

## INSTRUCTIONS FOR MOTION TO CONTEST CHILD SUPPORT DELINQUENCY

### When should this form be used?

This form should be used when you are ordered to pay child support and have received a Notice of Delinquency from the Clerk of Court. The Clerk of Court issues the notice when you are 15 days delinquent in the making of a payment and the delinquency is more than the amount of your child support payment. If you fail to contest the delinquency a Judgment/Certificate of Delinquency shall be issued.

If you believe the Notice was issued in error, you must file the Motion to Contest Child Support Delinquency, within 15 days after the Notice of Delinquency is mailed to you.

You may contest the delinquency only on the grounds of a mistake of fact regarding an error in:

- Whether a delinquency exists;
- The amount of the delinquency; OR
- In your identity as the obligor.

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.myflcouraccess.com](http://www.myflcouraccess.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.

### WHAT DO I DO NEXT?

You should serve the person receiving child support or the obligee. If this is a Department of Revenue Child Support Enforcement case, you send a copy to the local Department of Revenue-Child Support Enforcement Office at Department of Revenue at the address of 5431 East Silver Springs Blvd., Suite 2, Silver Springs, FL 34488 and a copy to the Department of Revenue at the address of Child Support Enforcement Program, Central Mail Processing Facility, 550 West Tennessee Street, Building L, Tallahassee, FL 32399-0195. You may serve the motion by e-mail if the obligee has filed a designation of e-mail address.

A hearing on the Motion will be scheduled within 15 days after the date of filing of the Motion or as soon as possible thereafter. You will receive a copy of the Notice of Hearing in the mail or by e-mail if you have filed a **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915

## **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](http://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.

**MOTION TO CONTEST CHILD SUPPORT DELINQUENCY**

Petitioner {full legal name}, \_\_\_\_\_, being sworn, certifies that the following statements are true:

1. On or about {date} \_\_\_\_\_, I was ordered to pay child support. **(A copy of the order for child support is attached.)**
  
2. This case is \_\_\_\_\_ or is **NOT** \_\_\_\_\_ a Department of Revenue-Child Support Enforcement matter.
  
3. On or about {date} \_\_\_\_\_, I received a Notice of Delinquency for failure to pay child support from the Clerk of Court in accordance with §409.2563(8)(c) and §61.14(6) of the Florida Statutes; **(A copy of the Notice is attached.)**
  
4. I object to the **Notice of Delinquency and Entry of Judgment** because there is a mistake of fact regarding:  
\_\_\_\_ Whether a Delinquency exists (*explain*): \_\_\_\_\_  
\_\_\_\_ The amount of the Delinquency(*explain*): \_\_\_\_\_  
\_\_\_\_:OR  
\_\_\_\_ The identity of the Obligor (*explain*): \_\_\_\_\_  
\_\_\_\_\_.

WHEREFORE, I request that an order be entered preventing further action on the Notice.

I certify that a copy of this document was: ( ) mailed ( ) faxed and mailed ( ) e-mailed ( ) hand-delivered to the Department or Revenue and the person(s) listed below on [date] \_\_\_\_\_.

**DEPARTMENT OF REVENUE-C.S.E.**, 5431 East Silver Springs Blvd., Suite 2, Silver Springs, FL 34488  
**DEPARTMENT OF REVENUE -CHILD SUPPORT ENFORCEMENT PROGRAM**, Central Mail Processing Facility, 550 West Tennessee Street, Building L, Tallahassee, FL 32399-0195

**Other party or his/her attorney**

Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Designated E-Mail Address(es): \_\_\_\_\_  
\_\_\_\_\_

**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 Movant  
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}* \_\_\_\_\_.