.
- Law enforcement arrest and/or criminal records in the last known residential area of Respondent.
- Highway Patrol records in the state of Respondent's last known address.
- Department of Motor Vehicle records in the state of Respondent's last known address.
- Department of Corrections records in the state of Respondent's last known address.
- Title IV-D (child support enforcement) agency records in the state of Respondent's last known address.

- \_\_\_ Hospitals in the last known area of Respondent's residence.
- \_\_\_ Utility companies, which include water, sewer, cable TV, and electric, in the last known area of Respondent's residence.
- \_\_\_ Letters to the Armed Forces of the U.S. and their response as to whether or not there is any information about Respondent. (See Memorandum for Certificate of Military Service, Florida Supreme Court Approved Family Law Form 12.912(a).)
- \_\_\_ Tax Assessor's and Tax Collector's Office in the area where Respondent last resided.
- \_\_\_ Other: *{explain}* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. The age of Respondent is [ check one only] ( ) known *{enter age}* \_\_\_\_\_ or ( ) unknown.

3. **Respondent's current residence**

[ check one only]

- \_\_\_ a. Respondent's current residence is unknown to me.
- \_\_\_ b. Respondent's current residence is in some state or country other than Florida, and Respondent last known address is: \_\_\_\_\_  
 \_\_\_\_\_
- \_\_\_ c. The Respondent, having residence in Florida, has been absent from Florida for more than 60 days prior to the date of this affidavit, or conceals him(her)self so that process cannot be served personally upon him or her, and I believe there is no person in the state upon whom service of process would bind this absent or concealed Respondent.

4. **Respondent's last known address** as of *{date}* \_\_\_\_\_, was:

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Respondent's last known employment, as of *{date}* \_\_\_\_\_, was:

Name of Employer \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

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

Dated: \_\_\_\_\_

Signature of Petitioner  
 Printed Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_



Fax Number: \_\_\_\_\_


STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

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

- \_\_\_\_\_ Personally known
- \_\_\_\_\_ Produced identification
- \_\_\_\_\_ Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**   
fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* \_\_\_\_\_,  
a nonlawyer, located at *{street}* \_\_\_\_\_, *{city}* \_\_\_\_\_,  
*{state}* \_\_\_\_\_, *{phone}* \_\_\_\_\_, helped *{name}* \_\_\_\_\_,  
who is the petitioner, fill out this form.

## INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.913(c), AFFIDAVIT OF DILIGENT SEARCH (01/12)

### When should this form be used?

This form is to be used with **Notice of Action For Family Cases With Minor Child**, Florida Supreme Court Approved Family Law Form 12.913(a)(2), to obtain **constructive service** (also called service by publication) on the legal father in any action or proceeding to determine paternity which may result in termination of the legal father's parental rights.

The legal father is entitled to actual notice of the proceedings when possible. When it is necessary to use constructive notice, it must be given in a way that is likely to provide actual notice. You must disclose the last known address of the legal father. A last known address cannot be unknown. This form includes a checklist of places you must look for information on the location of the legal father. You have to look in all of these places, and the court must believe that you have made a very serious effort to get information about the person's location and that you have followed up on any information you received.

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 and a **Notice of Action** Florida Supreme Court Approved Family Law Form 12.913(a)(2), with the **clerk of the circuit court** in the county where your petition for dissolution of marriage is filed. You should keep a copy for your records.

### 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.** For further information, see rule 12.070, Florida Family Law Rules of Procedure, rule 1.070(e) and (f), Florida Rules of Civil Procedure chapter 49, Florida Statutes, and section 409.257, Florida Statutes.

### Special notes...

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 **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.

### AFFIDAVIT OF DILIGENT SEARCH

I, *{full legal name}* \_\_\_\_\_, being sworn, certify that the following information is true:

1. The last known address of the child(ren)'s legal father *{name}* \_\_\_\_\_, as of *{date}* \_\_\_\_\_, was:  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_.

His last known employment, as of *{date}* \_\_\_\_\_, was:

Name of Employer \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_.

2. The legal father is over the age of 18.
3. The legal father's current residence is not known and cannot be determined, although I have made a diligent search and inquiry to locate him through the following:  
**You must search ALL of the following sources of information and state the results.**  
\_\_\_\_ United States Post Office inquiry through the Freedom of Information Act for the ~~person's~~ legal father's current address or any previous address.  
Result of search: \_\_\_\_\_  
\_\_\_\_ Last known employment of the ~~other parent~~ legal father including name and address of employer. Result of search: \_\_\_\_\_  
\_\_\_\_ Regulatory agencies, including professional or occupational licensing, in the area where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.

- \_\_\_\_ Names and addresses of relatives to the extent such can be reasonably obtained from the petitioner or other sources, contacts with those relatives and inquiry as to the ~~other parent's~~ legal father's last known address. You are to follow up any leads of any addresses where the ~~other parent~~ legal father may have moved.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Information about the ~~other parent's~~ legal father's possible death and, if dead, the date and location.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Telephone listings in the area where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Law enforcement agencies in the area where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Highway Patrol records in the state where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Department of Corrections records in the state where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Hospitals in the last known area of the ~~other parent's~~ legal father's residence.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Records of utility companies, which include water, sewer, cable TV, and electric in the last known area of the ~~other parent's~~ legal father's residence.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Records of the Armed Forces of the U.S. and their response as to whether or not there is any information about the ~~other parent~~ legal father. (See Florida Supreme Court Approved Family Law Form 12.912(a), Memorandum for Certificate of Military Service.)  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Records of the tax assessor's and tax collector's office in the area where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Search of one Internet databank locator service.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Title IV-D (child support enforcement) agency records in the state of the ~~other parent's~~ legal father's last known address.  
Result of search: \_\_\_\_\_.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

NOTARY PUBLIC or DEPUTY CLERK

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

\_\_\_ Personally known  
\_\_\_ Produced identification  
\_\_\_ Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:** [fill in  
**all** blanks]

I, *{full legal name and trade name of nonlawyer}*, \_\_\_\_\_  
a nonlawyer, located at *{street}* \_\_\_\_\_, *{city}* \_\_\_\_\_,  
*{state}* \_\_\_\_\_, *{phone}* \_\_\_\_\_, helped *{name}* \_\_\_\_\_,  
who is the petitioner, fill out this form.

## **APPENDIX C**

**Proposed rule**

**Reasons for change**

**RULE 12.070. PROCESS**

(a) [No change]

(b) [No change]

(c) **Constructive Service.**

(1) For constructive service of process on the legal father in any case or proceeding to establish paternity which would result in termination of the legal father's parental rights, the petitioner shall file an affidavit of diligent search and inquiry that conforms with Florida Family Law Rules of Procedure Form 12.913(c). If the legal father cannot be located, he shall be served with process by publication in the manner provided by chapter 49, Florida Statutes. The notice shall be published in the county where the legal father was last known to have resided. The clerk of the circuit court shall mail a copy of the notice to the legal father at his last known address.

(2) For constructive service of process in any case or proceedings involving a parenting plan for a minor child under chapter 61, Florida Statutes, or an action to determine temporary custody by extended family under chapter 751, Florida Statutes, the petitioner shall file an affidavit of diligent search and inquiry that conforms with Florida Family Law Rules of Procedure Form 12.913(b). If the responding party cannot be located, the party shall be served with process by

Adds a new subdivision (c)(2) regarding constructive service in a case involving a parenting plan for a minor child under *F.S.* Chapter 61 or an action to determine temporary custody under *F.S.* Chapter 751. Requires filing of an affidavit of diligent search and inquiry (*Fla. Fam. L. R. P. Form 12.913(b)*) and publication in the county where the party is last known to have resided and the county in which the court is located.

publication in the manner provided by chapter 49, Florida Statutes. The notice shall be published in the county in which the party is last known to have resided and in the county in which the court is located. The clerk of the circuit court shall mail a copy of the notice to the party's last known address.

(23) For constructive service of process in all other cases, an affidavit of diligent search and inquiry in substantial conformity with Florida Family Law Rules of Procedure Form 12.913(b), must be filed.

(d) [No change]



**Proposed rule**

**Reasons for change**

**RULE 12.745. COLLABORATIVE PROCESS RULE**

**(a) Applicability.** This rule governs the use of the collaborative process in family matters and related issues.

**(b) Notice of Collaborative Process.** The parties may file a joint notice of participation in collaborative process stating that they have entered into a collaborative participation agreement.

**(c) Collaborative Participation Agreement.** A collaborative participation agreement must

(1) be in writing;

(2) identify the attorney engaged by each party to represent their interests in the collaborative process;

(3) contain a signed acknowledgment by each party's attorney confirming representation;

(4) include the following provisions:

(A) describe the nature and scope of the matter;

(B) state the parties' intention to attempt to resolve the matter through the use of the collaborative process;

Creates new rule to govern use of collaborative process, commonly in use in family law cases, including requirements for collaborative participation agreement, termination without settlement, and settlement and final judgment.

(C) that each party must be represented by an attorney;

(D) that if an attorney is allowed to withdraw by order of the court the collaborative process terminates 30 days from the date of the order unless:

(i) the unrepresented party engages a successor attorney;

(ii) the collaborative participation agreement is amended to identify and include the successor attorney's signed acknowledgement confirming representation; and

(iii) the successor attorney files with the court a notice of representation.

(E) a party may not seek the intervention of the court during the collaborative process;

(F) each party shall make timely, full, candid, and informal financial disclosure, including all information reasonably related to any issue in the matter upon request of the other party and within a reasonable time;

(G) state whether upon termination of the collaborative process, with or without an agreement

(i) a nonparty participant will

be permitted to participate or testify in the matter or a substantially related matter;

(ii) a nonparty participant's work product will be admissible in the matter or a substantially related matter;

(H) state whether any written partial settlement agreements survive the termination of the collaborative process and can be submitted to the court for ratification and enforcement; and

(I) that if the collaborative process is terminated, the attorney for each party, and any attorney in a law firm with which the collaborative attorney is associated, must withdraw and is disqualified from representing the party in any proceeding related to the collaborative matter.

**(d) Abatement of Proceeding.** If the parties file a joint request for abatement, the court shall abate the matter for 90 days. Upon further joint request, the court may further abate the matter.

**(e) Termination Without Settlement.** Either party may terminate the collaborative process by providing written notice to his or her attorney. The attorney shall file with the court a notice of termination of the collaborative process stating the date the process terminated, but not specify any reason for the termination.

**(f) Alternative Dispute Resolution Permitted.**

Nothing in this rule shall be construed to prohibit the parties from using, by mutual agreement, other forms of alternative dispute resolution to reach a settlement on any of the issues included in the collaborative participation agreement.

**(g) Settlement Agreement and Final Judgment.**

Any settlement agreement shall be in writing and signed by the parties and their attorneys. The settlement agreement may be filed and upon approval by the court can be made part of the final judgment or order.

## **APPENDIX D**

APPX. D-1

# Notices

## Appellate Court Rules Committee three-year cycle amendments

The Appellate Court Rules Committee invites comment on proposed three-year cycle amendments to the Appellate Court Rules of Procedure shown below. The full text of the proposals can be found on The Florida Bar's website at [www.floridabar.org](http://www.floridabar.org). Interested persons have until August 1 to submit comments electronically to John G. Crabtree, Chair, at [jcrabtree@crabtreeclaw.com](mailto:jcrabtree@crabtreeclaw.com), and to the Bar staff liaison, Krys Godwin, at [kgodwin@flabar.org](mailto:kgodwin@flabar.org).

RULE/FORM	VOTE	EXPLANATION
9.100(b)	51-0-0	Amended to be consistent with Rules 9.110(b), (g) and 9.360, which were amended in case SC08-2357 (1 So.3d 166).
9.110(a)	Acclamation (40-0-0)	Removes (a)(2), which is now redundant in light of Rule 9.170.
9.120(b)	51-0-0	Amended to be consistent with Rules 9.110(b), (g) and 9.360, which were amended in case SC08-2357 (1 So.3d 166).
9.125(g)	42-0-0	Amended to simplify the procedures concerning the Court's "pass through" jurisdiction.
9.130(a)(3)(C)	41-2-0	Adds new subdivision (a)(3)(C)(ix) to clarify the appealability of <i>forum non conveniens</i> orders.
9.130(b)	51-0-0	Amended to be consistent with Rules 9.110(b), (g) and 9.360, which were amended in case SC08-2357 (1 So.3d 166).
9.140(d)(1)(E)	40-2-0	Amended to clarify the rule as it governs procedures required before a defendant's trial attorney may withdraw from the case, following conviction and sentence, to ensure a continuity of representation by precluding withdrawal of trial counsel until the necessary paperwork has been completed to initiate an appeal.
9.140(f)	45-2-0	Amends (f)(1) to allow a clerk to not send any part of the record to an appellate court until the whole record is complete with transcripts. This change prevents the filing of incomplete records and the need for motions to supplement the record. An order granting an extension to the court

9.800(c), (d) & committee note	46-0-0	Supplement citation. Amends Rule 9.800(d)(3) and creates Rules 9.800(d)(4)-(d)(5) to address specifically the style of citations to decisions of the Division of Administrative Hearings, which are either posted on the website, not posted on the website but reported in the Florida Administrative Law Reports, or not posted on the website and not reported in the Florida Administrative Law Reports.
9.900(j)	47-0-0	Creates a form to exhibit the appropriate limitation of a Notice of Supplemental Authority. (The form creation resulted from the amendment of rule 9.225.)

## Family Law Rules Committee three-year cycle amendments

The Family Law Rules Committee invites comment on proposed three-year cycle amendments to the Florida Family Law Rules of Procedure shown below. The full text of the proposals can be found on The Florida Bar's website at [www.floridabar.org](http://www.floridabar.org). Interested persons have until August 1 to submit comments electronically to Steven P. Combs, Chair, at [scombs@flalawyers.pro](mailto:scombs@flalawyers.pro), and to the Bar staff liaison, Ellen Sloyer, at [esloyer@flabar.org](mailto:esloyer@flabar.org).

RULE/FORM	VOTE	EXPLANATION
12.070	22-0-0	Adds a new subdivision (c)(2) regarding constructive service in a case involving a parenting plan for a minor child under F.S. Chapter 61 or an action to determine temporary custody under F.S. Chapter 751. Requires filing of an affidavit of diligent search and inquiry (Fla.Fam.L.R.P. Form 12.913(b)) and publication in the county where the party is last known to have resided and the county in which the court is located.
12.745	18-1-1	Creates new rule to govern use of collaborative process in family law cases, including requirements for collaborative participation agreement.
12.913(a)(1)	22-0-0	Amends the notice of action form to apply only in cases in which a minor child or financial support are not in issue.
12.913(a)(2)	22-0-0	Creates a new notice of action form for family cases involving a minor child.
12.913(b)	22-0-0	Amends the affidavit of diligent search to be used in cases in which a minor child or financial support are not in issue.
12.913(c)	22-0-0	Amends affidavit of diligent search to be used in family cases involving a minor child.

## Rules of Judicial Administration Committee three-year cycle amendments

The Rules of Judicial Administration Committee invites comments on proposed three-year cycle amendments to the Rules of Judicial Administration shown below. The full text of the proposals can be found on The Florida Bar's website at [www.floridabar.org](http://www.floridabar.org). The proposed amendments will be filed with the court by February 1, 2011. Pursuant to Fla.R.Jud.Admin. 2.140(b)(2), interested persons have until

<http://www.floridabar.org/tfb/TFBLegalRes.nsf/D64B801203BC919485256709006A561C/E1A89A0DC5248D1785256B2F006CCCEE?OpenDocument#Proposed%20Court%20Rule%20Amendments>

**FAMILY LAW RULES COMMITTEE  
THREE-YEAR CYCLE AMENDMENTS**

The Family Law Rules Committee invites comment on proposed three-year cycle amendments to the Florida Family Law Rules of Procedure shown below. Interested persons have until August 1, 2010, to submit comments **electronically** to Steven P. Combs, Chair, at [spcombs@flalawyers.pro](mailto:spcombs@flalawyers.pro), and to the Bar staff liaison, Ellen Sloyer, at [esloyer@flabar.org](mailto:esloyer@flabar.org).

**RULE 12.070. PROCESS**

(a) **Service of Initial Process.** Upon the commencement of all family law actions, including proceedings to modify a final judgment, service of process shall be as set forth in Florida Rule of Civil Procedure 1.070.

(b) **Summons.** The summons, cross-claim summons, and third-party summons in family law matters shall be patterned after Florida Family Law Rules of Procedure Form 12.910(a) and shall specifically contain the following language:

WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.

(c) **Constructive Service.**

(1) For constructive service of process on the legal father in any case or proceeding to establish paternity which would result in termination of the legal father's parental rights, the petitioner shall file an affidavit of diligent search and inquiry that conforms with Florida Family Law Rules of Procedure Form 12.913(c). If the legal father cannot be located, he shall be served with process by publication in the manner provided by chapter 49, Florida Statutes. The notice shall be published in the county where the legal father was last known to have resided. The clerk of the circuit court shall mail a copy of the notice to the legal father at his last known address.

(2) For constructive service of process in any case or proceedings involving a parenting plan for a minor child under chapter 61, Florida Statutes, or an action to determine temporary custody by extended family under chapter 751, Florida Statutes, the petitioner shall file an affidavit of diligent search and inquiry that conforms with Florida Family Law Rules of Procedure Form 12.913(b). If the responding party cannot be located, the party shall be served with process by publication in the manner provided by chapter 49, Florida Statutes. The notice

shall be published in the county in which the party is last known to have resided and in the county in which the court is located. The clerk of the circuit court shall mail a copy of the notice to the party's last known address.

(23) For constructive service of process in all other cases, an affidavit of diligent search and inquiry in substantial conformity with Florida Family Law Rules of Procedure Form 12.913(b), must be filed.

(d) **Domestic, Repeat, Dating, and Sexual Violence Proceedings.** This rule does not govern service of process in domestic, repeat, dating, and sexual violence proceedings.



**RULE 12.745            COLLABORATIVE PROCESS RULE**

**(a) Applicability.** This rule governs the use of the collaborative process in family matters and related issues.

**(b) Notice of Collaborative Process.** The parties may file a joint notice of participation in collaborative process stating that they have entered into a collaborative participation agreement.

**(c) Collaborative Participation Agreement.** A collaborative participation agreement must:

(1) be in writing;

(2) identify the attorney engaged by each party to represent their interests in the collaborative process;

(3) contain a signed acknowledgment by each party's attorney confirming representation; and

(4) include the following provisions:

(A) a description of the nature and scope of the matter;

(B) a statement of the parties' intention to attempt to resolve the matter through the use of the collaborative process;

(C) a statement that each party must be represented by an attorney;

(D) that if an attorney is allowed to withdraw by order of the court the collaborative process terminates 30 days from the date of the order unless:

(i) the unrepresented party engages a successor attorney;

(ii) the collaborative participation agreement is amended to identify and include the successor attorney's signed acknowledgement confirming representation; and

(iii) the successor attorney files with the court a notice of representation;

(E) that a party may not seek the intervention of the court during the collaborative process unless otherwise agreed to by the parties;

(F) that each party shall make timely, full, candid, and informal financial disclosure, including all information reasonably related to any issue in the matter upon request of the other party and within a reasonable time. The parties shall, at a minimum, comply with the mandatory disclosure requirements of rules 12.285(d) and (e);

(G) whether on termination of the collaborative process, with or without an agreement:

(i) a nonparty participant will be permitted to participate or testify in the matter or a substantially related matter;

(ii) a nonparty participant's work product will be admissible in the matter or a substantially related matter; and

(H) whether any written partial settlement agreements survive the termination of the collaborative process and can be submitted to the court for ratification and enforcement.

**(d) Abatement of Proceeding.** If the parties file a joint request for abatement, the court shall abate the matter for 90 days. On further joint request, the court may further abate the matter.

**(e) Termination Without Settlement.** Either party may terminate the collaborative process by providing written notice to his or her attorney. The attorney shall file with the court a notice of termination of the collaborative process stating the date the process terminated, but not specifying any reason for the termination.

**(f) Alternative Dispute Resolution Permitted.** Nothing in this rule shall be construed to prohibit the parties from using, by mutual agreement, other forms of alternative dispute resolution to reach a settlement on any of the issues included in the collaborative participation agreement.

**(g) Settlement Agreement and Final Judgment.** Any settlement agreement shall be in writing and signed by the parties and their attorneys. The settlement agreement may be filed and on approval by the court can be made part of the final judgment or order.

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY  
LAW FORM 12.913(a)(1), NOTICE OF ACTION FOR DISSOLUTION OF  
MARRIAGE  
(NO CHILD OR FINANCIAL SUPPORT) (07/0501/12)**

**When should this form be used?**

This form may be used to obtain **constructive service** (also called service by publication) in a **dissolution of marriage** case that does not involve a minor child or financial support if you do not know where your **spouse** lives or if your spouse lives outside Florida and you are unable to obtain **personal service**. Constructive notice will allow the court to dissolve the marriage, but personal service is required before a court can order payment of financial support, such as spousal support (alimony) or costs. If you are asking the court to decide how real or personal property located in Florida should be divided, the Notice of Action must include a specific description of the property. ~~However, if you use constructive service, the court may can grant only limited relief because its jurisdiction is limited. For example, the court can grant your divorce but cannot decide issues of child support, spousal support (alimony), or division of property or debts.~~ This is a complicated area of the law and you ~~may wish to~~ should consult an attorney before using constructive service.

You should complete this form by typing or printing the appropriate information in black ink. You should insert your spouse's name and last known address and then **file** this form with the **clerk of the circuit court** in the county where your petition for dissolution of marriage was filed. You must also complete and file an **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b). You should keep a copy for your records.

After the **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b), is filed, the clerk will sign this form. The form must then be given to a qualified local newspaper in the county where the case is pending to be published once each week for four consecutive weeks. When in doubt, ask the clerk which newspapers in your area are "qualified." The newspaper will charge you for this service. If you cannot afford to pay the cost of publication of this notice in a qualified newspaper, you may ask the clerk to post the notice at a place designated for such postings. You will need to file an **Application for Determination of Civil Indigent Status**, which you can obtain from the clerk. If the clerk determines that you cannot afford these costs, the clerk will post the notice of action. ~~In Dade, Broward, and Duval counties, you may ask the clerk to publish your notice without charge.~~

**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.** For further information, see rule Instructions for Florida Supreme Court Approved Family Law Form 12.913(a)(1), Notice of Action for Dissolution of Marriage (No Child or Financial Support) (07/0501/12)

12.070, Florida Family Law Rules of Procedure, and ~~rule 1.070, Florida Rules of Civil Procedure~~ chapter 49, Florida Statutes.

### **Special notes...**

If the other party fails to respond to your **petition** within the time limit stated in the notice of action that is published or posted, you are entitled to request a **default**. (See **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), and **Default**, Florida Supreme Court Approved Family Law Form 12.922(b).)

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 **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.

**NOTICE OF ACTION FOR DISSOLUTION OF MARRIAGE  
(NO CHILD OR FINANCIAL SUPPORT)**

TO: *{name of Respondent}* \_\_\_\_\_  
*{Respondent's last known address}* \_\_\_\_\_

YOU ARE NOTIFIED that an action for dissolution of marriage has been filed against you and that you are required to serve a copy of your written defenses, if any, to it on *{name of Petitioner}* \_\_\_\_\_

\_\_\_\_\_,  
whose address is \_\_\_\_\_  
on or before *{date}* \_\_\_\_\_, and file the original with the clerk of this Court at *{clerk's address}* \_\_\_\_\_,  
before service on Petitioner or immediately thereafter. **If you fail to do so, a default may be entered against you for the relief demanded in the petition.**

The action is asking the court to decide how the following real or personal property should be divided: \_\_\_\_\_  
*{insert "none" or, if applicable, the legal description of real property, a specific description of personal property, and the name of the county in Florida where the property is located}* \_\_\_\_\_.

**Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents upon request.**

**You must keep the Clerk of the Circuit Court's office notified of your current address. (You may file Notice of Current Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be mailed to the address on record at the clerk's office.**

**WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.**

Dated: \_\_\_\_\_.

CLERK OF THE CIRCUIT COURT

By: \_\_\_\_\_  
Deputy Clerk

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS**

**BELOW:** [fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* \_\_\_\_\_,  
a nonlawyer, located at *{street}* \_\_\_\_\_, *{city}* \_\_\_\_\_,  
*{state}* \_\_\_\_\_, *{phone}* \_\_\_\_\_, helped *{name}* \_\_\_\_\_  
who is the petitioner, fill out this form.

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY  
LAW  
FORM 12.913(a)(2), NOTICE OF ACTION FOR FAMILY CASES  
WITH MINOR CHILD (01/12)**

**When should this form be used?**

This form may be used to obtain **constructive service** (also called service by publication) in an action involving a parenting plan for a minor child under chapter 61, Florida Statutes; an action to determine temporary custody by extended family under chapter 751, Florida Statutes; and termination of a legal father's parental rights when another man is alleged to be the biological father. "Parenting plan" means a document created to govern the relationship between the parents relating to decisions that must be made regarding the minor child and must contain a time-sharing schedule for the parents and child. Section 61.046(14), Florida Statutes. You may use constructive service if you do not know where the other party lives or the other party lives outside Florida and you are unable to obtain **personal service**. Constructive notice will allow the court to grant the relief requested, but personal service is required before a court can order payment or termination of **child support**, spousal support (**alimony**), or costs. If you are asking the court to decide how real or personal property located in Florida should be divided, the **Notice of Action** must include a specific description of the property. If you use constructive service, the court can grant only limited relief because its jurisdiction is limited. This is a complicated area of the law and you should consult an attorney before using constructive service.

You should complete this form by typing or printing the appropriate information in black ink. You must insert the other party's name and last known address and then **file** this form with the **clerk of the circuit court** in the county where your petition was filed. You must also complete and file an **Affidavit of Diligent Search and Inquiry**. Use Florida Family Law Rules of Procedure Form 12.913(b) unless you are serving the legal father in a paternity case where another man is alleged to be the biological father, in which case, you must use Form 12.913(c). You should keep a copy for your records.

After the **Affidavit of Diligent Search and Inquiry**, Family Law Rules of Procedure Form 12.913(b) or 12.913(c), is filed, the clerk will sign this form. You will need to publish notice for once each week for four consecutive weeks in a "qualified" newspaper in the county where the case is pending. When in doubt, ask the clerk which newspapers are "qualified." The newspaper will charge you for this service. If you cannot afford to pay the cost of publishing this notice, you may ask the clerk to post the notice at a place designated for such postings. You will need to file an **Application for Determination of Civil Indigent Status**, which you can obtain from the clerk. If the clerk determines that you cannot afford these costs, the clerk will post the notice of action. If the last known address of the other party is in a different county or state from where your case is

Instructions for Florida Supreme Court Approved Family Law Form 12.913(a)(2), Notice of Action For Family Cases With Minor Child (01/12)

pending, you must also publish notice once each week for four consecutive weeks in a “qualified” newspaper located in the county where the other party last resided. If your case involves termination of a legal father's parental rights when another man is alleged to be the biological father, you need to publish the notice only in the county where the legal father was last known to have resided. You are responsible for locating a “qualified” newspaper in the county where the other party last resided and paying the cost of publication.

### **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.** For further information, see rule 12.070, Florida Family Law Rules of Procedure, rule 1.070, Florida Rules of Civil Procedure, sections 61.501–61.542, Florida Statutes and chapter 49, Florida Statutes.

### **Special notes...**

If the other party fails to respond to your **petition** within the time limit stated in the notice of action that is published or posted, you are entitled to request a **default**. (See **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), and **Default**, Florida Supreme Court Approved Family Law Form 12.922(b).)

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 **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.

**NOTICE OF ACTION FOR**

*{specify action}* \_\_\_\_\_

TO: *{name of Respondent}* \_\_\_\_\_

*{Respondent's last known address}* \_\_\_\_\_

YOU ARE NOTIFIED that an action *{identify the type of case}* \_\_\_\_\_ has been filed against you and that you are required to serve a copy of your written defenses, if any, to it on *{name of Petitioner}*

whose address is \_\_\_\_\_  
on or before *{date}* \_\_\_\_\_, and file the original with the clerk of this Court at *{clerk's address}*

before service on Petitioner or immediately thereafter. **If you fail to do so, a default may be entered against you for the relief demanded in the petition.**

*{If applicable, insert the legal description of real property, a specific description of personal property, and the name of the county in Florida where the property is located}* \_\_\_\_\_

**Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents upon request.**

**You must keep the Clerk of the Circuit Court's office notified of your current address. (You may file Notice of Current Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be mailed to the address on record at the clerk's office.**

**WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.**

Dated: \_\_\_\_\_

CLERK OF THE CIRCUIT COURT

By: \_\_\_\_\_

Deputy Clerk

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:** [fill in all blanks]

I, *{full legal name and trade name of nonlawyer}* \_\_\_\_\_,

a nonlawyer, located at *{street}* \_\_\_\_\_, *{city}* \_\_\_\_\_,

*{state}* \_\_\_\_\_, *{phone}* \_\_\_\_\_, helped *{name}* \_\_\_\_\_,

who is the petitioner, fill out this form.

**INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM  
12.913(b), AFFIDAVIT OF DILIGENT SEARCH  
AND INQUIRY (09/0001/12)**

**When should this form be used?**

This form is to be used with **Notice of Action for Dissolution of Marriage (No Child or Financial Support)**, Florida Supreme Court Approved Family Law Form 12.913(a)(1), and **Notice of Action For Family Cases With Minor Child**, Form 12.913(a)(2), to obtain **constructive service** (also called service by publication) ~~in a dissolution of marriage case.~~

The other party is entitled to actual notice of the proceedings when possible. When it is necessary to use constructive notice, it must be given in a way that is likely to provide actual notice. You must disclose the last known address of the other party. A last known address cannot be unknown. This form includes a checklist of places you can look for information on the location of your spouse the other party. While you do not have to look in all of these places, the court must believe that you have made a very serious effort to get information about your spouse the other party's location and that you have followed up on any information you received.

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 and a **Notice of Action for Dissolution of Marriage (No Child or Financial Support)**, Florida Supreme Court Approved Family Law Form 12.913(a)(1), or **Notice of Action For Family Cases With Minor Child**, Form 12.913(a)(2), with the **clerk of the circuit court** in the county where your petition ~~for dissolution of marriage~~ is filed. You should keep a copy for your records.

**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.** For further information, see rule 12.070, Florida Family Law Rules of Procedure and ~~rule 1.070(e) and (f), Florida Rules of Civil Procedure~~ chapter 49, Florida Statutes.

**Special notes...**

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 **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.

### AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

I, *{full legal name}* \_\_\_\_\_, being sworn, certify that the following information is true:

1. I have made diligent search and inquiry to discover the name and current residence of Respondent: *{Specify details of search}* **Refer to checklist below and identify all actions taken (any additional information included such as the date the action was taken and the person with whom you spoke is helpful) (attach additional sheet if necessary):**

[v all that apply]

- \_\_\_ United States Post Office inquiry through Freedom of Information Act for current address or any relocations.
- \_\_\_ Last known employment of Respondent, including name and address of employer. You should also ask for any addresses to which W-2 Forms were mailed, and, if a pension or profit-sharing plan exists, then for any addresses to which any pension or plan payment is and/or has been mailed.
- \_\_\_ Unions from which Respondent may have worked or that governed particular trade or craft.
- \_\_\_ Regulatory agencies, including professional or occupational licensing.
- \_\_\_ Names and addresses of relatives and contacts with those relatives, and inquiry as to Respondent's last known address. You are to follow up any leads of any addresses where Respondent may have moved. Relatives include, but are not limited to: parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great-grandparents, former in-laws, stepparents, stepchildren.
- \_\_\_ Information about the Respondent's possible death and, if dead, the date and location of the death.
- \_\_\_ Telephone listings in the last known locations of Respondent's residence.
- \_\_\_ Internet at <http://www.switchboard.com> or other Internet people finder or the library checked for me.
- \_\_\_ Law enforcement arrest and/or criminal records in the last known residential area of Respondent.
- \_\_\_ Highway Patrol records in the state of Respondent's last known address.
- \_\_\_ Department of Motor Vehicle records in the state of Respondent's last known address.
- \_\_\_ Department of Corrections records in the state of Respondent's last known address.
- \_\_\_ Title IV-D (child support enforcement) agency records in the state of Respondent's last known address.

- \_\_\_ Hospitals in the last known area of Respondent's residence.
- \_\_\_ Utility companies, which include water, sewer, cable TV, and electric, in the last known area of Respondent's residence.
- \_\_\_ Letters to the Armed Forces of the U.S. and their response as to whether or not there is any information about Respondent. (See Memorandum for Certificate of Military Service, Florida Supreme Court Approved Family Law Form 12.912(a).)
- \_\_\_ Tax Assessor's and Tax Collector's Office in the area where Respondent last resided.
- \_\_\_ Other: *{explain}* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. The age of Respondent is [ **one** only] (  ) known *{enter age}* \_\_\_\_\_ or (  ) unknown.

3. **Respondent's current residence**

[ **one** only]

- \_\_\_ a. Respondent's current residence is unknown to me.
- \_\_\_ b. Respondent's current residence is in some state or country other than Florida, ~~and~~  
 Respondent last known address is: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_ c. The Respondent, having residence in Florida, has been absent from Florida for more than 60 days prior to the date of this affidavit, or conceals him(her)self so that process cannot be served personally upon him or her, and I believe there is no person in the state upon whom service of process would bind this absent or concealed Respondent.

4. **Respondent's last known address** as of *{date}* \_\_\_\_\_, was:

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Respondent's last known employment, as of *{date}* \_\_\_\_\_, was:

Name of Employer \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Petitioner  
 Printed Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

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

- \_\_\_\_\_ Personally known
- \_\_\_\_\_ Produced identification
- \_\_\_\_\_ Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:** [fill in all blanks]

I, {full legal name and trade name of nonlawyer} \_\_\_\_\_,  
a nonlawyer, located at {street} \_\_\_\_\_, {city} \_\_\_\_\_,  
{state} \_\_\_\_\_, {phone} \_\_\_\_\_, helped {name} \_\_\_\_\_,  
who is the petitioner, fill out this form.

## INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.913(c), AFFIDAVIT OF DILIGENT SEARCH (04/0801/12)

### When should this form be used?

This form is to be used with **Notice of Action For Family Cases With Minor Child**, Florida Supreme Court Approved Family Law Form 12.913(a)(2), to obtain **constructive service** (also called service by publication) on the legal father in any action or proceeding to determine paternity which may result in termination of the legal father's parental rights.

The legal father is entitled to actual notice of the proceedings when possible. When it is necessary to use constructive notice, it must be given in a way that is likely to provide actual notice. You must disclose the last known address of the legal father. A last known address cannot be unknown. This form includes a checklist of places you must look for information on the location of the legal father. You have to look in all of these places, and the court must believe that you have made a very serious effort to get information about the person's location and that you have followed up on any information you received.

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 and a **Notice of Action** Florida Supreme Court Approved Family Law Form 12.913(a)(2), with the **clerk of the circuit court** in the county where your petition for dissolution of marriage is filed. You should keep a copy for your records.

### 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.** For further information, see rule 12.070, Florida Family Law Rules of Procedure, ~~rule 1.070(e) and (f), Florida Rules of Civil Procedure~~ chapter 49, Florida Statutes, and section 409.257, Florida Statutes.

### Special notes...

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 **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.

### AFFIDAVIT OF DILIGENT SEARCH

I, *{full legal name}* \_\_\_\_\_, being sworn, certify that the following information is true:

1. The last known address of the child(ren)'s legal father *{name}* \_\_\_\_\_, as of *{date}* \_\_\_\_\_, was:  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_.

His last known employment, as of *{date}* \_\_\_\_\_, was:

Name of Employer \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_.

2. The legal father is over the age of 18.
3. The legal father's current residence is not known and cannot be determined, although I have made a diligent search and inquiry to locate him through the following:

**You must search ALL of the following sources of information and state the results.**

\_\_\_\_ United States Post Office inquiry through the Freedom of Information Act for the ~~person's~~ legal father's current address or any previous address.

Result of search: \_\_\_\_\_

\_\_\_\_ Last known employment of the ~~other parent~~ legal father including name and address of employer. Result of search: \_\_\_\_\_

\_\_\_\_ Regulatory agencies, including professional or occupational licensing, in the area where the ~~other parent~~ legal father last resided.

Result of search: \_\_\_\_\_



- \_\_\_\_ Names and addresses of relatives to the extent such can be reasonably obtained from the petitioner or other sources, contacts with those relatives and inquiry as to the ~~other parent's~~ legal father's last known address. You are to follow up any leads of any addresses where the ~~other parent~~ legal father may have moved.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Information about the ~~other parent's~~ legal father's possible death and, if dead, the date and location. Result of search: \_\_\_\_\_.
- \_\_\_\_ Telephone listings in the area where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Law enforcement agencies in the area where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Highway Patrol records in the state where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Department of Corrections records in the state where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Hospitals in the last known area of the ~~other parent's~~ legal father's residence.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Records of utility companies, which include water, sewer, cable TV, and electric in the last known area of the ~~other parent's~~ legal father's residence.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Records of the Armed Forces of the U.S. and their response as to whether or not there is any information about the ~~other parent~~ legal father. (See Florida Supreme Court Approved Family Law Form 12.912(a), Memorandum for Certificate of Military Service.)  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Records of the tax assessor's and tax collector's office in the area where the ~~other parent~~ legal father last resided.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Search of one Internet databank locator service.  
Result of search: \_\_\_\_\_.
- \_\_\_\_ Title IV-D (child support enforcement) agency records in the state of the ~~other parent's~~ legal father's last known address.  
Result of search: \_\_\_\_\_.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Petitioner  
 Printed Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_

STATE OF FLORIDA

Florida Family Law Rules of Procedure Form 12.913(c), Affidavit of Diligent Search (04/0801/12)

COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

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

- \_\_\_ Personally known
- \_\_\_ Produced identification
- \_\_\_ Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:** [fill in  
all blanks]

I, *{full legal name and trade name of nonlawyer}*, \_\_\_\_\_  
a nonlawyer, located at *{street}* \_\_\_\_\_, *{city}* \_\_\_\_\_,  
*{state}* \_\_\_\_\_, *{phone}* \_\_\_\_\_, helped *{name}* \_\_\_\_\_,  
who is the petitioner, fill out this form.

## Notice

### Proposed Family Law Rule 12.745

In the July 1 News, the Family Law Rules Committee noticed for comment its three-year cycle amendments. Three comments were received, all on proposed Rule 12.745. The Committee has considered the comments and has voted 24-0 to amend the proposal as shown below. The full text of the amended proposal can also be found on The Florida Bar's website at [www.FloridaBar.org](http://www.FloridaBar.org). Interested persons may submit further written comments to the Florida Supreme Court in accordance with Fla.R.Jud.Admin. 2.140(b)(6).

#### RULE 12.745

#### COLLABORATIVE PROCESS RULE

(a) **Applicability.** This rule governs the use of the collaborative process in family matters and related issues.

(b) **Notice of Collaborative Process.** The parties may file a joint notice of participation in collaborative process stating that they have entered into a collaborative participation agreement.

(c) **Collaborative Participation Agreement.** A collaborative participation agreement must:

(1) be in writing;

(2) identify the attorney engaged by each party to represent their interests in the collaborative process;

(3) contain a signed acknowledgment by each party's attorney confirming representation;

(4) include the following provisions:

(A) describe the nature and scope of the matter;

(B) state the parties' intention to attempt to resolve the matter through the use of the collaborative process;

(C) each party must be represented by an attorney;

(D) if an attorney is allowed to withdraw by order of the court the collaborative process terminates 30 days from the date of the order unless:

(i) the unrepresented party engages a successor attorney;

(ii) the collaborative participation agreement is amended to identify and include the successor attorney's signed acknowledgement confirming representation; and

(iii) the successor attorney files with the court a notice of representation.

(E) a party may not seek the intervention of the court during the collaborative process unless otherwise agreed to by the parties;

(F) each party shall make timely, full, candid, and informal financial disclosure, including all information reasonably related to any issue in the matter upon request of the other party and within a reasonable time. The parties shall, at a minimum, comply with the mandatory disclosure requirements pursuant to Rule 12.285(d) and (e), Florida Family Law Rules of Procedure;

(G) state whether upon termination of the collaborative process, with or without an agreement:

(i) a nonparty participant will be permitted to participate or testify in the matter or a substantially related matter.

(ii) a nonparty participant's work product will be admissible in the matter or a substantially related matter.

(H) state whether any written partial settlement agreements survive the termination of the collaborative process and can be submitted to the court for ratification and enforcement;

(I) that if the collaborative process is terminated the attorney for each party and any attorney in a law firm with which the collaborative attorney is associated, must withdraw and is disqualified from representing the party in any proceeding related to the collaborative matter.

(d) **Abatement of Proceeding.** If the parties file a joint request for abatement, the court shall abate the matter for 90 days. Upon further joint request, the court may further abate the matter.

(e) **Termination Without Settlement.** Either party may terminate the collaborative process by providing written notice to his or her attorney. The attorney shall file with the court a notice of termination of the collaborative process stating the date the process terminated, but not specify any reason for the termination.

(f) **Alternative Dispute Resolution Permitted.** Nothing in this rule shall be construed to prohibit the parties from using, by mutual agreement, other forms of alternate dispute resolution to reach a settlement on any of the issues included in the collaborative participation agreement.

(g) **Settlement Agreement and Final Judgment.** Any settlement agreement shall be in writing and signed by the parties and their attorneys. The settlement agreement may be filed and upon approval by the court can be made part of the final judgment or order.

**Florida Family Law Rules of Procedure  
Notice of Amendments to Proposed Rule**

On June 7, 2010, the Family Law Rules Committee posted its proposed 3-year cycle rule amendments on The Florida Bar's website and requested that comments be filed with the committee chair and rules committee liaison by August 1, 2010. Three comments were received. At its September 24, 2010, meeting, the committee voted 24-0 to further amend proposed *Fla. Fam. L. R. P. 12.745*. As required by *Fla. R. Jud. Admin. 2.140(b)(2)*, the committee is publishing the amended rule on the Bar's website. Interested persons may submit further written comments to the Florida Supreme Court in accordance with *Fla. R. Jud. Admin. 2.140(b)(6)*.

**RULE 12.745 COLLABORATIVE PROCESS RULE**

(a) **Applicability.** This rule governs the use of the collaborative process in family matters and related issues.

(b) **Notice of Collaborative Process.** The parties may file a joint notice of participation in collaborative process stating that they have entered into a collaborative participation agreement.

(c) **Collaborative Participation Agreement.** A collaborative participation agreement must:

- (1) be in writing;
- (2) identify the attorney engaged by each party to represent their interests in the collaborative process;
- (3) contain a signed acknowledgment by each party's attorney confirming representation;
- (4) include the following provisions:
  - (A) describe the nature and scope of the matter;
  - (B) state the parties' intention to attempt to resolve the matter through the use of the collaborative process;
  - (C) each party must be represented by an attorney;
  - (D) if an attorney is allowed to withdraw by order of the court the collaborative process terminates 30 days from the date of the order unless:
    - (i) the unrepresented party engages a successor attorney;
    - (ii) the collaborative participation agreement is amended to identify and include the successor attorney's signed acknowledgement confirming representation; and
    - (iii) the successor attorney files with the court a notice of representation.
  - (E) a party may not seek the intervention of the court during the collaborative process unless otherwise agreed to by the parties;

(F) each party shall make timely, full, candid, and informal financial disclosure, including all information reasonably related to any issue in the matter upon request of the other party and within a reasonable time. ~~The parties shall, at a minimum, comply with the mandatory disclosure requirements pursuant to Rule 12.285(d) and (e), Florida Family Law Rules of Procedure;~~

(G) state whether upon termination of the collaborative process, with or without an agreement:

(i) a nonparty participant will be permitted to participate or testify in the matter or a substantially related matter.

(ii) a nonparty participant's work product will be admissible in the matter or a substantially related matter.

(H) state whether any written partial settlement agreements survive the termination of the collaborative process and can be submitted to the court for ratification and enforcement;

(I) that if the collaborative process is terminated the attorney for each party, and any attorney in a law firm with which the collaborative attorney is associated, must withdraw and is disqualified from representing the party in any proceeding related to the collaborative matter.

**(d) Abatement of Proceeding.** If the parties file a joint request for abatement, the court shall abate the matter for 90 days. Upon further joint request, the court may further abate the matter.

**(e) Termination Without Settlement.** Either party may terminate the collaborative process by providing written notice to his or her attorney. The attorney shall file with the court a notice of termination of the collaborative process stating the date the process terminated, but not specify any reason for the termination.

**(f) Alternative Dispute Resolution Permitted.** Nothing in this rule shall be construed to prohibit the parties from using, by mutual agreement, other forms of alternate dispute resolution to reach a settlement on any of the issues included in the collaborative participation agreement.

**(g) Settlement Agreement and Final Judgment.** Any settlement agreement shall be in writing and signed by the parties and their attorneys. The settlement agreement may be filed and upon approval by the court can be made part of the final judgment or order.

## **APPENDIX E**

APPX. E-1

We the undersigned,

Will no longer stand for a legal system which allows attorneys to exploit the family courts at the expense of children and families; and

We state that ALL Family Law Attorneys should practice Collaborative Family Law because the well being and benefit of Children and Families should always come FIRST!

On July 1st, 2010, the Florida Bar News published its proposed three-year cycle amendments to the Florida Family Law Rules of Procedure. Rule 12.745 creates a new rule to govern the use of collaborative process in family law cases, including requirements for collaborative participation agreement.

**WE COMMEND THIS STEP TAKEN BY THE FLORIDA BAR & WE MUST CONTINUE FURTHER TO ESTABLISH A COLLABORATIVE LAW STATUTE IN THE STATE OF FLORIDA. WE CALL ON YOU LEGISLATORS TO TAKE THE FIRST STEP TO END NEEDLESS LITIGATION IN THE FAMILY COURTS!**

There are many benefits to the practice of Collaborative Family Law and in 2001, Texas was the first state to adopt a collaborative-law statute. More about it here:  
<http://www.collaborativefamilylawfl.com/article-smoother-road.html>.

We believe we need to stand together to create a Collaborative Law statute in Florida FIRST and other states alike! We must act NOW! We support single parents, children, and families! What counts most is putting our CHILDREN FIRST! Children need the collaboration of BOTH parents to function well and be healthy physically and emotionally. That is why COLLABORATION amongst ALL parties is so IMPORTANT!

We need you to spread the word that Collaborative Family Law is in the best interests of Single Parent Families, Children, and Families as a whole.

We Advocate for Single parents, Children, and Families

STAY INFORMED. Here is a Statement of Principles on Collaborative Family Law.  
<http://www.collaborativefamilylawfl.com/principles.html>

\*U.S. Census Bureau 2000

TOGETHER WE CAN DO AND BE MORE. JOIN US.

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West Palm Beach, FL 33407

Yvonne Manzini  
10431 SW 144 Ave  
Miami, FL 33186

Laurie Sudol  
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Clarkdale, AZ 86324

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12890 SW 34th Place  
Davie, FL 33330

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3328 Torremolinos Ave. 141B  
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771 SW 11th Street #3  
Miami, FL 33129

Maya McAlpine  
13 Bow Circle  
Atlanta, GA 30315

Jessica Banos  
4976 SW 154th Court  
Miami, FL 33185

Raul Eusebio  
686 Westpark Dr. Atp. 104  
Miami, FL 33172

Janice Reyes  
9447 SW 146 Pl.  
Miami, FL 33186

As the founder of the Collaborative Family Law Institute in 1999 in Miami-Dade County and the individual who served as the Institutes's president until 2009, as an experienced Collaborative Law attorney, as an early member of the International Academy of Collaborative Professionals and the individual who has been instrumental in bringing Collaborative Law to our state that now has Collaborative Law practice groups in Ft. Lauderdale , Tampa, Orlando, Ft. Myers and Jacksonville, I am submitting my comments to proposed Family Law Rule 12.745 .

Paragraph (c)(4)(E)

This provision needs to be deleted. There is no court intervention in the collaborative process. Most collaborative cases are commenced pre-filing. However, once a case is filed, there must be an abatement of the proceedings as set forth in (d) to allow for the collaborative process to proceed. There is NEVER intervention by the court during the process. The court is available after settlement is reached to ratify the settlement agreement, incorporate it into the final judgment and enter the final judgment. The parties cannot agree to court intervention because then the entire process would no longer be collaborative. If a party sought judicial intervention during the process, the process would be automatically terminated.

Practicing Collaborative Law requires a completely different mind set than litigation. The parties, their respective counsel and any other neutral professionals retained in the process execute a Participation Agreement that requires counsel to withdraw if the process does not result in settlement. The attorney withdrawal provision is a basic tenet of Collaborative Law.

Paragraph (c)(4)(G)

Clarification is needed here since a "non party participant" could refer to an attorney. Consequently, no attorney in the process is allowed to continue representation in litigation if no settlement is reached. The provision is inconsistent with the collaborative process as explained above. If the term "non party participant" refers to a neutral mental health professional or neutral financial professional, then ONLY by written agreement of the parties would that individual be allowed to testify in court and/or to allow work product of those professionals be admissible in the matter or a substantially related matter".

Paragraph (c)(4)(H)

This provision should be mandatory because the parties have spent time in negotiating temporary agreements and have essentially settled the matter focusing on their needs and their interests using interest based negotiation. If the case became litigated, there would be no need to renegotiate agreements that parties spent time discussing, looking at various options for possible settlement and then making informed decisions to reach agreement. The Eleventh Judicial Circuit in Administrative Order 07-08 mandates that temporary orders be entered by the court as enforceable orders should litigation occur. The Ninth Judicial Circuit has the same provision in their Administrative Order 2008-06.

Thank you for the opportunity to be heard in this important matter. If you need to contact me, I welcome any questions or inquiries you may have. Hopefully, the Court will look at my revisions and incorporate them into the proposed rule.

Sincerely,  
Rosemarie S. Roth



Please consider our environment and avoid unnecessary printing of emails.

*Rosemarie S. Roth, Esq.*

*Rosemarie S. Roth, P.A.*

*8525 S.W. 92 Street*

*Suite B-5*

*Miami, Florida 33156*

*Telephone: 305-596-7303*

*Fax: 305-596-1198*

*Email: [rlsroth@aol.com](mailto:rlsroth@aol.com)*

I am sending this e-mail to you with my comments about proposed Rule 12.745 which establishes a Florida Family Law Rule of Procedure governing the practice of collaborative law. First of all, I have experience in actually practicing collaborative law in Florida and am currently the President of the Collaborative Family Law Institute, the practice group of collaborative professionals in Miami-Dade County. I am also a member of the Collaborative Family Lawyers of South Florida, the collaborative practice group in Broward County and the International Academy of Collaborative Professionals, the international organization of collaborative professionals.

Generally speaking, I am thrilled that The Bar has proposed a Rule of Procedure governing collaborative law to be presented to the Supreme Court. Collaborative law is being practiced throughout Florida, but there are no rules governing the practice of it and no statewide standards, although the vast majority of the practice groups follow the same basic rules of conduct. However, the passage of a Rule would establish standards to apply statewide, which would provide protection to the public and assist attorneys in practicing collaborative law.

Here are my specific comments:

1. In the vast majority of cases, a collaborative law matter is instituted before litigation is filed. While the Rules of Procedure technically only apply to pending litigation, I suggest that it would be best to start Rule 12.745(b) with, " If an action is pending, the parties may...."

2. Paragraph (c)(4)(E) is not correct and it does not reflect how collaborative law is practiced. The parties specifically agree that they will not seek judicial intervention. Participation Agreements provide that if a party seeks judicial intervention, the collaborative process is automatically terminated. While the parties always have the right to seek judicial intervention, they understand that by choosing to seek judicial intervention, they are terminating the collaborative process. To provide otherwise would be inconsistent with one of the main underlying tenets of collaborative law.

3. The last sentence of paragraph (c)(4)(F) is contrary to the language in Rule 12.285(a)(1). Under the proposed new Rule, mandatory disclosure is mandatory in all collaborative cases. However, Rule 12.285(a)(1) specifically provides that the parties can waive the requirement to exchange mandatory disclosure. Certainly a litigant should not have more freedom to govern their process than a collaborative participant. I submit to you that there should not be a minimum requirement for the exchange of documents and information in a collaborative matter. The parties and their attorneys should have the freedom to determine which documents and information should be voluntarily exchanged. Understand that a standard provision in all Participation Agreements is that the process is transparent and that the parties will voluntarily exchange documents and information. The parties in a collaborative process should have the freedom to determine whether they want to exchange the documents mandated by Rule 12.285.

4. In paragraph (c)(4)(G), I cannot help but think that the term "nonparty participant" was intentionally used without defining that term. There is a very large difference between a nonparty participant who is an attorney and a nonparty participant who is a mental health professional or a financial professional. As this paragraph is written, the parties could decide that their respective "nonparty participant" attorneys can "participate" in litigation, which to me would necessarily include representing the parties in litigation should the collaborative process be terminated. This is absolutely the key provision of the collaborative process that sets it apart from every other

alternative dispute resolution tool. Under no circumstance should Rule 12.745 even imply that an attorney may represent a party in litigation after the collaborative process terminates or that the parties can decide between themselves whether that should be prohibited. To provide otherwise would change the process into cooperative law, which is fine if the attorneys and parties choose that method, but it should not be misrepresented to be collaborative law.

5. For your information, there are at least two Circuits, the Ninth (Administrative Order 2008-06) and the Eleventh (Administrative Order 07-08) that already provide that temporary agreements between collaborative parties that are memorialized in writing shall be enforced by the court. Therefore, I suggest that paragraph (c)(4)(H) should be mandatory, not left to the discretion of the parties. Otherwise, there is no reason for the parties to engage in meaningful settlement negotiations and to partially resolve their matter as the process evolves.

Thank you for your time and efforts. Please feel free to contact me if I can be of any further service to you or your committee.

I look forward to Rule 12.745 being submitted to the Florida Supreme Court and to the Court approving it, hopefully with my suggested revisions.

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## CERTIFICATE OF COMPLIANCE

I certify that this report was prepared in accordance with the font requirements of *Fla. R. App. P.* 9.210(a)(2).

I certify that these rules were read against *West's Florida Rules of Court* (2010 Revised Edition).

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