

## Forms you may encounter

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The following chapter offers you samples of forms you will most likely encounter when you begin child support collection. Although forms vary widely from state to state, and additional forms specific to your state or area may be required, any form filed with the court generally has the same format. The samples in this chapter refer to the various steps involved in the child support collection process, and each one has a blank equivalent in the section titled, “Sample Forms in This Guide.”

### Common sections of legal forms



For a given legal action, there may be as many types of forms involved for that action as there are states or counties. Even forms produced by the federal government can differ—if only minutely—from city to state to region.

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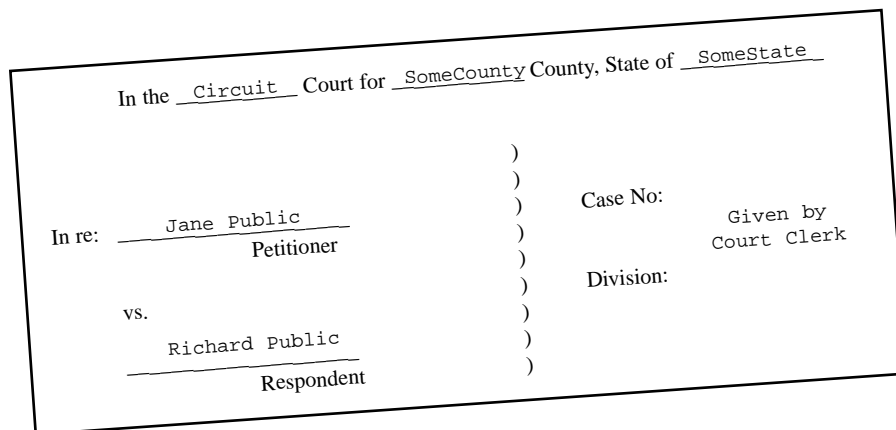
The forms used in collecting child support, for example, are generally state specific, so, depending on the county involved, there could be thousands of variations of the same form. In addition, every court may have its own preferred procedures for filling out and filing forms.

However, this does not mean you cannot familiarize yourself with the types of forms you may need to use or you may receive while collecting the support due you. And there are a few sections found on many types of legal forms which, aside from minor format or wording differences, have pretty much the same attributes. We will now take a look at three of the most often found sections of legal forms.

### ***The caption***

The caption is found at the top of a legal form and contains basic information regarding a court case. Legal forms that will be filed in court or recorded need to have a caption at the top. Captions always:

- identify the court by name and address
- identify the parties by name and title (contact the clerk of your local court for the specific titles used when filing in your state)
- contain a reference number called a case number

A diagram of a legal caption form, tilted slightly to the right. The text is as follows:

In the Circuit Court for SomeCounty County, State of SomeState

In re: Jane Public  
Petitioner

vs.  
Richard Public  
Respondent

)  
)  
)  
)  
)  
)  
)  
)  
)

Case No:  
Given by  
Court Clerk

Division:

## Notary clause

The notary clause is a sworn statement by the notary that he or she witnessed the signature(s) and that the person(s) signing the document is the person(s) he, she, or they claim to be. All persons required to sign a notarized document must swear to their identity and sign the document while in the presence of the notary, or the document is not notarized.



If the person signing the document is not personally known to the notary, ID may be necessary.

STATE OF SomeState  
COUNTY OF SomeCounty  
Sworn to (or affirmed) and subscribed before me on SomeDate, 1996  
by Jane Public.  
Witness my hand and official seal.  
Nick Notary  
Signature of Notary  
Affiant:  known  Produced ID

## Non-lawyer disclosure clause



Anyone who helps you in filling out a legal form—and who is not a lawyer—is now required to fill out this clause. Courts recently began requiring the completion of this section, insisting upon full disclosure of all persons involved in the filling out of a legal form, even if you ask someone to show you where to sign your name.

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM HE/SHE MUST FILL IN THE BLANKS BELOW [FILL IN ALL BLANKS]

I, (name of nonlawyer) Joe Friend, a nonlawyer, located at (street) 1300 SomeStreet (city) Anytown (state) SomeState 00001, (phone) (123)456-7890, helped (name) Jane Public, who is the (petitioner) (respondent), fill out this form.

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# Child support forms

The rest of this chapter will take you through the various forms you are likely to see and use in the child support collection process:

- Uniform Support Petition
- Order Requiring Payment Through Central Depository
- Motion for Health Insurance Coverage
- Non-Military Affidavit
- Financial Affidavit (Short Form)
- Summons
- Process Service Memorandum
- Motion for Garnishment After Judgment
- Final Judgment Modifying Child Support

**Please keep in mind that many forms for child support must be supplied by the state and the courts, and may require more than is stated here. Contact the appropriate child support enforcement agency for forms and procedures specific to your state (Resources and Appendix I contain addresses and phone numbers for state offices; Appendix II contains regional offices).**

## ***Uniform Support Petition***

This basic form outlines exactly what the custodial parent is seeking from the court. The petitioner is the one who is asking for the support and, by using a series of checkmarks, can answer the court's questions. This form often begins the legal process of obtaining child support, medical coverage, back support (arrearage), payment of court costs and attorney fees, and establishing paternity. It is signed by the custodial parent whose signature must be notarized.

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In the Circuit Court for SomeCounty County, State of SomeState

In re: Jane Public  
Petitioner  
vs.  
Richard Public  
Respondent

Case No:  
Given by  
Court Clerk  
Division:

Date of Birth  
00/00/00

**UNIFORM SUPPORT PETITION**

1. This petition of petitioner, Jane Public (name), respectfully shows the court that this petition is for [check all that apply]:

- Support  Medical coverage  Arrearage
- Reimbursement  Establishment of paternity
- A Paternity Affidavit is attached for reference
- The General Testimony for URESA is attached for reference

2. Petitioner, Jane Public (name), resides at 1300 Somewhere St., Anytown SomeState 00001 (address) and has custody of the following dependents of the respondent:

the respondent were [check one only]:  
to each other  
s      (day) of      (month), 19     .  
ding (date filed     ) in      County,  
(State).  
SomeDay (day) of SomeMonth (month), 19 96 in  
County, SomeState (State).  
esides at:  
2200 SomeStreet  
Anytown, SomeState 00005  
n employer and address of employer is  
1900 SomeStreet  
Anytown, SomeState 00002

- b.  The respondent is under a court order.
- c.  The respondent should pay the arrearages on the support order.

dependents in an amount as permitted by the law of the initiating state.

Wherefore, the petitioner requests an order for:

- Child support in the amount prescribed by law.
- Registration and enforcement of the attached current support order.
- Medical coverage.
- Arrearage as prescribed by law from the date of     .
- Payment of costs and attorney's fees by the respondent.

Under penalties of perjury, all information and facts stated in this petition are true to the best of my knowledge and belief.

By: Jane Public (signed)  
Jane Public (printed)

STATE OF SomeState  
COUNTY OF SomeCounty

Sworn to (or affirmed) and subscribed before me on SomeDate, 19 96  
by Jane Public.

Witness my hand and official seal.

Nick Notary  
Signature of Notary

Affiant:  known  Produced ID  
Type of ID     

5. The dependents are entitled to support and/or medical coverage from the respondent. Respondent has a legal obligation to pay support pursuant to the laws of the initiating state, which is enforceable under the following reciprocal support status reference:

State Code

# Order Requiring Payment Through Central Depository

This form provides the custodial parent (obligee) with the option of having all child support payments paid directly to the court, which then transfers payment to the custodial parent. In some states the payments must be made to the child support enforcement agency or the state attorney general's office. This arrangement guarantees that an accurate and official record of payments and amounts is kept. Such a record can be useful if the non-custodial parent (obligor) is reluctant to pay, pays erratically, disputes the

amount, does not pay on time, or owes back support (arrearage).

In the Circuit Court for SomeCounty County, State of SomeState

In re: Jane Public )  
 Petitioner ) Case No: \_\_\_\_\_  
 vs. ) Given by  
Richard Public ) Court Clerk  
 Respondent )

**ORDER REQUIRING PAYMENT THROUGH CENTRAL DEPOSITORY**  
 [check all which apply and fill in all blanks that apply]

IT IS ORDERED AND ADJUDGED

that all payments of child support shall be as follows:

Obligor will make the payments ordered - Fill out A & B below, NOT C.

Payment will be by income deduction order and payor is not the obligor -

\_\_\_\_\_ will be paid and in the amount this order says will be \_\_\_\_\_ something else.

CLERK OF COURT, CENTRAL DEPOSITORY

Address 1000 Legal Avenue

Anytown, SomeState 00002  
 City State Zip

Telephone No. (123) 444-5555

Telefax No. (123) 444-6666

7. Payment shall be made by cash, check, or money order. For identification and accounting purposes, you must write the court case number on each payment made by check or money order and be attached on a separate sheet of paper with any case payment. If payment is made by check, the clerk may require the payor to fill out a form.

In the Circuit Court for SomeCounty County, State of SomeState

In re: Jane Public )  
Petitioner )  
vs. )  
Richard Public )  
Respondent )

Case No: Given By Court Clerk  
Division:

**MOTION FOR HEALTH INSURANCE COVERAGE**

1. On SomeDate 1996, this court ordered the child(ren)'s  
[check one only]  father or  mother to provide health insurance coverage for  
the following child(ren):

Name	Date Of Birth	Age	Soc. Sec. No.
<u>Carl Public</u>	<u>00/00/00</u>	<u>6</u>	<u>454-45-5454</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. Notice to [check one only]  Petitioner or  Respondent:  
[check one only]  a. On SomeDate, which is at least 15 days before filing this

application, I gave written notice of my intent to seek this order to Respondent by  
[check one only]  certified mail  personal service.

\_\_\_\_\_ b. The requirement of written notice has been waived by the other party.  
3. I ask the court to order the employer, or other person providing health insurance cover-  
age to enroll or maintain the child(ren) on any health insurance coverage available to  
father/mother.

I CERTIFY THAT THE MOTION FOR HEALTH INSURANCE COVERAGE WAS:  
( check one only )  mailed,  telefaxed and mailed, or  hand delivered to the per-  
son(s) listed below on SomeDate, 19 96.

Party or their attorney (if represented) Other  
Name SomePerson Name \_\_\_\_\_  
Address 1111 SomeStreet Address \_\_\_\_\_  
OtherTown, SomeState 00005  
City State Zip City State Zip  
Telephone No. (321) 098-7654 Telephone No. \_\_\_\_\_  
Telefax No. (000) 123-4567 Telefax No. \_\_\_\_\_

DATED: SomeDate

Jane Public  
Signature of party signing certificate and pleading  
Printed name Jane Public  
Address 1300 Somewhere Street  
Anytown, SomeState 00001  
City State Zip  
(123) 456-7890  
Telephone (area code and number)  
(123) 456-7891  
Telefax (area code and number)

# Motion for Health Insurance Coverage

Once the court has ordered the non-custodial parent to provide health insurance coverage for the child(ren), this form asks the court to order the employer or other insurance provider (through an order for health insurance coverage) to enroll or maintain the child(ren) in any program available to the non-custodial parent.

STATE OF SomeState

COUNTY OF SomeCounty

Sworn to (or affirmed) and subscribed before me on SomeDate, 19 96  
by Jane Public.

Witness my hand and official seal.

Nick Notary  
Signature of Notary  
Affiant:  known  Produced ID  
Type of ID SomeState Driver's License

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM HE/SHE MUST FILL IN THE BLANKS BELOW [FILL IN ALL BLANKS]

I, (name of nonlawyer) Joe Friend, a nonlawyer, located at  
(street) 1300 SomeStreet (city) Anytown (state) SomeState, 00001,  
(phone) (123) 456-7890, helped (name) Jane Public,  
who is the (petitioner) (respondent), fill out this form.

# Non-Military Affidavit

If either parent is in the military, professional advice should be sought. The rules and regulations allowing military personnel to participate in civil actions vary widely from state to state. Use this form when you know that neither parent is on active military service.

In the Circuit Court for SomeCounty County, State of SomeState

In re: Jane Public )  
 Petitioner )  
 vs. )  
Richard Public )  
 Respondent )

Case No: Given by Court Clerk  
 Division: \_\_\_\_\_

NON-MILITARY AFFIDAVIT

STATE OF SomeState )  
 COUNTY OF SomeCounty )

SS # of Respondent: \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared Jane Public, who upon oath, deposes and says:

1. I am the Petitioner (or Attorney of record for the Petitioner, if represented) in the above-styled cause.
2. Based upon information, I state that the Respondent, Richard Public, is not at the present time in the military services of the United States or any of its allies.

FURTHER AFFIANT SAYETH NOT.

19 \_\_\_\_\_  
 Produced ID \_\_\_\_\_

In the Circuit Court for SomeCounty County, State of SomeState

In re: Jane Public )  
 Petitioner )  
 vs. )  
Richard Public )  
 Respondent )

Case No: Given by Court Clerk

FINANCIAL AFFIDAVIT (SHORT FORM)

STATE OF SomeState  
 COUNTY OF SomeCounty

BEFORE ME, this day personally appeared Jane Public, who being duly sworn, deposes and says that the following information is true and correct according to his/her best knowledge and belief.

EMPLOYMENT AND INCOME

OCCUPATION: AnyJob

EMPLOYED BY: AnyCompany

ADDRESS: 4200 AnyStreet, Anytown, SomeState 00003

SOC. SEC. 232-32-2323

DATE OF BIRTH: AnyDate

OSE

# Financial Affidavit

This is an example of the kind of detailed information your state will require both parents to provide. Since every state has its own guidelines for determining the amount of child support, a financial affidavit listing current assets and liabilities allows the court to determine a reasonable amount of support.

Gains derived from dealing in property (not including non-recurring gains) \_\_\_\_\_

TOTAL MONTHLY PAYMENTS TO CREDITORS \$ \_\_\_\_\_

TOTAL ASSETS \$ \_\_\_\_\_



## Summons

This form is the document served upon the non-custodial parent, commanding him or her to appear in court. The manner in which it may be served varies from state to state, but typically it may be served in person, by certified mail, first-class return receipt requested, or by publication in a newspaper of general circulation. Service by publication is usually used when an ex-spouse can't be located.

In the <u>  Circuit  </u> Court for <u> SomeCounty </u> County, State of <u> SomeState </u>	
In re: <u> Jane Public </u> Petitioner	Case No: _____ Given by Court Clerk
vs.	
<u> Richard Public </u> Respondent	

**SUMMONS: PERSONAL SERVICE ON AN INDIVIDUAL**

TO:  Richard Public   
 2200 SomeStreet, Othertown, SomeState 00005 

**IMPORTANT**

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint/petition with the clerk of this circuit court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your written response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

you file your written response to the person  
 provide to the other  
 Failure to do this  
 out your case) or  
 a copy

**PROCESS SERVICE MEMORANDUM**

TO: Sheriff of  SomeCounty  County, State of  SomeState ,  
 SomeDivision  Division:

RE:  Jane Public , Petitioner  
 and  Richard Public , Respondent  
 SomeCourt  Circuit Court, County of  SomeCounty 

Case No.  Given By Court Clerk 

Please serve the Summons and Petition herein, in the above-styled cause upon:

Respondent:  Richard Public   
 Home Address:  2200 SomeStreet   
 Othertown, SomeState 00005   
 Work Address:  1900 SomeStreet   
 Anytown, SomeState 00002 

Thank you.

SPECIAL INSTRUCTIONS: \_\_\_\_\_  
 Signature of party  Jane Public   
 Printed name  Jane Public   
 Address  1300 Somewhere St., Anytown   
 SomeState 00001   
 City   State   Zip    
 Telephone (area code and number)  (123)456-7890   
 (123)456-7891   
 Fax (area code and number) \_\_\_\_\_

## Process Service Memorandum

Since it is often impossible to serve the summons and petition personally, a process server may be called upon to deliver the document. Typically the county sheriff performs this task. This form provides the particulars for delivering the summons. The summons and the petition may be mailed to the sheriff's office in the county where your ex-spouse resides.

## Motion for Garnishment After Judgment

With this form, the custodial parent asks the court to attach money that is not in the physical possession of the non-custodial parent. Money may be in bank or trust accounts, or it may be coming from judgments or insurance payoffs. (This form is not used for wage attachments.) If support payments are in arrears, first the court will determine the exact amount owed and a judgment will be entered for that amount. Upon determining that the money is not in the possession of the non-custodial parent, the court, using a writ of garnishment, will order the person or institution holding the money to pay it to the custodial parent.

In the Circuit Court for SomeCounty County, State of SomeState

In re: Jane Public )  
 Petitioner )  
 vs. )  
Richard Public )  
 Respondent )

Case No: \_\_\_\_\_ Given By  
 Court Clerk  
 Division: \_\_\_\_\_

**MOTION FOR GARNISHMENT AFTER JUDGMENT**

Petitioner, Jane Public, by and through the undersigned states that:

1. Judgment has been entered herein against the Respondent, Richard Public, in the amount of \$ 4,200 plus interest from SomeDate, 19 96 (date debt came due) at the rate of 12 percent per annum. To date, Respondent has not satisfied any portion of the judgment.

2. Movant does not believe that said Respondent has in his possession visible property on which a levy can be made sufficient to satisfy the judgments herein.

3. Petitioner suggests that AnyBank  
3000 SomeStreet, Anytown, SomeState 00001  
 (name and address of Garnishee) is indebted to, or has tangible or intangible property of the Respondent in its hands, possession or control, and moves that the Clerk of the above Court

K115-6A

## Final Judgment Modifying Child Support

Child support payments may be modified to reflect changes in child support guidelines or changes in the circumstances of the parent(s). This form is used by the court when it decides to grant or deny a request for an increase or decrease in child support. If the court exceeds or fails to meet the guidelines, it must justify its decision with facts. Therefore, it is necessary to answer all questions truthfully and provide the court with full explanations. This form is completed by the court and signed by the judge.

In the Circuit Court for SomeCounty County, State of SomeState

In re: Jane Public )  
 Petitioner )  
 vs. )  
Richard Public )  
 Respondent )

Case No: \_\_\_\_\_ Given by  
 Court Clerk  
 Division: \_\_\_\_\_

**FINAL JUDGMENT MODIFYING CHILD SUPPORT**  
 [check all which apply and fill in all blanks that apply]

THIS CAUSE was heard on SomeDate, 1996 upon the  Petitioner's \_\_\_\_\_ Respondent's \_\_\_\_\_ Petition for Modification of Child Support. Having heard the testimony of the parties, having reviewed the court file in this action and financial affidavits of the parties and being otherwise fully advised, it is ORDERED AND ADJUDGED

... Court has jurisdiction of the parties and the subject matter of this proceeding.

2. SomeState is the home state of the minor child(ren) or there is significant connection with this State and accordingly it has jurisdiction to determine child custody, visitation, and support under the Uniform Child Custody Jurisdiction Act.

3. Respondent [check one only]  was or \_\_\_\_\_ was not duly served by process of law and a default  was or \_\_\_\_\_ was not properly entered.

4. The last order governing child support was entered on SomeDate, 19 96.

A copy of that order is attached.