

# Rule 12.100. Pleadings and Motions

**(a) Pleadings.** There must be a petition or, when so designated by a statute or rule, a complaint, and a response or answer to it; a response or answer to a counterclaim denominated as such; an answer to a crossclaim if the answer contains a crossclaim; a third-party petition if a person who was not an original party is summoned as a third-party respondent or defendant; and a third-party response or answer if a third-party complaint is served. If a response or answer contains an affirmative defense and the opposing party seeks to avoid it, the opposing party shall file a reply containing the avoidance. In a post-judgment case, there are a supplemental petition and a response or an answer and a counter-supplemental petition and a response or an answer to it, if applicable. In those cases in which there is a related civil action that is not otherwise specifically addressed in the Family Law Rules of Procedure, then the Rules of Civil Procedure governs those pleadings. No other pleadings are allowed unless otherwise provided by law.

**(b) Motions.** An application to the court for an order must be by motion which must be made in writing unless made during a hearing or trial, must state with particularity the grounds therefor, and must set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion. All notices of hearings must specify each motion or other matter to be heard.

## **(c) Caption.**

**(1)** Every pleading, motion, order, judgment, or other document must have a caption containing the name of the court, the file number, and except for in rem proceedings, the name of the first party on each side with an appropriate indication of other parties, and a designation identifying the party filing it and its nature or the nature of the order, as the case may be. In any in rem proceeding, every pleading, motion, order, judgment, or other document must have a caption containing the name of the court, the file number, the style "In re" (followed by the name or general description of the property), and a designation of the person or entity filing it and its nature or the nature of the order. All documents filed in the action must be styled in such a manner as to indicate clearly the subject matter of the document and the party requesting or obtaining relief. Specific captions for family law cases are as follows:

## **(A) Matters Arising From Dissolution of Marriage.**

**(i) Original Dissolution of Marriage:** In re the Marriage of ....., Husband and ....., Wife, regardless of who files first and whether there is a counter-petition.

**(ii) Modification of Final Judgment of Dissolution of Marriage:** In the Former Marriage of ....., Former Husband, and ....., Former Wife, regardless of who files first and whether there is a supplemental counter-petition.

**(B) Annulment.**

**(i) Original Annulment:** In re the Marriage of ....., Husband and ....., Wife, regardless of who files first and whether a counter-petition for annulment or any other pleading in the alternative for dissolution of marriage is filed.

**(ii) Supplemental or Enforcement Proceedings.** The caption must remain the same, regardless of whether an annulment or a dissolution of marriage was ultimately granted in the original proceeding.

**(C) Support Unconnected With Dissolution of Marriage:** In re the Marriage of ....., Husband and ....., Wife, regardless of who files first and whether there is a counter-petition.

**(D) Paternity.**

**(i) Original Paternity Proceeding when Paternity is not Admitted Before Filing:** ....., Putative Father, and ....., Mother, regardless of who files first and whether there is a counter-petition.

**(ii) Original Paternity Proceedings when Paternity has been Admitted Before Filing:** ....., Father, and ....., Mother, regardless of who files first and whether there is a counter-petition.

**(iii) Paternity Modification:** ....., Father, and ....., Mother, regardless of who files the supplemental petition and whether there is a supplemental counter-petition.

**(iv) Disestablishment of Paternity Proceeding:** ....., Father, and ....., Mother.

**(E) Proceedings for Temporary or Concurrent Custody of Minor Children by Extended Family:** In the interest of ....., Child(ren).

**(F) Adoption.**

**(i) In re:** Termination of Parental Rights for Proposed Adoption of .....(name on child's birth certificate)....., Minor Child(ren).

**(ii) In re:** Adoption of .....(name to be given child(ren))....., Adoptee(s).

**(iii) Stepparent Adoption Proceedings:** In re: the Adoption of .....(name to be given child(ren))....., Adoptee(s).

**(G) Proceedings for Emancipation of a Minor:** In re: Emancipation of ....., Minor.

**(H) Title IV-D Cases:** State, Dept. of Revenue, Child Support Program ex rel. ...., Petitioner, and ....., Respondent.

**(I)** In all supplemental proceedings for modification or actions to enforce, the caption must remain the same as indicated in this rule.

**(2)** Trial level nomenclature used in the caption should be simple, clear, constant, and, to the extent possible, unchanging, regardless of who files a petition, counter-petition, or a supplemental action. The trial level nomenclature expressed herein is intended to meaningfully identify the parties by role, such as Wife, Husband, Former Wife, Former Husband, Putative Father, Father, and Mother. Information as to who files a pleading or motion should be part of the document rather than in the caption of the case.

**(3)** A cover sheet for family court cases (form 12.928) must be completed and filed with the clerk at the time a complaint or petition is filed by the party initiating the action. If the cover sheet is not filed, the clerk must accept the complaint or petition for filing; but all proceedings in the action must be abated until a properly executed cover sheet is completed and filed. The clerk must complete the cover sheet for a party appearing pro se.

**(4)** A final disposition form (form 12.999) must be filed with the clerk at the time of the filing of the order or judgment which disposes of the action. If the action is settled without a court order or judgment being entered, or dismissed by the parties, the plaintiff or petitioner must immediately file a final disposition form with the clerk. The clerk must complete the final disposition form for a party appearing pro se, or when the action is dismissed by court order for lack of prosecution under rule 12.420(d).

**(d) Notice of Related Cases.** A notice of related cases, form 12.900(h), must be filed in conformity with Florida Rule of Judicial Administration 2.545(d).