Sharon R. Bock clerk & comptroller SELF SERVICE CENTER

Your Guide Through The Courts



Packet #37 Revised 01/2015

MOTION TO DEVIATE FROM CHILD SUPPORT GUIDELINES

NON-REFUNDABLE

(17 PAGES)

\$ 4.00

SELF SERVICE CENTER SERVICES

All instructions and forms distributed by the Clerk & Comptroller are provided as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist *pro se* (self-represented) litigants with their cases. Any person using these instructions and/or forms does so at his or her own risk, and the Clerk shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

Attorney Consultation*	\$15.00/15 minutes
Attorney Consultation*	\$30.00/30 minutes
Attorney Consultation*	\$60.00/60 minutes
Deputy Clerk Signing	\$3.50/signature
Notary signing	\$10.00/signature
Copies prior to filing	\$.15/page
Single Forms	\$1.00/page
Fax Services	\$1.00/page
Community Resource Referral- pamphlets	NO FEE

* Attorneys do not provide legal advice - will assist on procedural matters/filling out legal forms

****FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE****

You may file and obtain information at the following locations:

Palm Beach County Courthouse 205 N. Dixie Highway, Rm #3.2200 West Palm Beach, Florida 33401 561-355-7048

South County Courthouse 200 W. Atlantic Ave. Delray Beach, Florida 33444 561-274-1588 North County Courthouse 3188 PGA Blvd Palm Beach Gardens, Florida 33410 561-624-6650

West County Courthouse 2950 State Road 15, Rm. #S-100 Belle Glade, Florida 33430 561-996-4843

The Self Service Information Line	(561) 355-7048
Unified Family Court Dept. (for information regarding an existing case)	(561) 355-6511
Visit us at our web site	www.mypalmbeachclerk.com
Legal Aid Society (if you can't afford an attorney)	(561) 655-8944
Lawyer Referral Service of the PBC Bar Association	(561) 687-3266
	Revised 05/2013

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MOTION TO DEVIATE FROM CHILD SUPPORT GUIDELINES

Packet # 37

When should this form be used?

You must already have an ongoing open case where child support is an issue.

Child support in Florida is determined by the child support guidelines found in section 61.30, Florida Statutes. The court, at its discretion, may raise or lower the child support guidelines amount by up to 5%. In addition, the court may raise or lower the guidelines support amount by more than 5%, if written reasons are given for the adjustment. The court may make these additional adjustments based on certain considerations, which are reflected in this form. You should review this form to determine if any of the reasons for adjusting the child support guidelines amount apply to your situation and you should complete this form only if you want the court to order **more child support or less child support** than the amount required by the child support guidelines.

If you wish to change a child support order/judgment after your case is over, you will need to file a Supplemental Petition for Modification of Child Support.

The Petitioner must complete and file the following form:	Page
✓ Motion to Deviate from Child Support Guidelines 12.943, (05/12)	7

These forms should be completed and filed, IF APPLICABLE

- Designation of Current Mailing and E-Mail Address and Directions to Provide E-Mail Address to Court Administration, A.O. 2.310, (04/13)
- ✓ Notice of Change of Address, (09/14) (<u>Must</u> be filed whenever you change your address) 17
- ✓ Notice of Filing Child Support Guidelines Worksheet 12.902(e) –Only if not filed previously- (If you do not know other party's income, you may file this worksheet after his or her financial affidavit has been served on you.) By request only

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- ✓ Family Law Financial Affidavit (Short Form) 12.902(b) (income less than \$50,000) –Only if not filed previously- By request only
- ✓ Family Law Financial Affidavit (Long Form) 12.902(c) (income more than \$50,000). –Only if not filed previously- By request only

<u>Fees:</u> No filing fee required **READ** THE INSTRUCTIONS/INFORMATION BEFORE COMPLETING THE FORMS FOR FILING

DO NOT SIGN ANY DOCUMENTS THAT REQUIRE A NOTARY OR DEPUTY CLERK UNTIL YOU ARE IN FRONT OF THE NOTARY OR DEPUTY CLERK

INSTRUCTIONS FOR FILING

- The forms should be typed or printed in black ink.
- The Motion to Deviate must be signed before a notary or deputy clerk.
- □ Make 2 copies of all the documents that you complete (only ones that you are using) one for yourself and one for the other party.
- □ The petitioner should file the originals with the Clerk & Comptroller's office and pay the filing fee. Each *original* form should have all pages clipped together before filing (copies may be stapled together).
- If you want your copies stamped with the date of filing, make sure you give the Clerk your copies. (If you mail your documents, make sure you provide an extra pre-addressed stamped envelope so they may return your copies)

IT IS YOUR RESPONSIBILITY TO KEEP TRACK OF YOUR CASE

CAUTION:

Forms are to be completed in block letters or typed; NO EXCEPTIONS! Names must be the same on all forms completed by the parties; no full names on one document and initials on another. This packet may not contain all the forms you may need to file your case. Additional forms are available in the Clerk & Comptroller's Self Service Center at each courthouse location. The Clerk & Comptroller's Clerks can not suggest specific information to be included in the blanks on your forms or fill out forms for you.

REMEMBER!

INCLUDE WITH YOUR FILING TWO (2) PRE-ADDRESSED (PRINT YOUR NAME AND ADDRESS) STAMPED ENVELOPES (one for each party) REQUIRED FOR CHILD SUPPORT ISSUES

Failing to provide stamped envelopes may delay processing.

It is your responsibility to file any change to your address on the attached form.

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INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.943, MOTION TO DEVIATE FROM CHILD SUPPORT GUIDELINES (05/12)

When should this form be used?

Child support in Florida is determined by the child support guidelines found in section 61.30, Florida Statutes. The court, at its discretion, may raise or lower the child support guidelines amount by up to 5%. In addition, the court may raise or lower the guidelines support amount by more than 5%, if written reasons are given for the adjustment. The court may make these additional adjustments based on certain considerations, which are reflected in this form. You should review this form to determine if any of the reasons for adjusting the child support guidelines amount apply to your situation and you should complete this form **only** if you want the court to order **more child support or less child support** than the amount required by the child support guidelines.

This form should be typed or printed in black ink. After completing this form, you should <u>file</u> the original with the <u>clerk of the circuit court</u> in the county where your case is filed and keep a copy for your records. Because you are filing the <u>petition</u> in this proceeding, you are also referred to as the <u>petitioner</u> and the other <u>party</u> as the <u>respondent</u>.

What should I do next?

A copy of this form must be mailed **or** hand delivered to the other party in your case.

Where can I look for more information?

Before proceeding, you should read General Information for Self-Represented Litigants found at the beginning of these forms. For further information, see section 61.30, Florida Statutes.

Special notes...

More information on the child support guidelines as well as a chart for converting income and expenses to monthly amounts if paid or incurred on other than a monthly basis is contained in the instructions to Florida Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), and the Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e).

With this form you must also file the following, if not already filed:

- Florida Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c).
- 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 should file this worksheet as soon as you receive a copy of his or her <u>financial affidavit</u>.)

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Instructions for Florida Supreme Court Approved Family Law Form 12.943, Motion to Deviate from Child Support Guidelines (05/12)

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 **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.

Instructions for Florida Supreme Court Approved Family Law Form 12.943. Motion to Deviate from Child Support Guidelines (05/12)

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: ______
Division: ______

Petitioner,

and

Respondent.

MOTION TO DEVIATE FROM CHILD SUPPORT GUIDELINES

() Petitioner () Respondent requests that the Court enter an order granting the following:

SECTION I

[Choose only one]

A. ____MORE child support than the amount required by the child support guidelines. The Court should order MORE child support than the amount required by the child support guidelines because of:

[Choose all that apply to your situation]

- 1. ____ Extraordinary medical, psychological, educational, or dental expenses;
- 2. Seasonal variations in one or both parent's income or expenses
- 3. ____Age(s) of the child(ren), taking into account the greater needs of older child(ren);
- 4. _____Special needs, such as costs that may be associated with the disability of a child or child(ren), that have traditionally been met within the family budget even though the fulfilling of those needs will cause support to exceed the presumptive amount established by the guidelines;
- 5. ____ Total available assets of obligee, obligor, and the child(ren);
- 6. Impact of the Internal Revenue Service Child & Dependent Care Tax Credit, Earned Income Tax Credit, and dependency exemption and waiver of that exemption;
- 7. The Parenting Plan, such as where the child or children spend a significant amount of time, but less than 20 percent of the overnights, with one parent, thereby reducing the financial expenditures incurred by the other parent, or the refusal of a parent to become involved in the activities of the child(ren) has increased the financial expenditure incurred by the obligee;
- 8. ____ The obligee parent's low income and ability to maintain the basic necessities of the home for the child(ren);
- 9. ____ The likelihood that either parent will actually exercise the time-sharing schedule set forth in the parenting plan and/or whether all the children are exercising the same time-sharing schedule;

Florida Supreme Court Approved Family Law Form 12.943, Motion to Deviate from Child Support Guidelines (05/12)

- B. <u>LESS</u> child support than the amount required by the child support guidelines. The Court should order LESS child support than the amount required by the child support guidelines because of: [Choose all that apply to your situation]
 - 1. ____Extraordinary medical, psychological, educational, or dental expenses;
 - 2. <u>Independent income of child(ren)</u>, excluding the child(ren)'s SSI (supplemental security income)
 - 3. ____Payment of support for a parent which has been regularly paid and for which there is a demonstrated need;
 - 4. ____Seasonal variations in one or both parent's income or expenses;
 - 5. ____Age of the child(ren), taking into account the greater needs of older child(ren);
 - 6. ____Total available assets of obligee, obligor, and child(ren);
 - 7. Impact of the Internal Revenue Service Child & Dependent Care Tax Credit, Earned Income Tax Credit, and dependency exemption and waiver of that exemption;
 - 8. _____Application of the child support guidelines which requires the obligor to pay more than 55% of gross income for a single support order;
 - 9. ____Residency of subsequently born or adopted child(ren) with the obligor, include consideration of the subsequent spouse's income;
 - 10. ____ The Parenting Plan, where the child(ren) spend a significant amount of time, but less than 20 percent of the overnights, with one parent, thereby reducing the financial expenditures incurred by the other parent; or the refusal of a parent to become involved in the activities of the child(ren)has reduced the financial expenditure of that parent;
 - 11. ____Any other adjustment that is needed to achieve an equitable result, which may include reasonable and necessary expenses or debts jointly incurred during the marriage. Explain any items marked above: _____

SECTION II. INCOME AND ASSETS OF CHILD(REN) COMMON TO BOTH PARTIES

List the total of any independent income or assets of the child(ren) common to both parties (income from Social Security, gifts, stocks/bonds, employment, trust fund(s), investment(s), etc.). Attach an explanation.

TOTAL VALUE OF ASSETS OF CHILD(REN)	\$
TOTAL MONTHLY INCOME OF CHILD(REN)	\$

Florida Supreme Court Approved Family Law Form 12.943, Motion to Deviate from Child Support Guidelines (05/12)

SECTION III. EXPENSES FOR CHILD(REN) COMMON TO BOTH PARTIES

All amounts must be MONTHLY. See the instructions with this form to figure out money amounts for anything that is NOT paid monthly. Attach more paper, if needed. Items included under other should be listed separately with separate dollar amounts.

- _____ Monthly nursery, babysitting, or other child care 1. \$
- 2. \$ Monthly after-school care
- 3. \$ _____ Monthly school tuition
- 4. \$ Monthly school supplies, books, and fees
- 5.\$ Monthly after-school activities
- 6. \$ _____ Monthly lunch money
- 7. \$ Monthly private lessons/tutoring
- 8.\$ Monthly allowance
- 9. \$ Monthly clothing
- 10. \$ Monthly uniforms
- 11. \$ Monthly entertainment (movies, birthday parties, etc.)
- 12. \$_____ Monthly health and dental insurance premiums
- 13.\$ Monthly medical, dental, prescription charges (unreimbursed)
- 14. \$____ Monthly psychiatric/psychological/counselor (unreimbursed)
- Monthly orthodontic (unreimbursed) 15.\$
- 16. \$ _____ Monthly grooming
- 17. \$____ Monthly non-prescription medications/cosmetics/toiletries/sundries
- 18.\$ Monthly gifts from children to others (other children, relatives, teachers, etc.)
- 19. \$ _____Monthly camp or other summer activities
- 20. \$ _____Monthly clubs (Boy/Girl Scouts, etc.) or recreational fees
- 21. \$ Monthly visitation expenses (for nonresidential parent)
 - {Explain}:
- 22. \$ Monthly insurance (life, etc.) {*Explain*}:_____

 - Other {*Explain*}:
- 23._____
- 24.
- 25.

TOTAL EXPENSES FOR CHILD(REN) COMMON TO BOTH PARTIES 26. \$ (add lines 1 through 25)

I have filed, will file, or am filing with this form the following additional documents:

- 1. Florida Family Law Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c).
- 2. Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e).

Florida Supreme Court Approved Family Law Form 12.943, Motion to Deviate from Child Support Guidelines (05/12)

I certify that a copy of this document was [one only]() mailed () faxed and mailed

() hand delivered to the person(s) listed below on {date} _____.

Other party or his/her att	orney:
Name:	-
Address:	
City, State, Zip:	
Fax Number:	
Email Address:	

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

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Dated:	Signature
Dated.	
	Printed Name:
	Address: City, State, Zip:
	Telephone Number:
	Fax Number:
	Email Address:
STATE OF FLORIDA	
COUNTY OF PALM BEACH	
	on by
Swonn to or unnined and signed before me	
	NOTARY PUBLIC or DEPUTY CLERK
	NOTART FUBLIC OF DEFUT T CLERK
	[Print, type, or stamp commissioned name of notary or clerk.]
Personally known	
Produced identification	
Type of identification produced	
1)po or ruominounion pro	
IF A NONLAWYER HELPED YOU F	TILL OUT THIS FORM, HE/SHE MUST FILL IN THE
BLANKS BELOW:	
[fill in all blanks] This form was prepared for	or the: {choose only one} () Petitioner () Respondent
This form was completed with the assistance	e of:
{name of individual}	وو
{name of business}	,
{address}	······································
{city}{state}	. {telephone number} ion to Deviate from Child Support Guidelines (05/12)
Florida Supreme Court Approved Family Law Form 12.943, Mot	ion to Deviate from Child Support Guidelines (05/12)

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E-SERVICE INSTRUCTIONS FOR SELF REPRESENTED PARTIES

Pursuant to the Florida Rule of Judicial Administration 2.516, self-represented parties involved in any type of case in any Florida court, may, but are not required to, serve on the opposing party's attorney court documents by e-mail.

<u>E-mail Service to/from an Opposing Party</u>: Self-represented parties opting to serve court documents by email may do so by designating a primary e-mail address (and up to 2 secondary e-mail addresses) for receiving service in that proceeding. This designation <u>only</u> informs the other side of your email address. Once a party has filed an e-mail address designation in a proceeding, all court documents required or permitted to be served on a party must be served by e-mail unless the parties otherwise agree or a court orders otherwise.

<u>E-Mail Service from Participating Judges</u>: Self-represented parties who want to receive court orders and other court documents from judges who use e-mail service MUST register with the 15th Judicial Circuit's online services system at **www.15thcircuit.com/html/onlineservices**. You will NOT receive court documents from participating judges unless and until you register with the 15th Judicial Circuit's online system.

<u>Form of Email</u>: E-mail service is made by attaching a copy of the document to be served in PDF format to an e-mail. The e-mail's subject line must state "SERVICE OF COURT DOCUMENT" in all capital letters, followed by the case number of the relevant proceeding. The body of the e-mail must identify the: (1) court in which the proceeding is pending; (2) case number; (3) name of the initial party on each side; (3) title of each document served with that e-mail; (4) sender's name; (5) sender's telephone number. The email and attachments together may not exceed 5 megabytes in size; e-mails that exceed the size requirement must be divided into separate e-mails (no one of which may exceed 5 megabytes) and labeled sequentially in the subject line. Documents served by e-mail may be signed by "/s/", "/s" or "s/" as long as the document filed with the Clerk's Office is signed in accordance with the applicable rule of procedure.

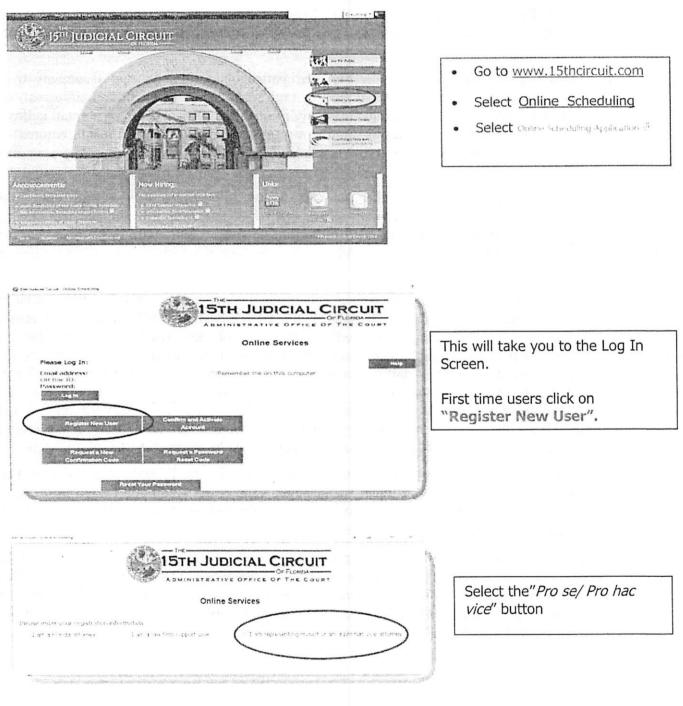
<u>Service Dates</u>: Service by e-mail is deemed complete on the date it is sent. E-mail service is treated as service by mail for the computation of time. When, in addition to service by e-mail, the sender also utilizes another means of service provided for in the Rules of Judicial Administration, the computation of time will be based on the method of service that has the shortest response time.

<u>Filing of Documents</u>: The Rules of Judicial Administration require that all documents be filed with the court either before service on the opposing party or immediately thereafter. Documents are deemed filed when they are filed with the clerk of court. If the sender learns that the e-mail did not reach the address of the person to be served, the sender must immediately send another copy by e-mail, or serve by a means authorized by subdivision (b)(2) of the Rules of Judicial Administration.

Instructions for E-Service Registration for Self Represented Litigants. (06/13)



Instructions for E-Service Registration For Self Represented Litigants



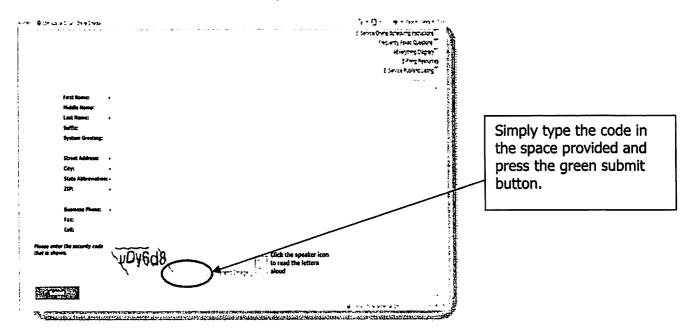
Instructions for E-Service Registration for Self Represented Litigants, (06/13) Self Service Packet # 37 Page - 12 -

WITH BETWICE COMPLEXED			n 😅 ne ne ne ne	···	
	ADMINISTRAT	IVE OFFICE OF THE COURT			
	E-Service/Online	Scheduling Services			
			E Sencia Dinina Dinikulog estructural Filtratiz Anet Dikarana (* 43 militrati Diagret) E Sence Productural Si Sence Productural Ci Sence Productural	Enter the information requested in the fields	
Please enter your registration into			•	provided.	
I am a Flonda attorney	I am a law fam support user	Earn representing myself or am	i a pro fraci y Kellattorney		
Please shaure that your	registered gamy tame matches your court exactly	Courters			
· ladicates required fiel Logo Local Address:	like inportations	rela to the period resistance and is a thread address?			
Confern Postanovit -				J	

NOTE:

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The e-mail address listed here is for logging into Court e-service applications. This address is NOT FOR USE as an e-service email address unless you want it to be.



The account has now been created.

A confirmation email will be sent to registered login email address.

IMPORTANT:

The user MUST accept and login within 24 hours. Instructions for E-Service Registration for Self Represented Litigants, (06/13)

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IN THE CIRCUIT/COUNTY COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.:_____

Plaintiff/Petitioner

v.

Defendant/Respondent.

DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS AND DIRECTIONS TO PROVIDE E-MAIL ADDRESS TO COURT ADMINISTRATION

I, (full legal name)______, being sworn, certify that my current

mailing address is: {Street}_____

{City},	{State},	{Zip}
---------	----------	-------

{Telephone No.}_____ {Fax No.}____

I designate as my current e-mail address(es) (up to 3 different email address):

- 1. I understand that in order to receive court orders from <u>participating</u> judicial divisions in the Fifteenth Judicial Circuit/Palm Beach County, I must register my email address with Court Administration by going to <u>www.l5thcircuit.com/html/onlineservices.</u>
- 2. I further understand that simply listing an email address on this form will NOT inform the judge or case manager of my email address and that I MUST register on line with the Court's online e-registration system.
- 3. Once registered, I agree to accept email service of court orders or documents sent by the court.
- 4. By completing this form I am authorizing participating Judicial Divisions and the Court of the Clerk, of the Fifteenth Judicial Circuit Court of Florida to send copies of orders/judgment, notices or other written communications to me by e-mail and <u>not</u> through regular U.S. Mail.
- 5. I understand that I must keep the clerk's office and the opposing party or parties notified of my current mailing and e-mail address(es) and that all future papers in this lawsuit will be served at the address(es) on record at the clerk's office.

Designation of Current Mailing and E-Mail Address and Directions to Provide E-mail Address to Court Administration (04/13)

6. I will ensure the software filters have been removed from my computer, so it does not interfere with my ability to receive any of the above documents.

Other party or his/her attorney			
Name: Address:			
City, State, Zip:			
Fax Number:			
E-Mail Address(es):			
Dated:			
	Signature of	of Party	······································
STATE OF FLORIDA			
COUNTY OF PALM BEACH			
Sworn to or affirmed and signed before me on		by	<u> </u>
	NOTADY	PUBLIC or DEPUTY C	
	NOTARI		LERK
	[Print, type of notary o	e, or stamp commissione r clerk]	d name
Personally Known			
Produced Identification			
Type of identification produced			
IF A NONLAWYER HELPED YOU FILL OU	UT THIS FO	RM, HE/SHE MUST F	ILL IN THE BLA
BELOW:			
[fill in all blanks] This form was prepared for the	e: {choose on	ly one} () Petitioner ()Respondent
This form was completed with the assistance of:			
{name of individual}	·····		
{name of business}			
{street}			
{street}, {s			

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INSTRUCTIONS FOR NOTICE OF CHANGE OF ADDRESS

When should this form be used?

This form should be used when you make any changes to your mailing/e-mailing address at anytime during the course of the case.

This form should be typed or printed in black ink. You should <u>file</u> the original with the <u>clerk of the circuit court</u> in the county where the petition was filed and keep a copy for your records.

What should I do next?

A copy of this form must be mailed or hand delivered to the other party in your case.

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms. The words that are in "bold underline" in these instructions are defined there. For further information, see chapter 742, Florida Statutes.

Special notes...

It is the party's responsibility to timely update their address. If you do not update your address timely, you may not receive documents filed in your case.

1

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: ______ Division: ______

Plaintiff/Petitioner,

V.

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Defendant/Respondent.

NOTICE OF CHANGE ADDRESS

Please be advised that the undersigned has changed their mailing address to:

,

Address:_____

City:

State:

Zip code:

_1 _1 1

Phone Number:_____

Please be advised that the undersigned has changed his/her email address to the following: Email Address:

Signature

Printed Name

CERTIFICATE OF SERVICE

I certify that a copy of this document was mailed to the person listed below by U.S. Mail on the following date:_____.

Other party or his/her attorney: Name:______ Address:______ City, State, Zip:______ E-Mail:_____

Signature

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