

**SELF-REPRESENTED
LITIGANT CHILD SUPPORT
MODIFICATION CLINIC
For Reduction of Child Support**



**Presented by
South Carolina Legal Services**

SRL Modification Clinic

- By providing these forms in our clinic, neither South Carolina Legal Services nor any member of its staff is contracting in anyway to provide you with legal advice or representation. If you do not understand how to complete these forms, you need to seek advice from an attorney.
- ***Any legal action you take can permanently affect your legal rights.***



Being a Self-Represented Litigant

- The term pro se simply refers to a Self-represented Litigant who files paperwork on their own behalf to a party of an action.
- The applicant is not represented by legal counsel.
- It's a big decision to represent yourself.
- Having a lawyer increases your chances of success



Being a Self-Represented Litigant

- You can do it and we will attempt to give you the tools to be successful in your case to modify your child support.
- You are expected to know the rules of the court, just as though, you are an Attorney.

Legal Terminology

- Plaintiff: If you are trying to decrease the child support, you are the Plaintiff. The Plaintiff is the one who wants things to change and brings the claim.
- Defendant: The one that the case is brought against.
- Family Court will hear the case and a Family Court Judge will decide the matter.

Criteria for Modification of Child Support Payments

SC. Law

- Substantial or material change of circumstances:
 - Factors the Court will consider:
 1. Parent's Income: Wages are substantially less at current job than when the child support order was established (at least 20% less).
 2. Biological/adopted child/children living in his home, that were: born since the last child support order was established, or adopted since the last child support order was established/or other children living in home.
 3. Parent was injured or has a medical condition that prevents him/her from working.

Criteria for Modification of Child Support Payments

SC. Law

- Court will also consider:
 4. Cost of living
 5. Health of all parties and child
 6. Custody arrangement
 7. Other child support orders
 8. Assets



Requirements

- File Summons and Complaint with Family Court showing how things have changed, i.e. pay stubs, birth certificates, etc.
- File a Financial Declaration and other documents.
- Present evidence to the Court at a hearing.
- Pay the filing fee and service costs unless waived.

Filling out the Forms

- Family Court Cover Sheet
- Docket Number is always 2008 (year)-DR (Domestic Relations)-county number-actual case number of that year.

FORMS

- Certificate of Exemption
 1. Check Box that says “Custody and Visitation are not contested in this case.”
 2. Fill in information about the custody and visitation of the children.
 3. Sign and date the form.

FORMS

- **INFORMATION SHEET**
 1. Fill out and remember that you are the Plaintiff
 2. The other party is the Defendant.



Forms

SUMMONS: Actually “Summons” the Defendant to Court.

1. Write the name of the County you are filing the action in.
2. Name of the Plaintiff (that’s you)!
3. Name of the Defendant (other party).
4. The Clerk will write the Docket/ Case number in these blanks when the papers are filed.
5. Write Name of City.
6. Date and Sign.
7. Fill in Address.

COMPLAINT

1. Put your name for the Plaintiff and other person as Defendant.
2. Fill in the other information.
3. Attach a copy of your last child support court order. You can get a copy from the Court.
4. Date and Sign the Form.



FINANCIAL DECLARATION

1. Fill in your name as the Plaintiff. Then Defendant's name.
2. First page is your monthly income. Look at your pay stub and plug in the numbers.'
3. Make sure you list ALL the deductions.
4. Add up the deductions and subtract the total from your gross income to get your net income. i.e. deductions –gross income=net income.

MOTION AND ORDER *IN FORMA PAUPERIS*

- Filing fee is \$150.00 and Service of Process is \$25.00, unless you qualify for a fee waiver.
- Remember: You are the Plaintiff and the other Party is the Defendant.
- Sign the Form in front of a Notary Public.
- Notary will also sign.
- Judge or Clerk will fill in bottom section.

REQUEST FOR HEARING

1. Fill in the parties' names.
2. In blank for "Attorney for Plaintiff", write "Pro Se" to show that you are representing yourself.
3. Write your address, phone number and fax number.
4. In blank for "Attorney for Defendant", write the name of the Attorney or the Defendant and their address and phone number.
5. In the blank for type of case write "Child Support Modification".

REQUEST FOR HEARING

6. Check “NO” for issue of custody. Leave “GAL” blank. Check “NO” for contested.
7. In the blank that says “Time Needed”, fill in “30 minutes”.
8. Put in dates and times unavailable.
9. Comments and Issues.

FILING WITH FAMILY COURT

- File all documents, except the “Request for Hearing” form.
 1. Make 2 copies. Take documents to the Dorchester County Family Court, 212 Deming Way, Summerville, SC.
 2. File original with the Clerk of Court and ask that your two copies be “CLOCKED” or stamped.
 3. One copy is for you and one to serve on the Defendant.

FILING WITH FAMILY COURT

- If you file the Motion for Fee Waiver, you will have to wait to find out if the Court will allow you to file without paying the filing fee.
- Otherwise, you will pay \$150.00 when you file your papers with the court.
- Give the Court a self-addressed, stamped envelope to return the paperwork to you.
- If your Motion for Fee Waiver is denied, you will have to pay the \$150.00 filing fee and re-submit the paperwork.
- Court accepts ONLY Money Orders and/or CASH.

SERVICE OF PROCESS

- Serve ALL the documents that you filed with Court.
- If the Defendant lives in Dorchester County, also, take the papers to the Sheriff's Department, with the address of the Defendant.
- The fee for the Sheriff is \$25.00 unless fee is waived, then you will take the copy of the Motion and Order indicating the fee waiver from the Court.

SERVICE OF PROCESS

- If the Defendant lives in another county, you will need to get the papers to that Sheriff's Department for Service.
- The easiest method may be Certified Mail, Return Receipt Requested, Restricted Delivery. It is the most cost efficient way to serve.

REQUEST FOR HEARING

- This can be filed after the 30 days passes.
- 35 days if mail is used
- Complete the form.
- Attach a Self-Addressed Envelope.
- Send to the Court and the Court will return with a hearing date.
- Serve the form on the Defendant by Certified Mail or by using the Sheriff.

FINAL HEARING

- Follow the script. Add information that you think is important. Be brief and accurate.
- Dress Conservatively. Act Appropriately.
- Be prepared to answer questions from the other side or the Judge.
- Address the Judge by saying, “Your Honor”.



EVIDENCE TO BRING TO COURT

- Proof of other children, birth certificate, child support orders.
- Tax return, pay stubs, verification of expenses.
- Doctor's statement or Social Security Award Letter if disabled.
- Any important papers.



PREPARATION OF ORDER

- Send a copy of proposed order to other party.

SERVICE OF ORDER

- Serve the Order on the Defendant by Certified mail or by using the Sheriff.



PAYMENT FORM

- Fill out all of the information for the Court.



Questions?

- Thank you for your time and attention.
- If we can help you with OTHER legal matters, please call LATIS (Legal Aid Telephone Intake Service)
- 1-888-346-5592

Good Luck with your case.



Where to file

- Complaints for visitation, in general must be filed in the County/State in which the child resides.
- Generally, filed in the same county in which the child support action was commenced.