

### SPECIAL INTERROGATORIES PROCEDURE

The Special Interrogatories Procedure is a procedure authorized to be used in the Sixteenth Judicial Circuit in obtaining a Dissolution of Marriage. This procedure may be used only in “uncontested” cases. Before the file will be presented to the Judge for review, the file must contain:

**In uncontested cases settled by a written Marital Settlement Agreement, ALL of the following items must be completed and in the court file before the Judge will enter a Final Judgment:**

1. A Petition signed by the Petitioner.
2. Special Interrogatories completely filled out and signed by the Petitioner under oath before a notary. The Petition must contain the date on which the Petition was filed.
3. An Answer and Waiver signed by the Respondent under oath before a notary. The Answer and Waiver must request judgment based upon a Marital Settlement Agreement between the parties, request incorporation of the Marital Settlement Agreement between the parties into the Final Judgment, admit personal jurisdiction, admit subject matter jurisdiction, waive all time periods, waive trial and request the court to enter Final Judgment dissolving the marriage without further notice.
4. The original Marital Settlement Agreement signed by both parties.
5. A Financial Affidavit from each party, substantially in the form required by the Family Law Rules Law Rules, completely filled out, showing the party’s gross income, deductions, net income, expenses, assets and liabilities. The Financial Affidavit must set forth the value of each asset and liability as of the date of filing and must identify each asset and liability as marital or nonmarital. The Financial Affidavit must be signed by the party under oath before a notary.
6. Proof of Residency, that one of the parties has been a permanent and continuous resident of Florida for at least six (6) months before the date on which the Petition for Dissolution of Marriage was filed. There must be a sworn testimony to establish this which must be corroborated in one of the following ways:
  - a. Submitting a photocopy of either the Petitioner’s or Respondent’s driver’s license or voter’s registration. The date of issue must be more than six (6) months before the date on which the Petition for Dissolution of Marriage was filed. OR
  - b. Submitting a Corroboration Affidavit from a witness that proves the Petitioner’s or the Respondent’s residency. The witness must be an adult who is a Florida resident. A Corroborating Witness Affidavit cannot prove the residency unless the affidavit shows the date on which the residency was established or the date on which the Petition for Dissolution was filed. The corroborating witness’s driver license must be filed with the Corroborating Witness Affidavit.
7. An original and two (2) copies of the Final Judgment with all blanks filled in.
8. Two (2) stamped envelopes addressed to each party.
9. Ten Dollars 50/100 (\$10.50) Clerk fee.
10. If children, a Certificate of Completion of Parenting Course from both parents.
11. If children, a UCCJEA (Uniform Child Custody Jurisdiction Enforcement Act) Affidavit.
12. If children, a Child Support Guidelines Worksheet.

**In uncontested cases proceeding after a default, that is, with no “Answer and Waiver”:**

1. If the Respondent is personally served and the Petition asks only for a dissolution of the marriage OR dissolution of the marriage and incorporation of a Marital Settlement Agreement and nothing more, and a default has been entered by the Clerk of Court or the Judge, the file may be forwarded to the Judge if it contains Items 1, 2, 4, 5, 6, 7, 8, and 9 above. If there is no Marital Settlement Agreement, Respondent’s Financial Affidavit is not required from Item 5.
2. If the Petition asks for anything other than a dissolution of marriage or a dissolution of marriage incorporating a Marital Settlement Agreement, such as, child custody, visitation, child support, alimony or a division of property, a Notice for Trial must be filed with the Clerk of the Court as the case is no longer “uncontested” and a trial will be required. Upon the filing of a Notice for Trial, the Judge will issue a trial order. Prior to receiving a trial date, the Judge may require that the case be mediated and set for pretrial conference. Petitioner must attend the trial and prove the allegations of the Petition not established by default.
3. If the Petition is served by publication, and a default has been entered by the Clerk of Court or the Judge, the court can only grant a dissolution of marriage, temporary custody, and temporary child support of any children to the Petitioner, reserving on all other issues until the Respondent is personally served.

If a party needs legal advice, they should consult with an attorney. If a party is unrepresented, they may obtain assistance, but not legal advice, through this circuit’s Family Court Service Program. The Family Court Service Program telephone number are (305) 853-7387(Upper Keys) (305) 295-3643 (Key West).

**SPECIAL INTERROGATORIES CHECK LIST**  
**Uncontested Dissolution of Marriage Cases**

The following documents **MUST** be filed before the case can be sent to a judge for entry of Final Judgment.

**DEFAULT CASES ONLY**

- Children Yes  No
- Petition for Dissolution of Marriage  
Filed: \_\_\_\_\_
- Financial Affidavit (Petitioner)  
Filed: \_\_\_\_\_

- Certificate of Service of Summons  
Filed: \_\_\_\_\_
- OR**
- Affidavit of Diligent Search **AND**  
Notice of Publication **AND**  
Proof of Publication **AND**  
Non-Military Affidavit  
Filed: \_\_\_\_\_

- Motion for Default Filed: \_\_\_\_\_
- Default Entry (by Clerk) Filed: \_\_\_\_\_

- Affidavit/Certificate of Corroborating  
Witness, Filed: \_\_\_\_\_ **OR**
- Valid Florida Driver's License  
Dated issued: \_\_\_\_\_ **OR**
- Florida Voter's Registration Card  
Date Issued: \_\_\_\_\_

- \*Final Judgment (3 copies)  
(2 copies if Respondent's address is unknown)
- Special Interrogatories – Filed \_\_\_\_\_
- \*(2) Stamped Envelopes (one for each party)
- \$10.50 Clerk Fee

**THE FOLLOWING ARE REQUIRED ONLY IF  
THERE ARE MINOR CHILDREN OF THE  
MARRIAGE**

- Uniform Child Custody Jurisdiction Act  
Affidavit(UCCJA), Filed: \_\_\_\_\_
- Certificate of Attendance of Parenting Class  
(Petitioner), Filed: \_\_\_\_\_
- Child Support Guideline Worksheet

**SETTLED BY WRITTEN AGREEMENT**

- Children Yes  No
- Petition for Dissolution of Marriage  
Filed: \_\_\_\_\_
- Financial Affidavit (Husband)  
Filed: \_\_\_\_\_
- Financial Affidavit (Wife)  
Filed: \_\_\_\_\_
- Answer and Waiver, Filed: \_\_\_\_\_
- Marital Settlement Agreement  
Filed: \_\_\_\_\_

- Affidavit/Certificate of Corroborating  
Witness, Filed: \_\_\_\_\_ **OR**
- Valid Florida Driver's License  
Dated issued: \_\_\_\_\_ **OR**
- Florida Voter's Registration Card  
Date Issued: \_\_\_\_\_

- \*Final Judgment (3 copies)
- Special Interrogatories, Filed: \_\_\_\_\_
- \*(2) Stamped Envelopes  
(one addressed to each party)
- \$10.50 Clerk Fee

**THE FOLLOWING ARE REQUIRED ONLY  
IF THERE ARE MINOR CHILDREN OF  
THE MARRIAGE:**

- Uniform Child Custody Jurisdiction Act  
Affidavit(UCCJA), Filed: \_\_\_\_\_
- Certificate of Attendance of Parenting Class  
(Husband) Filed: \_\_\_\_\_
- Certificate of Attendance of Parenting Class  
(Wife) Filed: \_\_\_\_\_
- Child Support Guideline Worksheet

**Proposed Final Judgment and envelopes should be submitted, without filing, to the judge once all other documents have been filed with the Clerk of the Court.**

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,

IN AND FOR MONROE COUNTY, FLORIDA

CASE NO: \_\_\_\_\_  
FAMILY DIVISON

\_\_\_\_\_  
Petitioner,  
And

\_\_\_\_\_  
Respondent,  
\_\_\_\_\_ /

**SPECIAL INTERROGATORIES FOR DISSOLUTION OF MARRIAGE CASES**

**NOTE: You must fill in every blank correctly, either by typing or printing legibly in ink. If a question does not apply to your case write "N/A" or "NO" in the blank.**

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

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

1. My name is \_\_\_\_\_, I am now married to \_\_\_\_\_.  
We were married at (City and State) \_\_\_\_\_, on (date) \_\_\_\_\_.

2. I have just now 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 all corrections below:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Are you or your spouse a member of the armed forces?

Answer \_\_\_\_\_

4. Your Petition for Dissolution of Marriage was filed on \_\_\_\_\_, 20\_\_\_\_. 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?

Answer \_\_\_\_\_

Which spouse \_\_\_\_\_ (write "Husband", "Wife", or "Both"?)

5. "Irretrievably broken" means that the marriage cannot be put back together or salvaged in anyway, not even with the help of marriage counseling. Is your marriage irretrievably broken?

Answer \_\_\_\_\_

State very briefly why your marriage is irretrievably broken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Are there children born of this marriage who are still minors (under 18)?

Answer \_\_\_\_\_

If so, state their full names and dates of birth.

Name \_\_\_\_\_ Date of Birth

_____	_____
_____	_____
_____	_____
_____	_____

Is the wife pregnant at this moment? Answer \_\_\_\_\_

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

Answer \_\_\_\_\_

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

Answer \_\_\_\_\_

8. Do you believe the agreement is fair? Answer \_\_\_\_\_

Have **both** of you fully disclosed all assets, liabilities, and incomes to each other?

Answer \_\_\_\_\_

Did **both** you and your spouse sign this agreement freely and voluntarily?

Answer \_\_\_\_\_

Do you want the judge to adopt the agreement as part of the Final Judgment of Dissolution of Marriage?

Answer \_\_\_\_\_

9. Is the Wife asking the Court to restore her prior name or maiden name? (*The court can only restore a legal name the Wife once had, either by birth or marriage. It cannot grant a new name the Wife has never had before.*)

Answer \_\_\_\_\_

If so, state the full restored name desired \_\_\_\_\_

10. Are you waiving your right to an "in person" final hearing before the Court.

Answer \_\_\_\_\_

11. Is there anything you believe the court ought to know that has not been covered above? If yes, briefly state below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** You must show separate proof that you have been a permanent and continuous resident of the State of Florida for at least six months before the date of filing for divorce. You may do this in one of two ways:

1. Submitting an **enlarged** readable photocopy of either your driver's license or voter's registration card. 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 the proper proof is received; OR

2. Submitting an Affidavit from a witness who can prove your residency. The witness must be an adult who is a Florida Resident.

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Date

Sworn to (or affirmed) and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Personally known  
\_\_\_\_\_  
Produced Identification

ID # \_\_\_\_\_  
Type of ID Produced \_\_\_\_\_