IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

IN AND FOR COLLIER COUNTY, FLORIDA

IN RE: THE MARRIAGE OF:

NAME

Petitioner,

vs. CASE NO.

Domestic Relations

NAME

Respondent

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

**FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE**

**(Adopting Recommended Order Dated {INSERT DATE})**

THIS CAUSE came before the Court upon the Recommended Order of the Magistrate entered on {INSERT DATE}. The Court, having reviewed and considered the findings of the Report, it is:

ORDERED AND ADJUDGED:

1. The Recommended Order of the Magistrate dated {INSERT DATE} and attached hereto is hereby ratified and approved.
2. The Court adopts each and every finding and recommendation contained in the Recommended Order of the Magistrate as the Order and Judgment of this Court, as if fully set forth herein and made a part hereof.
3. FINAL JUDGMENT: The marriage between the above parties is irretrievably broken. Therefore, a judgment of divorce shall be entered, the marriage between the parties is dissolved and the parties are restored to the status of being single.
4. RESTORATION OF MAIDEN NAME: The Wife’s former name shall be restored to: **XXX**.
5. The Court reserves jurisdiction to modify and enforce this Final Judgment.
6. Any Motion to Vacate must be filed in accordance with Rule 12.490(e), Florida Family Law Rules of Procedure.

DONE AND ORDERED at Naples, Collier County, Florida this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

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

Circuit Court Judge

**Electronic Service per e-Portal Service List:**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been provided this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_, to the following:

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

Judicial Assistant

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**RECOMMENDED ORDER OF THE MAGISTRATE ON FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE WITH MINOR CHILDREN**

ATTENDANCE:

Petitioner   Attorney for Petitioner

Respondent  Attorney for Respondent

Court Reporter: Court Smart  Clerk of Court

THIS CAUSE came before this Honorable Court, the Magistrate, {NAME} presiding, on {DATE} for a **Final Hearing on a Petition for Dissolution of Marriage**. The Court, having reviewed the file and heard the testimony, makes these Findings of Fact and reaches the following Conclusions of Law:

1. The Court has jurisdiction over this case and proceeding pursuant to an Order of Referral to the Magistrate, dated {DATE}. No objections were filed in connection therewith within the time period allowed by Rule 12.490 of the Florida Family Law Rules of Procedure. The Magistrate has jurisdiction pursuant to *Florida Family Law Rule*, 12.490, *et seq*.
2. The Court has jurisdiction over the subject matter and the Petitioner but not over the Respondent. The Petitioner was present in the Courtroom/via Zoom and was self-represented/represented by counsel. The Respondent was served by posting/publication pursuant to the Affidavit filed on \_\_\_\_\_\_\_\_\_\_\_\_. The Respondent did not appear at the final hearing. The Respondent has failed to serve any response to the Petition for Dissolution of Marriage. The Clerk of Court entered a Default against the Respondent on \_\_\_\_\_\_\_\_\_\_\_\_. Personal jurisdiction over the Respondent is not necessary in order to dissolve the marriage. ***Hurlock v. Hurlock***, 703 So.2d 535 (Fla. 4th DCA 1997).

[OR] The Respondent was personally served on \_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_. The Petition for Dissolution did not request or provide a basis for the Court to obtain long arm jurisdiction over the Respondent pursuant to Fla. Stat. § 48.193. The Respondent has failed to serve any response to the Petition for Dissolution of Marriage. The Clerk of Court entered a Default against the Respondent on \_\_\_\_\_\_\_\_\_\_\_\_. Personal jurisdiction over the Respondent is not necessary in order to dissolve the marriage. ***Hurlock v. Hurlock***, 703 So.2d 535 (Fla. 4th DCA 1997).

1. At least one party has been a resident of the State of Florida for more than 6 months immediately before filing the Petition for Dissolution of Marriage.
2. The Court has jurisdiction over the child custody matters and the children pursuant to the *Uniform Custody Child Jurisdiction Enforcement Act* (“UCCJEA”) filed in this matter. An Affidavit filed in conformance therewith was filed on {DATE}.
3. The parties were married on {DATE OF MARRIAGE}. The Parties separated {DATE OF SEPERATION}. The Petition for Dissolution of Marriage was filed on {DATE OF FILING}. Said Petition shall be GRANTED. Competent substantial evidence supports a determination that the marriage between the parties is irretrievably broken. Therefore, a judgment of divorce shall be entered, the marriage between the parties is dissolved and the parties are restored to the status of being single.
4. The Court lacks jurisdiction to address Equitable Distribution and Alimony because the Court does not have personal jurisdiction over the Respondent. Furthermore, the Petition and the Notice of Action did not allege any request for equitable distribution of property.

[OR] The Court lacks jurisdiction to address Alimony and Equitable Distribution because the Respondent was served out of state, and the Petition did not allege long arm jurisdiction per Fla. Stat. § 48.193.

1. The Wife is not currently pregnant. The following is/are the minor child(ren) which is/are the issue of this marriage:

Name Date of Birth

1. In making this Report and Recommendation, the Court has considered all of the factors set forth in F.S. 61.13 (3). The Court finds, and the record will reflect, that the best interests of the children will be served as set forth herein. Further the Court must consider that it is the public policy of the State of Florida to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved, and to encourage parents to share the rights and responsibilities, and the joys of child rearing. F.S. 61.13 (2) (b).
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. **PARENTING PLAN**: The Court finds the following parenting plan to be in the best interest of the minor children based on the testimony and evidence presented at the final hearing:
4. **Parental Responsibility:** Based on the Court’s consideration of the evidence presented at the Final Hearing and the factors set forth in F.S. 61.13(3), the Court finds it is in the best interest of the minor child(ren) that the Petitioner has sole parental responsibility. The Court further finds shared parental responsibility would be detrimental to the child(ren) due to \_\_\_\_\_\_\_\_\_.
5. **Parenting Time:** Based on the Court’s consideration of the evidence presented at the Final Hearing and the factors set forth in F.S. 61.13(3), the Court finds the Mother/Father shall have all timesharing with the minor child(ren), including all scholastic and holiday breaks. The Mother/Father shall have no parenting time with the child(ren) until further order of the Court.
6. **Modification of Timesharing:** If the Mother/Father wishes to petition the Court to modify the timesharing set forth herein (including any request for supervised parenting time), the Mother/Father must file a Supplemental Petition with the Court and complete the following tasks:
7. Provide a valid physical and/or mailing address and telephone number to the Petitioner and the Court;
8. File with the court and serve Petitioner a Florida Financial Affidavit Form;
9. File with the court and serve Petitioner a certificate of completion of a court-approved Batterer’s Intervention Program;
10. File with the court and serve Petitioner with a certificate/proof of completion of a court-approved Substance Abuse Evaluation and follow all recommendations;
11. File with the Court and serve Petitioner proof of a negative drug test taken via hair or nail follicle within 30 days of the filing of the Supplemental Petition; and
12. File with the Court a certificate of completion of the required parenting course.
13. **Travel/Passport:** The Petitioner/Mother/Father shall make all travel decisions for the minor child(ren) and shall be able to travel with the minor child(ren) outside the state, including out of the country, without the consent of or notification to the Respondent/Mother/Father. The Petitioner/Mother/Father shall be permitted to obtain a passport for the minor children without the consent of or notification to the Respondent/Mother/Father.
14. **Telephone Contact:** The Respondent/Mother/Father shall not have any scheduled telephone contact with the minor child(ren) until further Court Order.
15. **Relocation**: Any relocation of the child(ren) is subject to and must be sought in compliance with section 61.13001, Florida Statutes.
16. **School Designation**: The Petitioner/Mother/Father’s address shall be used for school determination purposes.
17. **Legal Parent:** The child(ren) named in this Parenting Plan are scheduled to reside the majority of the time with the Petitioner/Mother. This majority designation is **SOLELY** for purposes of all other state and federal laws which require such a designation. **This designation does not affect either parent’s rights and responsibilities under this Parenting Plan**.
18. This Parenting Plan is a child custody determination for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act, the International Child Abduction Remedies Act, the Parent Kidnapping Prevention Act and the Convention on the Civil Aspects of International Child Abduction enacted at The Hague. Florida is the home State of the child.
19. The Court finds both parents owe a duty of support on behalf of their minor child(ren). However, since personal service was not obtained upon the Respondent and since the Court has no personal jurisdiction over the Respondent, the Court lacks jurisdiction at this time to award child support. The Court reserves jurisdiction to determine an appropriate amount of child support should the Respondent be personally served or present himself/herself to this Court.
20. The Petitioner/Respondent’s maiden name shall be/shall not be restored.
21. The Court reserves jurisdiction to modify and/or enforce this Final Judgment.

**DATED** at Naples, Collier County, Florida, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2022.

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{Insert Name of Magistrate}

Magistrate, Twentieth Judicial Circuit