

## **INFORMATION ABOUT CHILD SUPPORT AND YOUR SSI AND SOCIAL SECURITY BENEFITS**

If you have applied for, recently been approved for, or are currently receiving Social Security Disability Insurance (SSDI) benefits or Supplemental Security Income (SSI) benefits, and have a child support order against you, you may be entitled to a lower child support payment. Below you will find very important information if you have minor children or a child support order against you. If you have an existing child support order against you, you cannot just stop paying it because you became disabled. You must follow certain procedures as explained below.

### **IF YOU RECEIVE SUPPLEMENTAL SECURITY INCOME (SSI) ONLY AND ARE SERVED WITH A COMPLAINT SEEKING CHILD SUPPORT**

Under Florida law, any person who receives SSI only is not required to pay child support. If you have minor children, and the State or the other parent starts a Court case against you to get child support, you must file an Answer immediately. If you do not file an Answer, the Court will not know that you receive SSI only. In your Answer, you will tell the Court that you receive SSI only and attach a copy of your Social Security notice as proof that you receive SSI and showing how much you receive.

Once you have a Court date, you must attend and again notify the Court that you receive SSI only. You will need to provide the Court with documentation showing when the Social Security Administration (SSA) determined you became eligible to receive SSI benefits, such as the Judge's decision or a Notice of Award. This is important because the Court will also determine how much you should have paid in child support for the two years before the Court case started.

### **IF YOU RECEIVE SSI ONLY AND CURRENTLY HAVE A CHILD SUPPORT ORDER AGAINST YOU**

If there is currently a child support order against you and you were approved for SSI benefits, you should file a Motion to Suspend or Terminate Support in the Family Court. In the Motion, you will tell the Court that you now receive SSI only and ask the Court to stop your child support obligation. If you do not file a Motion with the Court, your child support will continue to accrue and the State will take efforts to collect from you.

### **IF YOU RECEIVE SOCIAL SECURITY DISABILITY INSURANCE (SSDI) BENEFITS**

If you were approved for Social Security Disability Insurance (SSDI) benefits, be sure to inform your Social Security worker of any minor children you have. You should ask the SSA to contact the custodial parent of your children to process derivative benefits for your children. This is because the custodial parent must complete the application for the children's derivative benefits. Derivative benefits are benefits paid off of your account to your dependents. These benefits do not affect your benefit amount and will count as child support payments. Not all SSDI beneficiaries will be eligible for their children to receive derivative benefits, however, it is very important for you to notify the SSA of your minor children and that an application for derivative benefits is made.

If you were approved for SSDI and have a current child support order against you, you must file a Petition for Modification immediately with the Court. A Petition for Modification tells the Court that your circumstances have changed, that you now receive SSDI benefits, that your children now receive or should receive derivative benefits, and that you should have a lower child support obligation. If you do not modify your child support with the Court, your obligation will continue at its previous rate and the SSA can garnish up to 65% of your disability payment each month to pay towards your support.

If you were approved for SSDI and the State or the other parent starts a Court case against you for support, you must file an Answer immediately. In your Answer, you should state that you receive SSDI benefits and that your children do or should receive derivative benefits. You should attend all hearings and bring proof of your benefits and the benefits your children receive off of your account. This is to make sure the Court properly calculates your child support obligation.

### **Self Help Information**

You can obtain all of the forms necessary to file for a child support modification for free online at [http://www.flcourts.org/gen\\_public/family/forms\\_rules/index.shtml](http://www.flcourts.org/gen_public/family/forms_rules/index.shtml). Once you have completed your forms, you will have to bring them to the Self Help Program for review before you will be permitted to file. The Self Help Program is located at 175 NW 1<sup>st</sup> Ave, 24<sup>th</sup> Floor.