



HOW TO REDUCE OR MODIFY YOUR CHILD SUPPORT PAYMENTS

HOW CAN I CHANGE THE AMOUNT OF SUPPORT I HAVE TO PAY?

The only legal way to change your child support payments is to have a judge decide to reduce or suspend your child support payments.

WHEN CAN I REDUCE MY CHILD SUPPORT PAYMENTS?

A judge can reduce or suspend your child support payments if there has been a "substantial change" in your circumstances since the Final Judgment or court Order containing the judge's decision in your case was entered. A substantial change in circumstances is anything affecting your ability to pay or the children's need to receive child support. For example, if you lose your job or get laid off; your employer cuts your salary; you have a dramatic increase in expenses or a prolonged illness; or the children start living with you, one or more of these events may be considered a substantial change in circumstances.

HOW DO I GET A CHILD SUPPORT MODIFICATION ORDER?

First, you need to file a written petition with the Court which includes your current address. This petition can be a letter written to the judge who ordered you to pay child support, but it should be notarized. You must send a copy of your petition to the party receiving child support or their attorney, if they have one, and keep a copy for yourself.

To make it easier for the Court to file your petition, you need to put a caption and case number at the top of the first page of the papers. You can copy the case number, division and the names of the parties from your old Court papers. You can download a form Supplemental Petition for Modification of Child Support from the Florida Supreme Court website at www.flcourts.org.

WHAT SHOULD MY PETITION SAY?

If you can't afford to continue paying child support, you should ask the Court to reduce or suspend your payments. Your petition should also include any information showing a substantial change in your circumstances and why you can not continue to pay your child support obligation.

You will also need to complete a financial affidavit. The financial affidavit is a sworn statement that contains information regarding your income, expenses, assets and liabilities. This affidavit should be signed and notarized. You should file the original financial affidavit with your petition, mail a copy of the financial affidavit to the other party, and keep a copy for yourself.

WHAT HAPPENS AFTER I FILE MY PETITION?

The judge will set a date for a hearing. You will be notified of the time, date and place of the hearing. Your children's caretaker is also entitled to a notice of the hearing. You must attend the hearing. Men should wear a coat and tie and women should wear a dress or pantsuit. If you do not appear at the hearing, the judge may dismiss your case.

You can represent yourself in court without an attorney's help. At the hearing, the judge will want to know why you can't keep up with your child support. You need to bring all of your financial records or other proof with you to the hearing that you can't continue paying child support.

If the judge finds that you do not have the present ability to pay child support, the judge will reduce or suspend your payments.

WHAT IF I STOP PAYING CHILD SUPPORT WITHOUT GETTING A COURT ORDER?

If you don't pay or are late with your payments, your children's caretaker can have a contempt order issued against you. You will be required to appear in Court and explain to the judge why you have not paid your child support. If the judge finds that you were able to pay, but willfully refused to do so, and that you have the present ability to pay, the judge can put you in jail until you pay all or part of the amount you owe. The judge can also place a lien against your property. The property can then be sold to get the child support money.

HOW CAN I GET ASSISTANCE IN REDUCING MY CHILD SUPPORT?

You may call the Lawyer's Referral Service at 399-5780 for assistance in finding a private attorney. It costs \$50 for a 30-minute meeting with an attorney. Fees for further services can be arranged with that attorney.

You should be aware that as of 1992 the Child Support Enforcement Program is legally required to assist parents in reducing their child support payments. Their address is 921 North Davis Street, Bldg. A, Jacksonville, Florida, 32202. You may call them at 1-800-622-5437 for an appointment. You should be aware that there is now a \$25 application fee for assistance.

The Family Court Services program, located in Room 413 of the courthouse provides free legal clinics on how to modify a court order. You can contact them at 630-1130 for more information.

The Clerk of the Court, located in Room 103 of the courthouse sells a packet of forms and instructions on how to file a modification action. In addition, you can access the family law forms from the Florida Supreme Court website at www.flcourts.org.

RESOURCES

Jacksonville Bar Association

Lawyer Referral Service
(904) 399-5780

Child Support Enforcement Program

921 North Davis Street, Bldg. A,
Suite 350 (Duval)
Suite 250 (Nassau)
Jacksonville, FL 32209
(800) 622-5437

3540 Highway 17 N, Suite 123 (Clay)
Green Cove Springs, FL 32043
(800) 622-5437

75 King Street, Room 241 (St. John's)
St. Augustine, FL 32084
(800) 622-5437

Jacksonville Area Legal Aid, Inc.

126 West Adams Street, Jacksonville, FL 32202
(904) 356-8371

3540 Highway 17, Suite 101
Green Cove Springs, FL 32043
(904) 284-8410

222 San Marco Avenue, St. Augustine, FL 32084
(877) 827-9921

Jacksonville Area Legal Aid, Inc. is supported in part by:

The City Of Jacksonville

NE Florida Area Agency on Aging

Florida Department of Elder Affairs

United Way of Northeast Florida

Office of Attorney General

Baker, Clay, Duval, Nassau County Filing Fees

Victims of Crimes Act/Violence Against Women Act

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Family Court Services

Room 413, Duval County Courthouse
330 East Bay Street, Jacksonville, FL 32202
(904) 630-2111

Room 309, Clay County Courthouse
825 North Orange Avenue
Green Cove Springs, FL 32043
(904) 278-3636

Nassau County Annex

76347 Veterans Way, Yulee, FL 32034
(904) 491-2028

St. John's County Self-Help Coordinator
(904) 827-5631

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The information provided in this brochure is not a substitute for legal advice.

The laws described here may change without notice.