

INSTRUCTIONS FOR SUPPLEMENTAL PETITION FOR MODIFICATION OF CHILD SUPPORT (TITLE IV-D CASE)

I. When should this form be used?

You are under an order to pay child support (e.g. dissolution of marriage final judgment, child support order, dependency order, foster care order, domestic violence injunction) and the order is being enforced by the Department of Revenue, Child Support Enforcement Office, (Title IV-D agency). If you have a question about whether your case is a Title IV-D case, the clerk can check this for you. The Court can change or suspend support obligation if there has been a substantial change in circumstances of the parties or it is in the child(ren)'s best interests. This form can be used only in Escambia County and Santa Rosa County.

II. When should this form not be used?

You are not seeking change or suspension of your child support obligation, or if the order was entered in another state and the custodian and/or child(ren) live in that other state or in another state other than Florida.

If you want a rehearing of an order, or to set aside an order, or to receive credit for payments you have made, or to have the arrearage payment reduced or stopped, or to challenge a lien on your bank account or other property, or to obtain reinstatement of your driver's licence or professional license, there is a different form that you should use. Ask the Clerk for that form.

III. What forms must be prepared and submitted?

- A. Supplemental Petition for Modification of Child Support (Title IV-D Case).
- B. Financial Statement - Title IV-D Case
- C. Process Service Memorandum - Title IV-D Case

IV. What should you do next?

Along with the completed forms, you have to pay a \$50 case re-opening fee. You will need to pay the case re-opening fee to the Clerk of Courts. You will also pay to the Clerk a \$17 summons fee. The Clerk will issue a summons and a copy of your petition for you to pick up and forward to the Santa Rosa County Sheriff's office for service on the designated representative of the Department of Revenue, Child Support Enforcement Office. You will also be required to pay a \$40 Sheriff service fee. So long as the case is an open Title IV-D case, you will not be required to serve the custodian with a copy of the summons and petition. If you are also seeking relief other than child support (e.g. custody, visitation), you will need to file a separate petition and have the custodian/respondent served with the summons and a copy of that petition.

The legal services provider for the Department of Revenue, Child Support Enforcement Office, will contact you by mail with (a) an answer to your petition - with 20 days of service; (b) any requests

for information (called discovery) concerning your financial condition or medical condition (if disabled) or your current schooling; (c) a notice of the hearing - usually within 90 days of service.

If you change your address you should immediately notify the Clerk (850-981-5550) and the Legal Services Provider (850-244-5688).

If you have not received an answer within 20 days of the date of service, you can request that the Clerk enter a default. You will still have to have a hearing, but unless the hearing officer sets aside the default, the respondent may not be able to challenge your claim of relief.

You may be able to obtain a change in your child support obligation without a hearing. The Child Support Office has a procedure called "Review and Adjustment." You should contact the Child Support Office at 728 Ferdon Blvd., Crestview, Florida, to request this service. You can do this before you file your petition for modification of child support or after you file it. Please note that the **effective date** of any modification of child support is the date you file your petition. However, if the "Review and Adjustment" results in a change in your child support obligation before you have filed your petition, then you will not have to pay the case re-opening fee or the summons fee. If the Child Support Office agrees following a "Review and Adjustment" that you are eligible for a change in your child support obligation, but the custodial does not agree, the Child Support Office will have its legal services provider file a petition for modification on your behalf.

You have the burden of proving by the greater weight of the evidence that you are entitled to a modification of your child support obligation. If the custodian agrees with you, make sure the custodian (or former custodian) comes to the hearing.

If you are unable to be present on the day and time you are notice for a hearing, you should *immediately* contact the legal services provider and request a different hearing date.

If you live out of state or in state but more than 100 miles from Milton, or if your work will require you to be out of state but more than 100 miles from Milton on the date of the hearing, you may appear by telephone. You should contact the legal services provider (850-244-5688) at least five days before the date of the hearing to arrange to appear by telephone and to obtain the information you will need to make the call. Please note that the call is at your expense, that you may have to wait on hold until your hearing is ready to start, and that the length of the hearing cannot be predicted beforehand.

The Support Enforcement Hearing Officer conducts all hearings in Title IV-D child support cases and makes recommended orders, which are reviewed and signed by the circuit judge. If you disagree with the hearing officer's legal conclusions or if you don't believe his recommendations are supported by the evidence presented at the hearing, you can file a Motion to Vacate within 10 days of the date the order is signed by the circuit judge. That motion will be heard by the circuit judge, but decision will be based on a transcript of the hearing before the hearing officer. You will have to furnish the transcript at your expense. The hearing before the hearing officer is recorded. Only a court reporter is authorized to transcribe the recording of the hearing. You can also file a Notice of Appeal to the First District Court of Appeal within 30 days of the date the circuit judge signs the order. If you wish to file an appeal, contact the Clerk of the circuit court concerning the procedure and filing fees.

IN THE CIRCUIT COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

_____,
Petitioner/Non-Custodial Parent

v.

Case No. _____
Division V

THE STATE OF FLORIDA, on behalf of

_____,
Respondent/Custodial Parent/
Designated Relative

**SUPPLEMENTAL PETITION FOR MODIFICATION
OF CHILD SUPPORT (TITLE IV-D CASE)**

I, *(full legal name)* _____, being sworn, certify that the following is true:

1. I am the obligor of a child support order in this case.

2. Since the order establishing my child support obligation, there has been a substantial change in circumstances, requiring a modification of child support (*check each appropriate reason*):

_____ My income has substantially decreased (*must be involuntary*).

_____ I have custody of the child or children covered by the order.

_____ The custodian, the child(ren) and I now live together.

_____ One or more of the children have reached the age of majority.

_____ I am disabled. I ___ have ___ have not applied for disability benefits.

_____ The child(ren) have been adopted or my parental rights have been terminated.

_____ Other reason (*please be specific*) _____

3. This change in circumstances is ___ permanent ___ temporary.

4. I ask the court to ___ reduce ___ suspend my child support obligation.

5. (If paragraph 2 does not apply) Even though there has been no involuntary substantial change in circumstances, it is in the best interests of the child(ren) that my child support obligation be suspended or reduced because (check each appropriate reason):

_____ I am a full-time student and my child(ren) will benefit from my improved ability to earn income.

_____ Other reason (please be specific) _____

6. Attached is my completed short form financial affidavit.

WHEREFORE I request a hearing before the support enforcement hearing officer and a modification of my child support obligation.

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

Dated: _____

Signature of Petitioner/Non-Custodial Parent
Printed Name _____
Address _____
City, State, ZIP _____
Telephone No. _____
Fax No. _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed before me on _____ by _____.

_____ Personally known

NOTARY PUBLIC or DEPUTY CLERK

_____ Produced identification

(Print, type, or stamp commissioned name of notary or clerk)

Type of identification produced _____

FINANCIAL STATEMENT FOR TITLE IV-D CHILD SUPPORT CASES

This form may be used only by parties in a Title IV-D child support case, which is a case being handled by the Department of Revenue, Child Support Enforcement Office. It must be filled out and attached by the petitioner to a Supplemental Petition for Modification of Child Support (Title IV-D case). All amounts of income and expenses must be for a full month.

Name _____

Employer _____

Address _____

Employer's _____

Phone _____

Phone _____

Gross Monthly Income \$ _____

Less: Tax/FICA \$ _____

Other Deductions \$ _____

NET MONTHLY INCOME
\$ _____

Sources of income other than from
Primary Employment:

Monthly Expenses:

Rent/Mortgage \$ _____

Electricity \$ _____

Water \$ _____

Telephone \$ _____

Cable TV \$ _____

Trash Pickup \$ _____

Vehicle Payment \$ _____

Gasoline \$ _____

Vehicle Insurance \$ _____

Child Care \$ _____

School Lunches \$ _____

Prescription Drugs \$ _____

Health Insurance \$ _____

Other Regular _____

Medical Expenses \$ _____

Installment Debt Payments
\$ _____
\$ _____
\$ _____

Other Expenses:
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

TOTAL MONTHLY EXPENSES:
\$ _____

Comments: _____

Date: _____

Signature of Petitioner

IN THE CIRCUIT COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

_____,
Petitioner/Non-Custodial Parent
v.

Case No. _____
Division V

THE STATE OF FLORIDA, on behalf of

_____,
Respondent/Custodial Parent/
Designated Relative

PROCESS SERVICE MEMORANDUM - TITLE IV-D CASE

To: Sheriff, Santa Rosa County, Florida

Please serve the attached summons and supplemental petition for modification of child support in the above-styled case on the designated representative of the Department of Revenue, Child Support Enforcement Office, at Courtroom 214, Santa Rosa County Courthouse, Milton, Florida, any Friday between 9:00 A.M. and 12:00 Noon.

Also attached is my check or money order for the \$20 service fee.

Dated: _____

Signature of Petitioner/Non-Custodial Parent
Printed Name: _____
Address: _____
City, State, ZIP _____
Telephone: _____

This is a local form adapted by the Support Enforcement Hearing Officer, First Judicial Circuit, from the Florida Supreme Court Approved Family Law Form 12.910(b), for use only in Title IV-D child support proceedings in the First Judicial Circuit.