

INSTRUCTIONS FOR PETITION TO SUPERSEDE AND MODIFY ADMINISTRATIVE CHILD SUPPORT ORDER

When should this form be used?

This form should be used by either parent or non-parent who has custody or the majority of the time-sharing of a minor child or children to ask the court to prospectively supersede and modify an **administrative child support order** that has previously been established in an administrative hearing or by the Department of Revenue pursuant to §409.2563, Fla.Stat., or, as set forth in §409.2563(7), Fla.Stat.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk**. You should **file** this document with the **clerk of the circuit court** or through Florida's eFiling Portal at www.myflcourtagency.com and keep a copy for your records. All users of the eFiling Portal are required to register and create an account with the eFiling Portal in order to file electronically. Contact the Clerk of the Circuit Court regarding fees associated with and due for this process.

With this petition, you must file the following and provide a copy to the other party:

- **Notice of Related Case Form**, Florida Supreme Court Approved Family Law Form 12.900(h).
- **Notice of Social Security Number**, Florida Supreme Court Approved Family Law Form 12.902(j). Entire social security number must be provided.
- **Family Law Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). **(This requirement cannot be waived by the parties and is mandatory.)**
- **Certificate of Compliance with Mandatory Disclosure**, Florida Family Law Rules of Procedure Form 12.932. (This must be filed within 45 days of filing the Petition, unless you and the other party have agreed not to exchange these documents.)
- **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e). (If you do not know the other party's income, you may file this worksheet after his or her financial affidavit has been filed.)
- **Designation of Current Mailing and Email Address**
Florida Supreme Court Approved Family Law Form 12.915

What do I do next?

For your case to proceed, you must **serve** the other party with a copy of your **petition** by **personal service**.

You must also **serve** Florida Department of Revenue (DOR) with a copy of your **petition** by serving the Deputy Agency Clerk, Bldg 2, Suite 2-4220, 2450 Shumard Oak Blvd., Tallahassee, FL 32399-0001.

After the petition is served, the other party has 20 days to answer. Your case will then generally proceed in one of the following three ways:

DEFAULT

If after 20 days, no **answer** or other response has been filed, you may file a **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), with the clerk of court. After **Default** is entered, if you have filed all of the required papers, you **MUST** file a **Notice for Trial**, Florida Supreme Court Approved Family Law Form 12.924, with the clerk of court. You will receive an Order Setting Hearing.

UNCONTESTED

If the other party files an answer that agrees with everything in your petition or files an answer and waiver, **and** you have complied with **mandatory disclosure** and filed all of the required papers (unless you and the other party have agreed not to exchange **mandatory disclosure** except Family Law Financial Affidavits as the filing of Family Law Financial Affidavits cannot be waived), you **MUST** file a **Notice for Trial**, Florida Supreme Court Approved Family Law Form 12.924, with the clerk of court. You will receive an Order Setting Hearing.

CONTESTED

If the other party filed an answer or an answer and counterpetition, which disagrees with or denies anything in your petition, and you are unable to settle the disputed issues, you may be referred to mediation to resolve the disputed issues. If the respondent files an answer and counterpetition, you should answer the counterpetition within 20 days using an Answer to Counter Petition, Florida Supreme Court Approved Family Law Form 12.983(d). Following the mediation, you should file a Notice for Trial, Florida Supreme Court Approved Family Law Form 12.924, after you have complied with mandatory disclosure, and filed all of the required papers. You will receive an Order Setting Hearing.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with

Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.**

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made. If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

WHERE CAN I LOOK FOR MORE INFORMATION?

Before proceeding, you should read “General Information for Self-Represented Litigants” found at the “Getting Started” section of the Family Law Self-Help Information section of the Family Courts section of the Florida Courts website. (<https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/Family-Law-Self-Help-Information/Getting-Started>).

The words that are in “bold underline” in these instructions are defined there. For further instructions, see Chapter 409, Florida Statutes.

Nonlawyer... Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

Case No.: _____

_____,
Petitioner,

and

_____,
Respondent.

**PETITION TO SUPERSEDE AND MODIFY
ADMINISTRATIVE CHILD SUPPORT ORDER**

Petitioner, _____, being sworn, certifies that the following statements are true:

This is an action to supersede and modify an administrative child support order pursuant to §409.2563(10)(c), Fla.Stat., and Chapter 61, Fla. Stats. said order having been established pursuant to §409.2563(7)(a) or 7(c), Fla.Stats.

The Circuit Court has jurisdiction over this matter.

SECTION I.

1. Petitioner is the person who:

[check **only** one]

_____ has been ordered to pay child support in a DEPARTMENT OF REVENUE ADMINISTRATIVE PROCEEDING for the below-named child(ren).

_____ has been ordered to receive child support in a DEPARTMENT OF REVENUE ADMINISTRATIVE PROCEEDING for the below-named child(ren).

Name

Birth date

Child: _____

Child: _____

Child: _____

Child: _____

Child: _____

2. **I have attached a copy of the administrative child support order to this Petition.**

3. Venue is proper in Marion County, Florida.
4. Petitioner's current address is: *{street address, city, state}*

5. Respondent's current address is *{street address, city, state}*

6. Both Parties are over the age of 18.
7. The Respondent is not, nor has been within a 30-day period immediately prior to this date, a person in the military service of the United States as defined by 50 U.S.C. §3911(2) and Section 521 of the Service Members Civil Relief Act.
8. A completed Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j), is filed with this petition.
9. A completed Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), is filed, or will be filed within forty-five (45) days of this Petition.
10. A completed Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), is filed , or will be filed within forty-five (45) days of this Petition.

SECTION II. REQUEST

[check all that apply]

1. ____ Petitioner requests that the Court enter an Order to supersede and prospectively modify an administrative child support order to cease all child support retroactive to the date of the filing of this petition and close out the child support ledger for the following reasons:
 - ____ Neither party receives public assistance benefits in their household and the parties do not want child support established through the court.
 - ____ Neither party receives public assistance benefits in their household and the child(ren)'s needs are being provided for.
 - ____ The parties are residing together as intact family.
 - ____ Other _____
2. ____ Petitioner requests that the Court enter an Order to supersede and prospectively modify an administrative child support, as determined by Florida's child support guidelines, §61.30, Fla. Stat., retroactive to the date of the filing of this petition.
3. ____ Petitioner requests that the Court enter an Order to supersede and modify the administrative child support order and award a child support amount that is more than or less than Florida's child support guidelines. Petitioner understands that a Motion to Deviate from

Child Support Guidelines, Florida Supreme Court Approved Family Law Form 12.943, must be completed and filed before the court will consider this request.

4. ___ Petitioner requests that medical/dental insurance coverage for the minor child(ren) be provided by:

[check one only]

- a. ___ Petitioner.
- b. ___ Respondent.

5. ___ Petitioner requests that uninsured medical/dental expenses for the child(ren) be paid by: [check one only]

- a. ___ Petitioner.
- b. ___ Respondent.
- c. ___ Petitioner and Respondent each pay one-half.
- d. ___ Petitioner and Respondent each pay according to the percentages in the **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902
- (e).

6. Other Relief:

SECTION III. CERTIFICATE OF COMPLIANCE WITH FLORIDA STATUTE 409.2563 (14)

Petitioner certifies that a copy of the foregoing petition will be served upon the Respondent by **personal service** and that a copy of the foregoing petition will be served upon the Department of Revenue, Deputy Agency Clerk, Bldg 2, Suite 2-4220, 2450 Shumard Oak Blvd., Tallahassee, FL 32399-0001.

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

Dated: _____

Signature of Petitioner

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Designated Email Address(es): _____

Fax Number: _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type or stamp commissioned name of notary or clerk.]

_____ Personally known
_____ Produced identification
_____ Type of identification produced _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:

[fill in all blanks] This form was prepared for the: *{choose only one}* () Petitioner () Respondent
This form was completed with the assistance of:

{name of individual} _____,

{name of business} _____,

{address} _____,

{city} _____, *{state}* _____ *{telephone number}* _____.