

FLORIDA'S CHILD SUPPORT BENCHBOOK

Petition to Modify Child Support Hearing Checklist

- Swear in the parties.
- Determine if parties were personally served with the petition to modify. (Can't be done with a motion and certificate of service. Must be personal service.) If so, find that parent was properly served and noticed.
- Determine if parties have filed the mandatory financial discovery.
- The party bringing the petition has the burden of proof. Child support can be modified if:
 - when in the best interests of the child
 - when the child reaches majority (can extend to allow high school graduation)
 - a child is emancipated, marries, joins the military or dies or
 - when there is a substantial change in circumstances. §61.13(1)(a), Florida Statutes.
 - The change in circumstance must be significant, material, involuntary and permanent in nature.
- The petitioner and respondent must file financial discovery that includes: (Rule 12.285 Fla. Fam. L.R.P.)
 - financial affidavit
 - past year tax returns

- IRS forms W-2, 1099 and K-1
 - Pay stubs or other evidence of earned income for past 3 months.
 - A statement identifying amount and source of any other income.
- Look at previous jobs and income and compare to current amounts.
 - Analysis is the same as when setting original child support obligation.
 - The Department of Revenue will ask questions about income. A Department of Revenue representative may be called to testify as to either of the parties' income based on tax records kept the Department of Revenue in its normal course of business.
 - If no proof of income is available, look at current income by testimony and AWI.
 - Impute income if necessary.
 - Adjudicate arrears, determine repayment.
 - Add arrears payment to regular monthly amount.
 - Issue amended income deduction order.
 - Do health insurance apportionment to include in the order.