



JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT & COMPTROLLER
PALM BEACH COUNTY

Modifying your Child Support and/or Timesharing Order



Workshop Overview

- ❑ About the Clerk of The Circuit Court & Comptroller's Office
- ❑ Terms to Know
- ❑ Grounds for Modifying your Child Support or Timesharing Order
- ❑ Step by Step: How to Request a Modification of your Order
- ❑ Q & A



Clerk of the Circuit Court & Comptroller's Self-Service Center



- Clerk of The Circuit Court & Comptroller is the trustee of the county's public records and public funds.
- The Self-Service Center provides:
 - User-friendly forms/packets
 - Public access computers
 - Free Navigator appointments for document completion assistance
 - Notary services and more
- Clerk of The Circuit Court & Comptroller's office can only provide ministerial assistance and cannot give legal advice.

Terms to Know

- Parental Responsibility
- Timesharing
- Parenting Plan
- Guideline Child Support Calculation



Parental Responsibility



- Formerly referred to as custody.
- Who makes important decisions in the child's life: school, medical, travel.
- Shared v. Sole
- FS 61.13: Preference for shared unless it would be detrimental to child.

Timesharing

- Also referred to as visitation.
- Schedule child will follow for when they are with each parent.
- FL law states a preference for “frequent and continuing contact with both parents.”
- Includes factors court should look at to determine what schedule/contact is in the child’s best interest.



Parenting Plan

- Required in all cases involving time-sharing.
- At a minimum must discuss:
 - How parents will share responsibility for daily tasks.
 - Schedule that specifies the time the child will spend with each parent.
 - A designation of who will be responsible for health care and school related matters, and
 - The methods and technologies that the parents will use to communicate with the child.
- Can use safety focused or long-distance parenting plan if applicable.



Guideline Child Support Calculation



- Guideline Calculations based on FS 61.30.
- Shared financial responsibility: Chart uses combined income of parties and # of children to calculate basic need and divides that between the parents based on their % of the income.
- The basic child support obligation may be adjusted based on child-care costs, the child's health insurance premium, timesharing of 20% or more, and ct. ordered child support paid for other children.

Guideline Child Support Calculation

CHILD SUPPORT GUIDELINES CHART

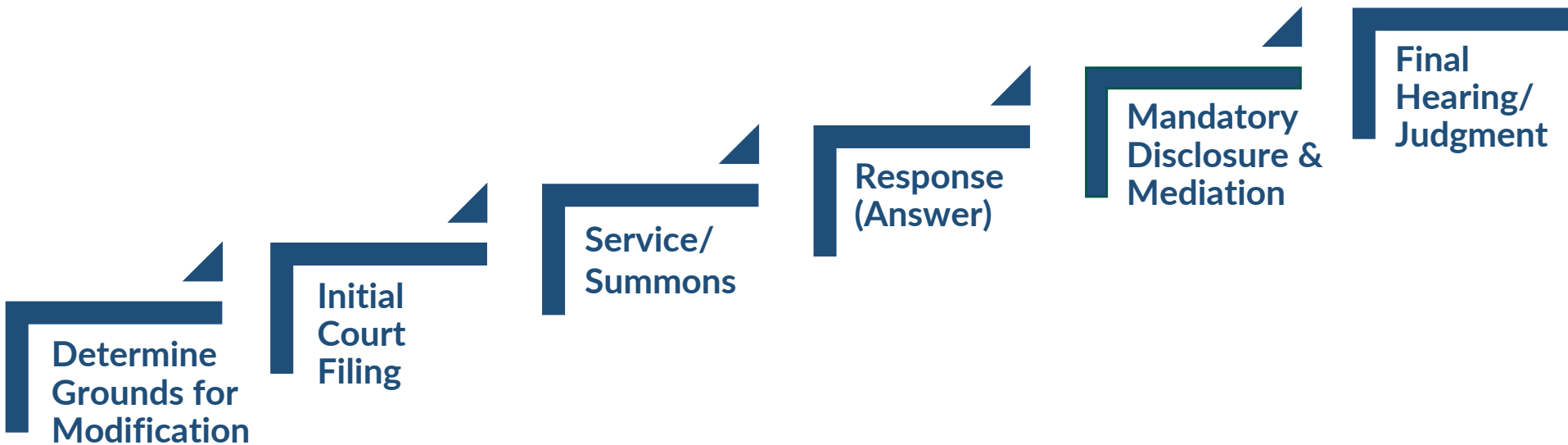
Combined Monthly Available Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268
900.00	213	302	305	309	312	315
950.00	224	347	351	355	359	363
1000.00	235	365	397	402	406	410
1050.00	246	382	443	448	453	458
1100.00	258	400	489	495	500	505
1150.00	269	417	522	541	547	553
1200.00	280	435	544	588	594	600
1250.00	290	451	565	634	641	648
1300.00	300	467	584	659	688	695
1350.00	310	482	603	681	735	743
1400.00	320	498	623	702	765	790
1450.00	330	513	642	724	789	838
1500.00	340	529	662	746	813	869
1550.00	350	544	681	768	836	895
1600.00	360	560	701	790	860	920
1650.00	370	575	720	812	884	945
1700.00	380	591	740	833	907	971
1750.00	390	606	759	855	931	996
1800.00	400	622	779	877	955	1022
1850.00	410	638	798	900	979	1048
1900.00	421	654	818	923	1004	1074
1950.00	431	670	839	946	1029	1101
2000.00	442	686	859	968	1054	1128
2050.00	452	702	879	991	1079	1154
2100.00	463	718	899	1014	1104	1181
2150.00	473	734	919	1037	1129	1207
2200.00	484	751	940	1060	1154	1234
2250.00	494	767	960	1082	1179	1261
2300.00	505	783	980	1105	1204	1287
2350.00	515	799	1000	1128	1229	1314
2400.00	526	815	1020	1151	1254	1340
2450.00	536	831	1041	1174	1279	1367
2500.00	547	847	1061	1196	1304	1394
2550.00	557	864	1081	1219	1329	1420
2600.00	568	880	1101	1242	1354	1447
2650.00	578	896	1121	1265	1379	1473
2700.00	588	912	1141	1287	1403	1500
2750.00	597	927	1160	1308	1426	1524
2800.00	607	941	1178	1328	1448	1549
2850.00	616	956	1197	1349	1471	1573
2900.00	626	971	1215	1370	1494	1598
2950.00	635	986	1234	1391	1517	1622

Guideline Child Support Calculation

CHILD SUPPORT GUIDELINES CHART

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1150.00	260	417	511	511	517	523

Post Judgment Modification Step by Step



Before You Start: Fees

- \$50 Filing Fee
- \$10.00 Summons Fee
- Service Fee
- Mediation Fee

- Application for Determination of Civil Indigent Status



STEP 1

Determine Grounds for Modification

- For both child support and parental responsibility/timesharing there must be a substantial and unanticipated change of circumstances for modification.
- The Court must also find modification is in the best interest of the child.
- For parental responsibility/ timesharing the Court looks at various factors listed in FS 61.13 to determine best interest of child for a modification, such as:
 - Ability of parent to encourage a relationship btwn child and other parent.
 - Continuity and routine of child
 - Evidence of domestic violence or child abuse.



STEP 1

Determine Grounds for Modification (cont'd)



- For private child support cases the difference between existing order and guideline calculation for modification must be at least \$50 or 15%.
- For Dept. of Revenue (DOR) cases modification must be at least \$25 or 10% change to be considered a substantial change.

STEP 2

Initial Court Filing

For all Post Judgment Modifications:

- Cover Sheet
- Petition (Supplemental Petition to Modify Parental Responsibility, Time-Sharing Schedule and other Relief **OR** Supp. Petition for Modification of Child Support)
- Notice of Related Cases
- Notice of Social Security Number
- Date of Birth Form
- UCCJEA Affidavit
- Summons



STEP 2

Initial Court Filing (cont'd)



- For Child Support Modification:
 - Financial Affidavit (Short Form: (<\$50k; Long Form: \$50k or >))
 - Certificate of Compliance with Mandatory Disclosure
 - Child Support Guideline Worksheet.
- For Parental Responsibility/ Timesharing Modification:
 - Proposed Parenting Plan

STEP 2

Special Note: DOR Administrative Cases



- If you would like to modify a child support order that was ordered administratively by DOR, you must file a **Petition to Supersede and Modify an Administrative Child Support Order** instead of a Supplemental Petition to Modify Child Support. All other forms for initial filing would be the same.
- Filing fee is \$301
- How do you tell if you have an administrative support order?

STEP 3

Service/ Summons

- **Service**

- Palm Beach County Sheriff for \$40.00 or Private Process Server.
- Process Service Memorandum
- If DOR is a party to your case, they must also be served.

- **Publication/Constructive Service**

- If, after due diligence, you cannot locate the Respondent.
- Additional forms required.
- Fee to publish in newspaper. (Unless determined indigent)



STEP 4

Respondent's Answer

- **Answer**

- Admit, Deny, or Without Knowledge.
- Or may file an Answer and Counter Petition.
- Must also complete all forms Petitioner did, except for Cover Sheet, Petition, and Summons.

- **Timeframe**

- 20 days from date of service of petition.

- **No Response**

- Clerk's Default



Step 5

Mandatory Disclosure



- Required for petitions to modify support, unless waived in writing by both parties.
- Even if waived, still need to complete financial affidavit form for purposes of calculating support.
- Mandatory Disclosure means parties must exchange certain financial documents (such as pay stubs and tax returns) with each other and file a Certificate of Compliance with Mandatory Disclosure form with the clerk.
- Do not file financial documents with clerk-only file certificate.

Mediation



- If no agreement on all issues at this point either party can file Motion for Mediation. Mediation is required.

- Costs- Dependent on Income
 - Combined income of parties:
 - ❑ < \$50K = \$60
 - ❑ \$50-\$100K = \$120
 - ❑ > \$100K = Private mediation

- Mediator can assist with guideline calculations, agreement, and/or Parenting Plan.

Step 6

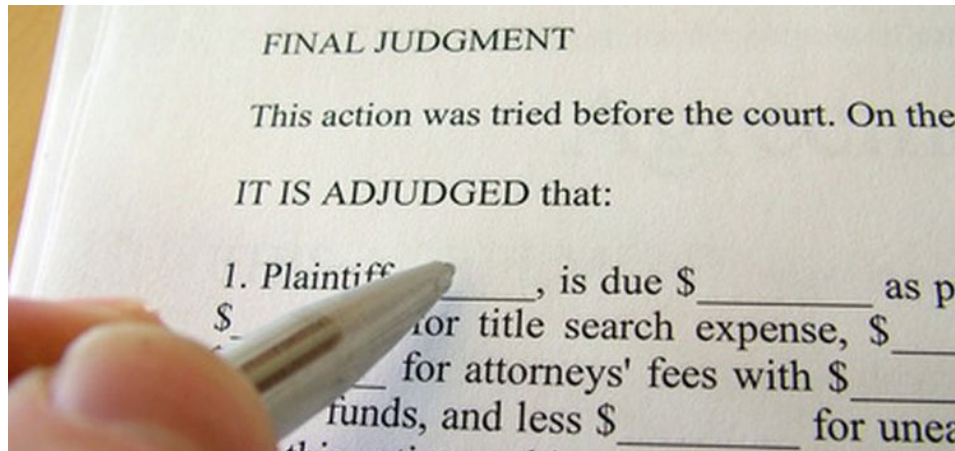
Final Hearing/Judgment

- **Clerk's Default** (if no response file the following):
 - Affidavit of Military Service
 - Motion for Default
- **Contested**: Parenting Plan and/or Child Support Worksheet- if not already filed.
- **All Cases**: Notice for Trial Form

(**NOTE**: A final hearing will not be set until this form is filed.)



Final Judgment



- Notified by mail of court hearing
- Court will prepare judgment at final hearing
- Bring Final Disposition form to court

Helpful Links

www.mypalmbeachclerk.com

<http://floridarevenue.com/childsupport>

<http://15thcircuit.co.palm-beach.fl.us>

www.flcourts.gov

www.palmbeachbar.org

www.legalaidpbc.org

www.frls.org

Q & A



QUESTIONS?



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Thank You

