

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

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 the 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.

II. When should this form not be used?

You are not seeking a change or suspension of your child support obligation, or if the order was entered in another state and the custodian and/or the 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 license 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 petition, you have to pay a \$50 case re-opening fee, **\$10 summons fee** and a \$40 **Sheriff** service fee. You pay the case reopening fee to the Clerk. You pay the service fee to the Sheriff of Escambia County. You will need to furnish separate checks or money orders. (Please note that the Sheriff will not accept personal checks; the Clerk will accept personal checks). The Clerk will forward a summons and a copy of your petition along with the service fee to the Sheriff for service on the designated representative of the Department of Revenue, Child Support Enforcement Office. 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. The Clerk will forward a copy of your motion to the Juvenile Division to be deposited in the Legal Service Provider Drop Box, located at the Clerk's Office. If you are also seeking relief other than regarding 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—within 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 (595-4331) and the Legal Services Provider (595-5005).

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 for 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 3670-B North “L” Street, Pensacola, 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 reopening 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 custodian does not agree, the Child Support Office will have its legal services provider file a petition for modification on your behalf, and you will not have to pay any fees.

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 noticed 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 Pensacola, or if your work will require you to be out of state or in-state but more than 100 miles from Pensacola on the date of the hearing, you may appear by telephone. You should contact the legal services provider (850- 595-5005) 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, 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 the 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.