

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.943, MOTION TO DEVIATE FROM CHILD SUPPORT GUIDELINES (11/15)

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 **file** the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records.

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.**

What should I do next?

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

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.** 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.

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.

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 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 **financial affidavit**.)

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.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ 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 A or B]

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;
 10. _____ 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: _____

B. _____ **LESS** 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. _____ Independent income of child(ren), 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.
 12. Explain any items marked above: _____
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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) \$ _____

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.

1. \$ _____ Monthly nursery, babysitting, or other child care
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)
15. \$ _____ Monthly orthodontic (unreimbursed)
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. _____
26. \$ _____ **TOTAL EXPENSES FOR CHILD(REN) COMMON TO BOTH PARTIES**
 (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).

I certify that a copy of this document was () mailed () faxed and mailed () e-mailed () hand delivered to the person(s) listed below on {date} _____.

Other party or his/her attorney:

Name: _____
Address: _____
City, State, Zip: _____
Fax Number: _____
Designated E-mail Address(es): _____

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.

Signature of Party or his/her attorney
Printed _____ Name: _____

Address: _____
City, State, Zip: _____
Fax Number: _____
Designated E-mail Address(es): _____

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} _____, {zip code} _____, {telephone number} _____