

What You Need To Bring To Court:

If possible, you need to take some type of proof of the opposing party's income to the hearing. That proof could be:

- * A recent paystub,
- * Last year's tax return,
- * Or a bank statement (if his or her paycheck is direct deposited by the employer).

The above documents provide the Judge with the ability to adequately determine a child support amount.

If paternity has NOT been established by a court, you will need to bring a photocopy of the front and back of the Birth Certificate for each of your children to Court.

If the judge does not ask you about child support at the time of the hearing, SPEAK UP and tell the judge that you need child support.

About Community Legal Services of Mid-Florida (CLSMF)

The mission of CLSMF is to provide access to justice through high quality legal assistance to low-income persons.

CLSMF is a nonprofit legal aid organization which provides free legal assistance to low-income people with civil legal problems in twelve counties across Central Florida. Since 1966, dedicated CLSMF lawyers, paralegals, legal assistants and advocates have worked diligently to solve civil legal problems for people facing life-changing situations, such as domestic violence, unlawful eviction, or the loss of veterans' health or public benefits. We are committed to delivering the highest quality legal aid, with dignity and respect, for those who are seeking access to justice.

**We do not provide legal assistance in criminal or traffic matters*



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**Certain legal services not offered*

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Apply for help online at:

www.clsmf.org



Domestic Violence Victims Have a *Right to Request Child Support*



When you fill out your Petition for Injunction Against Domestic Violence:

- ◆ Be sure to check the following boxes in Section VI of your Petition:

Box 1— Stating that you have a need and the opposing party has the ability to pay; and

Box 3 – Insert the words “per child support guidelines” in the amount requested box.

- ◆ If you have already filed your Petition for Injunction Against Domestic Violence and you did NOT seek child support, you must file an Amended Petition and that Petition has to be served on the opposing party!

What else will I need to file:

- ◆ When requesting child support, you MUST file the following documents with the Court:
- ◆
 - ⇒ Financial Affidavit;
 - ⇒ Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA); and
 - ⇒ Notice of Social Security Number
- ⇒ If your victim’s advocate cannot provide you with these forms, they can be obtained from the Clerk of Court or at Flcourts.org, Family Law Forms, then 12.902, (b) or (c) and (d).

Preparing Your Financial Affidavit

Step 1:

Complete the top of the page. This includes the:

- Judicial Circuit, Volusia, Flagler and Putnam Counties are in the SEVENTH Circuit. Marion, Sumter, Hernando, Lake and Citrus Counties are in the FIFTH Circuit. Orange and Osceola Counties are in the NINTH Circuit, and Seminole County is in the EIGHTEENTH Circuit.
- the County where you have filed your action,
- your name as Petitioner and
- the other party’s name as Respondent.

This information is on your Petition for Injunction Against Domestic Violence.

Insert your *PAYRATE* – this is the amount of your paycheck prior to income taxes, social security, etc., being deducted – check the correct box to indicate how often you are paid: weekly, every other week, twice a month or monthly.

Step 2:

Complete Section 1—Present Monthly Gross Income:

- If you are unemployed, insert “0” in spaces 1 – 27
- If you are employed, you must determine your monthly *pre-tax* income and insert that amount on line 1 (see chart in this brochure)
- If you earn tips, overtime, bonuses, etc., you must place that average monthly amount on line 2
- If you receive disability payments, you

must place the monthly amount received on line 4

- If you receive worker’s compensation you must place the monthly amount on line 5
- If you receive unemployment benefits, you must place the monthly amount on line 6
- If any of the other types of income listed on lines 1 – 16 apply to you, place the monthly amount in the appropriate space.
- Add up the monthly income listed on lines 1—16 and write that amount on line 17.

Step 3:

Complete the Present Monthly Deductions. Insert the Monthly Deductions from your earnings:

- Using your paystub, determine the amount of Federal tax paid each *month* and put in line 18 and fill in your filing status (Single, Married, etc.) and the number of dependents claimed
- Likewise, fill in the *monthly* amount of FICA and Medicare you pay as well as any health insurance payments for yourself (do not include payments for the children).
- Add up your monthly deductions listed on lines 18—25 and enter that amount on line 26.

Step 4:

- To calculate Your Present Monthly Income, subtract line 26 from line 17 and insert the difference on line 27.
- For child support determinations in domestic violence cases, you can skip the remaining sections of the Financial Affidavit.
- You must sign this in front of a Notary Public or the Clerk of Court.

- If a non-lawyer assists you in filling out this form, they must place their name, address and telephone number at the bottom of the form in the area provided.

UCCJEA FORM:

You need to place the number of children that you and the opposing party have together on the form and, in the spaces provided, list each place each child has lived in the past five (5) years, together with the names and current address of each person the child lived with during that time.

Monthly Income Chart:

- ◆ Hourly \$ amount x hours worked per week = weekly rate.
- ◆ Weekly rate x 52 weeks divided by 12 = monthly pay rate.
- ◆ If you are paid twice per month (typically 15th and last day of month), add the gross pay from two paychecks to determine your monthly pay rate.
- ◆ If you are paid every other week (26 times per year), multiply your gross pay from one paycheck x 26 and then divide by 12 to determine your monthly pay rate.
- ◆ If you are a teacher, school bus driver or anyone who works for the school system, divide your total gross pay for the school year by 12 to determine your average monthly pay rate.