



**Question:** *I was ordered by the court to pay child support. Now I've lost my job and I am making literally no money while still paying the same amount of child support. I can barely afford to pay for my rent. Can I change the amount of child support that I am required to pay?*

**Answer:** An existing child support order may be modified by different parties. A person who has been ordered to pay or receive child support may ask the court to modify that order. An adult child may ask the court to enforce past due child support that accrued during the child's minority.

Also the Department of Revenue is authorized to assist in the enforcement and modification of the child support order. Under Florida law, child support may be modified when:

- it is found by the court to be in the best interest of the child;
- the child reaches majority; or
- there is a substantial change in the circumstances of the parties.

To meet the substantial change in circumstances standard, the change needs to be unanticipated, significant, material, involuntary, and permanent in nature. The original child support obligation is calculated according to the child support guidelines provided for in the Florida Statutes. The child support guidelines may provide a reason for modification if the difference between the existing monthly obligation and the amount provided for under the guidelines is at least 15% or \$50, whichever is greater.

A substantial increase or decrease in one's ability to make the child support payments could be a justification for modification. If an increase in payments is sought, the court will need to find if the payor has the ability to pay more. Then, even if the parent's income did increase, there needs to be an increase in the child's needs. If the child's needs are met by the previously established child support order, it might be difficult to argue that more money is needed.

If a decrease in child support is sought, a substantial change in the payor's ability to pay must be shown. It is not enough to show that the parent lost his job, but the parent needs to show that he tried and was not able to find equally gainful employment. The original child support amount may be ordered to continue if the parent voluntarily refuses to work or to accept employment at the same pay rate.

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