

ATTACHED DECLARATION IN SUPPORT OF MODIFICATION OF CHILD SUPPORT

I am requesting a modification of child support based upon the following change of circumstance since the last order for child support was entered:

1. **Job loss and current unemployment (Use this section if you became unemployed.)**

I lost my job on 04/03/22 . I was laid off terminated other:

I have been looking for work since I lost my job. A list of my job contacts is attached or will be provided at the hearing. I am receiving unemployment benefits and ask that the court base my child support on my unemployment benefits. I am not eligible for unemployment benefits and I ask that the court reduce my child support to zero until I find employment.

2. **Change of employment and decrease in earnings (Use this section if you changed jobs.)**

a. I am no longer working for the same employer as I was when the last order was made. I have not worked there since 04/03/22 . The reason I am not working there is because I was laid off

. I currently work at the Not-As-Good Job Company

My occupation is Cashier . I earn \$ 18.48 per hour and usually work 32 hours per week. My average gross monthly income is \$ 2,562.56 . This is a decrease in my gross monthly earnings of \$ 2,946.67 from the time of the last order. I tried to find work at my previous rate of pay but was unable to. **(monthly earnings = hourly × hours per week × 52 ÷ 12)**

b. I am still employed at the same place I was when the order was made, but my earnings have decreased. I now earn \$ per hour and usually work hours per week. This is a decrease in my gross monthly earnings of \$. My earnings decreased because

3. **Change in child custody and/or timeshare with children in this case (Use this section if your timeshare grew.)**

a. I now have primary custody substantial increased timeshare with the children in this case. The children are now with me as follows: I still have them every other weekend but now also watch them afterschool for 3 hours every day.

Timeshare is estimated to be 23 % to me and 77 % to the other parent. Timeshare was calculated by Family Court Services the court me.

b. My child, , is now emancipated as a result of attaining the age 18 and not in high school attaining the age 19 married in the military judicial decree. I request support for that child be terminated.

4. **Disability and decrease in earnings and/or loss of income (Use this section if you became disabled.)**

I am currently disabled. My disability began on 04/22 and consists of the following medical/psychological problems: broken leg

I will be disabled until 07/01/22 . I have attached a Verification of Disability from my treating doctor.

(Select one)

a. I do not receive disability benefits at this time but I have applied for benefits. I expect to receive disability benefits from the state government federal government private insurance Other
I expect to start receiving benefits on or about unknown in the sum of \$ unknown monthly. Until I start to receive these benefits, I ask that the court reduce my child support to zero.

b. I do not expect to receive disability benefits in the future because:

I ask the court to reduce my child support to zero.

c. I receive disability benefits from state government federal government private policy. The amount I receive monthly is \$. From this disability income the sum of \$ is deducted for child support every month. I ask that child support be suspended and/or reduced during the period of my disability. I request any derivative benefits due my child(ren) from social security as a result of my disability be offset against my child support order entered, pursuant to Fam. Code § 4504.

d. I receive SSI/SSP benefits and have received SSI/SSP benefits since . Thus, child support should be set at zero for so long as I continue to receive these benefits.

5. **Change in income or ability to earn of the other parent (Use this section if the other parent makes more now.)**

Since the last order for child support was made, the other parent:

a. has become employed, earning \$ per hour, working hours per week.

b. has received an increase in earnings and now earns \$ 5,000.00 per month.

c. now has the ability to obtain employment and earn at least \$ per month.

6. **Financial hardship (Use the following sections for other changes in circumstances.)**

Since the last order was made, I have sustained the following financial hardship(s):

a. **Statutory hardship –**

- Expenses of natural or adopted children in the home (Fam. Code § 4071(a)(2)). I provide support for the following or adopted minor children who reside in my home: Erik Smith, DOB 03/28/22
- Extraordinary health expenses and uninsured catastrophic losses (Fam. Code § 4071(a)(1)):

b. **Low income adjustment –** I request the court order a low income adjustment in this case because I net less than \$1000 per month, taking into consideration all allowable deductions and hardships.

c. **Court discretion –** I request the court use its discretion and deviate from the guideline amount because application of the guideline formula would be unjust or inappropriate due to the special circumstances in my case.

The facts supporting the special circumstances in my case are:

SHORT TITLE
Smith v. Smith

CASE NUMBER:

7. **Recent release from incarceration and decrease in earnings and/or current unemployment**

I was released from incarceration on 04/01/22 . I was incarcerated from 09/07/21 to 04/01/22 .

I am currently unemployed as a result of my incarceration and am actively looking for work. A list of my job contacts is attached or will be provided at the hearing. I have no current income. I am asking the court to reduce my child support to zero until I find employment. I am willing to return to court for review hearings as necessary. I am in a recovery program called **Second Chance** and have been there since 04/01/22 . The program requirements are that I stay there 24/7 .

I am not allowed to work for the first 4 weeks weeks/months. Thereafter I can work as follows: between 7 AM and 7 PM only.

I have attached verification of my enrollment and participation in this program. I am asking the court to reduce my child support to zero until I find employment. I am willing to return to court for review hearings as necessary.

8. **Other change of circumstance:**

Explain any other change of circumstances that you think should affect child support. Focus on what's new since the last order was made.

9. **I request child support be modified and set at zero for any full calendar months in which the parent ordered to pay support is incarcerated or receiving SSI, and has no other assets or income. For all other periods, I request current support remain in effect until modified by court order.**

10. **Other information I want the court to know concerning child support in my case that supports my request as set forth above:**

Explain anything else the judge should know.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Date of signing

Sally Smith

Type or Print Name

Signature of Declarant