

## **PROCEDURES FOR FILING SUPPLEMENTAL PETITION TO MODIFY CHILD SUPPORT AND OTHER RELIEF**

If child support for minor child(ren) has been previously established by the court, or a Final Judgment of Dissolution of Marriage has been entered **AND** a substantial change of circumstances has occurred, **OR** you want to establish child support that was not addressed in the Final Dissolution of Marriage, you may file a **Supplemental Petition to Modify Child Support and Other Relief**. The parties may agree on the modification of child support, but they cannot agree as to the amount except pursuant to child support guidelines (chapter 61.30 of the Florida Statutes). **The recipient of child support *cannot* utilize these forms if the Department of Revenue, Child Support Enforcement, Represents them - you will need to contact them concerning the request to modify.** Please read the instruction sheet on **General Information for Self-Represented Litigants before proceeding.**

There are fees for filing this petition and for service by the Sheriff's Office (if needed). If you cannot pay the fees at the time of filing because of unemployment or insufficient income, you may meet the criteria to be declared indigent. You must complete a Civil Affidavit/Application for Indigent Status with the Clerk of Court. Once you have completed this form, the Clerk of Court will determine if you meet the criteria for indigency. If you meet the criteria, your filing fee will be waived. If obtaining service of process by the Sheriff, you will need to take a copy of the Civil Affidavit/Application to the Sheriff's Office along with your summons and attachments. .

IF the Department of Revenue, Child Support Enforcement Office represents the other party you are required to different forms. Two (2) copies of your documents go to the Department of Revenue, Child Support Enforcement Office located at 3670 B North L Street, one (1) addressed to the Child Support Enforcement Unit and one(1) addressed to the to the Legal Services Unit. The Department must be involved with all child support matters, including back support.

### **Definitions**

**Petitioner: Individual making a written request.**

**Respondent: Individual receiving or answering written request.**

**You must have a current address on the respondent (employer's address may be used)** so that he/she can be served with the petition and other pleadings. The following is a checklist of forms and requirements. Specific instructions are available for each form to assist you in completing them correctly. You may need to obtain additional forms depending on your circumstances. The questions that follow this checklist may help you to determine other forms you may need. Additional forms may be obtained from the Clerk of Court, Juvenile Division, 1800 St Mary Avenue, Pensacola, Florida or most can be downloaded from the Internet at [www.flcourts.org](http://www.flcourts.org) and/or [www.escambiaclerk.com](http://www.escambiaclerk.com).

**Required information and documents to be filed (you may use this as a checklist):**

You must put you **case number and division on the front page of each pleading.**

1. \_\_\_\_ Form 12.905 (b) **Supplemental Petition to Modify Child Support & Other Relief.**
2. \_\_\_\_ Form 12.903 (e) **Answer to Supplemental Petition (when the parties agree).**
3. \_\_\_\_ Form 12.902 (b) - Individual Income under \$50,000 OR 12.902(c) - Individual Income over \$50,000. Family Law Financial Affidavit (need two - one from each party). The respondent has 45 days from the day he/she is served with the petition to file this Affidavit with the Clerk of Court.
4. \_\_\_\_ Form 12.932 Certificate of Compliance with Mandatory Disclosure (to be filed with the mandatory disclosure documents (i.e., tax returns, pay-stubs, W2's, etc.) or Agreement to Waive

Mandatory Disclosure (if the parties agree with each others Financial Affidavits).

5. \_\_\_\_ Form 12.902(e) Child Support Guidelines Worksheet.
6. \_\_\_\_ Memorandum to Clerk. (Complete all information on this form except the payment information section - form may be neatly handwritten). You will need to bring this to your final hearing along with the Final Judgment).
7. \_\_\_\_ Form 12.902 (j) Notice of Social Security (one from each party, if not previously filed).
8. \_\_\_\_ Form 12.910(a) Summons and Form: 12.910 (b) Process Service Memorandum or Acceptance of Service and Waiver of Service of Process by Sheriff (when the parties agree to waive service by the sheriff). If the party lives in another county, the Summons and Process Service Memorandum need to be served by a sheriff or certified process server in that county. The Clerk's Office will prepare the Summons.
9. \_\_\_\_ Form 12.993(b) Supplemental Final Judgment Modifying Child Support. THE FINAL JUDGMENT WILL NEED TO BE TYPED NEATLY AND ACCURATELY FOR THE JUDGE'S SIGNATURE. IF YOUR CASE IS CONTESTED, YOU WILL NEED TO DOCUMENT THE JUDGE'S RULINGS AT THE HEARING AND RETURN A TYPED ORIGINAL FOR HIS/HER REVIEW AND SIGNATURE. Bring your Final Judgment plus two (2) copies, the Memorandum to Clerk and two (2) self addressed stamped envelopes (one for each party) to your final hearing.
10. \_\_\_\_ If anyone other than a lawyer helps you to complete any of these forms, you will need to file Form 12.900(a) Disclosure from Non-lawyer.

#### **Where do I file the forms?**

Once you have completed the required documents, you must file the original documents with the Clerk of Court located at the Theodore Bruno Juvenile Justice Center, 1800 St Mary Avenue, Pensacola, Florida ~ (850) 595-3780. Keep a copy for your records. Take the Original and a copy to the Clerk's Office, Juvenile Division. Inform the clerk that you are going to have the respondent served, and that you will need a Summons issued.

#### **What if the parties agree to everything?**

The parties cannot agree as to the amount of child support unless it is pursuant to Child Support Guidelines in chapter 61.30 of the Florida Statutes. The respondent may waive service by the Sheriff by signing an **Acceptance of Service and Waiver of Service of Process by Sheriff** per item number 8 above. Mandatory Disclosure may also be waived by filing the **Agreement to Waive Mandatory Disclosure** when the parties agree with the financial information provided in the Financial Affidavits and require no further financial documentation (see item number 4 above).

#### **What if we want to establish child support different from the guidelines?**

If you want the Court to consider child support that is different than what is established by the child support guidelines worksheet, you may file Form 12.943 Motion to Deviate from Child Support Guidelines.

#### **What do I do after I have filed?**

If service is needed, the Clerk will issue a Summons and attach a copy of the petition and other pleadings to it. You may also want to attach a blank Financial Affidavit and Notice of Social Security Number to the Summons for the respondent to complete. **The Summons informs the respondent that he/she will have 20 days to respond to your petition.** If the respondent lives in Escambia County, take the summons with attachments to the Escambia County Sheriff's Office Civil Division for service of process on the respondent. The Sheriff's Office will send a Return of Service to you and to the Clerk of Court, stating whether the respondent was or was not served.

#### **What if the respondent does not answer or file the necessary forms?**

Once the respondent has been served or waived service, he/she will have 20 days to file an Answer to the Supplemental Petition or a Counter petition. If a Counter petition is filed by the

respondent, you may then file an Answer to the Counter Petition, Form 12.902(d). If the respondent fails to serve or file a response or any paper within the 20 days allowed, you may file a Motion for Default, Form 12.922(a) in order to request a final hearing date. **With the Motion for Default**, you must also file Form 12.912(b) **Nonmilitary Affidavit (if you are certain the other party is not in the military)**. If he/she fails to file the necessary documents within the 45 days allowed (e.g., financial affidavit) you may file a Motion to Compel to ask the court to require him/her to file the necessary documents.

When ALL required documents and time requirements have been met and you believe your case is ready for a final hearing, **FILE YOUR REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF-ADDRESSED STAMPED ENVELOPES - ONE ADDRESSED TO EACH PARTY**. Your case will be reviewed, and if all the required documents have been filed a hearing date, trial date or further instruction will be provided to you by mail. PLEASE DO NOT CALL TO INQUIRE.

#### NOTICE OF LIMITATION OF SERVICES PROVIDED

This list of forms and procedural information should be considered as a guideline and not legal advice. It is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits, assets or liabilities.

The personnel in the self-help program are not acting as your lawyer or providing legal advice to you. Self-help personnel are not acting on behalf of the Court or any judge. The presiding judge in your case may require amendment of form(s) or substitution of a different form other than any you may have obtained from the clerk's office, the self-help office or a legal forms provider. The form(s) you file are only a request of the Court. The judge is not required to grant the relief requested in a form. The personnel in the self-help program cannot tell you what your legal rights or remedies are, represent you in court, or tell you how to testify in court. Self-help services are available to all persons who are or will be parties to a family case. The information you give to and receive from self-help personnel is not confidential and may be subject to disclosure at a later date. Nothing you may tell family court personnel is confidential. If another person involved in your case seeks assistance from the self-help program, that person will receive the same service provided to you.

Clerk's Office Juvenile Division: 595-3780

Court Administration Family Law Self Help Office: Division L 595-4407

Division M 595-3735

Division P 595-4497

Juvenile 595-3736