

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA
FAMILY LAW DIVISION**

FAMILY LAW ADMINISTRATIVE DIRECTIVE NO. 2006-01

RE: *Procedure for Uncontested Dissolution of Marriage By Special Affidavit and Without Hearing*

WHEREAS, the Circuit Court in and for Escambia County, Florida, established a Family Law Division effective April 1, 1992; and

WHEREAS, the undersigned Judge was appointed Administrative Judge of the Family Law Division of the Escambia County Circuit Court by Administrative Order No. 2003-62; and

WHEREAS, in uncontested dissolution of marriage cases, it is advantageous to the Court, the attorneys and the parties to have a procedure for the entry of a Final Judgment of Dissolution of Marriage without the necessity of a hearing; and

WHEREAS, it is necessary to have an established and definite procedure for the presentation to the Court of a request to enter a Final Judgment of Dissolution of Marriage without hearing, it is, therefore

ORDERED AND ADJUDGED:

1. In lieu of presenting live testimony to the Court, the necessary evidence may be submitted to the Court through the Special Affidavit for Uncontested Dissolution of Marriage attached hereto as Exhibit "A".
2. To insure the Respondent is apprised of the request for the entry of a Final Judgment of Dissolution of Marriage and has an opportunity to raise any objection to the entry of such Final Judgment, Respondent shall be served with the Notice of Filing Special Affidavit for Uncontested Dissolution of Marriage attached hereto as Exhibit "B". If both parties are represented by counsel, the waiting period described in the Notice can be waived by either supplying a proposed Final Judgment of Dissolution of Marriage bearing the initials of both counsel or a separate filing by the Respondent documenting his or her consent to the entry of the Final Judgment without the waiting period.
3. To insure that the Court is presented with a case procedurally postured for the entry of a Final Judgment of Dissolution of Marriage, the petitioner shall supply to the Court the Checklist for Uncontested Dissolution by Special Affidavit attached hereto as Exhibit "C".

DONE AND ORDERED in Chambers, in Pensacola, Escambia County, Florida this 16th day of August, 2006.



JAN SHACKELFORD
Administrative Circuit Judge, Family Law Division

Copies furnished to:

All Circuit Judges, Family Law Division
All Magistrates
Circuit Court Clerk, Family Law Division
The Summation

EXHIBIT "A"

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY FLORIDA
FAMILY LAW DIVISION

IN RE: THE MARRIAGE OF

_____,
Petitioner/_____,
and

_____,
Respondent/_____.

Case No.: _____
Division: _____

SPECIAL AFFIDAVIT FOR UNCONTESTED DISSOLUTION OF MARRIAGE

STATE OF FLORIDA

COUNTY OF _____

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

1. My name is _____. I am the Petitioner in the above action. I am now married to _____
_____. We were married in (city and state) _____
_____, on (date) _____.

2. I have carefully re-read my Petition for Dissolution of Marriage. Everything said in it is true and accurate to the best of my knowledge and belief **or** I have made the corrections below:

_____.

3. Is your spouse now or was your spouse at any time from 30 days prior to the filing of your Petition for Dissolution of Marriage a member of the Armed Forces of the United States, a National Guard or reserve member ordered to active duty, or an active duty commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration?

Yes No

4. The Petition for Dissolution of Marriage was filed on _____
____, 20____.

5. Have either you or your spouse resided in the state of Florida continuously as a permanent resident for more than six months before the date the petition was filed?

Yes No

Which spouse? _____ (Write "Husband", "Wife", or "Both")

6. "Irretrievably broken" means that the marriage cannot be salvaged in any way, not even with the help of marriage counseling. Is your marriage irretrievably broken?

Yes No

Briefly state why: _____

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

Yes No

If so, state their names and dates of birth.

Name

Date of Birth

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

Yes No

If not, state their names and dates of birth:

Name

Date of Birth

9. Is the wife pregnant at this moment?

Yes No

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

Yes No (If No, go to question 17.)

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

Yes No

12. Do you believe this agreement is fair?

Yes No

13. Have both of you fully disclosed all assets, liabilities and incomes to each

other?

Yes No

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

Yes No

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

Yes No

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

Yes No (Go to question 18.)

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

Yes No

18. Is the wife asking the court to restore prior name or maiden name?

Yes No

Was this relief requested in the wife's Petition or Counter-Petition?

Yes No

If so, state the full restored name desired: _____

NOTE: The Court can only restore a legal name that the wife once had, either by birth or marriage. It cannot grant a new name that the wife has never had before.

This name is a: maiden name; prior married name.

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

NOTE: You must show proof that you have been a permanent or continuous resident or the State of Florida. Residency cannot be less than six months prior to the date you filed the Petition. You may do this in one of two ways.

A. By submitting an enlarged, readable photocopy of either your Florida driver's license or voter's registration. Remember the date of issue must prove your residency. If it does not, you have failed to prove residency and your case will be held up until proper proof is received; or

B. By submitting an affidavit from a witness who can prove your residency. The witness must be an adult who is a Florida resident.

Petitioner

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__ by _____ who is () personally known to me or () who produced _____ as identification.

NOTARY PUBLIC

EXHIBIT "B"

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY FLORIDA
FAMILY LAW DIVISION

IN RE: THE MARRIAGE OF

_____,
Petitioner/_____,
and

_____,
Respondent/_____.

Case No.: _____
Division: _____

**NOTICE OF FILING SPECIAL AFFIDAVIT FOR
UNCONTESTED DISSOLUTION OF MARRIAGE**

TO: _____

YOU ARE HEREBY NOTIFIED that the Petitioner has filed the original Special Affidavit for Uncontested Dissolution of Marriage with the Circuit Court in and for Escambia County, Florida, a copy which is attached to this Notice.

If you in any way disagree with the facts alleged in this affidavit and/or you desire a hearing before the Court, **you must, within 15 days of the date of this notice, submit a written objection.** You must mail or hand deliver your objection to the Clerk of Court, Family Law Division, M.C. Blanchard Judicial Center, 190 Governmental Center, Pensacola, Florida, 32502 and provide a copy to _____, Esquire,
_____.

THIS IS THE ONLY NOTICE THAT YOU WILL RECEIVE PRIOR TO THE FINAL JUDGMENT BEING SUBMITTED TO THE ASSIGNED JUDGE. If you do not raise any

objection as indicated above, the Final Judgement of Dissolution of Marriage will be

entered without a hearing.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a copy of the foregoing Notice of Filing and a copy of the completed Special Affidavit for Uncontested Dissolution of Marriage has been furnished by hand delivery/regular U.S. Mail to _____, this _____ day of _____, 200____.

_____, Esquire
Florida Bar No. _____

Attorney for _____

EXHIBIT "C"

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY FLORIDA
FAMILY LAW DIVISION

IN RE: THE MARRIAGE OF

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

Case No.: _____
Division: _____

CHECKLIST FOR UNCONTESTED DISSOLUTION BY SPECIAL AFFIDAVIT

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

Document	Filed with Clerk	Presented with Checklist	Not Applicable
Petition			
Return of Service			
Acceptance of Service			
Default			
Answer			
Husband's Notice of Social Security No.			
Wife's Notice of Social Security No.			
Husband's UCCJEA Affidavit			
Wife's UCCJEA Affidavit			
Husband's Financial Affidavit			
Wife's Financial Affidavit			
Husband's Compliance with Rule 12.285			

Wife's Compliance with Rule 12.285			
Agreement to Waive Rule 12.285			
Husband's Transparenting Seminar			
Wife's Transparenting Seminar			
Motion to Compel Attendance at Seminar			
Order on Motion to Compel			
Motion to Waive Seminar Attendance			
Order on Motion to Waive			
Child Support Guidelines ___ complies ___ deviates			
Income Deduction Order			
Memorandum to Clerk			
Proof of Residency			
Special Affidavit for Uncontested DOM			
Notice of Filing Special Affidavit			

Certificate of Counsel

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

_____, Esquire

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished by hand delivery/regular U.S. Mail to _____, this ___ day of _____, 200__.

_____, Esquire

Florida Bar No. _____

Attorney for _____