THE NATIONWIDE

CHILD SUPPORT HANDBOOK

50-State Modification, Enforcement,

and Interstate Procedure for Self-Represented Parents

All 50 States · 52 Chapters · Model Court Forms for Every State

UIFSA Interstate Rules · Military Service Provisions · Hague Convention 2007

2025 Edition

Revised and Expanded, Includes Interstate & International Enforcement

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FOR EDUCATIONAL USE ONLY · NOT LEGAL ADVICE · Consult a licensed attorney for your specific situation.

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I am NOT an attorney, and nothing contained in this document or any related communication constitutes legal advice.

This material is intended exclusively to provide legal information and procedural guidance for self-represented individuals, often referenced as *Pro Se Litigants* or Fathers. It is a compilation of statutory bases, court rules, guidelines (such as Alabama's Rule 32 and Arizona's 15% rule), and case law summaries drawn directly from public legal sources.

This content is for EDUCATIONAL USE ONLY. It is designed solely to enhance the reader's understanding of the stringent statutory foundations, procedural steps (e.g., filing a Motion to Modify), and jurisdictional principles (like Continuing Exclusive Jurisdiction under UIFSA) required when navigating child support modification and emergency custody matters across various states.

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Understanding Child Support Calculation Models

Before reading your state's chapter, understand which calculation model your state uses. It determines how your child support amount is computed and shapes your entire modification strategy. There are three models in use across the United States:

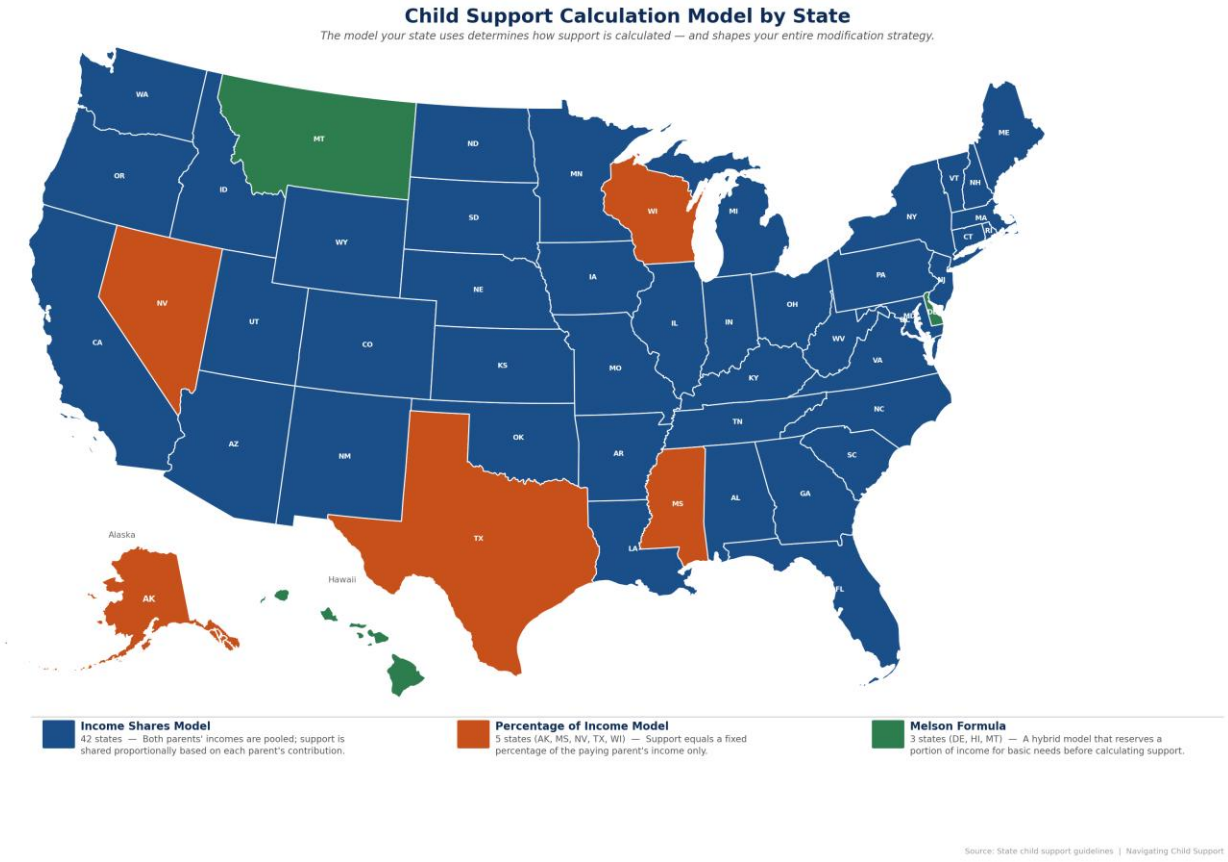


Figure 1. Child support calculation models vary by state. Income Shares (blue, 42 states) pools both parents' incomes. Percentage of Income (orange, 5 states) applies a fixed rate to the paying parent's income only. The Melson Formula (green, 3 states) reserves basic living needs before calculating support.

How to Use This Book

This book was written for one person: a father sitting at a kitchen table, probably late at night, staring at a child support order he can no longer afford, or one that no longer reflects his life. He may have lost his job, taken a pay cut, or watched his income shrink while the order stayed frozen in place. Or he may be current on payments but watching his license get flagged, a contempt motion land in his mailbox, or a passport denial arrive in the mail. He is not looking for a law review article. He is looking for a clear answer to one question: what do I do next, and how do I do it in my state?

That is what this book is designed to deliver. Each state chapter is built around a single consistent architecture, the same nine sections, in the same order, every time. The chapter for your state tells you how support is calculated, what triggers a modification, exactly how to file, what enforcement looks like in practice, what to do when you are behind, and what to do in a crisis. It names the actual forms, the actual fees, and the actual agency contacts. It is meant to be actionable, not academic.

What This Book Is Not

This book does not replace a licensed family law attorney. Child support law is highly fact-specific. Use this book to understand the terrain and prepare your case. Use an attorney (or at minimum a court self-help center) to execute it.

> INCOME AND EXPENSE DECLARATION: Every state requires a sworn financial disclosure before any modification hearing. That form is court-specific. It must be obtained from your circuit or family court clerk or the court's self-help website. This book tells you the name of that form in your state. The companion app helps you organize your financial information. The form itself comes from your court.

The Three-Part System

- The Book (what you are holding), full legal and procedural framework, state by state.
- The Website (navigatingchildsupport.com), condensed state summaries, enforcement data, and resource links for quick phone reference.
- The App, generates a printable court form based on your state and situation.

How Each Chapter Is Organized

Every state chapter opens with a State Enforcement Profile Card, a one-page dashboard answering a father's first questions before he reads a word of text. Nine sections follow: how support is calculated, modification grounds and triggers, the step-by-step filing process, the enforcement tools the state uses, arrears, interstate scenarios, special circumstances, forms and resources, and, in every chapter, a five-protocol Emergency Action Plan.

The Three Calculation Models

Before anything else, a father needs to know which model his state uses to calculate child support. The model determines what information matters and where the math gives him room to argue down the number. The map on the previous pages shows which model applies in each state. Find your state, then read the section below.

Model 1, Income Shares (42 States)

Both parents' gross incomes are combined into a single figure. A guidelines table produces the total child support obligation for that combined income level and number of children. That total is then divided between the parents proportionally to their respective shares of combined income.

> EXAMPLE: Father earns $4,000/mo, mother earns $2,000/mo. Combined = $6,000/mo. Guidelines table sets the obligation for one child at $900/mo. Father's share = 67%, so father pays $603/mo. KEY: if mother's income rises significantly, that REDUCES father's share, a modification argument even when father's income hasn't changed.

Model 2, Percentage of Income (5 States: AK, MS, NV, TX, WI)

Child support is a fixed percentage of the non-custodial parent's income only. The custodial parent's income is not part of the base calculation. Texas applies 20% for one child, 25% for two, up to a cap. Wisconsin applies a flat percentage to gross income. The analysis is simpler and more direct, focused entirely on the paying parent's income.

Model 3, The Melson Formula (3 States: DE, HI, MT)

A hybrid model. Before calculating child support, the court reserves a portion of each parent's income for their own basic needs (a self-support reserve). The child's primary support needs are calculated from remaining income. Any income above that level is subject to a standard-of-living

adjustment. A father in a Melson state whose income has dropped can argue that support is consuming income below the self-support reserve, a recognized and meaningful argument.

> YOUR MODEL DETERMINES YOUR STRATEGY. In Income Shares states: both incomes matter, and a rise in the other parent's income is a modification argument even if yours hasn't changed. In Percentage of Income states: the analysis focuses almost entirely on your income. In Melson states: the self-support reserve is a built-in protection argument when income drops severely.

Reading Your Child Support Order

Before you can modify a child support order, you need to understand what you have. Many fathers carry an order for years without fully understanding what it says or (critically) what it already says about modification.

The Controlling Statute

Your order identifies the state statute under which it was entered. That statute is the legal foundation of your obligation. The state chapter for your state in this book identifies the controlling statutes and what they require for modification.

Temporary vs. Final Orders

Orders entered early in a case (at a temporary hearing or by agreement pending trial) are temporary orders. They are still enforceable. A final order is the one that governs until modified. Know which you are operating under.

The Calculation Worksheet

Most final orders are accompanied by a child support guidelines worksheet showing the income figures used and how the amount was calculated. Find this worksheet. It tells you exactly what income was attributed to each parent. If either parent's income has changed materially since those figures were established, you have the beginning of a modification argument.

Termination Provisions

Your order should specify when support terminates, typically at the child's age of majority, emancipation, or graduation from high school. Note your state's age of majority: 18 in most states, 19 in Alabama (unusual), 21 for support purposes in some others. Do not stop paying based on your own interpretation of when it ends.

> NEVER stop paying child support without a court order confirming termination. Even if you believe support should have ended, continue paying until you have a court order. Arrears accumulate whether or not the underlying support was legally appropriate, and fighting inflated arrears is far harder than preventing them.

What 'Material and Substantial Change' Means

Every state requires a showing that a material and substantial change in circumstances has occurred before a court will modify a child support order. Understanding what this means (and what it does not mean) is essential before spending money filing a motion.

The Standard in Plain Language

A 'material' change is significant enough to affect the support calculation meaningfully. A 'substantial' change is real, ongoing, and not temporary. Courts want a genuine shift in circumstances, not a bad month, not a short-term disruption, and not a change the paying parent deliberately created to reduce his obligation. Many states add a numeric threshold: the recalculated amount must differ from the current order by a specific percentage (10% in Alabama, 15% in Arizona, 25% in Montana) before a court will act.

What Typically Qualifies

- Significant and involuntary loss of income (job loss, layoff, business failure)
- Substantial and permanent decrease in earning capacity (injury, disability, medical condition)
- Significant increase in the other parent's income, in Income Shares states this is a direct downward modifier
- Meaningful change in the child's needs (medical condition, disability, educational costs)
- A change in the physical custody arrangement or number of overnights
- Birth of a subsequent child (as a deviation factor in most states)
- Emancipation of one child when the order covers multiple children

What Will Not Work

- Voluntary reduction in income, quitting, taking lower pay by choice, reducing hours deliberately
- Short-term or seasonal fluctuations that are normal for your occupation
- Temporary unemployment that had already ended before the hearing

- Circumstances that existed when the current order was entered

The Three-Year Review

Federal law requires every state to offer a review every three years in IV-D cases (cases handled by the state child support agency). Either parent can request it without showing a material change. The agency recalculates using current incomes. If the result differs by the applicable threshold, the agency recommends modification. Check when your order was last reviewed. If it has been more than three years and you are in a IV-D case, this may be the fastest and cheapest path to a new amount.

Child Support Across Borders, The Hague Convention

[This section provides an overview. For the complete UIFSA interstate framework (which state controls your order, the registration process, the 20-day contest window, and detailed guidance on filing across state lines) see Chapter 52.]

> *→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.*

Two Conventions, Two Different Problems

Two separate Hague Conventions appear in child support and custody matters and are frequently confused. The 1980 Hague Convention on Child Abduction addresses the wrongful removal of a child to another country. It is a mechanism for returning children, not for collecting money. The 2007 Hague Convention on the International Recovery of Child Support governs financial enforcement across borders. The United States implemented the 2007 Convention through its 2008 UIFSA amendments. This chapter addresses the 2007 Convention.

What the 2007 Convention Does

A country that has ratified or acceded to the 2007 Convention has agreed to recognize child support orders from other member countries, enforce them through its own legal system, designate a Central Authority to handle international requests, and provide cost-free access to its enforcement process. In practice: if a father who owes support under an American court order moves to a member country, the custodial parent can request enforcement through the U.S. Office of Child Support Services. The process is bureaucratic and slow (months to years) but the legal framework exists.

Which Countries Are Actually Reachable (as of April 2026)

Member countries include the full European Union, the United Kingdom, Ukraine, Kazakhstan, Turkey, Brazil, Ecuador (since July 2022), the Philippines (since October 2022), Colombia (since July 2025), and the Dominican Republic (since March 2025, with procedural caveats). Countries NOT in the treaty include Thailand, Mexico, Indonesia, most of Sub-Saharan Africa, and most of Central America outside the Dominican Republic.

> TREATY STATUS CHANGES. The Philippines was not a party in 2021 and is now fully in. The Dominican Republic joined in March 2025. Mexico (despite bordering the U.S.) is not a party. Always verify current membership at hcch.net before making legal decisions based on a country's treaty status.

What Stays Available Regardless of Destination

- Passport Denial/Revocation: At $2,500 in certified arrears the U.S. State Department denies or revokes a U.S. passport. This applies regardless of where the obligor is located.
- Federal Criminal Exposure: The Deadbeat Parents Punishment Act makes it a federal crime to willfully fail to pay support exceeding $10,000 or persisting more than two years. Federal jurisdiction reaches across borders.
- The Debt Never Expires: Arrears do not disappear because the obligor is abroad. The moment he has U.S.-accessible income or assets (a job, a bank account, a tax refund) the full enforcement system engages.

For the Father Who Has Moved Abroad

Your obligation under the American court order does not end because you moved. If your income has genuinely changed because of the move, file for modification in the state with Continuing Exclusive Jurisdiction, almost certainly the state where the order was originally entered. Do not stop paying and assume you are unreachable. The debt accumulates, the interest compounds, the passport is flagged, and enforcement mechanisms will engage the moment you are reachable.

Statute of Limitations, What Fathers Get Wrong

Few myths in the child support system are more persistent or more damaging than the belief that child support debt expires. In almost every state, this is wrong.

How Child Support Arrears Work as Judgments

When a court enters a child support order, that order is a court judgment. Unpaid support becomes judgment debt. Judgment debts have a statutory lifespan, but in virtually every state, child support judgments are either exempt from the normal statute of limitations or can be renewed before they expire, effectively making the debt permanent for practical purposes.

Washington State, The Only True Exception

Washington state is the only state with what functions as a true statute of limitations on child support arrears enforcement. Under RCW 4.16.020, judgments are subject to a 10-year statute of limitations that has been applied to child support arrears in some cases. Two critical caveats: (1) it must be raised as an affirmative defense. It does not operate automatically; and (2) courts have not been entirely consistent in applying it to child support specifically. If you have arrears in Washington, consult an attorney.

Where an SOL Does Exist, Criminal Non-Support

Every state makes willful failure to pay support a criminal offense at some threshold. Criminal charges carry a genuine statute of limitations:

- Misdemeanor non-support: typically 2–3 years from the date of the offense
- Felony non-support (typically triggered above $5,000–$10,000): typically 3–7 years
- Federal criminal non-support (Deadbeat Parents Punishment Act): 5-year SOL

This means a father who has been unreachable for more than seven years may no longer be subject to criminal prosecution for historical non-payment, even though the civil debt still stands in full.

> THE DEBT IS PATIENT. Enforcement may be inconsistent. A father out of reach for years may go long periods without action. But the moment he has U.S.-accessible income (a new job, a tax refund, a bank account) the full balance is collectible. Wage garnishment is automatic. Tax intercepts run every year. The arrears do not expire.

Service of Process, The Step That Loses More Cases Than Bad Arguments

More child support motions die from bad service than from weak grounds. A motion served the wrong way is not just delayed. It is void. The hearing gets vacated, the order resumes, and your filing fee is gone. In some states a default judgment entered without proper service can be reopened by the other parent years later, undoing whatever you won.

Service rules vary by state and by the kind of motion. The same parent who needs personal service by sheriff for the original action may only need certified mail for a modification five years later. Read this section before you serve anything.

Phase 1, Service of the Original Petition

When the court has never had jurisdiction over the other parent, you must serve them in a way that satisfies due process. This almost always means personal service. A sheriff's deputy or a private process server hand-delivers the petition and summons to the other parent. The process server then files an affidavit of service with the court, swearing under oath when, where, and how the documents were delivered.

If the other parent lives in a different state, the Uniform Interstate Family Support Act (UIFSA, 9 U.L.A. § 201) extends the issuing state's long-arm jurisdiction so you can serve them in their state and have your home state's court hear the case. UIFSA is in force in all 50 states.

If the other parent cannot be located after diligent search, most states allow service by publication as a last resort. You publish notice in a newspaper of general circulation for a set number of weeks (typically four to six), then file proof of publication. Service by publication is legal but weak. A parent who later resurfaces can often vacate the order by showing the search was not actually diligent.

Phase 2, Service During Enforcement

After the order is entered, enforcement actions follow their own service rules. Each one is different.

Income withholding orders (IWOs) are served on the employer, not on the obligor. The federally standardized OMB-0970-0154 form goes to the employer's payroll department by certified mail or, in most states, electronically through the federal e-IWO system. The obligor receives a copy as notice but is not the served party.

Contempt motions require personal service. Civil contempt is quasi-criminal and the obligor has constitutional due process rights, including the right to be personally notified of the proceeding. Service by mail of a contempt motion is not enough to support a finding of contempt or jail time. See Turner v. Rogers, 564 U.S. 431 (2011).

Notice of arrears, license suspension warnings, and most administrative enforcement actions are typically served by first-class mail to the address on file with the IV-D agency. The obligor's duty to update their address with the agency is what supports the validity of mail service for these notices.

Phase 3, Service of a Modification Motion

This is where most parents over-serve and waste money. Once the court has continuing jurisdiction over both parents (established by the original action) service of a modification motion is procedurally easier.

Most states allow service of a modification motion by certified mail to the other parent's last known address. Some states allow service by first-class mail with a return acknowledgement. A few states still require personal service even for modifications. Your state's chapter lists the exact rule.

There are two trap doors. First, if the other parent is represented by counsel of record in the case, you must serve their attorney, not the parent directly. Second, if the other parent has moved out of state since the original order, UIFSA's two-state procedure may apply. Under UIFSA the original state usually retains continuing exclusive jurisdiction, so service goes to wherever the other parent now lives, but if they have established a new state of residence and you have moved as well, jurisdiction may have shifted entirely.

The Five Service Methods

Personal service. A sheriff's deputy or licensed process server hand-delivers the documents to the other parent. Cost runs $30 to $80 for sheriff service, $50 to $150 for a private process server. Required for original actions and contempt motions in every state.

Substituted service. Documents are delivered to a person of suitable age at the other parent's residence or workplace, who agrees to accept service on the parent's behalf. Allowed in most states for original actions when personal service has been attempted but the parent is evading. Requires court permission in some states.

Certified mail with return receipt. The clerk or your attorney mails the documents to the other parent's last known address; the post office delivers and the recipient signs. Allowed in most

states for modifications and many enforcement notices. Cost is roughly $10 per service. Service is complete only when the receipt is signed and returned.

Service by publication. Notice is published in a newspaper of general circulation in the county where the other parent was last known to live, typically for four to six consecutive weeks. Used only when the parent cannot be located after diligent search. Cost runs $200 to $500. Weakest form of service, easily vacated if the search was not in fact diligent.

Service via the IV-D agency. In states where the case is enrolled with the Title IV-D child support enforcement agency, certain motions can be served through the agency directly. The agency mails or hand-delivers using its own service procedures. Available only in IV-D cases and only for the specific motion types the state has authorized.

Common Mistakes That Void Service

- Mailing the motion yourself by regular first-class mail. Service by mail almost always requires certified mail with return receipt or a verified third-party acknowledgement.
- Serving the wrong address. The court's last known address is what matters. If the other parent moved and did not update the court, service to the prior address may still be valid, but only if you can prove they were obligated to update it.
- Serving on a Sunday or holiday in states that prohibit it. A handful of states (e.g., New York, CPLR § 11) restrict service on Sundays for civil process; check your state's rule.
- Skipping the affidavit of service. Service is not legally complete until the affidavit is filed. Many parents serve correctly and then forget the paperwork.
- Serving the attorney when the parent has appeared pro se, or serving the parent when an attorney has appeared. Once an attorney has filed a notice of appearance, all service goes to them.
- Serving outside the state without confirming long-arm jurisdiction applies. UIFSA covers most child support situations but the long-arm contacts must be documented.

Quick Reference, Which Method by Phase

Original action (establishing jurisdiction): personal service almost always; substituted or by-publication only as fallback.

Income withholding (IWO): certified mail or electronic e-IWO to the employer.

Contempt motion: personal service required.

Modification motion: certified mail in most states; check your state's chapter for the exact rule.

Notice of arrears or license suspension: first-class mail to the address on file with the IV-D agency.

Incarcerated Parents, The 2016 Federal Rule and Where States Diverge

If you are incarcerated, or you are co-parenting with someone who is, the rules changed dramatically in 2017. Before that, most states treated time in prison as voluntary unemployment and refused to modify the order. Arrears stacked at the full pre-incarceration calculation throughout the sentence. Parents left prison with $50,000 to $200,000 in debt that should never have accrued, and re-entry collapsed under the weight.

The federal rule at 45 C.F.R. § 303.8(b)(2), effective January 19, 2017, prohibits states from treating incarceration as voluntary unemployment for purposes of imputing income. Every state has had to revise its rules to comply. The result is that all 50 states now allow modification during incarceration, but the mechanics vary by state.

The Three State Patterns

Pattern 1 — Automatic suspension or abatement. A handful of states (California, Massachusetts, Oregon, and a few others) now suspend or abate the obligation automatically when incarceration crosses a threshold. California Family Code § 4007.5 suspends the order automatically when incarceration exceeds 90 consecutive days, with limited exceptions for parents who have the means to pay or who were jailed for domestic violence against the other parent or the child.

Pattern 2 — Modification on motion, no imputation. Most states require an affirmative motion to modify, but the court is now prohibited from imputing pre-incarceration income solely because of the incarceration. Texas Family Code § 156.401(d-1) requires 90 days of incarceration as the threshold ground. Colorado, Florida, and New York follow similar patterns with thresholds between 90 and 180 days.

Pattern 3 — Pre-2016 grandfathering. Orders that were set or last modified before the federal rule took effect are still on the books in many states at the full pre-incarceration calculation. The arrears continued to accrue until someone filed. If you or your client was incarcerated before 2017 and the order was never modified, those arrears may be reviewable under the state's current rule.

Filing While Incarcerated

Practical mechanics matter when the parent is in custody. Most state IV-D agencies will file a motion on behalf of an incarcerated obligor in IV-D cases, call the agency in the state that issued the order and request a review based on incarceration. The agency can usually file without the obligor signing anything, working from the corrections department's confinement record.

If the case is not IV-D enrolled, the obligor or someone authorized by them must file. Many state corrections systems allow inmates to send legal mail directly to courts. Some states permit family members to file on behalf of an incarcerated parent under a limited power of attorney. Pro bono legal aid organizations in most states accept incarcerated-parent modification cases.

Reinstatement on Release

This is the trap. In states that automatically suspended the obligation (Pattern 1), the order does not always automatically reinstate when the parent is released. Many states require an affirmative filing within a window (usually 30 to 90 days after release) to either reinstate the prior amount or set a new amount based on post-release earning capacity. Miss the window, and the receiving parent can request retroactive reinstatement to the date of release, with arrears accruing for every day in between.

On release, the obligor needs to do three things in the first thirty days: notify the IV-D agency in writing of the release date, obtain a copy of the suspension order or modification order to confirm what is currently in force, and file or request a review to set the post-release amount based on actual or imputable earning capacity in the new circumstances.

Pre-2016 Arrears, A Possible Path Back

Some states allow a court to retroactively review and reduce arrears that accumulated during incarceration before the 2017 federal rule, on a finding that the order was never modified because the parent had no realistic ability to file from custody. This relief is discretionary, narrow, and varies wildly by state. It is not automatic and must be specifically requested. Where it is available, the state's chapter in this guide lists the procedure.

Same-Sex Parents and Nonbiological Parents, Why Nothing in This Book Changes

The book is written in second-person addressing a non-custodial parent, and the running example is often a father paying support to a mother. None of that limits who the book applies to. Child support obligations attach to legal parentage, not to gender or biology, and the rules in every chapter apply identically to:

• Same-sex spouses who became parents during a marriage. Pavan v. Smith, 581 U.S. 78 (2017), confirmed that the same parentage presumptions that apply to opposite-sex married couples apply to same-sex married couples, including the marital presumption that controls who is named on the birth certificate.

• Nonbiological parents who became parents through adoption, second-parent adoption, or a judgment of parentage. Once parentage is established, the support obligation is identical to a biological parent's.

• Parents in de facto or psychological-parent relationships in states that recognize them (a minority of states do, by statute or appellate case law). These parents may be ordered to pay or entitled to receive support; the calculation and enforcement mechanics are the same.

• Parents under the Uniform Parentage Act (UPA) where adopted, which is most states. The UPA replaced gendered "mother/father" language with "parent" for exactly this reason.

If your state's chapter says "father" or "mother," read it as "non-custodial parent" or "custodial parent." The math, the modification grounds, the enforcement tools, and the interstate rules are the same for you.

Child Support and Bankruptcy, One Sentence: It Is Not Dischargeable

If you file bankruptcy, child support survives. All of it. This is the most-asked question that has the shortest answer.

The Bankruptcy Code carves out support obligations explicitly. 11 U.S.C. § 523(a)(5) makes "domestic support obligations" non-dischargeable in Chapter 7, Chapter 11, and Chapter 13.

The same provision applies whether the debt is current support, accrued arrears, or interest on arrears. 11 U.S.C. § 523(a)(15) extends similar treatment to property settlements arising from divorce or separation.

The automatic stay that normally halts collection activity the moment you file does not stop child support enforcement. 11 U.S.C. § 362(b)(2) exempts the establishment of paternity, the establishment or modification of a support order, collection from property that is not estate property (including wages earned after filing), withholding of income, license suspension, tax intercept, credit reporting, and passport denial. The IV-D agency does not even need to ask the bankruptcy court for relief from stay, those actions are pre-cleared by federal law.

Three practical consequences:

- Filing Chapter 7 does not stop your wage garnishment, your license suspension, or your passport denial. None of it.
- Filing Chapter 13 sets up a payment plan that includes current support and arrears. The plan must propose to pay both. Failure to make support payments during the plan is grounds for dismissal under 11 U.S.C. § 1307(c)(11).
- Discharging other debt (credit cards, medical, personal loans) can free up cash flow to apply to child support. That is the only realistic benefit of bankruptcy for an obligor with significant support arrears.

If you are considering bankruptcy because of child support pressure, a bankruptcy lawyer can tell you what the filing will accomplish for your other debt. It will not accomplish anything for the support obligation itself.

The Federal Parent Locator Service and Why Changing Jobs Doesn’t Hide Income

A common assumption among parents falling behind on support is that quitting a job, taking cash work, or moving to a new employer breaks the wage-garnishment chain and buys time. It does not. The federal infrastructure built into every state’s hiring process closes the gap in days, not months.

How it works

Under 42 U.S.C. § 653a, every employer in every state is required to report each new hire to the state's New Hire Directory within 20 days of the hire date (some states require sooner). Each state directory transmits the data to the federal National Directory of New Hires within three business days. The federal directory matches new-hire reports against the active child support caseload (every IV-D case nationwide) within two business days of receipt.

When a match hits, the issuing state's IV-D agency receives notice of the new employer's name and address. An income withholding order is generated and sent to the new employer. By federal regulation, the employer must begin withholding no later than the first pay period after the IWO is received. Total elapsed time from new-hire date to the first garnished paycheck is typically 30 to 60 days.

What the FPLS Sees

The Federal Parent Locator Service (FPLS) is the cross-state search engine that powers the matching. In addition to new-hire data, FPLS queries:

- The Social Security Administration for current employer-of-record and wages reported on W-2s.
- The Department of Defense for active-duty service records.
- The IRS for tax return data (limited use under Title IV-D authority).
- The State Department for passport applications (the mechanism behind passport denial at $2,500+ in arrears).
- State motor vehicle, professional license, and corrections-system databases.

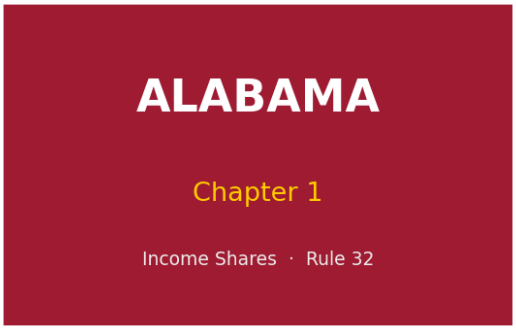
The result is that anyone earning W-2 income anywhere in the United States is reachable through this system within roughly 60 days of starting a job. Independent-contractor and cash work are reportable on Form 1099 and pick up on the IRS feed, with a longer lag. Pure under-the-table cash income is the only category that consistently escapes detection, and it carries its own risks (imputation of income, tax exposure, and audit attention if the lifestyle does not match reported earnings).

Practical implications

- Changing jobs does not interrupt enforcement. Plan as if every new employer will be served an IWO within two months.
- Moving across state lines does not interrupt enforcement. New-hire data is federal.

• Working off the books to dodge support is the highest-risk way to handle a debt that is not dischargeable, not subject to a statute of limitations in 49 states, and not erasable through bankruptcy. The math is unfavorable.

Chapter 1 — Alabama



State	Alabama
Calculation Model	Income Shares -- Rule 32, Alabama Rules of Judicial Administration
Modification Threshold	10% change in guideline obligation OR $50/month change -- whichever is less
Filing Form	CS-12 (Petition to Modify Child Support)
Filing Fee	Varies by county -- fee waiver available
Agency	DHR Child Support -- 1-800-284-4347
DHR Website	childsupport.alabama.gov
Filing Court	Circuit Court, Domestic Relations Division
Income Basis	Gross monthly income of both parents
Parenting Credit	Yes -- 10%+ overnights triggers shared-custody adjustment
Imputed Income	Yes -- earning capacity if voluntarily unemployed
3-Year Review	Yes -- for IV-D cases (DHR-enrolled)
Interest on Arrears	12% per annum (Ala. Code Section 8-8-1)
License Suspension	$1,000 or 30 days past due
Age of Majority	19 -- Alabama is one of a small number of states where support runs to 19

Statute of Limitations	None -- arrears enforceable indefinitely
Criminal Non-Support	Ala. Code Section 30-3-10 -- misdemeanor or felony by amount
Retroactivity	Filing date only

Section 1 — Overview

Alabama uses the Income Shares model under Rule 32 of the Alabama Rules of Judicial Administration. Both parents' gross monthly incomes are combined. A guidelines table converts that combined income and number of children into a total basic obligation, which is then divided proportionally between the parents based on each parent's share of combined income. If you earn 60% of the combined income, you pay 60% of the basic obligation.

If *different* could be a State "Alabama" is it. The nice thing is that it only takes a 10% change or $50 per month to get a judge to look at your current order. Also support does not stop at eighteen, it runs to nineteen, even if your child has already graduated. So don't make the mistake of celebrating too soon, you still got a bit more work to do.

Your local agency: Alabama DHR Child Support handles all IV-D cases. Reach them at 1-800-284-4347 or childsupport.alabama.gov. If your case is enrolled with DHR, start with an administrative review request before filing in court. It costs nothing, and DHR can move faster than the court calendar in straightforward income-change cases.

Three-year review: DHR-enrolled cases are eligible for an administrative review every three years without showing a change in circumstances. If it has been three years since your order was set or last modified, you can request this now.

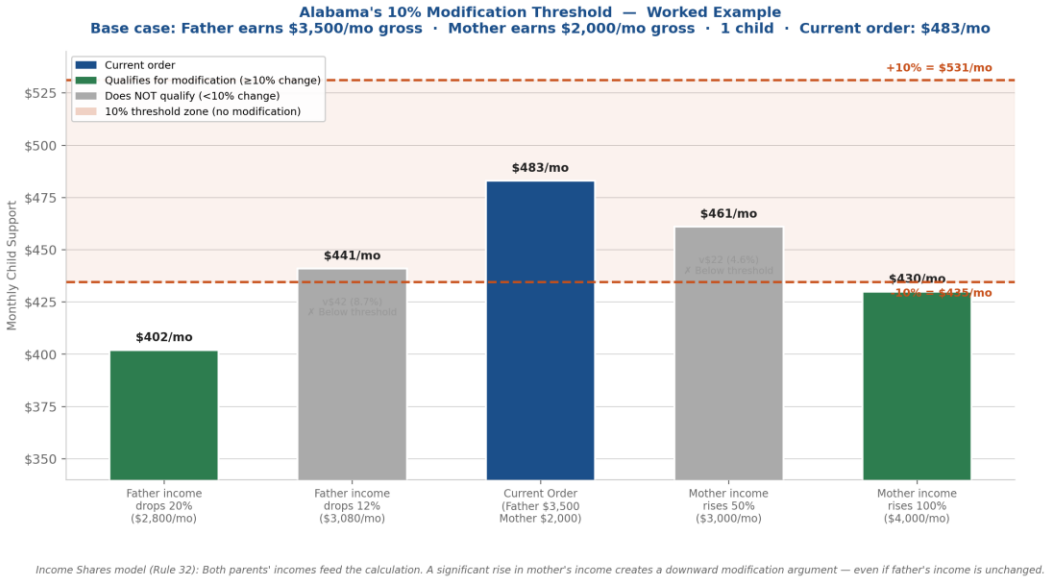


Figure 1-1: Alabama 10% Modification Threshold (Rule 32, Alabama Rules of Judicial Administration)

Section 2 — Grounds for Modification

Alabama does not require a dramatic life event. The threshold is low: if the current guidelines applied to your current income produce a number that is 10% higher or lower than your existing order, or $50 per month different, you have a presumptive case. Below that, you need to show a material change in circumstances.

You really need to understand what exactly the court is looking for and why. It sounds harsh but the court doesn't care about the same things we do. It ONLY cares about one thing - *what your order says now, versus what the guideline says **today***. Everything else is superfluous. The numbers are all that matter to the Court so run the calculation before you decide to file or it's just a waste of time and effort.

Your income dropped: Job loss, reduced hours, a disability, or any meaningful income reduction qualifies. File the day it happens. Alabama modification is retroactive only to the date of filing. Every day you wait is another day of arrears at the old rate.

The other parent's income increased: Because Alabama uses both parents' incomes, a significant raise on the other parent's side changes the proportional split in your favor. If the other parent is earning substantially more than when your order was set, that supports a modification.

Your parenting time increased: More overnights with your child directly reduces your obligation. Alabama's formula applies a shared-custody adjustment when overnight time shifts meaningfully. Document every overnight.

The child's costs changed: Childcare ending, new medical expenses, or other significant cost changes to the add-on items on your order support modification.

Three-year passage: If your DHR case has not been reviewed in three years, request an administrative review. No showing of changed circumstances required.

Child turns 19: Alabama support ends at 19. If your order does not have an automatic termination provision, file to terminate when your child reaches 19.

Voluntarily reducing your income: This will not work. Alabama courts impute income, meaning they calculate what you are capable of earning and set support based on that, not on your reduced actual earnings.

Section 3 — Step-by-Step: How to File

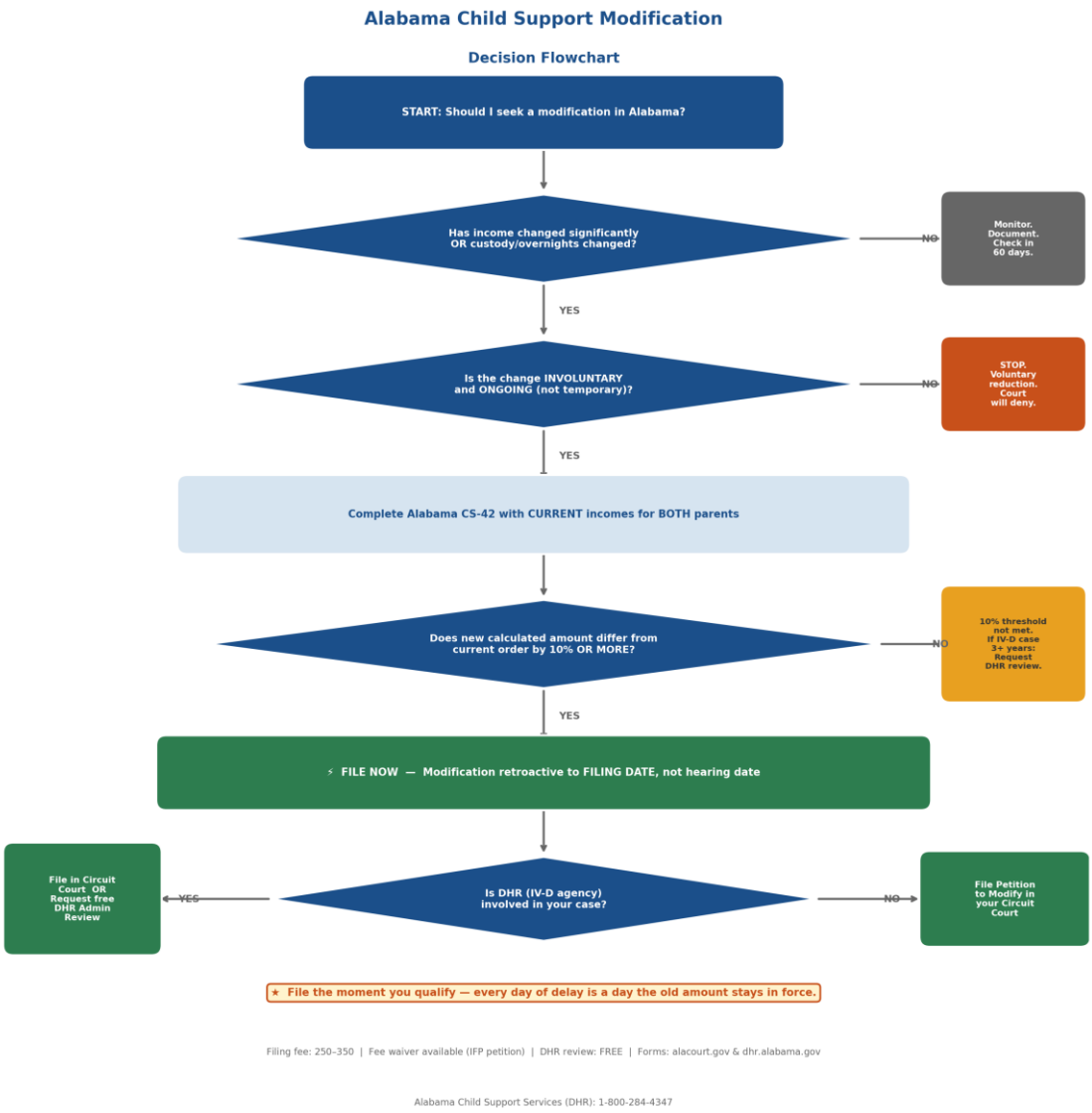


Figure 1-2: Alabama Modification Flowchart (DHR Administrative vs. Circuit Court Pathways)

Alabama modifications go through Circuit Court, Domestic Relations Division, in the county where the original order was entered. If your case is enrolled with DHR, you also have an administrative review option. Check with your local DHR office before filing in court.

Step 1 — Gather your documents: Last two pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change (termination letter, medical records, new parenting schedule), and any documentation of the child's current costs including healthcare premiums and childcare.

Step 2 — Run the guidelines: Alabama's CS-42 form walks through the Income Shares calculation (use the CS-42-S version if you share custody). Enter both parents' gross monthly incomes, the number of children, and the custody arrangement. If your result differs from your current order by 10% or $50/month, you have a presumptive case.

Step 3 — Fill out your forms: File CS-10 (Modification Petition for Support). Attach your completed CS-42 guidelines worksheet (CS-42-S for shared custody), your CS-41 income affidavit, and the CS-43 Notice of Compliance, along with supporting financial documentation. Your county's circuit court clerk can tell you if additional local forms are required.

Step 4 — File and pay the fee: File at the Circuit Court clerk's office in the county where the original order was entered. Fees vary by county. If you cannot afford the filing fee, ask the clerk about a fee waiver.

Step 5 — Serve the other parent: The other parent must be formally served. Personal service by a process server or the sheriff is standard. File your Proof of Service with the court.

Step 6 — Attend the hearing: Bring originals and copies of all financial documents. Bring your printed CS-42 guidelines worksheet. Your new order, if granted, is effective from the date you filed, not the date of the hearing.

How long it takes: There is no fixed timetable. Once you file, the court sets your hearing on its own docket, and the wait varies widely by county. A DHR administrative review can sometimes move faster than the court calendar. Because a modification reaches back only to your filing date, when you file matters far more than how long the case takes.

Section 4 — Income Calculation

Alabama uses gross income, meaning your total earnings before taxes and other deductions. Getting this number right matters: a small error on either parent's side changes the proportional split and the total obligation.

Gross income includes: Wages, salary, overtime, commissions, bonuses, self-employment income net of ordinary business expenses, rental income, retirement and pension income, Social Security income, disability payments, unemployment compensation, and all other regular income sources.

Self-employment: Alabama looks at gross self-employment income minus legitimate ordinary and necessary business expenses, what you would report on Schedule C. Courts scrutinize inflated expense claims. Bring three years of returns and bank statements.

Add-ons: Health insurance premiums for the child and work-related childcare costs are handled as add-ons to the basic obligation. They are allocated proportionally by income share. If either changes, the add-on should be recalculated at the same time as the base amount.

Uninsured medical: The guidelines schedule already builds in the first $250 per child each year in unreimbursed medical costs. Past that, courts generally divide non-covered medical and dental expenses between the parents in the same proportions as the health insurance

premiums, by income share. Private coverage for the child counts as reasonable when it costs no more than 10% of the providing parent's gross income.

Imputed income: If you voluntarily left a job, reduced your hours, or are working below your earning capacity, the court will impute income at what you could earn. Alabama courts look at your work history, education, and local job market conditions.

A note from experience: If you in any way have control over your own income by way of overtime, owning your own business, etc... Please expect that the court will crawl through your paperwork and income statements like 1099's, and Schedule C, like a plague. Here is where you lose credibility and the case if you are not careful. If you quit, cut your hours, or pay yourself less to artificially lower the number, the court can and will ignore your real paycheck and use what it thinks you could earn instead (this is not my opinion, this is what the law requires them to do). The same goes for any business you run on a Schedule C and you barely show any profit after generous write-offs, expect a judge to add some of it back. Have clearly available facts, files, and physical evidence (if available) that is independently verifiable to support your income claims of reduction.

Multiple households: If you are paying court-ordered support for children in other households, those amounts reduce your income available for the current calculation. Bring documentation of all current court-ordered support obligations.

Low-income protection: Rule 32 protects a floor for the paying parent. Under Rule 32(C)(5) the first $981 a month of your income, called the self-support reserve, is set aside, and only 85% of what you earn above that line counts toward the obligation. The minimum order is $50 a month. If you have no income and receive only means-tested assistance, or you are incarcerated for more than 180 consecutive days, the court presumes a zero-dollar order unless the facts rebut it.

Section 5 — Shared Parenting

Alabama's guidelines include a shared-custody adjustment when overnight parenting time shifts significantly. The adjustment recognizes that a parent spending meaningful time with the child is directly bearing costs that would otherwise be covered by the support payment.

Standard custody (less than 10% overnights to payer): The basic Income Shares calculation applies with no adjustment.

Shared custody adjustment: When the non-custodial parent has a meaningful increase in overnights, Rule 32 provides an adjustment to the basic obligation. Document your actual overnights with a calendar or journal.

Informal arrangements: If you and the other parent have informally shifted to a different parenting schedule but have not updated the court order, your obligation is still based on the old schedule. File to update both the parenting plan and the support order at the same time.

Out-of-pocket costs: Alabama courts can credit a parent for direct out-of-pocket costs paid for the child when the parenting schedule warrants it. Keep receipts for clothing, school expenses, and medical costs paid directly by you.

Section 6 — Enforcement

Alabama DHR enforces with the full range of federal and state tools. Interest accrues at 12% per annum on unpaid arrears under Ala. Code Section 8-8-1. There is no statute of limitations on enforcement of child support in Alabama. Old debt does not go away.

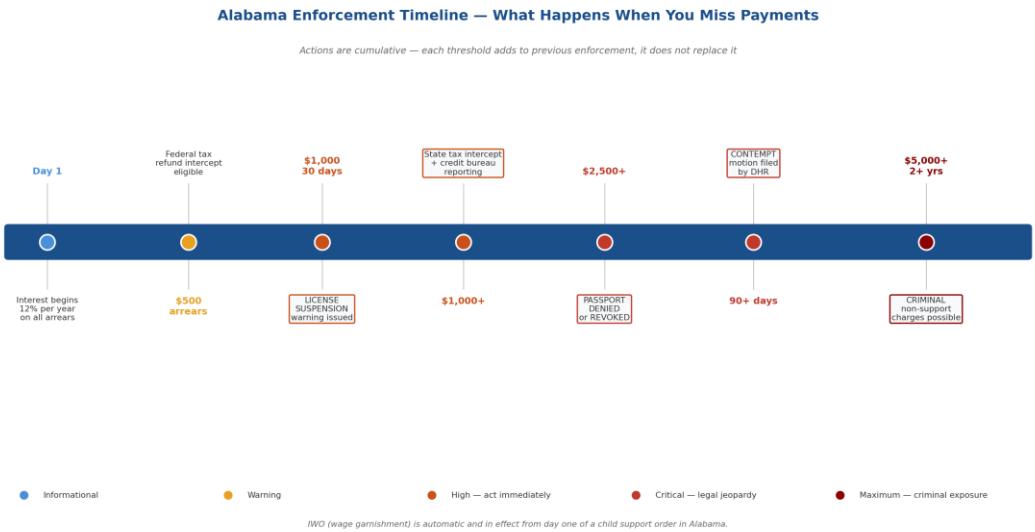


Figure 1-3: Alabama Enforcement Escalation Timeline

Income withholding: Mandatory on all new and modified orders. Your employer receives an Income Withholding Order and must comply within the next pay period. Firing an employee for wage withholding is illegal under federal law.

Tax refund intercept: DHR intercepts federal and state tax refunds for IV-D arrears. Alabama has a state income tax refund intercept program.

License suspension: $1,000 in arrears or 30 days past due triggers suspension of your driver's license, professional licenses, hunting and fishing licenses, and any other state-issued license. A DHR-approved payment plan can halt or release the suspension.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial.

Credit reporting: DHR reports certified arrears to all three major credit bureaus for IV-D cases.

Contempt of court: Circuit Court can hold you in contempt for non-payment. If incarceration is possible, you have the right to counsel at the contempt hearing. Document genuine inability to pay; it is your defense.

Criminal non-support (Ala. Code Section 30-3-10): Willful failure to pay support when able is a crime in Alabama. The charge escalates from misdemeanor to felony based on the amount owed and the duration of non-payment. DA referrals follow sustained willful non-payment.

Section 7 — Emergency Protocols

Emergency Protocols — Alabama

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File CS-10 (Modification Petition for Support) in Circuit Court immediately, the day you receive your termination notice if possible. Your modification goes back only to the filing date. Do not wait.

10% test: Apply the current Rule 32 guidelines to your new gross income. Most genuine job losses produce a guideline difference well above 10%, so file now.

DHR route: If your case is enrolled with DHR, call 1-800-284-4347 the day of your job loss. DHR can initiate an administrative review and sometimes move faster than the court calendar.

Gather: Termination letter, last three pay stubs, unemployment award letter, medical records if disability-related, and a completed CS-42 guidelines worksheet showing your proposed new amount.

Fee waiver: If you cannot afford the filing fee, request a fee waiver from the Circuit Court clerk at the time you file.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE

Alabama suspends at $1,000 in arrears or 30 days past due. Act within 30 days of the notice.

Pay in full: Contact DHR at 1-800-284-4347 with proof of payment. DHR notifies the licensing authority.

Payment plan: A DHR-approved payment agreement can halt the suspension while you pay down arrears.

Contest it: Request an administrative hearing within 30 days to dispute the arrears amount if the records are wrong.

Professional licenses: Alabama suspends all state-issued professional licenses, including medical, legal, contractor, real estate, and others. If your income depends on a professional license, losing it creates a cascade. Act immediately.

EMERGENCY PROTOCOL 3: PASSPORT DENIAL

$2,500 in certified arrears blocks your passport. To fix it: pay down below $2,500 and contact DHR for decertification, or negotiate a formal payment agreement. Decertification takes one to two weeks at the State Department after DHR acts.

Travel is imminent: Call DHR at 1-800-284-4347 immediately and explain the timeline. Request expedited processing. Do not apply for a passport while over $2,500; the application will be denied and you will lose the fee.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

If you receive a motion for contempt or an Order to Show Cause, treat it seriously. Jail is a possible outcome in Alabama contempt proceedings.

Read this before you do anything else. A contempt proceeding can end with you in jail, so unless you want to end up losing your job (if you have one) and spending a non-zero amount of jail time showering with men, do not show up empty-handed and apologetic. Show up with evidence: proof you could not pay, your DHR payment history, and a modification petition already on file if your order is too high (seek free help — see appendix). And if jail is possible, do not waive counsel — say out loud at the first hearing that you want an appointed attorney. Remember the person sitting across from you is an attorney and they are not your friend.

Right to counsel: If incarceration is a possible outcome, you have the right to appointed counsel before the hearing proceeds. Assert this at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Gather bank statements, termination letters, and medical records, and document why you could not pay, not just that you did not.

Get your DHR records: Request your official payment history from DHR at 1-800-284-4347. This is the authoritative payment record. Dispute any errors before the hearing.

File your modification: If your order is too high based on your current income, file CS-10 (Modification Petition) before the contempt hearing. A pending modification shows the court you are addressing the problem.

EMERGENCY PROTOCOL 5: CHILD REACHING AGE 19

Alabama support runs to 19, not 18. If your existing order does not include an automatic termination provision, support does not end just because your child turns 18 or graduates from high school.

File to terminate: File a motion to terminate child support when your child reaches 19. Until the court enters an order terminating support, payments continue and arrears accrue.

Post-secondary support: Alabama courts can order post-secondary educational support under Ala. Code Section 30-3-1 in some circumstances. If you are being asked to pay beyond age 19, consult with a family law attorney about the specific terms of your order.

Age 18 graduation: A child who graduates at 17 or 18 is still supported until 19. Do not stop paying based on graduation alone.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

Alabama DHR Child Support: 1-800-284-4347. childsupport.alabama.gov. Administrative review, payment records, IV-D enforcement, license suspension, UIFSA interstate cases.

Alabama Court Forms: eforms.alacourt.gov. Available forms include CS-10 (Modification Petition), CS-41 (Income Statement), CS-42 (Guidelines Worksheet; CS-42-S for shared custody), CS-43 (Guidelines Notice of Compliance), CS-47 (Information Sheet), and others. Your county Circuit Court clerk also maintains a local forms packet.

Legal Services Alabama: 1-866-456-4995. legalservicesalabama.org. Free civil legal help for qualifying low-income litigants statewide.

Alabama State Bar Lawyer Referral: 1-800-354-6154. alabar.org. Referral to family law attorneys in your area.

Special consideration, age 19: I said it before, and I'll say it again. Support runs to nineteen in Alabama. You are not free at eighteen, you are not free at graduation, you are accruing arrears with twelve percent interest while you think the case is over. The only way it ends early is if your child marries or enlists. Until a judge signs a termination order, the meter is running. Pay on time and keep paying until it is official. If in a rare case you end up paying more than you should, that can always be addressed easier than the alternative.

Special consideration, low threshold: The 10% or $50/month threshold makes Alabama relatively accessible for modification on genuine income changes. Even a modest pay cut may meet the standard. Run the CS-42 guidelines worksheet before deciding whether to file.

Special consideration, county variation: Alabama has 67 counties and significant variation in how Circuit Courts handle domestic relations matters. Always contact your county's Circuit Court clerk or domestic relations court coordinator before filing to understand local requirements and any local forms.

Special consideration, interstate and military: If the other parent lives in another state, or the order was entered elsewhere, your modification runs through UIFSA, the interstate law covered in this book's interstate chapter, and only one state controls the order at a time. If you or the other parent is serving on active military duty, the Servicemembers Civil Relief Act can pause a proceeding and other special rules apply; see the Military Service chapter.

End of Chapter 1 — Alabama | Chapter 2 — Arizona follows.

Chapter 2 — Arizona

State	Arizona
Calculation Model	Income Shares -- A.R.S. Section 25-320 (guidelines); Section 25-503 (modification)
Modification Threshold	15% change in guideline obligation -- OR -- substantial and continuing change in circumstances
Filing Form	DRCSF-5P (Petition for Modification of Child Support Order)
Filing Fee	Approximately $260-$320 | Fee waiver available
Agency	DCS Child Support Services -- 1-855-HEA-PLUS (1-855-432-7587)
DCS Website	des.az.gov/dcss
Filing Court	Superior Court, Domestic Relations Division (15 counties)
Income Basis	Gross monthly income of both parents
Parenting Credit	Yes -- parenting time adjustment at 55%+ combined overnights to payer
Imputed Income	Yes -- earning capacity if voluntarily unemployed or underemployed
3-Year Review	Yes -- for IV-D cases (DCS-enrolled)
Interest on Arrears	10% per annum (A.R.S. Section 25-510)
License Suspension	$1,000 or 30 days past due (A.R.S. Section 25-518)
Age of Majority	18
Statute of Limitations	None -- arrears enforceable indefinitely

Criminal Non-Support	A.R.S. Section 25-511 -- class 1 misdemeanor to class 6 felony
Retroactivity	Filing date only (A.R.S. Section 25-503(E))

Section 1 — Overview

Arizona uses the Income Shares model under A.R.S. Section 25-320 and the Arizona Child Support Guidelines. Both parents' gross monthly incomes are combined, a schedule produces the total basic support obligation for that income level and number of children, and that total is divided between the parents in proportion to their share of combined income. What you pay depends on what both of you earn.

There are two ways to meet the standard for modification: a 15% change in the guideline amount, or a substantial and continuing change in circumstances. Arizona courts interpret both, and the 15% simplified-procedure standard is set out in A.R.S. Section 25-327 and paragraph 24 of the Arizona Child Support Guidelines. A temporary pay cut does not meet the standard. A permanent demotion or sustained disability does.

Your local agency: The Department of Child Support Services (DCSS), a division of DCS, handles all IV-D cases. Call 1-855-432-7587 or visit des.az.gov/dcss. If your case is enrolled, start there. Administrative reviews are free, and DCSS can often process straightforward income changes without a court filing.

Three-year review: DCS-enrolled cases can be reviewed every three years without showing a change in circumstances. If it has been three or more years since your last review, request one now.

Two things about Arizona are worth holding onto before you go further. First, your number is not really your number, it comes out of what both of you earn, combined and then split by share. So when the other parent's pay moves, yours can move too, and that cuts both ways. Second, if your case is with DCS, you can ask for a review every three years for free, no crisis required. Now there is an old saying "The same thing that makes you laugh, makes you cry," meaning that if you are trying to get some relief from a child support number you think is too high and you ask for a review, you may or may not get it. You should still ask, because nothing is stopping the other party from asking for a review, so it's not something you should avoid.

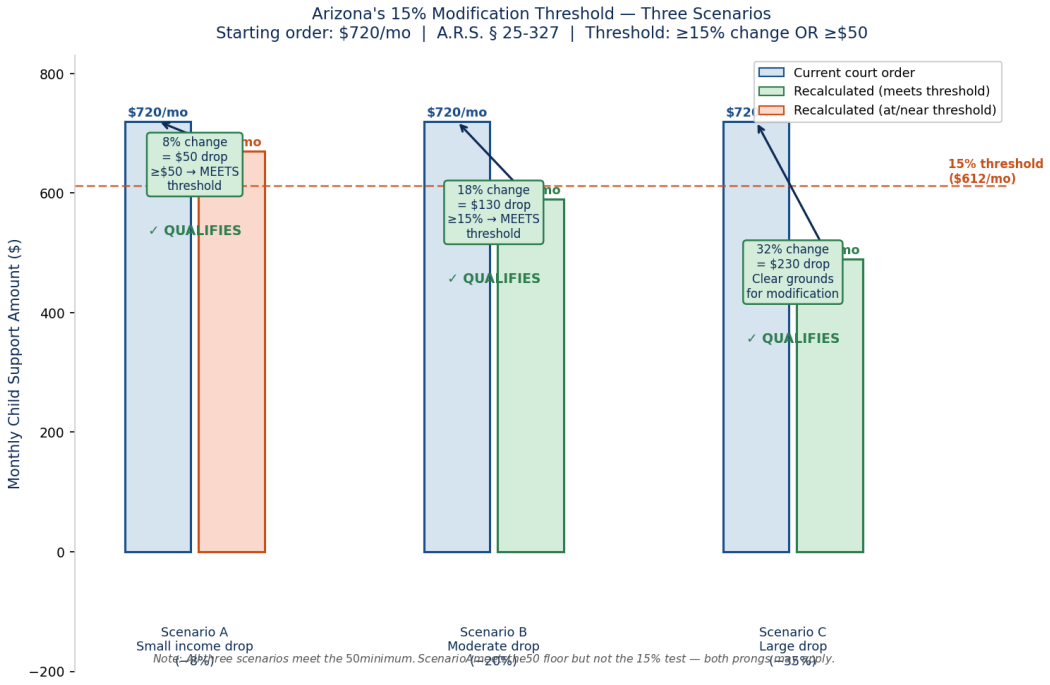


Figure 2-1: Arizona 15% Modification Threshold, A.R.S. Section 25-503 | Arizona Child Support Guidelines

Section 2 — Grounds for Modification

Arizona requires either a 15% change in the guideline obligation or a substantial and continuing change in circumstances. Temporary changes (a short layoff, a brief medical issue) generally do not qualify. Permanent or sustained changes do.

Please understand 2 things going forward; the Court has a regimented approach to digesting the income that you report, and you need to know that approach **before** you file anything, otherwise instead of removing the weight from your neck you add stress and uncertainty. "Substantial and continuing" is the lens through which the Court will decide what change should be made in how much your child support should be. For example, your child support is $100 and the calculation says your number should be $85 (this is 15%, meeting the "substantial" part); the court then needs to determine if it is "continuing," meaning did you do anything that was designed to purposely lower the income to that level, or was the amount lower due to no fault of your own.

Income dropped: A layoff, a disability, a permanent reduction in hours or pay: these qualify. File the day the change happens. Under A.R.S. Section 25-503(E), modification goes back only to the filing date.

Other parent's income increased: Arizona uses both parents' incomes. If the other parent's income has risen significantly since your order was set, that changes the proportional split in your favor. Request their pay stubs through discovery if they will not provide them voluntarily.

Parenting time changed: More overnights with your child reduces your obligation. Arizona's guidelines include a parenting time adjustment when the parenting schedule changes meaningfully. Document every overnight.

Child's costs changed: Childcare ending, new medical costs, or other significant changes to the add-on expenses on your order support a modification.

Three-year passage: For DCS-enrolled cases, three years of passage alone entitles you to a review without showing any changed circumstances.

Child turns 18: In Arizona, support runs through the last day of the month the child turns 18. If the child is still attending high school at that point, it continues until graduation or age 19, whichever comes first (A.R.S. Section 25-501(A)); support for a child with a qualifying disability can extend further under Section 25-320. The order does not end on its own. File to terminate when the obligation reaches its end date.

Voluntarily reducing income: Will not work. Arizona courts impute income at your earning capacity under A.R.S. Section 25-320.

Section 3 — Step-by-Step: How to File

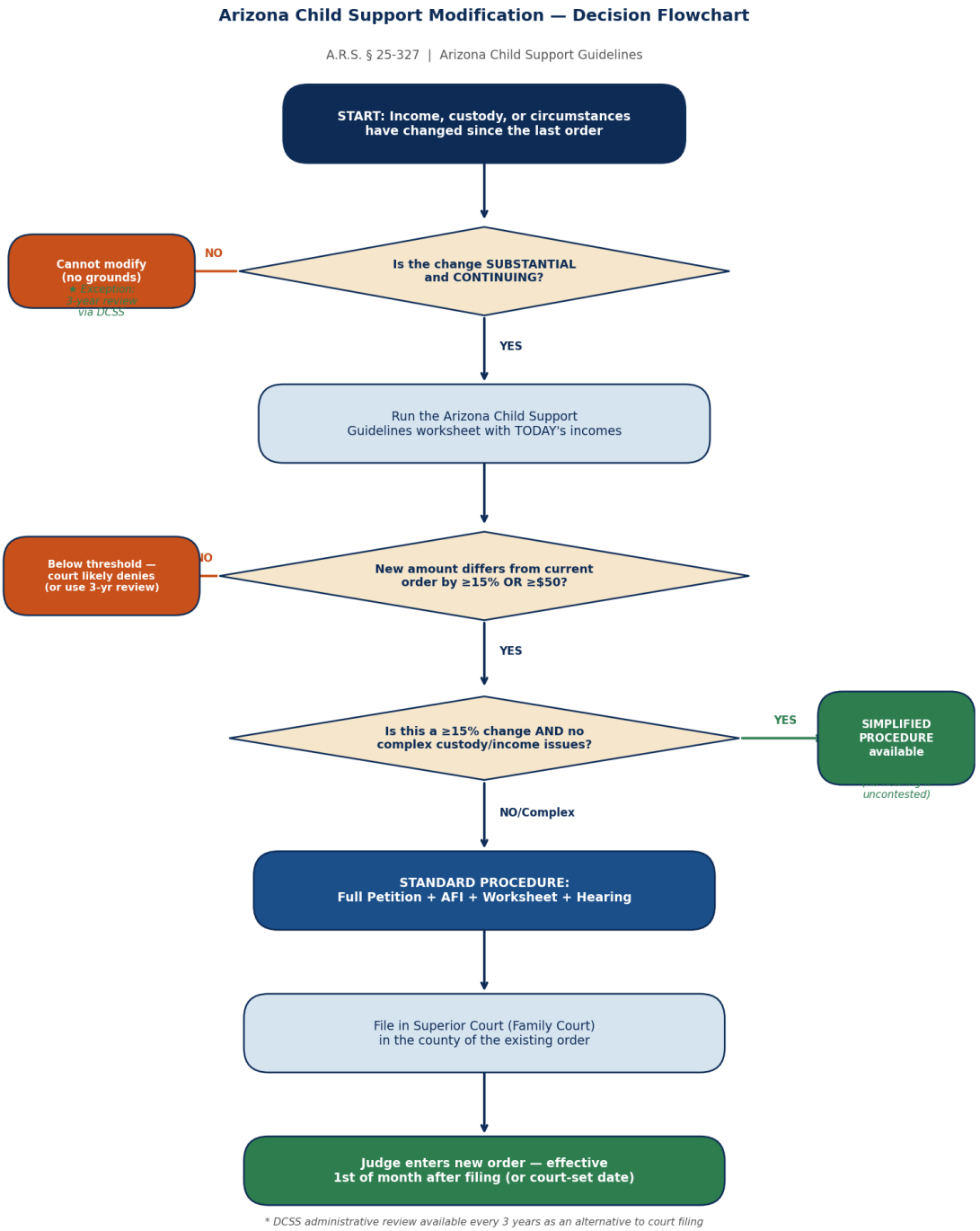


Figure 2-2: Arizona Modification Flowchart, DCS Administrative vs. Superior Court Pathways

Arizona modifications go through Superior Court, Domestic Relations Division, in the county where the original order was entered, or where the child currently lives if the case has been transferred. If your case is enrolled with DCS, contact DCSS before filing in court.

Step 1 — Gather your documents: Last two pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, and any documentation of current add-on costs (childcare receipts, health insurance premium statements, medical expense records).

Step 2 — Run the guidelines: The Arizona Child Support Guidelines worksheet is available at azcourts.gov. Enter both parents' gross monthly incomes, the number of children, and the current parenting time percentages. If your result differs from your existing order by 15% or more, you have a presumptive case.

Step 3 — Fill out your forms: Use DRCSF-5P (Petition for Modification of Child Support Order). Attach your completed guidelines worksheet and supporting financial documentation. Arizona also requires an Affidavit of Financial Information (AFI): this is your financial disclosure form and must be complete and accurate.

Step 4 — File and pay the fee: File at the Superior Court clerk's office in the correct county. Filing fees run approximately $260 to $320. If you cannot afford the fee, request a deferral or waiver from the clerk.

Step 5 — Serve the other parent: Serve per Arizona Rules of Family Law Procedure: personal service by a process server or the sheriff. File your Affidavit of Service with the court.

Step 6 — Attend the hearing: Bring originals and copies of all financial documents and your completed guidelines worksheet. Your new order is effective from the date you filed the petition.

Section 4 — Income Calculation

Arizona uses gross income from both parents, meaning total earnings before taxes and deductions. The guidelines table then converts combined gross income and the number of children into a total obligation, which is split proportionally.

Gross income includes: Wages, salary, overtime, commissions, bonuses, self-employment net income, rental income, investment income, retirement benefits, Social Security, disability payments, unemployment, and all regular income sources.

Self-employment: Net Schedule C income after ordinary and necessary business expenses. Arizona courts examine business bank statements and tax returns carefully. Inflated deductions or cash income that does not show on returns will be scrutinized. Bring three years of returns.

Add-ons: Health insurance premiums for the child and work-related childcare costs are added on top of the basic obligation and allocated proportionally. Unreimbursed medical expenses beyond the premium are split the same way, by income share. Arizona does not build in a per-child deductible the way some states do, so even modest out-of-pocket medical costs are divided proportionally once they are documented.

Imputed income: If you are voluntarily unemployed or underemployed, the court imputes income at your earning capacity: what you could earn based on your education, work history, and the local job market. Arizona courts do not accept self-inflicted income reductions.

A note from experience. If you quit, cut your hours (this includes overtime), or pay yourself less to bring the number down, the court can set your support on what you could earn instead of

what your stub shows. Trust me, the courts have seen this tactic many, many times before, and they are not having it. It is exactly the same way if you are self-employed: a Schedule C that nets almost nothing after a generous pile of write-offs invites a judge to add some of it back, and the court will not be kind *(this is anecdotal, speaking only from my personal experience)*. There is only one edge case that I know of. If as an hourly employee you have access to and frequently get overtime, and then you accept a promotion that eliminates the overtime but your base salary is bigger than your previous base salary without the overtime, then you might be safe.

Multiple orders: If you pay court-ordered support for children in other households, those amounts are credited before the current calculation. Bring copies of all current support orders.

Low-income protection: Arizona's guidelines include a Self-Support Reserve so a paying parent at the low end keeps enough to live on. The reserve is set at roughly 80% of full-time monthly earnings at the state minimum wage, and a Self-Support Reserve Test checks that the order leaves you at least that much before it is finalized. At low incomes the guideline amount is reduced so support does not push you below that floor. If your income is near minimum wage, raise the Self-Support Reserve at your hearing; it is part of the current guidelines and the court is required to apply it.

Section 5 — Shared Parenting

Arizona's guidelines include a parenting time adjustment that recognizes direct expenses when the non-custodial parent has significant overnight time. The adjustment reduces the net transfer payment when the parenting schedule reflects meaningful shared time.

Standard time (under 20% overnights to payer): Basic Income Shares calculation with no adjustment.

Increased parenting time (20-54% overnights): Arizona applies an adjustment to the basic obligation as overnights increase. More overnights means a lower transfer payment.

High parenting time (55%+ overnights): At 55% or more of combined overnights to the payer, a more substantial parenting time credit applies under the Arizona guidelines.

Count and document overnights: Courts count actual overnights, meaning nights the child sleeps at your home. Use a calendar or app to document every overnight. If your actual time has increased informally but the order has not been updated, file to update both the parenting plan and the support order simultaneously.

Informal arrangements: An informal increase in parenting time is worth nothing to the support calculation until a court order reflects it. File to update the parenting plan.

Section 6 — Enforcement

Arizona DCS enforces with the full range of federal and state tools. Interest accrues at 10% per annum on unpaid arrears under A.R.S. Section 25-510. There is no statute of limitations on enforcement of child support in Arizona.

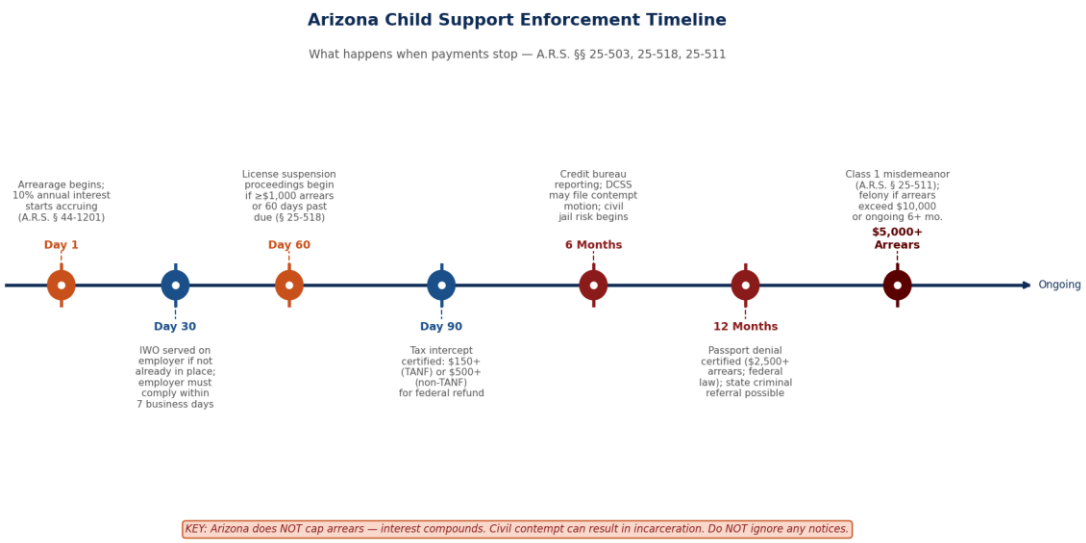


Figure 2-3: Arizona Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Your employer must comply within the next pay period. Termination for wage withholding is illegal.

Tax refund intercept: Federal and state refunds intercepted for IV-D arrears.

License suspension (A.R.S. Section 25-518): $1,000 in arrears or 30 days past due. DCS suspends driver's license, professional licenses, recreational licenses. A payment plan stops the suspension.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial.

Credit reporting: Arrears reported to major credit bureaus for IV-D cases.

Contempt: Superior Court can hold you in contempt. Genuine inability to pay is your defense; document it thoroughly.

Criminal non-support (A.R.S. Section 25-511): Willful non-support is a class 1 misdemeanor to class 6 felony depending on amount and duration. DA referrals follow sustained willful non-payment.

Section 7 — Emergency Protocols

Emergency Protocols — Arizona

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File DRCSF-5P in Superior Court immediately, the day you get your termination notice if possible. Modification in Arizona is retroactive only to the filing date under A.R.S. Section 25-503(E).

15% test: Apply the current guidelines to your new gross income. A genuine job loss typically produces a guideline difference well above 15%. File now.

DCS route: For IV-D cases, call DCS at 1-855-432-7587 the day of your job loss. Administrative review is free and can sometimes move faster than the court calendar.

Gather: Termination letter, last three pay stubs, unemployment award letter, medical records if disability-related, completed guidelines worksheet showing your proposed new amount.

Fee waiver: Request a filing fee deferral or waiver from the Superior Court clerk at the time you file.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE

Arizona suspends at $1,000 in arrears or 30 days past due under A.R.S. Section 25-518. Act promptly.

Pay in full: Contact DCS at 1-855-432-7587 with proof of payment. DCS notifies the Motor Vehicle Division and licensing boards.

Payment plan: A DCS-approved payment agreement halts the suspension while you pay down arrears.

Contest it: Request an administrative hearing within the notice period to dispute the arrears amount.

Professional license: Arizona suspends all state-issued professional licenses. If your livelihood depends on a license, losing it worsens the arrears problem. Act the same day you receive the notice.

EMERGENCY PROTOCOL 3: PASSPORT DENIAL

$2,500 in certified arrears blocks your passport. Pay down below $2,500 and contact DCS for decertification, or negotiate a formal payment agreement. Allow one to two weeks for the State Department to process the release.

Travel is imminent: Call DCS at 1-855-432-7587 immediately with documentation of your travel date. Do not apply for a passport while over $2,500; the application will be denied and the fee lost.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

An Order to Show Cause for contempt is serious: the outcome can include jail time. Show up. Failure to appear results in a bench warrant.

Read this before you do anything else. A contempt proceeding can end with you in jail, so treat the days before it as the most important of your case. Do not show up empty-handed and apologetic. Show up with evidence: proof you could not pay, your DCS payment history, and a DRCSF-5P modification already on file if your order is too high for what you actually earn. This is not legal advice, but if jail is possible, do not waive counsel if asked.

Right to counsel: If incarceration is possible, you have the right to appointed counsel. Assert it at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Gather bank statements, termination letters, and medical records to document why you could not pay.

Get your DCS records: Request your official payment history from DCS. This is the authoritative record. Dispute any errors before the hearing.

File your modification: If your order is currently too high based on your actual income, file DRCSF-5P before the contempt hearing. It demonstrates good faith.

EMERGENCY PROTOCOL 5: INTERSTATE: ORDER IN ARIZONA, YOU MOVED AWAY

→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.

If you moved out of Arizona but your child and the other parent stayed, Arizona keeps jurisdiction. Under UIFSA (A.R.S. Section 25-1302), Arizona retains Continuing Exclusive Jurisdiction as long as either parent or the child remains in Arizona.

File in Arizona: You must file your modification petition in the Arizona Superior Court that issued the original order, even from out of state. Many courts accept filings by mail or email. Call the clerk's office first.

DCS coordination: For IV-D cases, Arizona DCS can coordinate with the child support agency in your new state. Call 1-855-432-7587.

Do not stop paying while disputing jurisdiction: Arrears accumulate regardless of jurisdictional disputes. Keep paying at the current rate while you work through the process.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

DCS Child Support Services: 1-855-432-7587. des.az.gov/dcss. Administrative review, payment records, enforcement, license suspension, UIFSA interstate coordination.

Arizona Courts Self-Help: azcourts.gov has the guidelines worksheet, DRCSF-5P, AFI, and all domestic relations forms. Self-help centers are available in Maricopa, Pima, and other major counties.

Arizona Legal Aid: azlawhelp.org offers free legal resources and referrals for low-income litigants statewide.

State Bar of Arizona Lawyer Referral: 602-252-4804. azbar.org. Referral to family law attorneys.

Special consideration, "substantial and continuing": Arizona courts apply the "substantial and continuing" standard strictly. A temporary income drop (a month of reduced hours, a short disability) generally does not qualify. The change must be ongoing. If you are unsure whether your situation qualifies, file anyway and let the court decide. The worst outcome is a denied petition, and the filing date protects your retroactivity.

Special consideration, AFI accuracy: Arizona requires the Affidavit of Financial Information (AFI) at every modification proceeding. Errors, omissions, or inconsistencies between your AFI and

your tax returns will hurt your credibility with the court. Fill it out completely and verify the numbers against your actual financial records before filing.

Special consideration, Phoenix/Maricopa vs. rural courts: Maricopa County (Phoenix) and Pima County (Tucson) have large domestic relations divisions with their own procedures and expedited tracks. Rural Arizona counties operate smaller dockets. Processing times and procedures differ. Contact your specific county's Superior Court clerk before filing.

Let me close on the mistake I see at both ends of this. Arizona support does not just stop on the eighteenth birthday, and it does not keep itself running either. If your child is still in high school at eighteen, the obligation carries to graduation or the nineteenth birthday, whichever lands first. And nothing terminates on its own: you must file the request and a judge must sign off, and until then the order stands. So parents make two opposite errors: they quit too early and rack up arrears, or they keep paying long past the end because no one told them to file. Mark the date, file to terminate, and keep paying until it is official.

End of Chapter 2 — Arizona | Chapter 3 — Alaska follows.

Chapter 3 — Alaska

State	Alaska
Calculation Model	Percentage of Income -- Alaska Civil Rule 90.3
Percentages	1 child: 20% | 2 children: 27% | 3 children: 33% | 4 children: 36% | 5+: 40%
Modification Threshold	15% change in guideline obligation -- OR -- significant change in circumstances
Filing Forms	DR-305 (Motion to Modify Child Support)
Filing Fee	Varies -- fee waiver available
Agency	Child Support Services Division (CSSD) -- 1-800-478-3300
CSSD Website	cssd.alaska.gov
Filing Court	Superior Court (Alaska has one unified trial court system)
Income Basis	Adjusted income of the paying parent only
Parenting Credit	Yes -- shared custody adjustment when payer has 30%+ of annual overnights
Imputed Income	Yes -- earning capacity if voluntarily unemployed
3-Year Review	Yes -- for IV-D cases (CSSD-enrolled)
Interest on Arrears	Statutory rate (currently 3.75% per annum)
License Suspension	$2,000 or more in arrears (AS 25.27.246)

Age of Majority	18
Statute of Limitations	None -- arrears enforceable indefinitely
Criminal Non-Support	AS 11.51.120 -- class B or class C felony
Retroactivity	Filing date only

Section 1 — Overview

Alaska is one of a small number of states using the Percentage of Income model under Civil Rule 90.3, which is fundamentally different from the Income Shares model used by most states. In Alaska, support is a fixed percentage of the paying parent's adjusted income only. The other parent's income does not enter the formula. If you earn $5,000 per month and have one child, you pay 20% ($1,000). If your income drops to $3,500, your obligation drops to $700.

The percentages under Civil Rule 90.3 are: 1 child, 20%; 2 children, 27%; 3 children, 33%; with 3% added for each additional child beyond three (4 children, 36%; 5 children, 39%, and so on). These percentages apply to your adjusted monthly income after specific deductions. What you pay is a direct function of what you earn, and modifications track income changes more directly than in most other states.

Your local agency: The Child Support Services Division (CSSD) handles all IV-D cases. Call 1-800-478-3300 or visit cssd.alaska.gov. CSSD has offices in Anchorage, Fairbanks, and Juneau. If your case is enrolled, start with CSSD before filing in court. Administrative reviews are free, and CSSD can often process income changes without a court appearance.

Three-year review: CSSD-enrolled cases can be reviewed every three years without demonstrating changed circumstances. If three years have passed since your order was last set or reviewed, request a review now.

Two things about Alaska are worth holding onto before you read further. First, your number rides on your income alone, not the other parent's. That makes the math clean, but it cuts one way: when they get a raise, nothing happens to your order, and when your pay moves, yours is the only income in the picture. Second, if your case is with CSSD you can ask for a review every three years for free, no crisis required. I have met parents who carried an outdated order for half a decade without ever knowing that door was standing open.

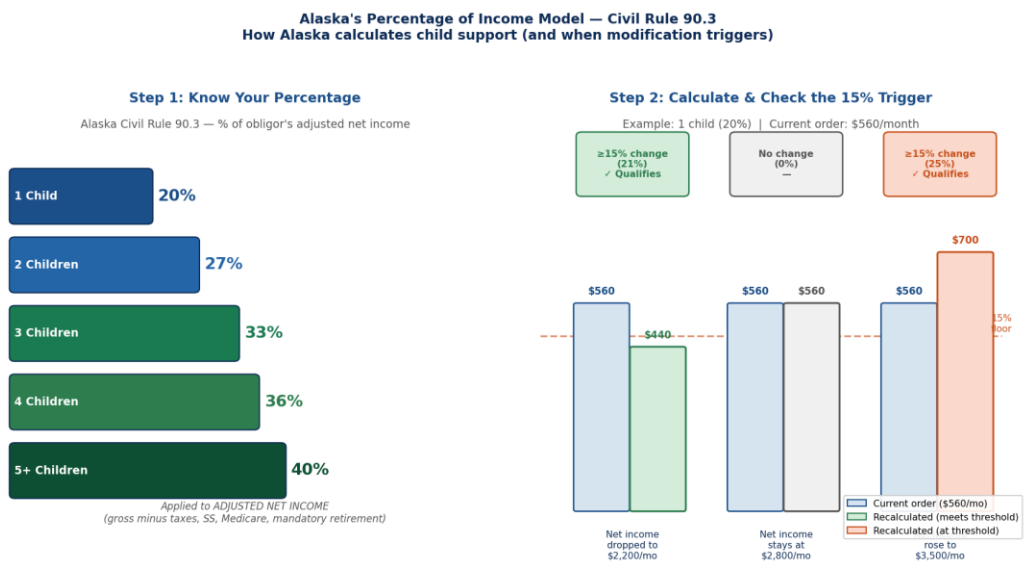


Figure 3-1: Alaska 15% Modification Threshold — Civil Rule 90.3 | Alaska Child Support Guidelines

Section 2 — Grounds for Modification

Alaska requires either a 15% change in the guideline obligation or a significant change in circumstances. Because the Alaska formula tracks only the paying parent's income, a 15% income change for the payer produces roughly a 15% guideline change. The math is straightforward.

Your income dropped: Job loss, reduced hours, a disability, a significant pay cut — any of these qualifies as a significant change. File the day it happens. Modification is retroactive only to the filing date.

Read that last line again, because it is the one that costs people the most. Your new order can only reach back to the day you file, not to the day you lost the job, not to the day the hours got cut. I have watched parents wait three months until things settled and hand away three months of support they never owed under the real numbers. If your income has genuinely dropped, file first and organize the paperwork after. The clock starts at the courthouse.

Your income increased significantly: An obligation based on a lower income does not automatically adjust upward, but the other parent can file, and so can CSSD on a three-year review. If your income has increased substantially, expect a review request.

Parenting time changed: Alaska provides a shared custody adjustment when you have 30% or more of annual overnight time. A meaningful increase in your overnights reduces your obligation. Document every overnight.

Child's costs changed: Alaska Rule 90.3 allows additions to the basic percentage for childcare, medical expenses, and other extraordinary expenses. A change in any of those add-ons can support a modification.

Three-year passage: For CSSD cases, the passage of three years alone entitles you to a review.

Child reaches majority: Alaska support ends at 18, but it continues until graduation or age 19, whichever comes first, if the child is still in high school or an equivalent vocational program and living with the custodial parent (Civil Rule 90.3). File to terminate only if your order does not end on its own terms.

Voluntarily reducing income: Courts impute income at earning capacity, so a deliberate income reduction will not reduce your obligation.

Section 3 — Step-by-Step: How to File

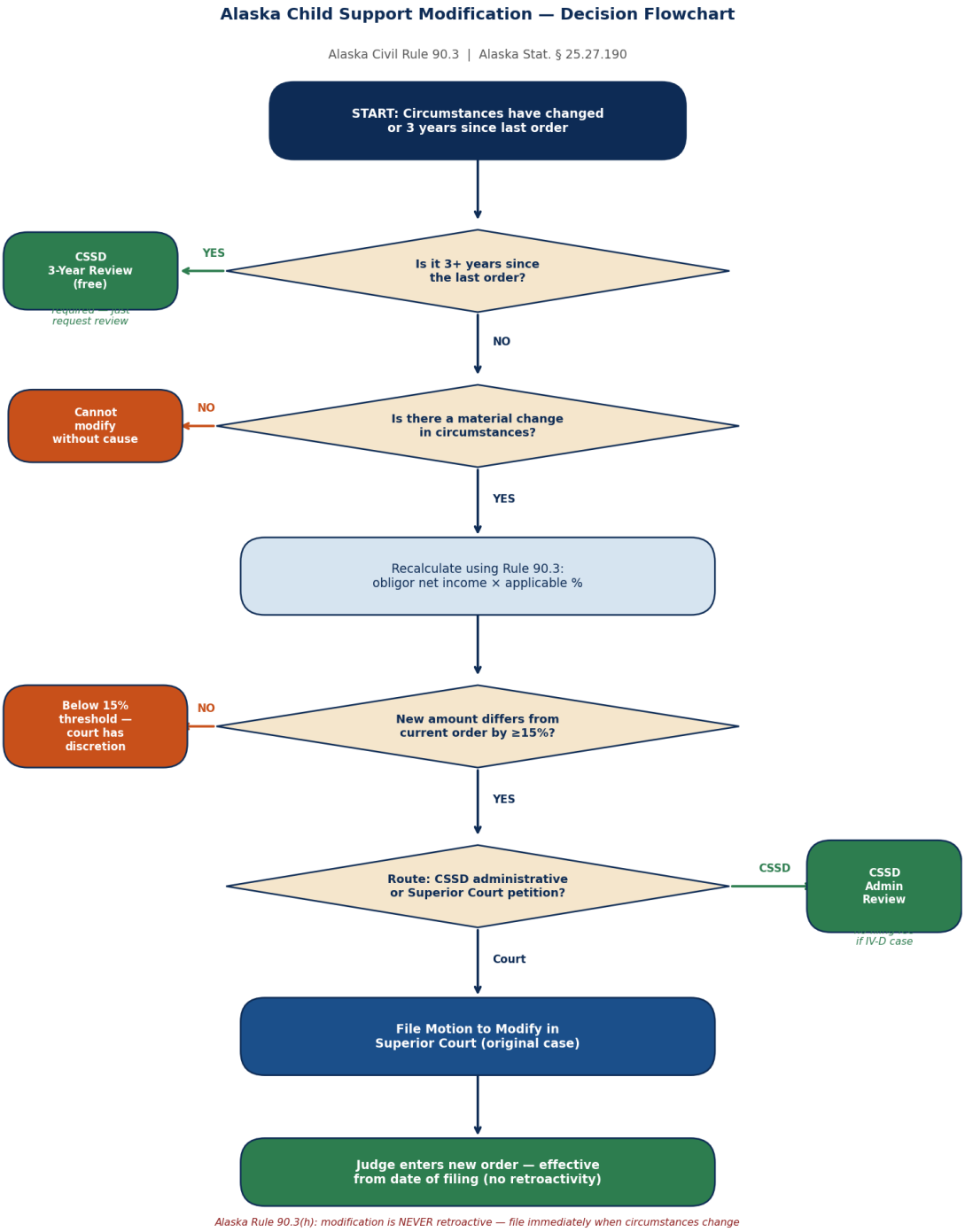


Figure 3-2: Alaska Modification Flowchart — CSSD Administrative vs. Superior Court Pathways

Alaska modifications are filed in Superior Court. Alaska has a unified trial court system, so all domestic relations matters go to the same court regardless of county (borough). If your case is CSSD-enrolled, contact them first.

Step 1 — Gather your documents: Last two pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, and records of any add-on costs (childcare, medical expenses, health insurance premiums for the child).

Step 2 — Calculate your guideline obligation: Under Civil Rule 90.3, apply the applicable percentage to your adjusted monthly income. Adjusted income is gross income minus allowable deductions. Alaska's self-help forms walk through the calculation step by step. If the result differs from your current order by 15% or more, you have a presumptive case.

Step 3 — Fill out your forms: Use DR-305 (Motion to Modify Child Support) and attach your Rule 90.3 calculation worksheet and supporting financial documentation. Alaska courts also require a financial disclosure statement (DR-150).

Step 4 — File and pay the fee: File at your local Superior Court. If you cannot afford the filing fee, request a fee waiver.

Step 5 — Serve the other party: Serve per Alaska Rules of Civil Procedure, either personal service or certified mail depending on circumstances. File your proof of service with the court.

Step 6 — Attend the hearing: Bring originals and copies of all financial documents and your Rule 90.3 calculation worksheet. Your new order is effective from the date of your motion filing.

Section 4 — Income Calculation

Alaska's Percentage of Income model uses only the paying parent's adjusted income, not combined income. Adjustments reduce gross income before the percentage is applied.

Adjusted income: Start with gross income from all sources. Deduct federal, state, and local income taxes actually withheld; Social Security and Medicare taxes; mandatory union dues; cost of health insurance for yourself (not the child); and mandatory retirement contributions. The result is adjusted monthly income, and you apply the applicable percentage to that figure.

High-income cap: The calculation caps adjusted annual income at $138,000 (Rule 90.3(c)(2)). If your adjusted income is higher, support is set on the $138,000 figure, and more is awarded only if the child's needs and the paying parent's ability to pay justify going above it.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income, rental income, interest and dividends, retirement benefits, Social Security, disability payments, and unemployment compensation.

Low-income floor and minimum order: Alaska sets a minimum order of $50 per month ($600 per year) regardless of the number of children (Rule 90.3(c)(3)), with an exception for shared, divided, and hybrid custody calculations and a possible $0 order in limited circumstances. There is also a low-income adjustment: if your total income is $30,000 or less, your adjusted annual income is the lesser of the normal figure or your total income minus $7,500.

Alaska Permanent Fund Dividend: The Alaska Permanent Fund Dividend (PFD) is income. It is received annually, and courts typically average it as monthly income or treat it as a lump-sum annual payment. If your PFD is being left out of the calculation, it should not be.

Seasonal and oil field employment: Alaska's economy is heavily seasonal. Fishing, oil and gas, construction, and tourism all produce variable income, and courts handle it by averaging over the prior year or two. A parent who earns high seasonal income cannot argue poverty in the off-season based on a single pay stub.

A note from experience

This is where I see Alaska cases go sideways. A deckhand or a slope worker brings in one fat pay stub from July and tries to set support on it, or brings one lean stub from February and swears that is the whole story. Neither survives. The court here knows the rhythm of fishing seasons and oil-field rotations cold, and it will average you out over a year or two no matter which stub you hand it. So do not build your case on your best month or your worst. Build it on the honest annual picture, because that is the picture the judge is going to assemble anyway.

Self-employment: Net Schedule C income after legitimate business expenses. Bring three years of returns and bank statements. Alaska's remote economy has many self-employed fishermen, contractors, and operators, and courts are experienced in evaluating these income streams.

Add-ons beyond the percentage: Health insurance premiums for the child and work-related childcare are added to the basic obligation and allocated between the parents in proportion to income. Uninsured medical expenses work differently: Rule 90.3 splits them equally (50/50) unless the court orders otherwise for good cause, with reimbursement due within 30 days of the bill. Once a child's uncovered expenses pass $5,000 in a calendar year, the excess is divided by the parents' relative financial circumstances. Rule 90.3 also lets the court deviate from the basic percentage when applying it would be unjust or inappropriate.

Section 5 — Shared Parenting

Alaska Rule 90.3 provides a shared custody adjustment when the non-custodial parent has 30% or more of annual overnight time. The adjustment reflects that direct parenting costs reduce the need for a full cash transfer.

Under 30% overnights: Standard percentage calculation with no adjustment.

30%+ overnights: At 30% or more of annual overnight time (approximately 110 nights per year), Alaska applies a shared custody formula that reduces the base percentage obligation. The reduction grows with the number of overnights.

Near-equal parenting time: At or near 50/50 overnights, the shared custody calculation can substantially reduce or even reverse the transfer payment, depending on the income difference between the parents.

Count overnights accurately: Courts count the number of nights the child sleeps at your home out of 365, so document every overnight with a calendar. If your actual time is 30% or more but your order reflects less, file to update both the parenting schedule and the support calculation at the same time.

Remote Alaska logistics: In rural Alaska, parenting schedules often involve long-distance travel between communities. Courts are aware of this reality and may structure schedules differently than in urban areas. Document your actual overnights regardless of what the order says.

Section 6 — Enforcement

CSSD enforces with the full range of federal and state tools. Alaska charges interest on arrears at 6% per year (AS 25.27.025), lower than many states but still compounding over time. There is no statute of limitations on enforcement of child support in Alaska.

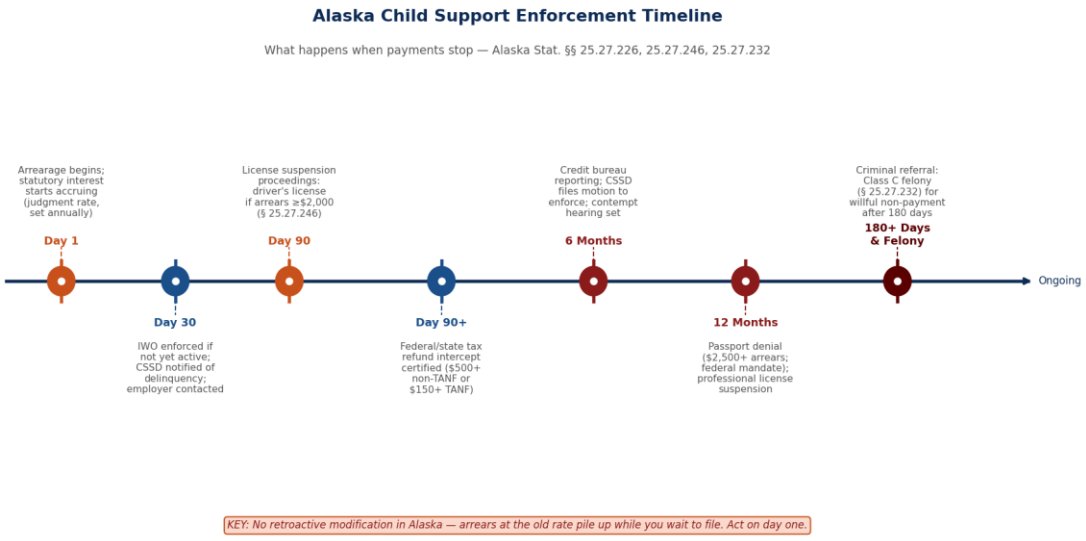


Figure 3-3: Alaska Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Employers must comply within the next pay period, and terminating an employee for wage withholding is illegal.

Tax refund intercept: Federal refunds are intercepted for IV-D arrears. Alaska has no state income tax, so there is no state refund to intercept.

Permanent Fund Dividend intercept: CSSD can intercept your Alaska PFD for arrears. The intercept is automatic for IV-D cases. Many Alaskans with arrears find out the hard way when their annual PFD is taken in October.

License suspension (AS 25.27.246): $2,000 or more in arrears triggers suspension of your driver's license, professional licenses, hunting and fishing licenses, and commercial fishing licenses. A payment plan can release the suspension.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial.

Credit reporting: Arrears are reported to major credit bureaus for IV-D cases.

Contempt: Superior Court can hold you in contempt, though genuine inability to pay is a complete defense.

Criminal non-support (AS 11.51.120): Willful failure to pay $5,000 or more, or failure to pay for two or more years, is a class C felony. Failure to pay $10,000 or more, or for four or more years, is a class B felony. CSSD refers cases to prosecutors for sustained willful non-payment.

Section 7 — Emergency Protocols

Emergency Protocols — Alaska

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File DR-305 (Motion to Modify Child Support) in Superior Court immediately. For IV-D cases, contact CSSD the day of your job loss. Modification goes back only to the filing date.

15% test: Apply the Civil Rule 90.3 percentage to your new adjusted income. A genuine job loss typically produces a difference well above 15%. File now.

CSSD route: Call 1-800-478-3300 the day of your job loss. For IV-D cases, CSSD can initiate an administrative review. Tell them you need an emergency review due to job loss.

Seasonal workers: If you work seasonally and your order was set during your high-earning season, your year-round obligation may already be based on an average. If circumstances have permanently changed, file to modify.

Gather: Termination letter, last three pay stubs, unemployment award letter, medical records if disability-related.

EMERGENCY PROTOCOL 2: PERMANENT FUND DIVIDEND INTERCEPT

If CSSD has intercepted your PFD, you have IV-D arrears. You will receive a notice from the Permanent Fund Dividend Division explaining the intercept.

Dispute the intercept: If the arrears amount is wrong, contact CSSD at 1-800-478-3300 right away and request a review of your account balance. You have a limited window to dispute.

Use the intercept as a wake-up call: A PFD intercept means CSSD is actively collecting. Your next PFD, your federal tax refund, and your income are all subject to collection. Address the arrears now before they grow further.

For a lot of parents, the October PFD is the moment it gets real. The dividend they had already spent in their head never shows up, and that is how they learn CSSD has been collecting all along. If you have arrears, plan as though your PFD is gone before it arrives, because it likely is. And do not let that one intercept lull you either. It chips at the balance, but it will not clear it, and the interest keeps running on what is left. One annual hit is not a payment plan.

Payment plan: A CSSD-approved payment plan can prevent future intercepts while you work down the arrears.

EMERGENCY PROTOCOL 3: LICENSE SUSPENSION NOTICE (AS 25.27.246)

Alaska suspends at $2,000 in arrears. Commercial fishing licenses are included. For Alaska fishermen, a suspended license means no income, which makes the arrears problem worse.

Pay in full or to under $2,000: Contact CSSD at 1-800-478-3300 with proof of payment and CSSD will notify licensing authorities.

Payment plan: A CSSD-approved payment agreement will halt the suspension.

Contest it: If the arrears amount is wrong, request an administrative hearing within the notice period.

Commercial fishing license: If you hold a commercial fishing permit and your license is suspended, you cannot fish. Act the day the suspension notice arrives.

Here is the trap that catches Alaska fishermen, and it is a vicious one. The state suspends your commercial license over arrears, but that license is your income, so now you cannot earn the money you would need to clear the very debt that took it. I have seen a season lost this way, and a $2,000 problem become a $20,000 one. If a suspension notice lands and you hold a permit, do not wait for the season to start. Call CSSD the day it arrives and get on a payment plan before the boats go out.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

Superior Court contempt for non-payment can result in sanctions or incarceration. Appear at every hearing without exception.

Right to counsel: If incarceration is possible, you have the right to appointed counsel. Raise it at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Gather documentation showing why you could not pay: bank statements, termination records, medical records.

Get your CSSD records: Request your official payment history from CSSD. It is the authoritative record, and any errors should be disputed before the hearing.

File your motion to modify: If your order is too high based on your current income, file DR-305 before the contempt hearing. Doing so shows good faith and may affect the court's approach to sanctions.

EMERGENCY PROTOCOL 5: INTERSTATE: ALASKA ORDER, YOU LEFT THE STATE

See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.

If you moved out of Alaska but your child stayed, Alaska retains jurisdiction under UIFSA (AS 25.25) as long as any party remains in the state. You cannot re-file in your new state.

File in Alaska: Your modification petition must be filed in the Alaska Superior Court that issued the original order. Call the court clerk for guidance on filing from out of state.

CSSD coordination: If your case is enrolled, CSSD can coordinate with the child support agency in your new state. Call 1-800-478-3300 to get that started.

PFD while out of state: Your Alaska PFD can still be intercepted for arrears even after you leave the state. Address arrears proactively.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

CSSD: 1-800-478-3300. cssd.alaska.gov. Offices in Anchorage (907-269-6900), Fairbanks (907-451-2850), and Juneau (907-465-5440). Services include administrative review, payment records, PFD intercept, enforcement, and UIFSA coordination.

Alaska Court System Self-Help: courts.alaska.gov/shc. DR-305, financial disclosure forms, and self-help resources.

Alaska Legal Services Corporation: 1-888-478-2572. alsc-law.org. Free civil legal help for qualifying low-income Alaskans statewide, including remote communities.

Special consideration — military service: Alaska has a heavy military presence (JBER and Eielson, among others). If you or the other parent serves, see Chapter 51, Military Service, for how the Servicemembers Civil Relief Act can stay proceedings and how deployment, BAH, and other allowances factor into income.

Special consideration — Percentage of Income model: Because Alaska uses only the paying parent's income, your modification outcome depends entirely on your own income change. There is no offset from the other parent's earnings. The calculation is simpler, but it also means you cannot benefit from the other parent's income increases the way you could in an Income Shares state.

Special consideration — PFD: The Alaska Permanent Fund Dividend is income and an enforcement tool. CSSD intercepts PFDs for IV-D arrears automatically. If you have arrears, do not count on receiving your full PFD.

Special consideration — seasonal and remote employment: Alaska's economy produces genuinely variable income. Fishing, oil field work, construction, and tourism are all seasonal, and courts are experienced with income averaging. When arguing for a fair income baseline, present multi-year earnings data rather than a single high or low year.

If there is one thing to carry out of this chapter, it is that Alaska's formula is blunt but fair, and blunt is on your side. There is no income-shares fog to argue through. It is your income, a percentage, and the proof you put in front of the court. That means the same machinery that set your number will move it when your circumstances genuinely change, as long as you show up with honest, multi-year numbers and you file on time. The parents who do well here are not the cleverest. They are the ones who keep clean records and do not wait.

End of Chapter 3 — Alaska | Chapter 4 — Arkansas follows.

Chapter 4

Chapter 4 — Arkansas

State	Arkansas
Calculation Model	Income Shares -- Administrative Order No. 10
Modification Threshold	20% change in guideline obligation -- highest threshold in this book
Filing Form	Petition for Modification of Child Support (county-specific)
Filing Fee	Approximately $100-$150 -- fee waiver available
Agency	Office of Child Support Enforcement (OCSE) -- 1-800-264-2445
OCSE Website	dfa.arkansas.gov/offices/child-support
Filing Court	Circuit Court, Domestic Relations Division
Income Basis	Gross income of both parents
Parenting Credit	Yes -- adjustment available for non-custodial parent with significant overnights
Imputed Income	Yes -- earning capacity if voluntarily unemployed
3-Year Review	Yes -- for IV-D cases (OCSE-enrolled)
Interest on Arrears	10% per annum
License Suspension	$1,000 or 30 days past due
Age of Majority	18
Statute of Limitations	None -- arrears enforceable indefinitely
Criminal Non-Support	Ark. Code Ann. Section 5-26-401 -- misdemeanor or felony

Retroactivity	Filing date only

Section 1 — Overview

Arkansas uses the Income Shares model under Administrative Order No. 10 of the Arkansas Supreme Court. Both parents' gross monthly incomes are combined, a schedule converts that combined income and number of children into a total basic obligation, and that total is split between the parents in proportion to each parent's share of combined income. More income means a larger share of the obligation.

Arkansas sets a demanding presumptive standard, but it is broader than most people realize. Under Ark. Code Ann. Section 9-14-107, a change in gross income of 20% or more, or of more than $100 per month, constitutes a material change of circumstances on its own. An inconsistency between your existing order and what the current Family Support Chart would produce can also qualify. Outside those triggers, you must prove a material change in circumstances the traditional way: a real, ongoing shift in your financial situation or your child's needs. If your income dropped 15% and less than $100 a month, you can still file, but be prepared to make that case rather than just point at the numbers.

Your local agency: The Office of Child Support Enforcement (OCSE), a division of the Department of Finance and Administration, handles all IV-D cases. Call 1-800-264-2445 or visit dfa.arkansas.gov/offices/child-support. If your case is enrolled with OCSE, contact them first. An administrative review is free and may get results without a court filing.

Three-year review: OCSE-enrolled cases are eligible for an administrative review every three years without showing changed circumstances. If three years have passed since your order was set or last reviewed, request one now.

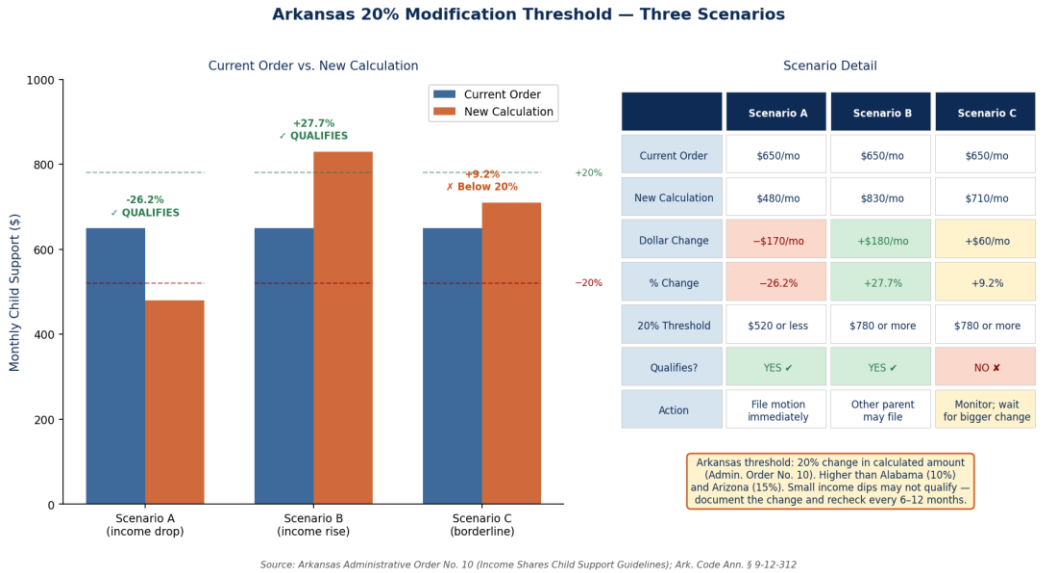


Figure 4-1: Arkansas 20% Modification Threshold — Administrative Order No. 10 | Arkansas Child Support Guidelines

Section 2 — Grounds for Modification

The 20% threshold is the starting point, but it is not the only path. You can also show a material change in circumstances: a real, significant, ongoing change in income or the child's needs. Arkansas courts have found material change in circumstances even below 20% when the change is significant and permanent.

Income dropped: Job loss, a disability, or a significant permanent pay reduction all qualify as a material change in circumstances. File immediately. Modification is retroactive only to the filing date. The 20% threshold is high, but a real job loss typically produces a guideline difference above that threshold anyway.

Income increased on the other side: Arkansas uses both parents' incomes. If the other parent has significantly more income now than when your order was set, the proportional split has shifted. Request their pay documentation through discovery.

Parenting time changed: A meaningful increase in your overnight parenting time reduces your obligation. Document every overnight.

Child's costs changed: Childcare ending, new medical expenses, or other changes to add-on costs support a modification.

Three-year passage: For OCSE cases, three years alone entitles you to a review.

Child turns 18: Arkansas support does not always end at 18. Under Ark. Code Ann. Section 9-14-237, the obligation continues while the child is still in high school, until graduation or the end of the school year after the child turns 19, whichever comes first. Termination then happens by operation of law, but the statute requires you to give written notice to the custodial parent, the court clerk, your employer if withholding is in place, and OCSE within ten days. Check your order for any extended-support provision before assuming it has ended.

20% below the line but still a real change: If your income dropped 12%, which is below 20% but still real and ongoing, argue material change in circumstances directly. Present documentation of the change, its permanence, and its impact on your ability to pay. Arkansas courts do not require 20% when the circumstances genuinely support modification.

Section 3 — Step-by-Step: How to File

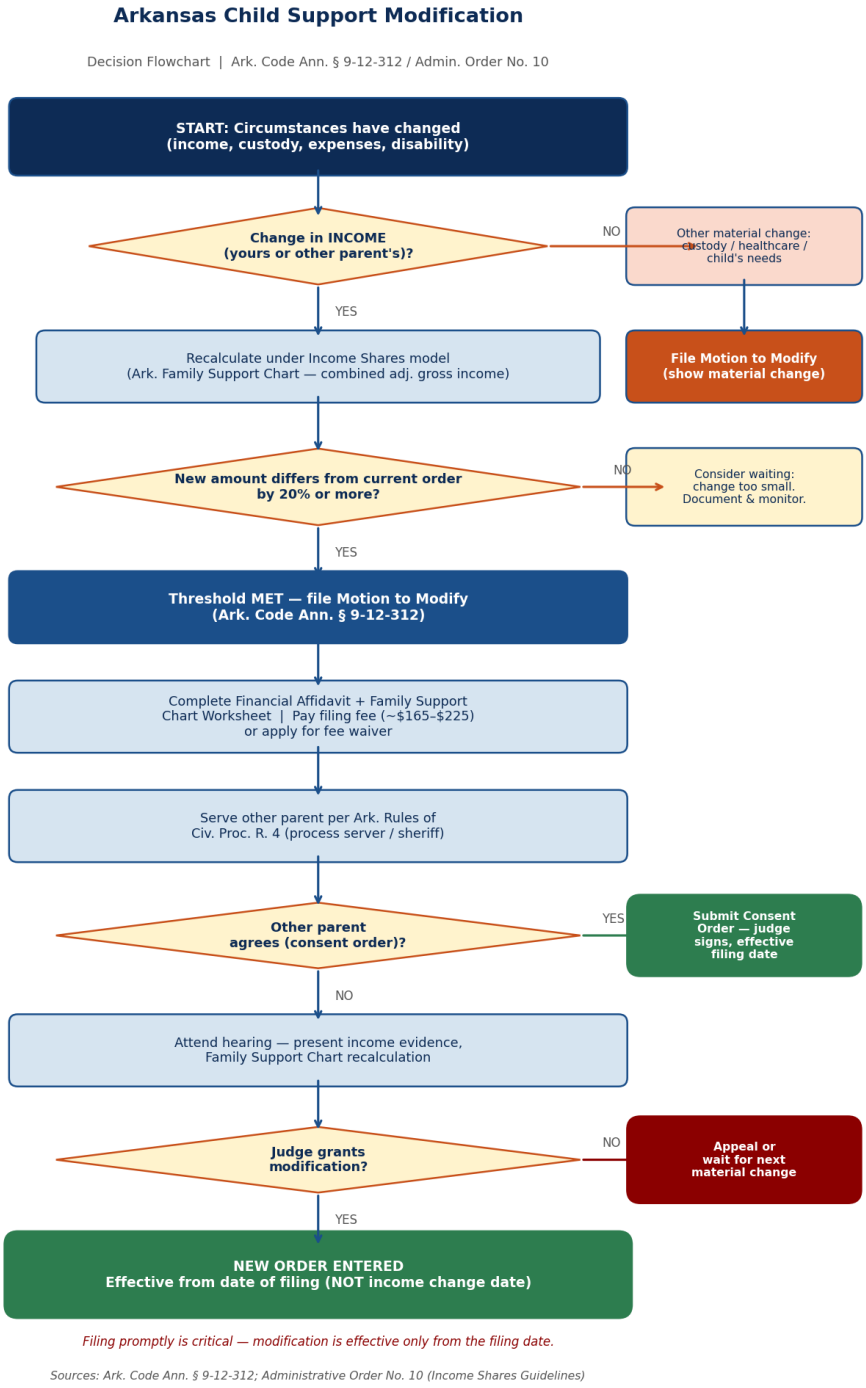


Figure 4-2: Arkansas Modification Flowchart — OCSE Administrative vs. Circuit Court Pathways

Arkansas modifications go through Circuit Court, Domestic Relations Division, in the county where the original order was entered. If your case is OCSE-enrolled, contact OCSE before filing in court. OCSE has offices across the state and can handle straightforward income change reviews administratively.

Step 1 — Gather your documents: Last two pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, and records of current add-on costs including health insurance premiums for the child and childcare.

Step 2 — Run the guidelines: The Administrative Order No. 10 worksheet walks through the Income Shares calculation. Enter both parents' gross monthly incomes and the number of children. If the result differs from your current order by 20% or more, you have a presumptive modification case. Below 20%, document the material change in circumstances you are relying on.

Step 3 — Fill out your forms: File a Petition for Modification of Child Support. Attach your completed guidelines worksheet and financial documentation. Check with your county Circuit Court clerk for any local forms or requirements beyond the statewide forms.

Step 4 — File and pay the fee: File at the Circuit Court clerk in the county where the original order was entered. Filing fees run approximately $100 to $150. Request a fee waiver if you cannot afford the fee.

Step 5 — Serve the other parent: Serve per Arkansas Rules of Civil Procedure. Use personal service by a process server or the sheriff, then file your Proof of Service with the court.

Step 6 — Attend the hearing: Bring originals and copies of all financial documents and your guidelines worksheet. Your new order is effective from the date you filed the petition.

Section 4 — Income Calculation

Arkansas uses gross income from both parents, meaning total earnings before taxes and deductions. The guidelines schedule then converts combined gross income and the number of children into a total basic obligation, which is split proportionally.

High-income cases: The Family Support Chart stops at $30,000 in combined monthly gross income. Above that level the court starts from the highest chart amount and uses its discretion to set support that meets the children's needs in light of the parents' ability to pay (Administrative Order No. 10, Section II).

Gross income includes: Wages, salary, overtime, commissions, bonuses, self-employment net income, rental income, investment income, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular income sources.

Self-employment: Net income after legitimate ordinary and necessary business expenses. Bring three years of tax returns. Arkansas courts examine business expenses carefully; inflated deductions and undisclosed cash income receive particular attention.

Add-ons: Health insurance premiums for the child and work-related childcare are added to the basic obligation and allocated proportionally. Extraordinary medical expenses are also shared. If add-on costs have changed, recalculate them at the same time as the base obligation.

Unreimbursed medical specifics: Administrative Order No. 10, Section IV treats extraordinary medical expenses, meaning uninsured costs such as orthodontia, ongoing counseling or therapy for a diagnosed condition, and care for asthma or other chronic health problems, as add-ons the

court divides between the parents, ordinarily in proportion to income. Keep receipts and ask the court to allocate these costs; sharing is not automatic.

Imputed income: If you deliberately left a job or reduced your hours to lower support, Arkansas courts will impute income at your earning capacity. Your obligation is based on what you could earn, not on what you choose to earn.

Multiple households: If you are paying court-ordered support for children in other households, those amounts may be credited before the current calculation. Bring copies of all current court-ordered support obligations.

Low-income protection and minimum order: When the paying parent's gross monthly income is below $900, the Family Support Chart applies a self-support reserve keyed to the federal poverty guidelines, and a presumptive minimum order of $125 per month applies (Administrative Order No. 10). The minimum is rebuttable by a preponderance of the evidence, for instance where the payor is incarcerated, institutionalized, verifiably unable to work because of disability, or has SSI as the only income.

Section 5 — Shared Parenting

Arkansas guidelines include an adjustment for non-custodial parents who have significant overnight parenting time. The adjustment reduces the basic obligation when the non-custodial parent is directly bearing substantial child-rearing costs.

Standard custody: Basic Income Shares calculation with no adjustment.

Significant overnight time: Once the paying parent has the children at least 141 overnights per calendar year (overnight equivalents count), Administrative Order No. 10 allows the court to adjust the worksheet amount. The adjustment is discretionary, not automatic: the court weighs the income disparity between the households and which parent carries non-duplicated fixed costs such as routine clothing, school supplies, and activity fees. Document every overnight with a calendar or journal.

Informal schedule vs. court order: If your actual parenting time has increased informally but the court order has not been updated, your obligation is based on the old order. File to update the parenting plan and the support order at the same time.

Section 6 — Enforcement

OCSE enforces with the full range of federal and state tools. Interest accrues at 10% per annum on unpaid arrears under Ark. Code Ann. Section 9-14-233. The collection window is long: an action for arrears can be brought any time up to five years after the child turns 18 (Ark. Code Ann. Section 9-14-236), arrears reduced to judgment remain collectible for ten years and can be

renewed, and no limitations period at all applies to a payor who leaves or stays outside Arkansas to avoid paying. Old arrears do not simply disappear.

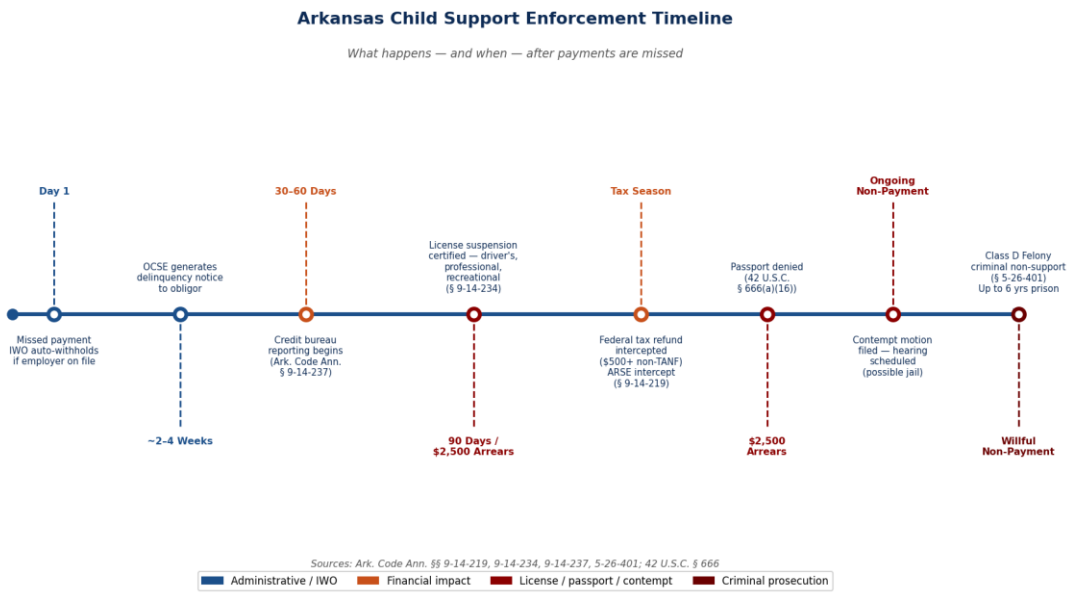


Figure 4-3: Arkansas Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Employers comply within the next pay period. Termination for wage withholding is illegal.

Tax refund intercept: Federal and state refunds intercepted for IV-D arrears.

License suspension: A delinquency or adjudicated arrearage equal to three months' obligation or more (Ark. Code Ann. Section 9-14-239) triggers suspension of driver's licenses, professional licenses, and other state-issued licenses. An installment agreement with OCSE can halt or release the suspension.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial.

Credit reporting: Arrears reported to major credit bureaus for IV-D cases.

Contempt: Circuit Court can hold you in contempt. If incarceration is possible, you have the right to counsel. Genuine inability to pay is your defense.

Criminal non-support (Ark. Code Ann. Section 5-26-401): Willful failure to pay support when able is a crime in Arkansas. Depending on the amount owed and duration, the charge can be a misdemeanor or a felony. OCSE refers cases to prosecutors for sustained willful non-payment.

Section 7 — Emergency Protocols

Emergency Protocols — Arkansas

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File your Petition for Modification in Circuit Court immediately, ideally the day you receive your termination notice. Modification is retroactive only to the filing date.

20% test: Apply the current guidelines to your new gross income. A genuine job loss typically produces a guideline difference above 20%, so file now. If the difference falls below 20%, argue material change in circumstances directly.

OCSE route: For IV-D cases, call OCSE at 1-800-264-2445 the day of your job loss. OCSE can initiate an administrative review.

Gather: Termination letter, last three pay stubs, unemployment award letter, medical records if disability-related, and a completed guidelines worksheet showing your proposed new amount.

Fee waiver: Request a fee waiver from the Circuit Court clerk at the time you file if you cannot afford the filing fee.

EMERGENCY PROTOCOL 2: BELOW THE 20% THRESHOLD BUT REAL CHANGE

This is the situation unique to Arkansas: a genuine, ongoing income reduction that does not hit 20%. You still have options.

Material change argument: First check Ark. Code Ann. Section 9-14-107: a gross-income change of more than $100 per month qualifies as a material change even when it falls short of 20%, and most real income drops clear that bar. If yours does not, file anyway and argue material change directly, documenting the change, its permanence, and its impact. Arkansas courts do not require 20% when the circumstances are compelling.

Future 3-year review: If your change is close but not quite 20%, and a three-year review is coming up soon, consider whether waiting for the review makes sense given the accumulating arrears.

Do not stop paying: Even if you believe modification is warranted, keep paying until the court orders a new amount. Arrears accrue at 10% interest, and Arkansas can pursue them until five years after the child turns 18 under Ark. Code Ann. Section 9-14-236, longer where arrears have been reduced to judgment and renewed.

EMERGENCY PROTOCOL 3: LICENSE SUSPENSION NOTICE

Arkansas moves to suspend once your delinquency or adjudicated arrearage equals three months' worth of support or more under Ark. Code Ann. Section 9-14-239. Act promptly.

Pay in full: Contact OCSE at 1-800-264-2445 with proof of payment. OCSE notifies the licensing authority.

Payment plan: An OCSE-approved payment agreement can halt the suspension.

Contest it: Request an administrative hearing if the arrears amount is wrong.

Professional license: Arkansas suspends all state-issued professional licenses. If your income depends on a license, losing it makes the arrears worse. Act immediately.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

Circuit Court contempt for non-payment is serious. Incarceration is possible. Show up.

Right to counsel: If incarceration is a possible outcome, you have the right to appointed counsel. Assert it at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Gather bank statements, termination letters, and medical records to document why you could not pay.

Get your OCSE records: Request your official payment history from OCSE at 1-800-264-2445. This is the authoritative record. Dispute any errors before the hearing.

File your petition: File your Petition for Modification before the contempt hearing. It demonstrates you are addressing the problem rather than ignoring it.

EMERGENCY PROTOCOL 5: INTERSTATE: ARKANSAS ORDER, YOU MOVED

→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.

If you moved out of Arkansas but your child stayed, Arkansas keeps jurisdiction under UIFSA (Ark. Code Ann. Section 9-17-611) as long as either parent or the child remains in Arkansas.

File in Arkansas: Your modification petition must be filed in the Arkansas Circuit Court that issued the original order. Call the clerk's office about out-of-state filing options.

OCSE coordination: For IV-D cases, OCSE can coordinate with the child support agency in your new state. Call 1-800-264-2445.

Do not stop paying while sorting out jurisdiction: Arrears accumulate regardless of where you live. Keep paying at the current rate while you file for modification.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

OCSE: 1-800-264-2445. dfa.arkansas.gov/offices/child-support. Administrative review, payment records, IV-D enforcement, license suspension, UIFSA coordination.

Arkansas Judiciary Self-Help: arcourts.gov. Self-help resources, forms, and court contact information by county.

Legal Aid of Arkansas: 1-800-967-9224. arlegalaid.org. Free civil legal help for qualifying low-income litigants statewide.

Arkansas Bar Association Lawyer Referral: 501-375-4606. arkbar.com. Referral to family law attorneys in your area.

Special consideration — the 20% threshold: Arkansas's 20% figure sounds like the toughest standard in this book, but read the statute before giving up. Ark. Code Ann. Section 9-14-107 treats a gross-income change of 20% or more, or of more than $100 per month, as a material change, and for most incomes the $100-a-month alternative is the easier door. If neither trigger fits,

make the material change argument directly. Courts have modified orders on genuine, documented changes below 20%. File and make your case.

Special consideration — OCSE resources by location: OCSE has offices across Arkansas, including Little Rock, Fort Smith, Fayetteville, Jonesboro, Pine Bluff, and elsewhere. Find your nearest office at dfa.arkansas.gov. Local offices handle administrative reviews, payment questions, and enforcement actions for IV-D cases.

Special consideration — agricultural and seasonal income: Arkansas's economy includes significant agricultural employment, poultry industry work, and timber industry jobs, all of which can produce variable income. Courts handle variable income by averaging over prior years. Present multi-year income data when your income fluctuates seasonally or by industry cycle.

Military families: If either parent serves in the military, see Chapter 51 — Military Service and Child Support for how BAH and other allowances count as income, the protections the Servicemembers Civil Relief Act provides in modification and contempt proceedings, and what deployment means for filing and deadlines.

End of Chapter 4 — Arkansas | Chapter 5 — California follows.

Chapter 5 — California

State	California
Calculation Model	Income Shares -- Algebraic Formula: CS = K[HN - (H%)(TN)] (Fam. Code Section 4055)

Modification Threshold	No fixed percentage -- any material change that moves the guideline number
Filing Form	FL-300 (Request for Order) + FL-150 (Income and Expense Declaration)
Filing Fee	$435-$465 | Fee waiver: FW-001
Agency	Department of Child Support Services (DCSS) -- 1-866-901-3212
DCSS Website	childsupport.ca.gov
Filing Court	Superior Court, Family Law Division (58 counties)
Income Basis	Net disposable income of both parents after taxes and qualifying deductions
Timeshare Effect	Yes -- H% in formula; every overnight changes the number
Imputed Income	Yes -- earning capacity applies if you voluntarily reduce income
3-Year Review	Yes -- free for DCSS-enrolled cases (Fam. Code Section 17400)
Interest on Arrears	10% per year, accrues automatically (Fam. Code Section 685.010)
License Suspension	$1,000 OR 30 days past due -- lowest in this book (Fam. Code Section 17520)
Age of Majority	18 or high school graduation, not beyond 19 (Fam. Code Section 3901)
Statute of Limitations	None -- arrears are enforceable indefinitely (Fam. Code Section 291)
Criminal Non-Support	Penal Code Section 270 -- misdemeanor or felony
Retroactivity	Filing date only -- modification never goes back further (Fam. Code Section 3653)

Section 1 — Overview

California runs the largest child support system in the country. What you pay (or receive) depends on two things: how much each parent earns, and how much time the paying parent spends with the kids. Family Code Section 4055 captures this in a formula that courts use to set the number: CS = K[HN - (H%)(TN)].

Here is what each piece of that means. CS is the monthly child support amount. K is a factor based on the share of combined income devoted to support, and it shifts with parenting time. HN is the higher-earning parent's monthly take-home pay after taxes and deductions. H% is that same parent's share of overnight time with the children. TN is both parents' combined monthly take-home pay. Change any of those inputs, whether income, time, or deductions, and the support number changes with it.

This matters because California is different from most states. In Texas or Wisconsin, only the paying parent's income drives the calculation and the other parent's earnings are irrelevant. In California, both incomes count. If the other parent got a significant raise since your order was written, that alone is a valid reason to ask for a reduction, even if nothing changed on your end.

Your local agency: The Department of Child Support Services, called DCSS, handles enforcement and can review your case for free every three years under Family Code Section 17400. Reach them at 1-866-901-3212 or childsupport.ca.gov. If your case is enrolled with DCSS, start there before filing anything in court. It costs you nothing and often gets results faster.

The software issue: Family law judges run the formula through Judicial Council-certified software. Since the long-standing DissoMaster program was retired in March 2025, the certified standard has been XSpouse. You do not need a professional subscription. The state offers a free guideline calculator at childsupport.ca.gov/guideline-calculator that applies the same statutory formula. Run it before you file anything so you walk into the hearing knowing the number.

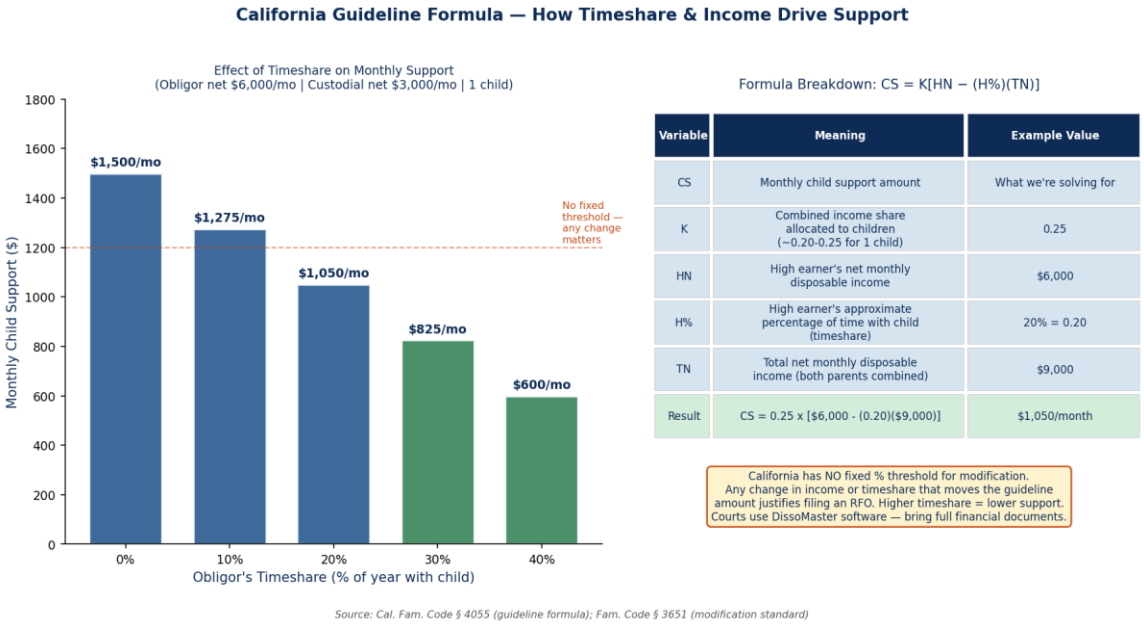


Figure 5-1: California Guideline Support — How Timeshare Moves the Number | Fam. Code Section 4055

Section 2 — Grounds for Modification

California does not use a percentage threshold the way most states do. You do not need your income to drop 15% or 20% before you can file. Under Family Code Section 3651, the standard is a material change in circumstances: a real, significant change in your life or the other parent's life that produces a different number when you run the formula. Courts will reject changes that are trivial, but anything genuinely significant qualifies.

Your income dropped: Job loss, a layoff, reduced hours, a medical condition that limits your work. Any of these is a material change. File as soon as it happens. Under Family Code Section 3653, modification only goes back to the date you filed. Every week you wait is another week you owe at the old rate.

The other parent's income went up: This is the one most people miss. If the other parent got promoted, changed jobs, or went back to work full-time since your order was set, their higher income changes the formula in your favor. Request their pay stubs through formal discovery if they will not volunteer them.

Your parenting time increased: The H% in the formula is your share of time with the children. A 10 to 15 percent increase in your overnights can meaningfully reduce the guideline amount. Document every overnight, because courts count overnights, not hours.

The child's costs changed: Childcare ended, medical costs increased, or the child aged off the order. Any change in actual costs attached to the order is fair game.

Your parenting time went up but your order was not updated: This happens constantly. Parents informally agree to spend more time together but never update the court order. You are still paying based on the old schedule. Fix it.

You quit or cut hours on purpose to lower support: This will not work. California courts impute income, calculating what you are capable of earning and setting support at that level rather than zero. In re Marriage of Regnery (1989) 214 Cal.App.3d 1367 established this clearly.

Section 3 — Step-by-Step: How to File

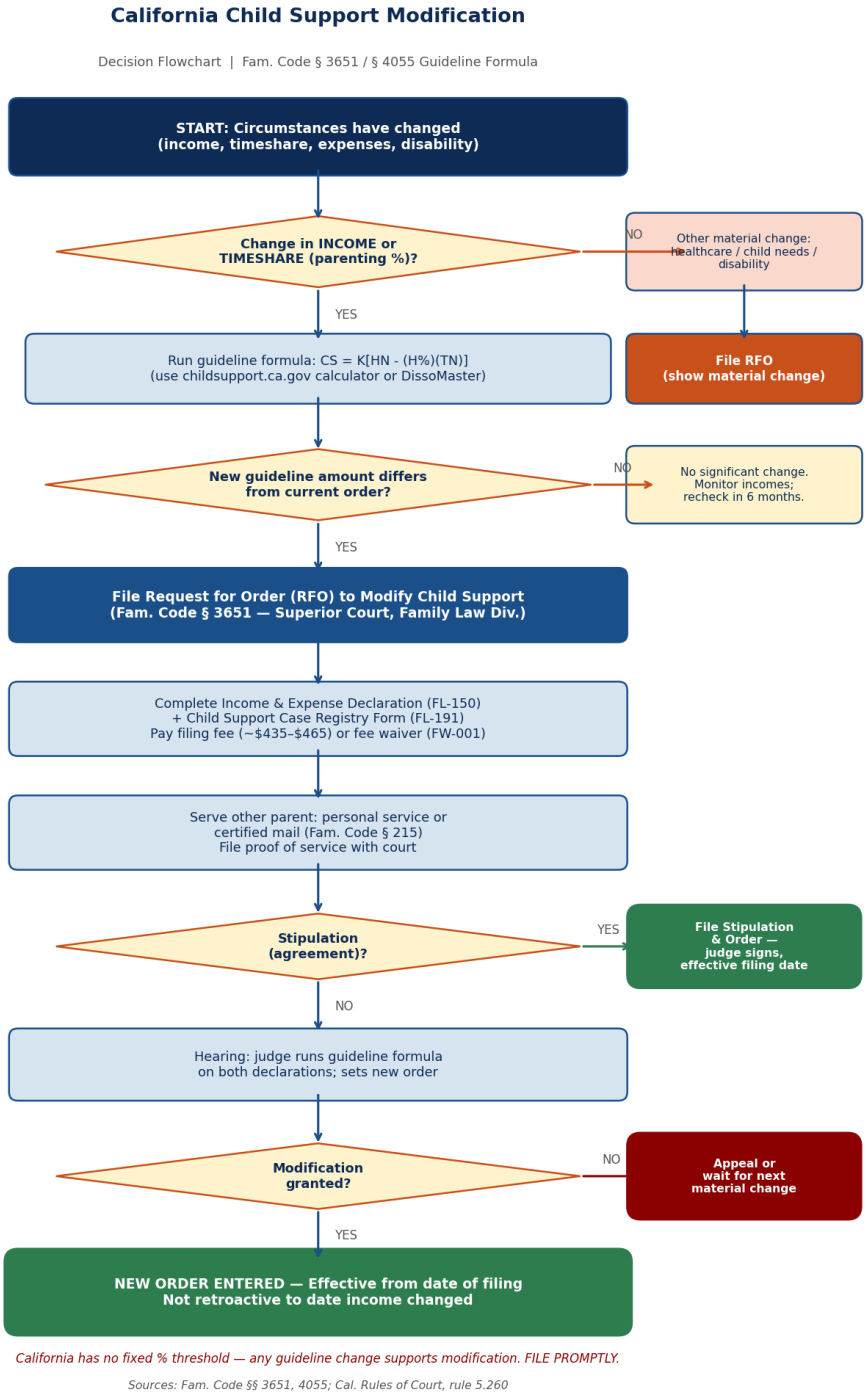


Figure 5-2: California Modification Flowchart — DCSS Administrative vs. Superior Court Pathways

Every Superior Court in California handles modifications a little differently by county, but these steps apply statewide. Check with your county's Family Law Facilitator before you file. They are free, know your local court's quirks, and will review your paperwork at no charge.

Step 1 — Gather your documents: Your last two pay stubs, your most recent federal tax return with all schedules, three to six months of bank statements, proof of health insurance premiums for the child, current childcare costs, and documentation of whatever changed: a termination letter, a medical record, a new custody agreement.

Step 2 — Run the calculator: Go to childsupport.ca.gov/guideline-calculator and use the free official calculator. Enter both parents' income, your current parenting time percentage, and the deductions. Print the result. Bring it to the hearing. If your number is lower than what the order says, you have a case.

Step 3 — Fill out your forms: You need FL-300 (Request for Order) and FL-150 (Income and Expense Declaration). The FL-150 is mandatory. Do not skip it and do not understate income on it. If your situation is simpler, FL-155 (Financial Statement, Simplified) can substitute in some cases. Check with the facilitator.

Step 4 — File and pay the fee: File at the Superior Court in the county where the original order was issued, or where the child now lives if the case transferred. The filing fee runs $435 to $465. If you cannot afford it, file FW-001 (Fee Waiver Application) at the same time.

Step 5 — Serve the other parent: Someone who is not you and is at least 18 must personally deliver the RFO, your FL-150, and all supporting documents to the other parent at least 16 court days before the hearing (add five extra calendar days if you are mailing). File your Proof of Service (FL-330 or FL-335) with the clerk immediately after service.

Step 6 — Show up prepared: Bring originals and three copies of everything. Bring your printed guideline calculation. Dress like this matters, because it does. If the hearing gets continued or sent to a mediator, ask the clerk what happens next before you leave the building.

Step 7 — Get your new order: If the court modifies support, you will receive a new order, typically FL-340 or FL-342. A new Income Withholding Order goes to your employer automatically. Your new amount is effective from the date you filed the RFO, not the date of the hearing.

Section 4 — Income Calculation

California uses net disposable income (what you actually take home after taxes and certain deductions), not your gross salary. Getting this number right is the most important step in the whole process. A small error in the income inputs produces a wrong guideline amount that you may be living with for years.

What gets deducted: Federal and state income taxes (at your actual filing rate), Social Security and Medicare, mandatory union dues, health insurance premiums you pay for yourself, and mandatory retirement contributions. The child's health insurance premium is handled separately as an add-on, not a deduction from your income.

What does not get deducted: Voluntary retirement contributions, voluntary insurance, car payments, rent, or any personal expense. Those are your bills, not deductions the formula recognizes.

Low-income adjustment: Since the September 1, 2024 guideline overhaul (SB 343), Family Code Section 4055(b)(7) presumes a low-income adjustment when the paying parent's net disposable income is below the monthly equivalent of full-time work at minimum wage. If money is tight, raise the adjustment explicitly at the hearing; it can substantially lower the guideline figure.

Add-on expenses: On top of the base guideline amount, California orders mandatory add-ons for work-related childcare and uninsured medical costs. These are split proportionally to each parent's net income. Discretionary add-ons like educational costs and travel for visitation can also be ordered. If circumstances changed, whether childcare ended or medical costs jumped, the add-ons should be recalculated at the same time as the base amount.

Self-employment income: Your net Schedule C income after legitimate business expenses. Courts will look at your bank deposits, not just your tax returns. Inflated expense claims, cash income, or unusual deductions will be scrutinized. Bring three years of returns.

Stock and bonus income: RSUs, bonuses, and commissions count when received. A year with a large equity vesting event should not permanently set your support if that income is not repeatable; argue for a multi-year average.

Extraordinarily high earners: California's formula has no income cap, but Family Code Section 4057(b)(3) lets the court set support below the formula amount when a parent's income is extraordinarily high and the guideline figure would exceed the children's reasonable needs. The burden is on the high earner to show that the formula result is unjust or inappropriate.

Section 5 — Shared Parenting

Parenting time is the lever California gives you that most other states do not. Because H% appears directly in the formula as your share of time with your children, increasing your overnights directly reduces the guideline amount. This is not a trick or a workaround; it is how the formula is designed.

How to count overnights: Courts count the number of nights per year the child sleeps at your home. Divide that by 365 to get your percentage. If you currently have 73 overnights (20%), increasing to 109 overnights (approximately 30%) will produce a meaningfully lower guideline number. Run both scenarios through the calculator before your hearing so you can show the court exactly what the difference is.

Document everything: A parenting journal, a shared calendar app like OurFamilyWizard or TalkingParents, school pickup records, medical appointment records. Any of these creates a defensible record of your actual time. If your informal time has already increased but the order has not been updated, that extra time is not worth anything until the court recognizes it.

Your order does not match reality: If you are actually spending 35% of nights with your children but the order says 20%, you are paying based on the wrong number. File to update the parenting plan and the support order at the same time.

50/50 parenting time: Equal time does not mean zero support. If there is a significant income difference between you and the other parent, the higher earner still pays something under the formula. Run the calculator with 50% entered for both parents to see the actual number before making assumptions.

Section 6 — Enforcement

California enforces child support orders with more tools and at lower thresholds than most states. The most important thing to know: falling more than 30 days behind can place you on the statewide certified list under Family Code Section 17520, which reaches driver's, professional, and recreational licenses. You then get written notice and 150 days to come into compliance before suspension. One protection is recent: since January 1, 2025, under SB 1055, Child Support Services cannot refer you to the DMV for driver's-license suspension if your household income is at or below 70% of the area median income for your county.

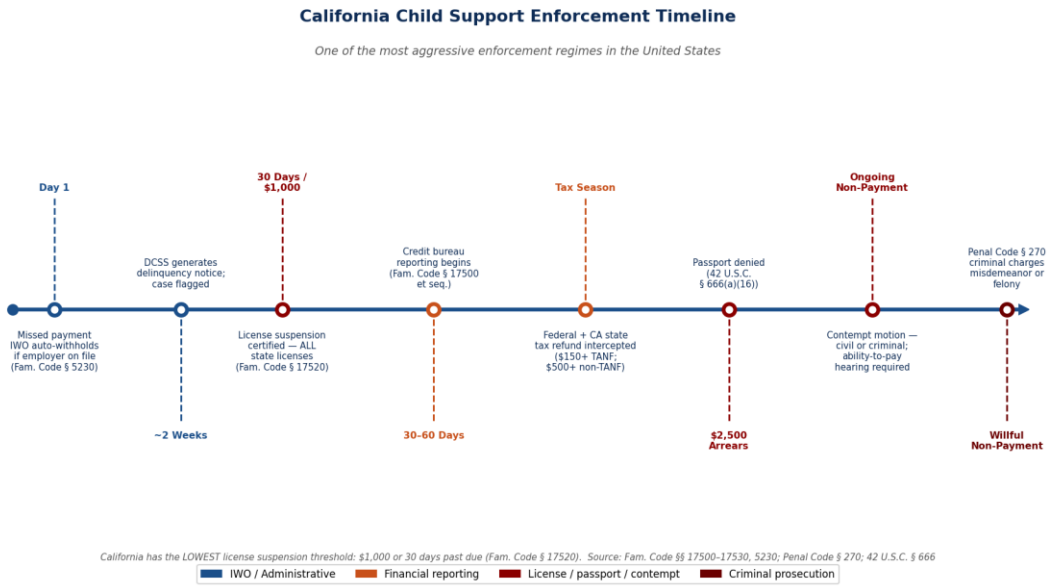


Figure 5-3: California Enforcement Escalation Timeline

Income withholding: Mandatory on every new and modified order. Your employer receives an Income Withholding Order and must comply immediately. Firing an employee for wage withholding is illegal.

License suspension (Fam. Code Section 17520): More than 30 days past due can put you on the certified list covering driver's, professional, and recreational licenses. DCSS notifies the DMV and licensing boards directly. You will get written notice and 150 days to pay or make arrangements before the suspension takes effect. Since January 1, 2025 (SB 1055), parents with household income at or below 70% of their county's area median income cannot be referred to the DMV for driver's-license suspension.

Tax refund intercept: DCSS intercepts your federal refund at $500 in arrears for non-TANF cases. California also intercepts your state refund through the Franchise Tax Board. Lottery winnings over $600 are intercepted too.

Passport denial: If you hit $2,500 in certified arrears, DCSS certifies your case to the federal Office of Child Support Enforcement and you cannot get or renew a passport. This happens automatically. Paying down below $2,500 and requesting decertification takes one to two weeks.

Credit reporting: DCSS reports certified arrears to the major credit bureaus, as federal law requires for IV-D cases (42 U.S.C. Section 666(a)(7)). This affects your ability to rent an apartment, buy a car, or get a mortgage.

Bank levy: DCSS or a private attorney can levy your checking and savings accounts, investment accounts, and retirement accounts (the last requires the right court process).

Property lien: A support lien automatically attaches to any real property you own in California under Family Code Section 17523. You cannot sell or refinance without clearing it.

Contempt of court: Missing payments after being ordered to pay can result in a contempt hearing. If jail is a possible outcome, you have the right to appointed counsel; that comes from Turner v. Rogers, 564 U.S. 431 (2011). A genuine inability to pay is a complete defense, but you have to prove it.

Criminal non-support (Penal Code Section 270): Willful failure to provide support when you have the ability to pay is a misdemeanor, punishable by up to one year in county jail and a fine of up to $2,000. Once a court has finally adjudicated parentage and you have notice of that judgment, continued willful failure can be charged as a felony carrying a state prison term of a year and a day. DA referrals happen after sustained non-payment.

Interest on arrears: 10% per year under Code of Civil Procedure Section 685.010. This accrues automatically with no action needed from the other side. There is also no statute of limitations on arrears in California: under Family Code Section 291, a support judgment stays enforceable until paid in full and never needs renewal. Old debt does not go away.

Section 7 — Emergency Protocols

Emergency Protocols — California

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File a Request for Order (FL-300) with an updated FL-150 immediately, the day you get your termination notice if possible. Do not wait to find new work. Under Family Code Section 3653, your reduction only goes back to the filing date. Every day you wait is another day of arrears at the old rate.

What to attach: Termination letter, final pay stub, unemployment award letter if you have it, three months of bank statements, and a printed guideline calculation from childsupport.ca.gov showing your proposed new amount.

Cannot afford the filing fee: File FW-001 (Fee Waiver Application) at the same window at the same time. The clerk processes both together.

Need it faster: California allows ex parte emergency hearings in child support cases when you can show waiting for a normal noticed hearing would cause real harm. Ask the clerk about the ex parte process at your courthouse.

DCSS enrolled: Call 1-866-901-3212 the day you lose your job. For enrolled cases, DCSS can sometimes move faster administratively than the court calendar.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE

Do not ignore this. The notice gives you 150 days before the suspension takes effect, which sounds like more time than it is; reinstatement is far slower than prevention. Start working the problem the week the notice arrives. And if your household income is at or below 70% of your county's area median income, tell DCSS: under SB 1055 you should not be referred for driver's-license suspension at all.

Pay in full: Call DCSS at 1-866-901-3212, pay the arrears, and request a release of the suspension notice to the DMV. Reinstatement takes a few business days.

Cannot pay in full: Request a hardship review or administrative hearing. A DCSS-approved payment plan can result in a stay of the suspension while you pay it down.

Order is too high: File an RFO to modify at the same time you request the hardship review. A pending modification does not automatically stop the suspension, but it demonstrates good faith and may affect how the court views your situation.

Professional license at risk: DCSS notifies licensing boards, not just the DMV. If your income depends on a professional license, losing it creates a cascade of less income, more arrears, and more enforcement. Get ahead of it now.

EMERGENCY PROTOCOL 3: PASSPORT DENIAL

You hit $2,500 in certified arrears and now you cannot travel internationally. Here is how to fix it.

Pay down to under $2,500: This is the fastest path. Contact DCSS at 1-866-901-3212 with proof of payment and request decertification. Expect one to two weeks for the State Department to process the release.

Cannot pay in full: DCSS can sometimes negotiate a formal payment agreement and request decertification. It is not guaranteed but worth asking. Get any agreement in writing.

Travel is imminent: Call DCSS immediately and explain the timeline. Bring documentation of your trip and your payment. Request expedited processing. Do not assume it will be resolved in time; have a backup plan.

Do not apply for a passport while over $2,500: The application will be flagged and denied. You will lose the application fee. Pay first, then apply.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

If you receive an Order to Show Cause for contempt, treat this as seriously as a criminal charge, because the outcome can include jail time.

Right to counsel: If jail is a possible outcome of the contempt hearing, you have the right to appointed counsel before the hearing proceeds. This right comes from Turner v. Rogers, 564 U.S. 431 (2011). Assert it at the first hearing if you cannot afford a lawyer.

Your defense: The other side must prove you had the ability to pay and deliberately chose not to. A genuine inability to pay is a complete defense. Gather bank statements, medical records, termination letters, and anything else that documents why you could not pay, not merely that you did not pay.

Get your DCSS payment history: Call 1-866-901-3212 and request your official payment record. This is the authoritative number. If there are errors, dispute them before the hearing.

File your modification now: If your order is currently too high based on your actual income, file the RFO before the contempt hearing. A pending modification does not cancel the contempt, but it shows the court you are working to address the problem rather than ignoring it.

EMERGENCY PROTOCOL 5: INTERSTATE: YOU MOVED, ORDER STAYED IN CALIFORNIA

→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.

You left California. The child and the other parent stayed. You want to modify in your new state because it seems easier. This probably will not work the way you think.

California keeps jurisdiction: Under UIFSA, codified in California at Family Code Section 5700.101, California retains Continuing, Exclusive Jurisdiction as long as any party to the order (either parent or the child) remains a California resident. Your new state cannot modify the California order without California's agreement.

→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.

What you actually have to do: File your Request for Order in the California Superior Court that issued the original order. Yes, this is inconvenient. Many courts now accept filings by mail, and some allow telephonic or video appearances for out-of-state parents. Call the clerk's office and ask.

DCSS can help: If your case is enrolled with DCSS, California DCSS can work with the child support agency in your new state to coordinate the modification process. Call 1-866-901-3212 and explain your situation.

You let arrears build assuming you could re-file in your new state: This is a common and expensive mistake. The arrears accrued in California are real, they carry 10% annual interest, and there is no statute of limitations. Address them as soon as possible.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference. The sections below provide the full detail behind each line.

Section 9 — Resources and Special Considerations

DCSS: 1-866-901-3212. childsupport.ca.gov. Free administrative review every three years, payment records, enforcement coordination, and UIFSA interstate referrals.

California Courts Self-Help Center: courts.ca.gov/selfhelp. All Judicial Council forms, the Family Law Facilitator directory by county, and links to the free guideline calculator at childsupport.ca.gov.

Family Law Facilitator: Every Superior Court in California has a free Family Law Facilitator under Family Code Section 10001. They review your forms, explain the local procedure, and help you run the guideline calculation. They cannot give legal advice or represent you, but for most pro se litigants they are the most useful resource in the building.

California Legal Aid: lawhelpca.org. Free legal aid referrals for qualifying low-income litigants.

Special consideration — timeshare is your strongest tool: No other variable in the California formula is as directly under your control as parenting time. If you have been informally spending more time with your children than your order reflects, formalize it. File to update the parenting plan and the support order together. The calculator will show you exactly how much difference each additional overnight makes.

Special consideration — the other parent's income matters: Most states ignore the receiving parent's earnings. California does not. If the other parent is earning significantly more than when your order was set, request their pay documentation through discovery. You are entitled to it and it belongs in the calculation.

Special consideration — county variation: Los Angeles, San Francisco, Alameda, San Diego, and Sacramento all have local forms and procedures that differ from the statewide defaults. Always call the Family Law Facilitator's office in your specific county before you file. What works in one courthouse may not work in the next county over.

Military families: If either parent serves in the military, see Chapter 51 — Military Service and Child Support for how BAH and other allowances count as income (now confirmed by Family Code Section 4058 as amended in 2024), the protections the Servicemembers Civil Relief Act provides in modification and contempt proceedings, and what deployment means for filing and deadlines.

End of Chapter 5 — California | Chapter 6 — Colorado follows.

Chapter 6 — Colorado

State	Colorado
Calculation Model	Income Shares -- C.R.S. Section 14-10-115 (guidelines); Section 14-10-122 (modification)
Modification Threshold	10% change in guideline obligation -- OR -- substantial and continuing change in circumstances
Filing Form	JDF 1821 (Motion to Modify Child Support)
Filing Fee	Approximately $195-$225 | Fee waiver available (JDF 205)
Agency	Division of Child Support Services (DCSS) -- 303-866-5994
DCSS Website	coloradochildsupport.com
Filing Court	District Court, Domestic Relations Division (64 counties)
Income Basis	Adjusted gross income of both parents
Parenting Credit	Yes -- shared physical care adjustment when payer has 93+ overnights (>25%)
Imputed Income	Yes -- earning capacity if voluntarily unemployed or underemployed
3-Year Review	Yes -- for IV-D cases (DCSS-enrolled)
Interest on Arrears	12% per annum (C.R.S. Section 14-14-106)
License Suspension	$2,000 or 6 months past due (C.R.S. Section 14-14-104.5)
Age of Majority	19 -- or high school graduation, whichever is later

Statute of Limitations	None -- arrears enforceable indefinitely
Criminal Non-Support	C.R.S. Section 14-6-109 -- class 5 felony
Retroactivity	Filing date only (C.R.S. Section 14-10-122(1)(b))

Section 1 — Overview

Colorado uses the Income Shares model under C.R.S. Section 14-10-115. Both parents' adjusted gross incomes are combined, a schedule converts that combined income and number of children into a total basic obligation, and that total is split proportionally. Two points set Colorado apart from most states: emancipation comes at 19 rather than 18 (later if the child is still in high school), and arrears carry compounding interest under C.R.S. Section 14-14-106, 10% compounded annually on support due since July 1, 2021, and 12% compounded monthly on older arrears.

The modification standard is a substantial and continuing change in circumstances, and Colorado defines that with a number: under C.R.S. Section 14-10-122, if applying the current guidelines to current circumstances would change the monthly support amount by less than 10%, the change is deemed not substantial and continuing. As a practical matter, you need the recalculated obligation to land at least 10% higher or lower than your existing order.

Your local agency: The Division of Child Support Services (DCSS) handles all IV-D cases. Call the state office at (303) 866-4300 or visit childsupport.state.co.us. County-level child support offices handle day-to-day cases; find yours through the state website's county-office search. If your case is enrolled with DCSS, contact them before filing in court.

Three-year review: DCSS-enrolled cases are eligible for an administrative review every three years without showing changed circumstances. If three years have passed since your last review, request one now.

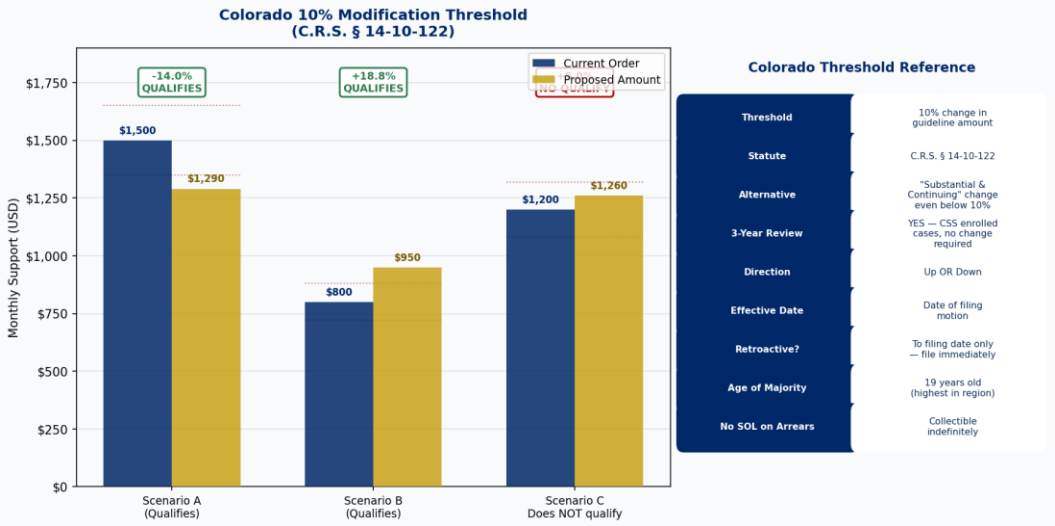


Figure 6-1: Colorado 10% Modification Threshold — C.R.S. Section 14-10-122 | Colorado Child Support Guidelines

Section 2 — Grounds for Modification

Colorado requires a substantial and continuing change in circumstances, and the statute draws the line at 10%: a recalculation that moves the support amount by less than 10% is deemed not substantial and continuing (C.R.S. Section 14-10-122(1)(b)). The 10% threshold is accessible for genuine income changes. If your change runs below it, modification is generally unavailable until circumstances move further, subject to narrow statutory exceptions.

Income dropped: Job loss, disability, or a significant and permanent pay reduction all qualify. File the day it happens. Under C.R.S. Section 14-10-122(1)(b), modification is retroactive only to the date of filing. Every day you wait is another day of arrears at the old rate.

Other parent's income increased: Colorado uses both parents' adjusted gross incomes. If the other parent has substantially more income now than when your order was set, that shifts the proportional split in your favor. Request their pay documentation through discovery.

Parenting time changed: Under the guidelines in effect before March 1, 2026, a shared physical care adjustment applied once you had more than 92 overnights a year. For calculations on or after that date, HB 25-1159 replaced the threshold with a credit that scales with every overnight. Either way, a meaningful increase in your overnights reduces your obligation. Document every overnight.

Child's costs changed: Changes to add-ons (childcare ending, new medical costs, health insurance premiums changing) support modification.

Three-year passage: For DCSS cases, three years alone qualifies for a review.

Child turns 19: Colorado support runs to 19, not 18, and longer if the child is still in high school at 19. A child who graduated at 17 or 18 is still owed support until 19. For orders entered after July 1, 1997, emancipation at 19 ends the obligation automatically by statute (C.R.S. Section 14-10-115(13)); still, if your order covers multiple children or withholding keeps running, file to adjust or terminate so the paperwork matches the law.

Voluntarily reducing income: Courts impute income at earning capacity. A deliberate income reduction will not reduce your obligation.

Section 3 — Step-by-Step: How to File

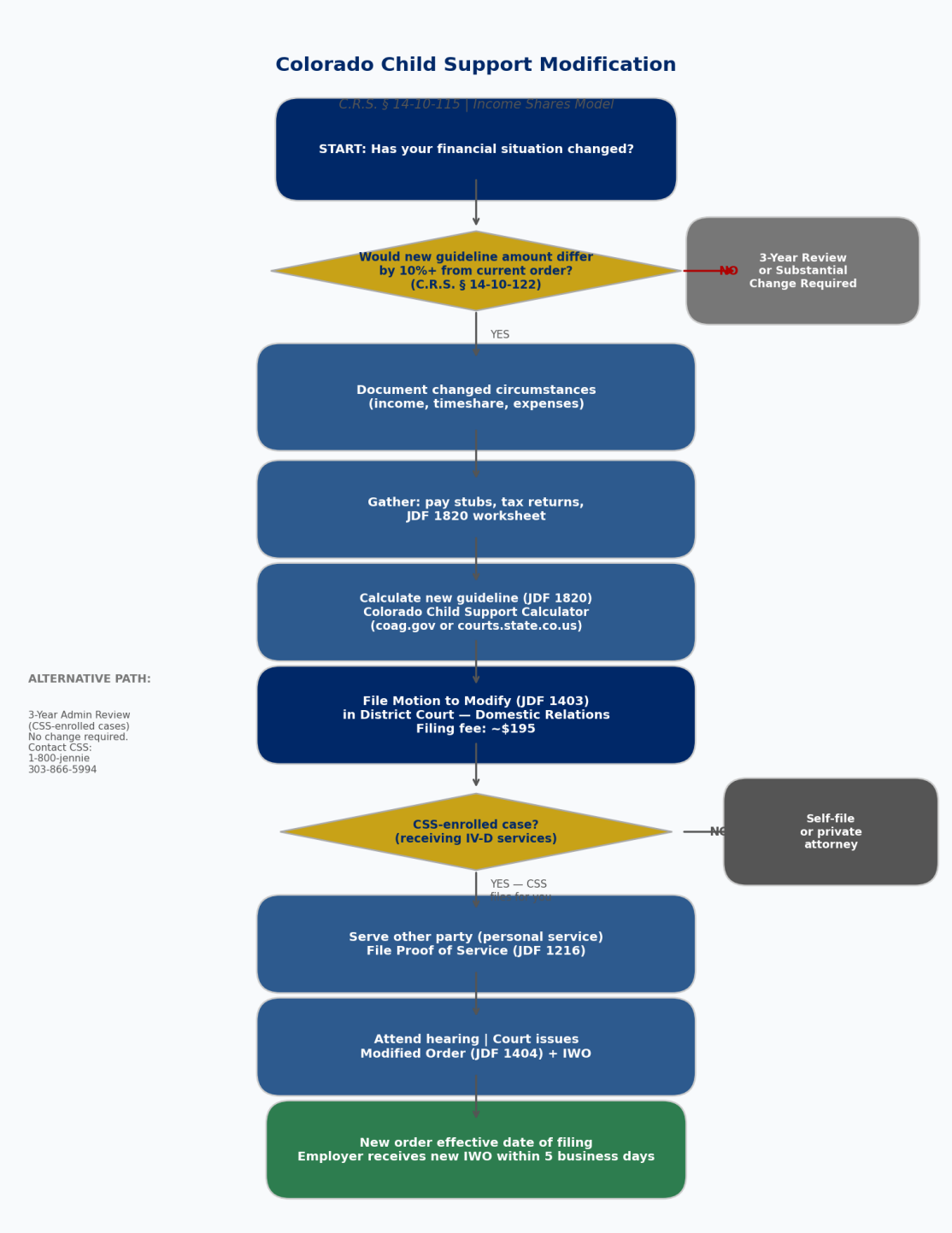


Figure 6-2: Colorado Modification Flowchart — DCSS Administrative vs. District Court Pathways

Colorado modifications go through District Court, Domestic Relations Division, in the county where the original order was entered. If your case is DCSS-enrolled, contact DCSS first.

Step 1 — Gather your documents: Last two pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, and records of current add-on costs including health insurance premiums for the child, childcare costs, and any extraordinary medical expenses.

Step 2 — Run the guidelines: Colorado's guideline worksheet uses adjusted gross income, meaning gross income minus specific allowable deductions, not total gross income. Calculate both parents' adjusted gross incomes, then apply the schedule. If your result differs from your current order by 10% or more, you have a presumptive case.

Step 3 — Fill out your forms: Use JDF 1821 (Motion to Modify Child Support). Attach your completed guideline worksheet and supporting financial documentation. You will also need to file a Sworn Financial Statement (JDF 1111), your financial disclosure; it must be complete and accurate.

Step 4 — File and pay the fee: File at the District Court clerk in the county where the original order was entered. Filing fees run approximately $195 to $225. If you cannot afford the fee, request a fee waiver using JDF 205.

Step 5 — Serve the other parent: Serve per Colorado Rules of Civil Procedure: personal service by a process server or the sheriff. File your Proof of Service (JDF 1102) with the court.

Step 6 — Attend the hearing: Bring originals and copies of all financial documents and your guideline worksheet. Your new order is effective from the date you filed the motion.

Section 4 — Income Calculation

Colorado uses adjusted gross income from both parents, not total gross income. Adjustments reduce gross income before the guideline schedule is applied. Getting the adjusted income figure right is critical.

Adjusted gross income: Start with gross income from all sources. Deduct: federal income taxes (at your actual rate), state income taxes, FICA (Social Security and Medicare), mandatory union dues, mandatory pension contributions, and health insurance premiums for yourself. The result is your adjusted gross income for the guidelines.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income, rental income, investment income, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular income sources.

Colorado's tech and energy sectors: Colorado's Front Range is a major technology, aerospace, and energy hub. RSUs, stock options, bonuses, and commission income are common. These count as income when received. A high-bonus year should not permanently set your support if that income is not repeatable; argue for a multi-year average.

Self-employment: Net Schedule C income after legitimate business expenses. Colorado courts examine returns and bank deposits. Bring three years of returns.

High-income cases: Effective March 1, 2026, HB 25-1159 extended the basic support schedule to $40,000 in combined monthly adjusted gross income (it previously topped out at $30,000). Above the top of the schedule, the presumptive obligation is at least the top-of-schedule amount, and the court has discretion to order more based on the children's reasonable needs.

Add-ons: Health insurance premiums for the child, work-related childcare, and extraordinary medical expenses are added to the basic obligation and split proportionally. If these have changed, recalculate at the same time as the base obligation.

Unreimbursed medical specifics: For support calculated before March 1, 2026, "extraordinary medical expenses" meant uninsured costs exceeding $250 per child per year, shared in proportion to income. HB 25-1159 removed that threshold for new calculations, so uninsured medical costs are shared from the first dollar. Keep receipts and request allocation promptly; reimbursement disputes only get harder with time.

Imputed income: If you are voluntarily unemployed or underemployed, Colorado courts impute income at earning capacity: what you could earn given your education, work history, and the local job market. Front Range job market conditions differ significantly from rural Colorado.

Multiple households: If you are paying court-ordered support for children in other households, those amounts reduce your adjusted gross income for the current calculation. Bring all current support orders.

Low-income protection and minimum order: When the paying parent's monthly adjusted gross income is at or below $650, the order is the statutory minimum of $10 per month regardless of the number of children (C.R.S. Section 14-10-115). A sliding low-income adjustment applies above that level, and HB 25-1159 updated the qualifying income bands effective March 1, 2026. The low-income adjustment does not apply when each parent has the children more than 92 overnights a year.

Section 5 — Shared Parenting

Colorado's shared physical care adjustment historically kicked in above 92 overnights per year, just over 25% of the year, lowering the basic obligation to reflect the direct costs the non-custodial parent bears during parenting time. For support calculated on or after March 1, 2026, HB 25-1159 retired that cliff: parenting time now earns a credit that scales with every overnight.

Under 93 overnights: Orders set under the pre-March 2026 guidelines used the standard Income Shares calculation with no shared-care adjustment below 93 overnights. Under the current guidelines there is no cliff; fewer overnights simply earn a smaller credit.

More overnights, larger reduction: The adjustment scales with the number of overnights, whether under the old shared-physical-care formula or the current per-overnight credit. More overnights means a larger reduction.

Near-equal parenting time: At or near 50/50 overnights, the adjustment can substantially reduce or eliminate the net transfer payment depending on the income differential.

Count overnights from the court order: Colorado calculates from the court-ordered schedule. If your actual time has increased informally but the order has not been updated, file to update the parenting plan and the support order at the same time. Informal arrangements are not worth anything to the calculation.

Document everything: Use a calendar, an app, or a journal to record every overnight. If you and the other parent disagree about the actual schedule, your documented records are your evidence.

Section 6 — Enforcement

DCSS enforces with the full range of federal and state tools. Interest accrues under C.R.S. Section 14-14-106 at 10% compounded annually for support due on or after July 1, 2021; older arrears accrue at 12% compounded monthly. Because it compounds, Colorado interest is among the heavier burdens in this book. Each missed payment becomes a judgment when it falls due, and Colorado allows enforcement of support judgments for 20 years from each installment's due date, so old arrears stay collectible for a very long time.

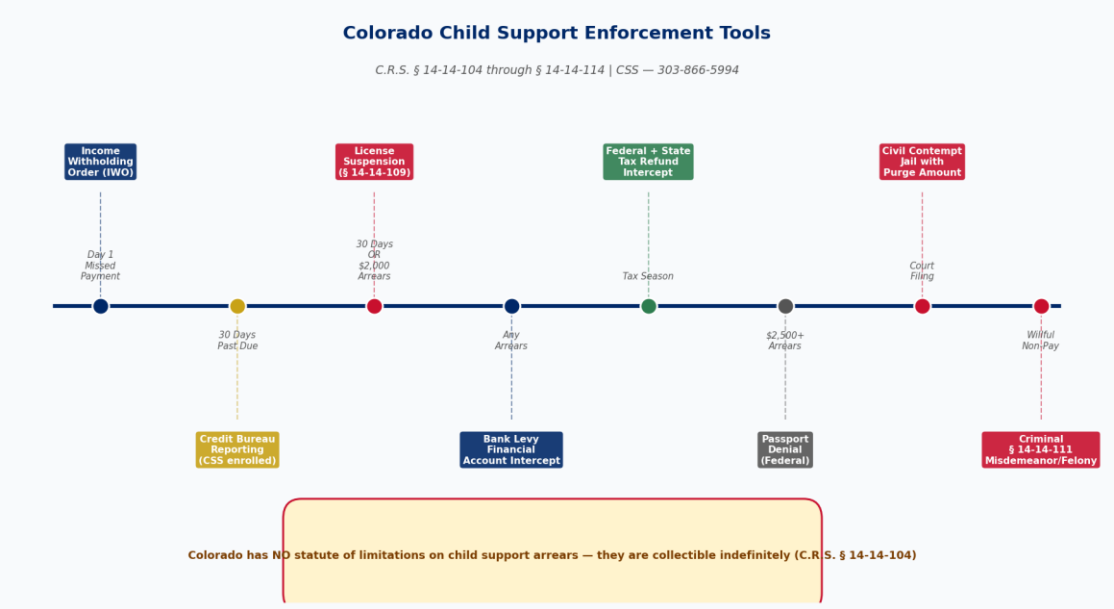


Figure 6-3: Colorado Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Employers comply within the next pay period. Termination for wage withholding is illegal.

Tax refund intercept: Federal and state refunds intercepted for IV-D arrears.

License suspension (C.R.S. Section 26-13-126): Owing more than six months' worth of support while paying less than half of your current monthly obligation can trigger suspension of state-issued licenses, including driver's, professional, occupational, and recreational licenses. The notice

gives you 30 days to pay, negotiate a payment plan, or request an administrative hearing. A payment plan can halt or release the suspension.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial.

Credit reporting: Arrears reported to all three major credit bureaus for IV-D cases.

Contempt: District Court can hold you in contempt. Genuine inability to pay is your defense. If incarceration is possible, you have the right to counsel.

Criminal non-support (C.R.S. Section 14-6-101): Willful failure to provide reasonable support when capable is a class 5 felony in Colorado, carrying a potential prison term of one to three years. DCSS refers cases to district attorneys for sustained willful non-payment. A class 5 felony conviction carries serious consequences for employment and professional licensing in Colorado's tech, energy, and government contracting sectors.

Section 7 — Emergency Protocols

Emergency Protocols — Colorado

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File JDF 1821 (Motion to Modify Child Support) in District Court immediately, on the day you receive your termination notice if possible. Under C.R.S. Section 14-10-122(1)(b), modification is retroactive only to the filing date.

10% test: Apply the current guidelines to your new adjusted gross income. A genuine job loss typically produces a guideline difference well above 10%; file now.

DCSS route: For IV-D cases, call DCSS at (303) 866-4300 the day of your job loss. Administrative review is free and can sometimes move faster than the court calendar.

Tech sector layoff: Colorado's tech sector experiences periodic layoffs. An RSU-heavy compensation package that is suddenly gone is a substantial income reduction. Document your new base income separately from your former equity income.

Gather: Termination letter, last three pay stubs, unemployment award letter, final equity statement if applicable, and a completed guideline worksheet showing your proposed new amount.

Fee waiver: Request a fee waiver using JDF 205 at the time you file if you cannot afford the filing fee.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE (C.R.S. SECTION 26-13-126)

Colorado moves toward suspension when you owe more than six months' worth of support and are paying less than 50% of your current monthly obligation (C.R.S. Section 26-13-126). A prolonged income reduction with thin partial payments can get you there without ever being dramatically delinquent. The notice gives you 30 days to pay, set up a payment plan, or request a hearing.

Pay or get current: Contact DCSS at (303) 866-4300 with proof of payment. DCSS notifies the Department of Revenue and licensing boards.

Payment plan: A DCSS-approved payment plan halts the suspension.

Contest it: Request an administrative hearing if the arrears amount is wrong.

Professional license in tech or energy: Colorado has large numbers of licensed engineers, contractors, financial professionals, and healthcare workers. A suspended professional license is an income problem as much as an enforcement problem. Act the day you receive the notice.

EMERGENCY PROTOCOL 3: FELONY NON-SUPPORT (C.R.S. SECTION 14-6-101)

Colorado's criminal non-support statute (C.R.S. Section 14-6-101) makes willful non-support a class 5 felony, not a misdemeanor, with a potential prison term of one to three years. DCSS refers cases to county district attorneys for sustained willful non-payment.

Payment plan first: Contact DCSS at (303) 866-4300. A payment plan before the DA acts typically resolves the referral.

Civil modification simultaneously: File JDF 1821 in District Court. Demonstrating that you are working to address the obligation reduces your criminal exposure.

Felony consequences: A class 5 felony conviction affects security clearances, government contracting, professional licensing, and employment in Colorado's tech and aerospace sectors. Take this seriously before it reaches that stage.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

District Court contempt is serious. Incarceration is possible. Show up: failure to appear results in a bench warrant.

Right to counsel: If incarceration is a possible outcome, you have the right to appointed counsel. Assert it at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Gather bank statements, termination letters, and medical records. Document why you could not pay, not just that you did not.

Get your DCSS records: Request your official payment history from DCSS. This is the authoritative record. Dispute any errors before the hearing.

File your motion: File JDF 1821 before the contempt hearing. A pending modification demonstrates you are addressing the problem.

EMERGENCY PROTOCOL 5: AGE 19 AND HIGH SCHOOL GRADUATION

Colorado support runs to 19 or high school graduation, whichever is later. If your child is 18 and still enrolled in high school, support continues.

Know when it ends by law: For orders entered after July 1, 1997, emancipation at 19 terminates support automatically by statute, with no motion required. If the child is still in

high school at 19, the obligation runs until the end of the month following graduation. File a motion to terminate or adjust when your order covers multiple children, when withholding keeps coming out of your check after emancipation, or when your order predates July 1997.

Child still in high school at 19: Support does not end at 19 if the child is still enrolled. Under C.R.S. Section 14-10-115(13), it continues until the end of the month following high school graduation. A child who dropped out and later re-enrolls is entitled to support through the month after graduation, but not beyond age 21.

Post-secondary support: Colorado courts cannot generally order post-secondary educational support beyond age 19 absent agreement between the parents. If you are being pressed to pay for college, review your specific order with a family law attorney.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

DCSS: (303) 866-4300. childsupport.state.co.us. County offices handle IV-D cases; find your county office through the state website. Administrative review, payment records, enforcement, license suspension, UIFSA coordination.

Colorado Courts Self-Help: courts.state.co.us/selfhelp. This site has JDF 1821, JDF 1111, JDF 205, and all domestic relations forms. Self-help centers are available in Denver, Jefferson, Arapahoe, El Paso, and other counties.

Colorado Legal Services: 303-837-1313. coloradolegalservices.org. Free civil legal help for qualifying low-income litigants statewide.

Colorado Bar Association Lawyer Referral: 303-860-1115. cobar.org. Referral to family law attorneys.

Special consideration — compounding interest: Colorado charges 10% interest compounded annually on support due since July 1, 2021, and 12% compounded monthly on older arrears (C.R.S. Section 14-14-106). The compounding is what hurts: at 10% compounded annually, $10,000 in arrears grows to about $11,000 in one year with no payments, and the next year's interest accrues on the larger balance. Do not let arrears sit. Address them aggressively.

Special consideration — age 19 and graduation: Like Alabama, Colorado extends support past 18 to 19 or high school graduation, whichever is later. Many parents incorrectly stop paying at 18. Until a court order terminates support, payments are due and arrears accrue.

Interstate cases: If you or the other parent has left Colorado, see Chapter 52 — Interstate & International Child Support for the UIFSA framework: which state keeps Continuing Exclusive Jurisdiction, how to file across state lines without traveling, and the registration and contest process.

Special consideration — Front Range vs. rural Colorado: Denver, Boulder, Fort Collins, and Colorado Springs have large domestic relations divisions with their own expedited tracks and procedures. Rural Colorado counties operate smaller dockets with different dynamics. Contact your specific county's District Court clerk before filing. The state self-help website is the best starting point for county-specific information.

Military families: Colorado hosts large military communities around Colorado Springs and Aurora. If either parent serves, see Chapter 51 — Military Service and Child Support for how BAH and other allowances count as income, the protections the Servicemembers Civil Relief Act provides in modification and contempt proceedings, and what deployment means for filing and deadlines.

End of Chapter 6 — Colorado | Chapter 7 — Connecticut follows.

Chapter 7

Chapter 7 — Connecticut

State	Connecticut
Calculation Model	Income Shares -- C.G.S. Section 46b-84
Modification Threshold	15% deviation from current guidelines -- no dollar floor

Filing Forms	JD-FM-182 (Motion for Modification), JD-FM-6 (Financial Affidavit)
Filing Fee	Approximately $175-$225 -- fee waiver available (JD-FM-75)
Agency	Support Enforcement Services (SES) under DSS -- 1-800-228-5437
SES Website	jud.ct.gov/selfhelp
Filing Court	Superior Court, Family Division -- judicial district of original order
Income Basis	Net income of both parents
Parenting Credit	Yes -- shared custody adjustment available
Imputed Income	Yes -- earning capacity if voluntarily unemployed
3-Year Review	Yes -- for IV-D cases (SES-enrolled)
Interest on Arrears	10% per annum
License Suspension	$500 or 90 days past due (C.G.S. Section 46b-220)
Age of Majority	18 -- or high school completion, not beyond 19
Statute of Limitations	20 years on child support judgments (C.G.S. Section 52-598a)
Criminal Non-Support	C.G.S. Section 53-304 -- Class D Felony, up to 5 years
Retroactivity	Filing date only

Section 1 — Overview

Connecticut uses the Income Shares model under its Child Support and Arrearage Guidelines (Regs., Conn. State Agencies Section 46b-215a-2c; the guideline presumption is codified at C.G.S. Section 46b-215b). Both parents' net incomes are combined, the state guidelines schedule converts that combined net income and number of children into a total basic obligation, and that total is split proportionally between the parents. Net income is the starting point, not gross. That distinction matters when you calculate whether the 15% modification threshold is met.

The modification standard is set by C.G.S. Section 46b-86(a): if the current order deviates from what the guidelines would produce today by 15% or more, that deviation is a presumptive basis for modification, and no additional showing is required. There is no dollar-amount floor. Even a modest income change can cross the 15% line if the underlying obligation is small. If the change is real and the math shows 15%, you have standing to file.

Your local agency: Support Enforcement Services (SES) is Connecticut's IV-D agency, operating under the Department of Social Services (DSS). Call 1-800-228-5437. For SES-enrolled cases, an administrative review every three years is available at no cost, with no showing of changed

circumstances required. If three years have passed since your order was set or last reviewed, contact SES before going to court.

Three-year review: SES-enrolled cases qualify for a free three-year review. SES applies current guidelines to current incomes and adjusts the order if the result deviates. This is the fastest and cheapest route for IV-D cases with straightforward income changes.

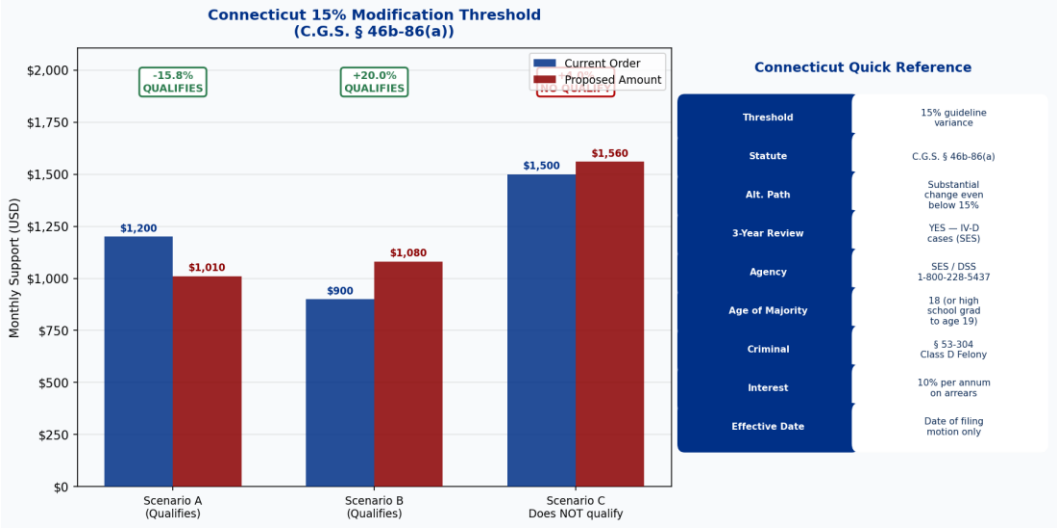


Figure 7-1: Connecticut 15% Modification Threshold — C.G.S. Section 46b-86(a) | Connecticut Child Support Guidelines

Section 2 — Grounds for Modification

C.G.S. Section 46b-86(a) provides two independent paths. The first is the 15% rule: apply today's guidelines to both parents' current incomes and compare the result to the existing order. A 15% gap gives you presumptive standing (you do not need to prove a material change). The second path is a substantial change in circumstances, available even when the percentage is below 15%.

Income dropped: Job loss, a disability, a significant permanent pay reduction: file immediately. The 15% calculation on a genuine income drop typically hits the threshold. Under C.G.S. Section 46b-86(a), a modification can reach back no further than the date the motion was served on the other parent, so every day you wait costs you.

Income increased on the other side: Connecticut uses both parents' net incomes. If the other parent's income has significantly increased since the order was set, the proportional calculation has shifted in your favor. Request their pay documentation through discovery.

Parenting time changed: A meaningful increase in your overnight parenting time triggers a shared custody adjustment. Document every overnight in a calendar or journal.

Child's costs changed: Changes in childcare costs, health insurance premiums, or the child's medical needs all support a modification. Costs going down support a downward adjustment; new significant costs may push the obligation up.

Three-year passage: For SES-enrolled cases, three years alone qualifies you for a review.

Child turns 18: Connecticut support runs to age 18, but it does not always stop there. For orders entered on or after July 1, 1994, support for an unmarried child who lives with a parent and remains a full-time high school student continues until the child completes twelfth grade or turns 19, whichever comes first (C.G.S. Section 46b-84(b)). Separately, Connecticut courts can enter educational support orders for college or vocational school up to age 23 under C.G.S. Section 46b-56c. File to terminate when the triggering event occurs if your order does not end automatically.

Below 15% but real change: If your income dropped 12%, which falls below the 15% threshold but represents a genuine, ongoing, documented change, argue substantial change in circumstances. Connecticut courts do not require 15% when the circumstances independently support modification.

Section 3 — Step-by-Step: How to File

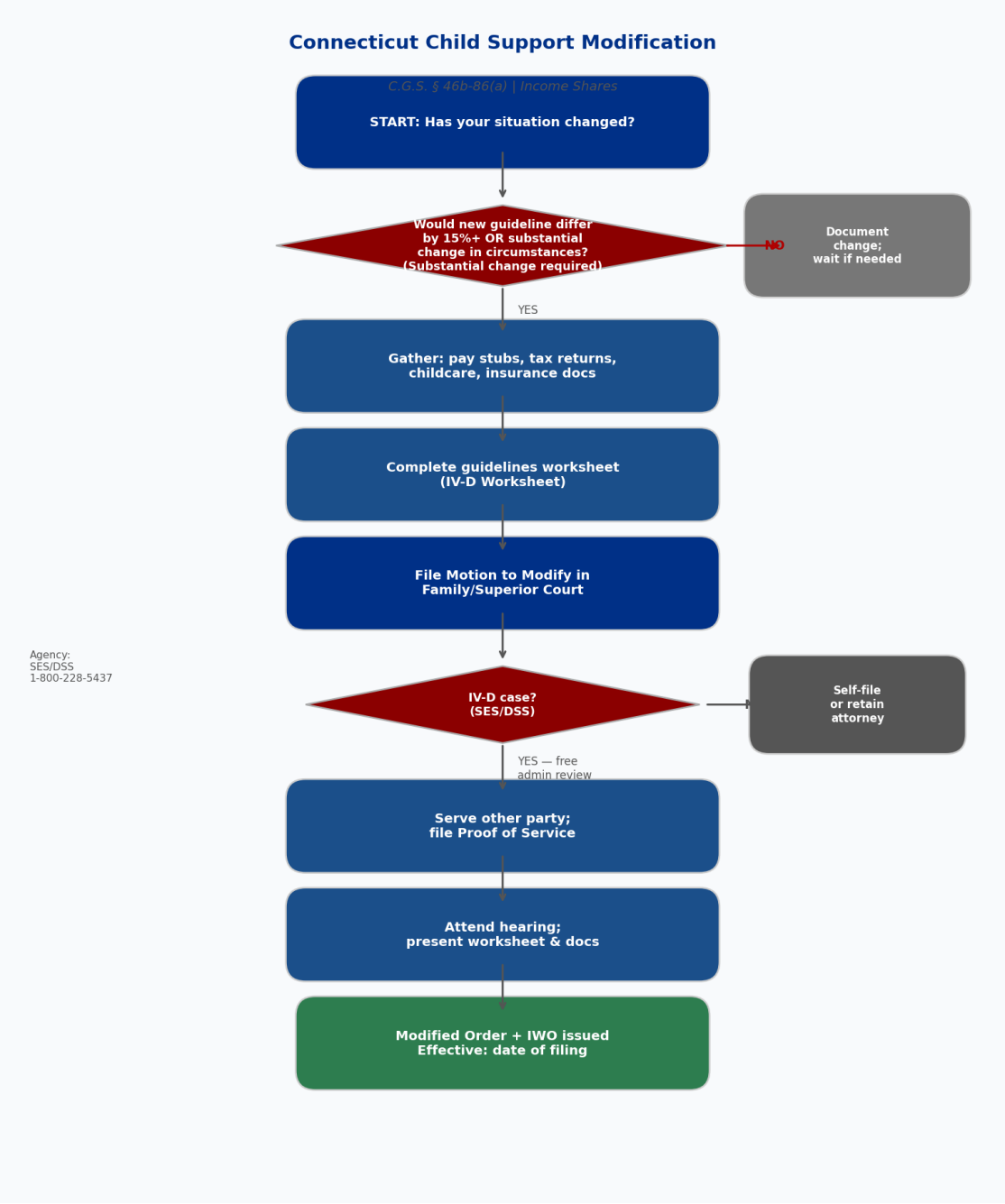


Figure 7-2: Connecticut Modification Flowchart — SES Administrative vs. Superior Court Pathways

Connecticut modifications go through Superior Court, Family Division, in the judicial district where the original order was entered or where the child resides. If your case is SES-enrolled, contact SES first. The administrative three-year review route is free and faster.

Step 1 — Gather your documents: Last two pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change (termination letter, medical records, childcare invoices), and records of current add-on costs including health insurance premiums for the child.

Step 2 — Download the current guidelines worksheet: Get the current Connecticut Child Support and Arrearage Guidelines Worksheet from jud.ct.gov/selfhelp. Connecticut updates its guidelines periodically, and an outdated worksheet can invalidate your calculation. Enter both parents' net monthly incomes and the number of children. If the result differs from your existing order by 15% or more, you have a presumptive modification case.

Step 3 — Complete your forms: File a Motion for Modification (JD-FM-174) and a completed Financial Affidavit (JD-FM-6). Both parties are required to file financial affidavits. Attach your guidelines worksheet (CCSG-1, also numbered JD-FM-220) and supporting financial documentation.

Step 4 — File and pay the fee: File at the Superior Court, Family Division clerk's office in your judicial district. The filing fee for a motion to modify is $175. If you cannot afford the fee, file JD-FM-75 (Application for Waiver of Fees) at the same time.

Step 5 — Serve the other parent: Connecticut requires service through a state marshal for motions in Superior Court; certified mail alone is not sufficient. (Connecticut abolished county sheriffs in 2000, so a state marshal is who you will hire.) Arrange service and file your Proof of Service with the court.

Step 6 — Attend the hearing: Bring originals and copies of all financial documents, both pay stubs, tax returns, and your completed guidelines worksheet. Be prepared to address the specific percentage deviation and any changed circumstances directly.

Step 7 — Receive the modified order: The court issues a new support order, and it may make the change retroactive as far back as the date the motion was served on the other parent (C.G.S. Section 46b-86(a)). SES will update the Income Withholding Order (IWO) with your employer. The new amount takes effect on the date the court specifies.

Section 4 — Income Calculation

Connecticut uses net income from both parents. Net income is gross income reduced by specific allowable deductions before the guideline schedule is applied.

Net income deductions: Federal, state, and local income taxes actually withheld; Social Security and Medicare taxes (FICA); mandatory union dues; mandatory retirement contributions required by the employer; health insurance premiums for yourself (not the child). The result is your net monthly income for guideline purposes.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income, rental income, interest, dividends, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular income sources.

Self-employment: Net Schedule C income after legitimate ordinary and necessary business expenses. Connecticut courts examine expenses carefully. Bring three years of tax returns. Inflated deductions or undisclosed cash income will be scrutinized.

Add-ons: Work-related childcare costs and health insurance premiums for the child are added to the basic obligation and split proportionally. Extraordinary medical expenses are also shared. If add-on costs have changed, recalculate them alongside the base obligation.

Unreimbursed medical expenses: Connecticut's guidelines apportion qualifying unreimbursed medical and dental expenses between the parents based on their net disposable incomes (Regs., Conn. State Agencies Section 46b-215a-2c). Check your order's specific language: many Connecticut orders set their own threshold before cost-sharing begins and spell out how quickly receipts must be submitted, and the order's terms control.

Imputed income: If you voluntarily left a job or reduced hours to lower support, Connecticut courts will impute income at your earning capacity. What you can earn determines your obligation.

High combined incomes: The schedule tops out at $4,000 in combined net weekly income. Above that line, support is set case by case: the dollar amount shown at the $4,000 level is the presumptive minimum, and the maximum presumptive award is the percentage applicable at that level applied to the parents' actual combined net income (Regs., Conn. State Agencies Section 46b-215a-2c).

Multiple support obligations: Prior court-ordered support for children in other households may be deducted before calculating the current obligation. Bring copies of all active court-ordered support orders.

Low-income protection: The guidelines schedule has a shaded low-income area with reduced presumptive amounts built around a self-support reserve, so the lowest earners are not ordered to pay amounts that leave them unable to meet basic subsistence needs. The arrearage guidelines add a ceiling on top: the combined current-support and arrearage payment generally may not exceed 55% of the obligor's net income (Regs., Conn. State Agencies Section 46b-215a-4b). If your order takes more than that, raise it with the court or SES.

Section 5 — Shared Parenting

Connecticut's guidelines provide a shared custody adjustment when the non-custodial parent has a substantial amount of parenting time. The adjustment recognizes that direct parenting costs reduce the need for a full cash transfer.

Standard custody: Basic Income Shares calculation with no parenting time adjustment.

Shared parenting adjustment: When you have meaningful overnight parenting time, the guidelines may provide a proportional reduction to your obligation. The more overnights, the larger the potential adjustment.

Document overnights accurately: Courts count the nights the child sleeps at your home. Keep a written calendar. If your actual parenting time has increased informally but the court order has not been updated,

your obligation is still based on the old order. File to update both the parenting schedule and the support calculation at the same time.

Family Support Magistrate: Many Connecticut child support matters, including modifications, are heard by a Family Support Magistrate (FSM) rather than a Superior Court judge. FSMs have full authority to issue and modify child support orders. The process and standards are the same. Treat a magistrate hearing with the same preparation as a judge hearing.

Section 6 — Enforcement

SES enforces with the full range of federal and state tools. Connecticut does not add automatic interest to child support arrears; a court may award interest of up to 10% per year as a discretionary matter under C.G.S. Section 37-3a. And there is no clock to run out: family support judgments are exempt from the time limits that apply to ordinary money judgments under C.G.S. Section 52-598, so old arrears do not disappear.

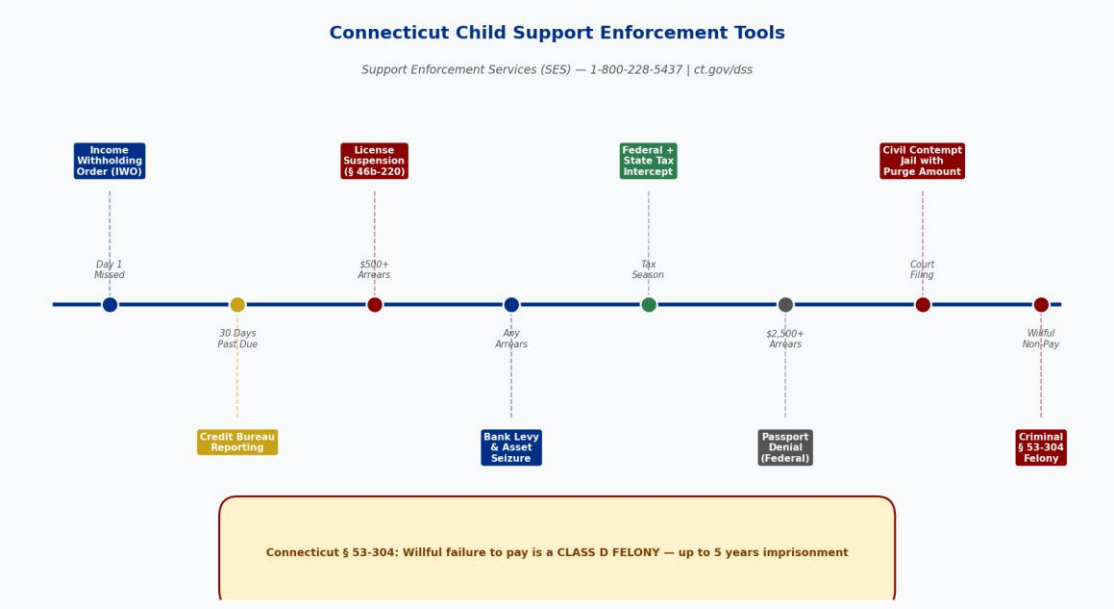


Figure 7-3: Connecticut Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Employer must implement within 7 days. Changing jobs does not stop withholding. SES will serve the new employer, and termination for wage withholding is illegal.

License suspension (C.G.S. Section 46b-220): A court or family support magistrate may order suspension of a driver's, professional, occupational, or recreational license when an obligor owes overdue support exceeding 90 days of periodic payments on a current support or arrearage order. The statute requires actual notice, a finding that the noncompliance was willful and without good cause, and conditions the obligor has the financial resources to meet; if those

conditions go unmet within 30 days, the suspension takes effect. Compliance with the order's conditions requires the licensing authority to reinstate the license.

Tax refund intercept: Federal and Connecticut state refunds intercepted for IV-D arrears. Lottery winnings are also subject to intercept under Connecticut law.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: Arrears reported to all three credit bureaus for IV-D cases.

Bank levy and asset seizure: SES and private attorneys may levy bank accounts, brokerage accounts, and other non-exempt assets.

Civil contempt: Superior Court may hold willful non-payers in contempt. Incarceration is possible; a purge amount is set. If incarceration is a possible outcome, you have the right to counsel. Genuine inability to pay is your defense.

Criminal non-support (C.G.S. Section 53-304): Neglecting or refusing to furnish reasonably necessary support is a crime punishable by up to one year of imprisonment; physical incapacity or other good cause for the inability to pay is a defense. Prosecutors in high-arrears cases do refer matters criminally. This is not a paper threat.

Section 7 — Emergency Protocols

Emergency Protocols — Connecticut

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File your Motion for Modification (JD-FM-174) in Superior Court, Family Division, immediately, the day you receive your termination notice if possible. A modification can reach back only to the date the motion is served on the other parent.

15% test: Download the current guidelines worksheet from jud.ct.gov/selfhelp. Apply it to your new net income. A genuine job loss typically produces a deviation well above 15%. File now.

SES route: For IV-D cases, call SES at 1-800-228-5437 on the day of your job loss. SES can initiate an administrative review. Explain you need an emergency review due to income loss.

Gather: Termination letter, last three pay stubs, unemployment award letter, completed guidelines worksheet showing your proposed new amount, and medical records if disability-related.

Fee waiver: File JD-FM-75 (Application for Waiver of Fees) at the time of filing if you cannot afford the filing fee.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE

Connecticut courts can order a license suspension once overdue support exceeds 90 days of periodic payments (C.G.S. Section 46b-220). Act immediately.

Pay down the arrears: Contact SES at 1-800-228-5437 with proof of payment. Once you meet the conditions in the suspension order, the licensing authority must reinstate your license.

Payment plan: An SES-approved payment agreement can halt or release the suspension.

Contest it: Request an administrative hearing if the arrears amount is wrong.

Professional license: The same statute reaches professional, occupational, and recreational licenses, not just your driver's license. If your income depends on a license, losing it makes the arrears problem worse. Act before the suspension takes effect.

EMERGENCY PROTOCOL 3: CONTEMPT PROCEEDING

Superior Court contempt for non-payment can result in incarceration. Show up to every hearing.

Right to counsel: Under Turner v. Rogers (2011), if incarceration is a real possibility, you are entitled to counsel. Assert this at your first appearance.

Your defense: Genuine inability to pay is a complete defense. Document why you could not pay: bank statements, termination letters, and medical records all serve that purpose.

Get your SES records: Request your official payment history from SES. This is the authoritative payment record. Dispute any errors before the hearing.

File your motion: File your Motion for Modification before the contempt hearing. It shows you are addressing the underlying problem, not ignoring it.

EMERGENCY PROTOCOL 4: CRIMINAL NON-SUPPORT WARNING (C.G.S. SECTION 53-304)

Criminal non-support under C.G.S. Section 53-304 carries up to one year of imprisonment. SES refers high-arrears cases to prosecutors. Do not wait for a referral to act.

Threshold: There is no formal dollar threshold before referral. Willful non-payment when able to pay is the standard, and cases with substantial arrears and no apparent effort to pay are the prime referral targets.

Act before referral: If you have significant arrears and no current payment arrangement, contact SES now. An active payment agreement substantially reduces the probability of criminal referral.

If already referred: Retain a criminal defense attorney immediately. Resolving the civil arrears while criminal proceedings are pending is possible and often affects the outcome.

Do not stop paying: Even if you believe modification is warranted, do not stop paying before a court order reduces your obligation. Every month of non-payment is evidence of willfulness.

EMERGENCY PROTOCOL 5: BELOW 15% BUT REAL CHANGE

If your income dropped significantly but the guidelines deviation is below 15%, you still have options in Connecticut.

Substantial change argument: File your Motion for Modification and argue substantial change in circumstances directly under C.G.S. Section 46b-86(a). Document the change, its permanence, and its impact on your ability to pay the current amount.

Gather documentation: Permanent income reductions below 15% are your strongest argument. A temporary reduction may not qualify, so focus on demonstrating permanence.

Three-year review option: If your SES-enrolled three-year review window is approaching, consider whether the review will address the issue at lower cost.

Do not stop paying: A court can add discretionary interest of up to 10% per year to arrears under C.G.S. Section 37-3a, and family support judgments carry no statute of limitations in Connecticut, so old arrears stay collectible indefinitely. Keep paying at the current rate while you pursue modification.

EMERGENCY PROTOCOL 6: INTERSTATE: CONNECTICUT ORDER, YOU MOVED

If you moved out of Connecticut but your child stayed, Connecticut retains jurisdiction under UIFSA (C.G.S. Section 46b-212 et seq.) as long as either parent or the child remains in Connecticut.

File in Connecticut: Your motion must be filed in the Connecticut Superior Court that issued the original order. Contact the clerk about procedures for out-of-state filers.

SES coordination: For IV-D cases, SES can coordinate with the child support agency in your new state. Call 1-800-228-5437.

SOL reminder: Connecticut child support arrears carry no statute of limitations, and they follow you regardless of where you live now. Address any arrears proactively.

EMERGENCY PROTOCOL 7: CHILD TURNING 18 OR COMPLETING HIGH SCHOOL

Connecticut support ends at 18, unless the unmarried child lives with a parent and is still a full-time high school student; then it continues to twelfth-grade completion or age 19, whichever comes first (C.G.S. Section 46b-84(b)). If your order does not automatically terminate, file to end it.

File a motion to terminate: File a Motion to Terminate Child Support in Superior Court when the triggering event (18th birthday or HS graduation) occurs. Do not assume the order ends on its own.

IWO does not stop automatically: If support is withheld from your wages via an IWO, the employer will continue withholding until SES or the court issues a termination order. File promptly to stop overpayment.

SES enrolled: If your case is SES-enrolled, notify SES in writing of the termination event and request a review for termination.

Multiple children: If you have more than one child on the order, recalculate for the remaining children. The obligation does not drop automatically. File to get a new order for the remaining children.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

SES: 1-800-228-5437. jud.ct.gov/selfhelp. Administrative review, payment records, IV-D enforcement, license suspension, interstate coordination.

Connecticut Judicial Branch Self-Help: jud.ct.gov/selfhelp. Current forms (JD-FM-174, JD-FM-6, JD-FM-75), guidelines worksheets, instructional resources, and a court location finder are all available there.

Connecticut Legal Services: 1-800-453-3320. ctlegal.org. Free civil legal help for qualifying low-income residents statewide.

Connecticut Bar Association Lawyer Referral: 1-800-842-0159. ctbar.org. Referral to family law attorneys by county.

Special consideration — Family Support Magistrate system: Connecticut routes many child support matters to Family Support Magistrates rather than Superior Court judges. FSMs have full authority to modify orders. The practical impact: hearings may be scheduled faster and the process is somewhat less formal, but the standards and your obligations are identical. Treat your FSM hearing with full preparation.

Special consideration — state marshal service requirement: Connecticut requires service through a state marshal for motions in Superior Court. Certified mail alone is not sufficient. Budget the cost of a state marshal ($50-$75 typically) into your filing plan. Contact the Superior Court clerk in your judicial district for a list of marshals.

Special consideration — no statute of limitations: Family support judgments are exempt from the time limits Connecticut places on ordinary money judgments (C.G.S. Section 52-598), so child support arrears remain collectible indefinitely. Do not assume old arrears have expired, and do not let them sit; a court can add discretionary interest under C.G.S. Section 37-3a while the balance ages.

Related chapters: If either parent serves in the military, including at Naval Submarine Base New London in Groton, see Chapter 51 — Military Service for the rules on military pay, allowances, and the Servicemembers Civil Relief Act. If the other parent lives outside Connecticut or the order needs enforcement across state lines, Chapter 52 — Interstate & International covers UIFSA procedure beyond the basics in Emergency Protocol 6.

End of Chapter 7 — Connecticut | Chapter 8 — Delaware follows.

Chapter 8

Chapter 8 — Delaware

State	Delaware
Calculation Model	Melson Formula -- 13 Del. C. Section 513 (unique in the country)
Modification Threshold	10% or $25/month deviation -- whichever is greater
Filing Form	Petition for Modification of Support (Form 509)
Filing Fee	Per Family Court schedule -- fee waiver available
Agency	Division of Child Support Services (DCSS) -- 1-800-273-9500
DCSS Website	dhss.delaware.gov/dcss

Filing Court	Delaware Family Court -- New Castle (302-255-0300), Kent (302-672-1000), Sussex
Income Basis	Net income of both parents after self-support reserve
Parenting Credit	Yes -- overnight-based adjustment available
Imputed Income	Yes -- earning capacity with documented evidence required
3-Year Review	Yes -- for IV-D cases (DCSS-enrolled)
Interest on Arrears	Per court order
License Suspension	$1,000 or 6 months past due (13 Del. C. Section 516)
Age of Majority	18 -- no high school extension
Statute of Limitations	None -- arrears enforceable indefinitely
Criminal Non-Support	11 Del. C. Section 1113 -- Class A misdemeanor or Class G felony
Retroactivity	Filing date only

Section 1 — Overview

Delaware is one of only three states in the country, along with Hawaii and Montana, that use the Melson Formula to calculate child support. Named after Judge Elwood F. Melson Jr. of Delaware Family Court, who developed it in the 1970s, the Melson Formula is fundamentally different from the Income Shares model used by most states. Understanding the difference is essential to understanding your obligation and your options for modification.

The Melson Formula works in three stages. First, the court sets a self-support reserve (SSR) for each parent: the minimum monthly income each parent needs to cover basic subsistence. That amount is subtracted from each parent's net income before any support calculation begins. Second, the remaining income funds the child's primary support needs. Third, income left over after primary support is addressed through a standard-of-living adjustment that shares higher earnings with the child. The stages run in order, and support cannot be calculated until the SSR is applied.

Why this matters for modification: Because the SSR is deducted first, a parent whose income sits near the SSR level pays very little support. A significant income drop can push you close to or below that threshold, potentially cutting your obligation substantially. At the other end, income well above the SSR produces a larger standard-of-living adjustment. The formula responds to income changes at both extremes.

Your local agency: The Division of Child Support Services (DCSS) is Delaware's IV-D agency, part of the Department of Health and Social Services (DHSS). Call 1-800-273-9500. DCSS administers IV-

D cases, conducts administrative reviews every three years at no cost, and handles enforcement statewide. Delaware is a small state, so DCSS is centrally coordinated, though cases are heard in the county where the child resides.

Three-year review: DCSS-enrolled cases are eligible for a free three-year administrative review without showing changed circumstances. If three years have passed since your order was set or last reviewed, request a review now. DCSS applies the current Melson Formula to both parents' current incomes and adjusts the order if the result deviates.

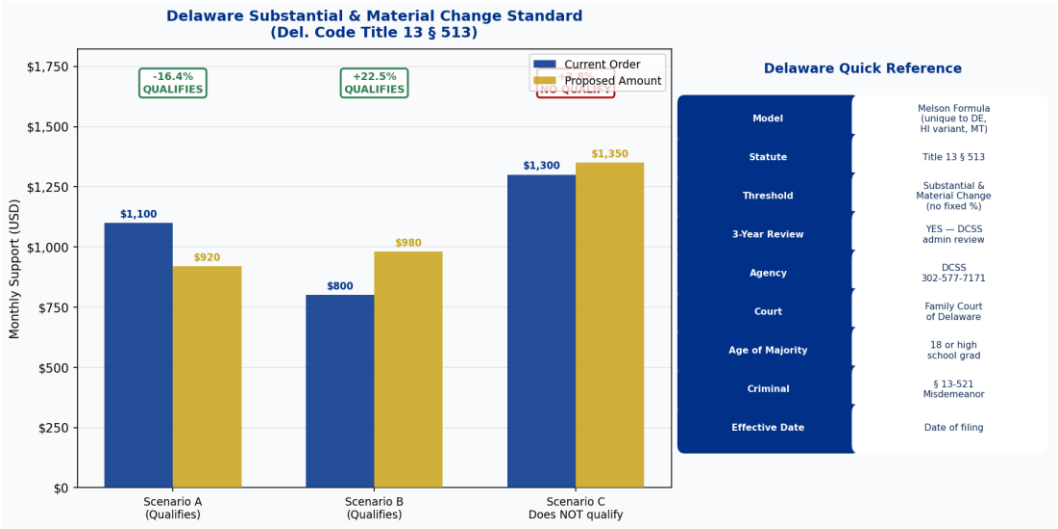


Figure 8-1: Delaware Melson Formula — How Child Support Is Calculated | 13 Del. C. Section 513

Section 2 — Grounds for Modification

Delaware ties modification to a 2½-year cycle under Family Court practice (Del. Fam. Ct. Civ. R. 508). If 2½ years or more have passed since your order was entered or last modified, you may petition for a recalculation under the current Melson Formula without proving any change in circumstances; the numbers alone are sufficient. Inside the 2½-year window, you must show a substantial change in circumstances (income, health insurance cost or availability, child care or tuition, or the number of children you must support), and the recalculation generally must move the amount by 10% or more.

Income dropped: Job loss, a disability, a significant pay reduction: these are the classic substantial changes that open the door inside the 2½-year window. Apply the Melson Formula to your new net income. If the result moves the obligation by 10% or more, you have a case. File immediately. A modification reaches back only to the date the other parent is given notice of the petition (13 Del. C. Section 513).

Income increased on the other side: Delaware uses both parents' net incomes. If the other parent's income has significantly increased since the order was set, the Melson calculation has shifted. Request their financial information through discovery.

Self-support reserve crossed: If your income has dropped to near or below the SSR threshold, the Melson Formula may produce a dramatically lower obligation. This is where the formula most powerfully protects low-income parents, so make sure the court applies it correctly.

Parenting time changed: A meaningful increase in your overnight parenting time reduces your obligation under the adjustment calculation. Document every overnight.

Child's costs changed: Changes in childcare, health insurance, or extraordinary medical expenses all affect the Melson calculation. If costs have dropped, your obligation should drop too.

Three-year passage: For DCSS cases, three years alone entitles you to a review.

Child turns 18: Delaware support runs to 18, and it continues past 18 for a child who is still in high school and likely to graduate; the duty ends at the diploma or age 19, whichever comes first (13 Del. C. Section 501(d)). The extension applies automatically. File to terminate when the obligation actually ends if your order does not end on its own.

Section 3 — Step-by-Step: How to File

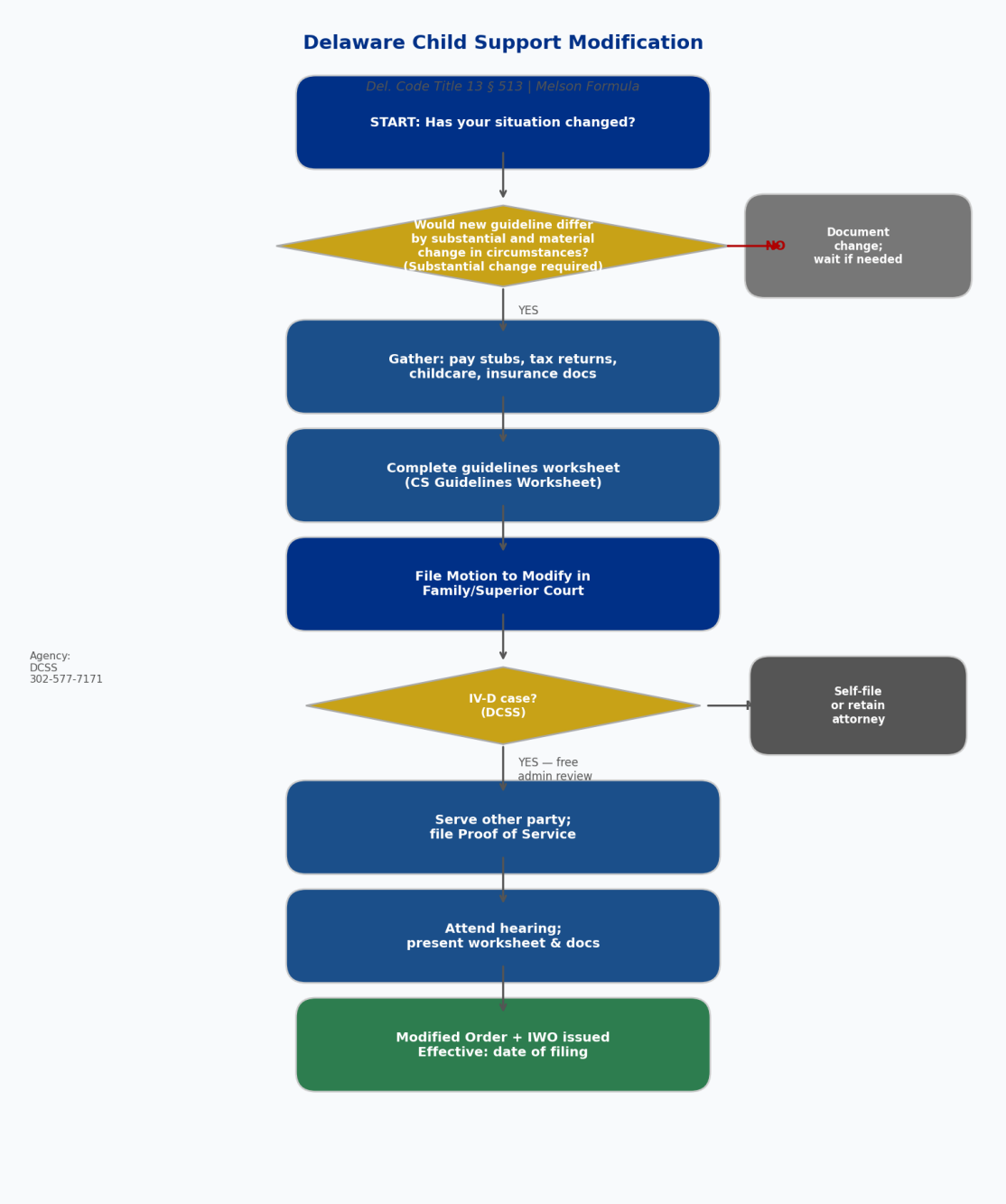


Figure 8-2: Delaware Modification Flowchart — DCSS Administrative vs. Family Court Pathways

Delaware modifications are heard in Delaware Family Court, in the county where the child resides. The three counties are New Castle (Wilmington), Kent (Dover), and Sussex. If your case is DCSS-enrolled, contact DCSS before filing in court. The administrative review route is free and avoids court entirely for qualifying cases.

Step 1 — Gather your documents: Last three months' pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, records of add-on costs (childcare, health insurance premiums for the child), and any documentation of the other parent's income if available.

Step 2 — Run the Melson Formula: Use the current Delaware Child Support Formula form (Form 509), available through the Family Court forms pages at courts.delaware.gov, or the calculation tools DCSS links from dhss.delaware.gov/dcss. The form walks through the three-stage Melson calculation: SSR for each parent, primary support, and standard-of-living adjustment. If the result moves your current order by 10% or more (or 2½ years have passed since the order), you have a case.

Step 3 — Complete your forms: File a Petition for Child Support Modification with Delaware Family Court; current forms are at courts.delaware.gov under Family Court child support forms. Attach your completed Child Support Formula form (Form 509) and financial documentation. Both parties must also provide the financial disclosures the court requires, with pay stubs and tax returns.

Step 4 — File in Family Court: File in the Family Court in the county where the child resides: New Castle County in Wilmington at 302-255-0300, Kent County in Dover at 302-672-1000, or Sussex County. File your petition with the court clerk and pay the applicable filing fee. Request a fee waiver if you qualify.

Step 5 — Serve the other parent: Delaware requires service of process. The court issues a summons after filing. Serve the other parent by a process server or sheriff. File your Proof of Service with the court after service is completed.

Step 6 — Exchange financial disclosures: Both parties must exchange the court-required financial disclosure documents, including recent pay stubs and tax returns, on the schedule the court sets. Failure to exchange can result in sanctions. Complete yours fully and on time.

Step 7 — Attend the hearing: Bring originals and copies of all financial documents, your completed Melson Formula worksheet, three months' pay stubs, prior year tax returns, and any documentation of changed circumstances. Be prepared to explain the three stages of the Melson calculation and how your current income affects each stage.

Step 8 — Receive the modified order: The court issues a new child support order, which can be made effective as far back as the date the other parent received notice of the petition (13 Del. C. Section 513). DCSS updates its records for IV-D cases. The employer receives an updated Income Withholding Order (IWO).

Section 4 — Income Calculation

The Melson Formula uses each parent's net income after deducting a self-support reserve. Getting the net income calculation right is as important as understanding the three-stage formula itself.

Net income: Gross income minus: federal and state income taxes actually withheld; Social Security and Medicare taxes; mandatory union dues; health insurance premiums for yourself (not the child). The result is net income for Melson purposes.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income, rental income, investment income, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular sources.

Self-employment: Net income after legitimate ordinary and necessary business expenses. Delaware courts require documented evidence for expenses. Bring three years of returns and bank statements.

Self-support reserve (SSR): Delaware sets the SSR at a fixed monthly amount that is updated periodically; the 2025 formula revision set it at $1,570 per month. Verify the current figure on the Form 509 instructions or the DCSS website before you calculate. Your net income minus the SSR is what enters the primary support calculation. If your net income is below the SSR, your primary support obligation may be minimal.

Add-ons: Work-related childcare and health insurance premiums for the child are added to the primary support calculation and allocated proportionally. Extraordinary medical expenses are also shared.

Unreimbursed medical expenses: Under the current formula, parents share out-of-pocket medical costs for the child in proportion to their shares of total net available income. The older rule that made the support recipient absorb the first $350 per child per year was eliminated in a recent formula revision, so do not rely on an old order's assumptions; check what your order says and how it allocates these costs.

Imputed income: Delaware courts require documented evidence before imputing income. The standard is what you are capable of earning, based on your education, work history, and the local job market. A deliberate income reduction will not reduce your Melson calculation.

Section 5 — Shared Parenting

Delaware's Melson Formula includes an adjustment for non-custodial parents with significant overnight parenting time. The adjustment reduces the primary support obligation to account for direct parenting costs you bear during your parenting time.

Standard custody: Basic three-stage Melson calculation with no overnight adjustment.

Overnight adjustment: When you have significant overnight time, Delaware applies a shared parenting credit that reduces your primary obligation proportionally. Document every overnight with a written calendar.

How the parenting-time credit tiers work: Delaware's formula applies the credit in steps rather than night by night: no credit through 79 overnights a year, a 10% credit at 80 to 124 overnights, and a 30% credit at 125 to 163 overnights. At 164 or more overnights for each parent, the case is treated as shared placement and calculated under the shared-placement method. The cliff between tiers means a handful of overnights can change the support number; count carefully.

Informal schedule vs. court order: If your actual parenting time has increased but the court order has not been updated, your obligation is calculated based on the old order. File to update both the parenting schedule and the support order at the same time.

Only three states use Melson: Delaware, Hawaii, and Montana use the Melson Formula. If you previously lived in an Income Shares state and moved to Delaware, your new calculation will be structurally different. The SSR deduction makes the Delaware formula particularly important for parents with lower incomes.

Section 6 — Enforcement

DCSS enforces with the full range of federal and state tools. Delaware has no statute of limitations on child support arrears; obligations from decades ago remain fully collectible.

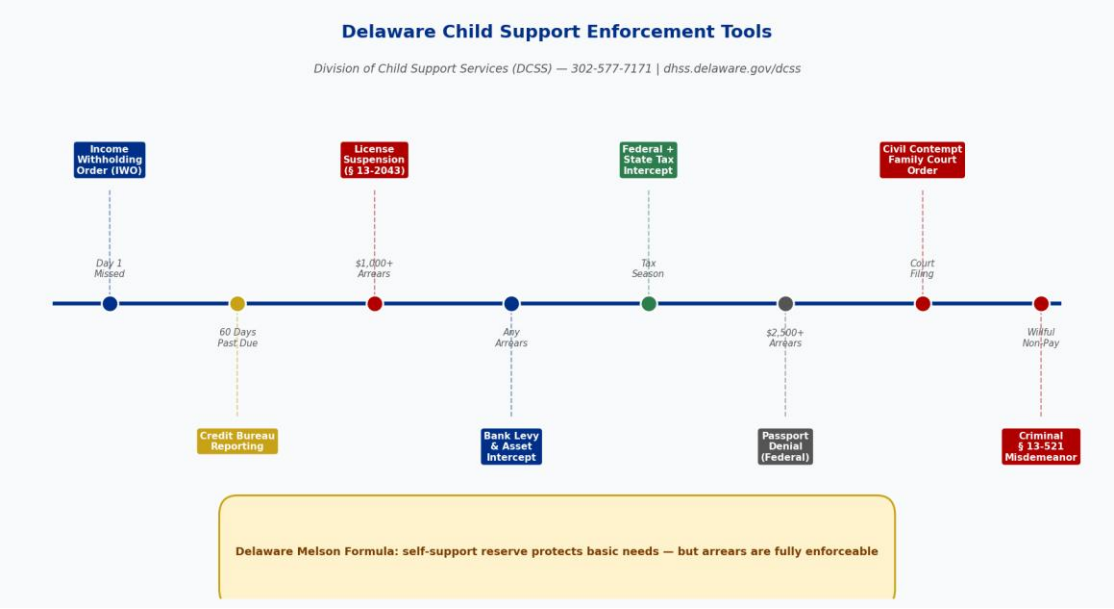


Figure 8-3: Delaware Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Employers must comply within 7 business days and face civil penalties for failure to do so. Changing jobs does not stop withholding; DCSS serves the new employer.

License suspension (13 Del. C. Section 2216): For DCSS-enforced cases, owing $1,000 or more in arrears or retroactive support while 30 or more days delinquent can trigger administrative suspension of driver's, professional, occupational, business, and recreational licenses. DCSS sends written notice first; you then have 20 days to request a hearing, pay in full, or consent to a payment plan, any of which stops the suspension.

Tax refund intercept: Federal and Delaware state refunds intercepted for IV-D arrears.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: DCSS reports certified arrears to the credit bureaus, which can affect your credit rating until the balance is resolved.

Bank levy and asset seizure: DCSS may levy bank accounts and place administrative liens on real and personal property without a separate court order.

Civil contempt: Family Court contempt for non-payment can result in incarceration with a purge amount. Genuine inability to pay is a complete defense. Bring documentation of why you could not pay.

Criminal non-support (11 Del. C. Section 1113): Knowingly failing to provide a minor child's minimal food, clothing, or shelter is criminal nonsupport, a class B misdemeanor (class A for repeat offenders). Aggravated criminal nonsupport, being at least 4 months delinquent under a support order, is a class A misdemeanor, and it becomes a class G felony after a prior aggravated conviction or 8 consecutive delinquent months. Inability to pay from circumstances beyond your control is an affirmative defense. DCSS refers cases to prosecutors for sustained willful non-payment.

Section 7 — Emergency Protocols

Emergency Protocols — Delaware

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File your Petition for Child Support Modification in Delaware Family Court immediately, or contact DCSS at 1-800-273-9500 the day of your job loss for IV-D cases. A modification reaches back only to the date the other parent is given notice of the petition (13 Del. C. Section 513), so move fast.

Run the Melson Formula: Apply the current Melson Formula (Form 509) to your new net income. Identify your new SSR, primary support, and standard-of-living adjustment. A genuine job loss inside the 2½-year window typically moves the number well past the 10% mark, which gives you a case.

Near-SSR income: If your income has dropped close to or below the self-support reserve, your primary obligation may be substantially reduced. The SSR is a floor the formula applies automatically, so make sure the court uses the current SSR amount.

DCSS route: For IV-D cases, DCSS can initiate an administrative review. Call 1-800-273-9500 and explain you have an emergency income change.

Gather: Termination letter, last three pay stubs, unemployment award letter, completed Melson worksheet at new income level, and medical records if disability-related.

EMERGENCY PROTOCOL 2: SELF-SUPPORT RESERVE CROSSED

If your net income has dropped to near or below the Delaware self-support reserve, the Melson Formula may produce a dramatically lower obligation than you currently pay.

Verify the current SSR: The SSR is updated periodically. Get the current figure from dhss.delaware.gov/dcss or by calling DCSS at 1-800-273-9500.

File immediately: Run the three-stage worksheet at your new income. If the result is significantly lower than your current order, file Form 509 without delay. Every month you wait at the old rate is money you cannot recover.

Document the income drop: Gather termination letters, pay stubs, bank statements, and medical records as needed. The SSR calculation is mechanical, but you must prove the income drop is real and ongoing.

Do not stop paying: Even if you believe the formula supports a lower amount, do not reduce payments unilaterally. Pay what the court ordered until a new order is in place.

EMERGENCY PROTOCOL 3: LICENSE SUSPENSION NOTICE

Delaware can administratively suspend licenses in DCSS-enforced cases at $1,000 or more in arrears once you are 30 or more days delinquent (13 Del. C. Section 2216).

Use your 20-day window: The written notice gives you 20 days to request an administrative hearing, pay the arrears in full, or consent to a payment plan. Contact DCSS at 1-800-273-9500 immediately; any of those three steps stops the suspension from taking effect.

Payment plan: A DCSS-approved payment agreement can halt or release the suspension.

Contest it: Request a hearing if the arrears amount is wrong.

Financial institution data match: Separately from license suspension, DCSS matches delinquent obligors against financial institution records and can levy accounts for arrears. If you have accounts that could be levied, act before that step occurs.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

Delaware Family Court contempt for non-payment can result in incarceration. Show up to every hearing.

Right to counsel: If incarceration is possible, assert your right to appointed counsel at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Gather bank statements, termination records, and medical documentation.

Get your DCSS records: Request your official payment history from DCSS at 1-800-273-9500. This is the authoritative record. Dispute errors before the hearing.

File your petition: File your Petition for Modification before the contempt hearing. It demonstrates you are taking constructive action.

EMERGENCY PROTOCOL 5: INTERSTATE: DELAWARE ORDER, YOU MOVED

→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.

If you moved out of Delaware but your child stayed, Delaware retains jurisdiction under UIFSA (13 Del. C. Chapter 6, Section 6-101 et seq.) as long as any party remains in Delaware.

File in Delaware: Your modification petition must be filed in the Delaware Family Court that issued the original order. Contact the clerk about out-of-state filing procedures.

DCSS coordination: For IV-D cases, DCSS can coordinate with the child support agency in your new state. Call 1-800-273-9500.

No SOL reminder: Delaware has no statute of limitations on child support arrears. Old arrears remain fully collectible regardless of where you now live.

EMERGENCY PROTOCOL 6: MELSON FORMULA APPLIED INCORRECTLY

If you believe the court applied the Melson Formula incorrectly at your last order (wrong SSR, wrong income figure, wrong stage calculation), you may have grounds to challenge the current order.

Request the worksheet: Ask DCSS or your prior attorney for the Melson Formula worksheet from the last order. Compare it against the current formula with your current income.

Recalculation rule: Once 2½ years have passed since the last order, a recalculation under the current Melson Formula supports modification by itself, with no need to prove changed circumstances. Inside the 2½-year window you need a qualifying substantial change, and the recalculation generally must move the amount by 10% or more.

Current formula form: Get the current Form 509 through the Family Court forms pages at courts.delaware.gov or via dhss.delaware.gov/dcss. The formula is recalculated from scratch at modification; you are not locked into prior inputs.

File promptly: Even if the formula was misapplied historically, modification is retroactive only to the date the other parent gets notice of the new petition. Act now.

EMERGENCY PROTOCOL 7: CHILD TURNING 18

Delaware support ends at 18 unless the child is still in high school and likely to graduate; then it runs to the diploma or age 19, whichever comes first (13 Del. C. Section 501(d)).

File to terminate: File in Delaware Family Court when the obligation ends, at 18, or at the diploma or age 19 for a child still in high school, if your order does not automatically terminate. Do not assume the IWO stops on its own.

Multiple children: If the order covers multiple children, file for a modified order covering only the remaining children when the oldest turns 18. The amount must be recalculated under the Melson Formula for the remaining number of children.

Notify DCSS: If your case is DCSS-enrolled, notify DCSS in writing of the termination event.

Employer notification: The IWO will not stop automatically. DCSS or the court must issue a notice to the employer. Follow up to confirm withholding has stopped.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

DCSS: 1-800-273-9500 (out-of-state line) or (302) 577-7171 (customer service). dhss.delaware.gov/dcss. Administrative review, payment records, Melson worksheets, enforcement, UIFSA coordination.

Delaware Family Court: New Castle County (Wilmington): 302-255-0300. Kent County (Dover): 302-672-1000. Sussex County (Georgetown): see courts.delaware.gov for current contact information. Forms available at courts.delaware.gov under Family Court child support forms.

Military families: Delaware is home to Dover Air Force Base, and military pay structures (basic pay, BAH, BAS) feed into the Melson calculation like any other income. If either parent serves, see Chapter 51 — Military Service for the rules on military allowances, the Servicemembers Civil Relief Act, and interstate issues that come with PCS moves.

Community Legal Aid Society: 302-575-0660. declasi.org. Free civil legal help for qualifying low-income Delaware residents.

Delaware State Bar Association Lawyer Referral: 302-658-5279. dsba.org. Referral to family law attorneys in your county.

Special consideration — the Melson Formula is rare: Every other state in this book except Hawaii and Montana uses either the Income Shares model or a flat percentage. Delaware's Melson Formula produces different results, particularly for parents with incomes near the self-support reserve. If you are moving to Delaware from another state, do not assume your prior calculation logic applies. Run the Melson calculation before you draw any conclusions about your obligation.

Special consideration — no imputed income without evidence: Delaware courts require documented evidence before imputing income. The standard is what you are capable of earning based on your education, training, and the local market, not a bare assertion by the other side. If imputation is contested, gather documentation of your actual job search efforts and the local market for your skills.

No high-income cap: The Melson Formula has no income ceiling. After each parent's self-support reserve and the child's primary support needs are covered, the standard-of-living adjustment applies a set percentage of the remaining available income, however high it runs. High earners should expect the obligation to keep scaling with income, subject to the court's discretion to address truly extraordinary circumstances.

Special consideration — no statute of limitations: Delaware has no SOL on child support arrears. An order entered 20 years ago is fully enforceable today. If you have old arrears, address them proactively rather than assuming they have expired.

End of Chapter 8 — Delaware | Chapter 9 — Florida follows.

Chapter 9

Chapter 9 — Florida

State	Florida
Calculation Model	Income Shares -- Fla. Stat. Section 61.30
Modification Threshold	15% OR $50/month -- whichever is less -- from current guidelines
Filing Form	Supplemental Petition for Modification (Form 12.905(b))
Filing Fee	Approximately $200-$400 -- fee waiver available
Agency	Department of Revenue (DOR) Child Support Program -- 1-800-622-5437
DOR Website	flcourts.gov | myflorida.com/dor/childsupport
Filing Court	Circuit Court, Family Law Division -- county of original order or child's residence
Income Basis	Net income of both parents (Florida uses net, not gross)
Parenting Credit	Yes -- substantial reduction at 20%+ overnights (73+ nights/year)
Imputed Income	Yes -- earning capacity if voluntarily unemployed or underemployed
3-Year Review	Yes -- for IV-D cases (DOR-enrolled)
Interest on Arrears	12% per annum
License Suspension	3 months arrears OR $2,500 past due (Fla. Stat. Section 61.13015)
Age of Majority	18 -- no high school extension
Statute of Limitations	20 years from child's 18th birthday

Criminal Non-Support	Fla. Stat. Section 827.06 -- 3rd degree felony (6 months past due or $2,500+)
Retroactivity	Filing date only

Section 1 — Overview

Florida uses the Income Shares model under Fla. Stat. Section 61.30. Both parents' net monthly incomes are combined, the guideline schedule converts that combined net income and number of children into a total basic obligation, and that total is split proportionally based on each parent's share of combined net income. Florida is one of the few states that explicitly uses net income (not gross) as the starting point. That distinction has real consequences when you run the numbers.

The modification threshold is set by Fla. Stat. Section 61.30(1)(b): the guideline amount calculated on today's incomes must differ from the existing order by at least 15% or $50 per month, whichever amount is greater, before the difference alone counts as a substantial change in circumstances. On a $500/month order, 15% is $75, so the percentage test sets the bar; only on very small orders does the $50 floor control. Run the numbers before you file.

Your local agency: The Department of Revenue (DOR) Child Support Program is Florida's IV-D agency. Call 1-800-622-5437. DOR operates one of the largest child support programs in the country. For DOR-enrolled cases, a free three-year administrative review is available without showing changed circumstances. Call DOR first. Administrative review is faster and cheaper than court.

Three-year review: DOR IV-D cases qualify for a free review every three years. DOR applies the current guidelines to current incomes and adjusts the order if the result meets the threshold. Request one now if three years have passed since your last order or review.

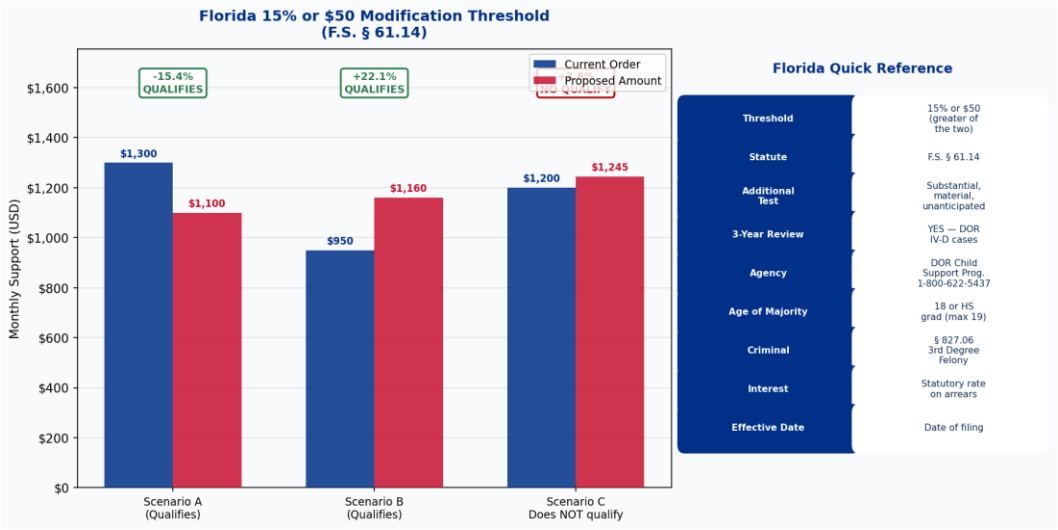


Figure 9-1: Florida 15%/$50 Modification Threshold — Fla. Stat. Section 61.30(1)(b) | Florida Child Support Guidelines

Section 2 — Grounds for Modification

Florida provides two paths to modification under Fla. Stat. Section 61.30(1)(b). The first is the quantitative threshold: if the guidelines today produce an amount that differs from the existing order by at least 15% or $50 per month, whichever amount is greater, that is a substantial change in circumstances. The second is any other substantial, material, and unanticipated change in circumstances, available even when the numbers fall short.

Income dropped: Job loss, disability, a significant permanent pay reduction. Apply the Florida guidelines to your new net income. If the result differs from your current order by at least 15% or $50/month (whichever is greater), file immediately. Modification goes back to the filing date only.

Income increased on the other side: Florida uses both parents' net incomes. A significant income increase by the other parent shifts the proportional calculation. Request their financial documentation through mandatory disclosure.

Timesharing changed: Florida's shared parenting adjustment is substantial. At 20% of annual overnights (73+ nights per year) the formula produces a significant reduction. If your actual timesharing has increased, document every overnight and file to update both the timesharing schedule and the support calculation.

Child's costs changed: Childcare costs, health insurance premiums for the child, and extraordinary medical expenses all enter the Florida calculation. If these costs have decreased, whether daycare ends or insurance costs drop, file to recalculate.

Three-year passage: For DOR IV-D cases, three years alone entitles you to a review.

Child turns 18: Florida support ends at 18, with one common exception: if the child is between 18 and 19, still in high school, and performing in good faith with a reasonable expectation of graduating before 19, support continues until graduation or the 19th birthday, whichever comes first (Fla. Stat. Section 743.07(2)). Check the termination date written into your order, and file to terminate if it does not end automatically.

Below the threshold but real change: Even if the percentage test is not met, you can argue substantial, material, and unanticipated change. The circumstances must be significant, ongoing, and not foreseeable when the last order was entered.

Section 3 — Step-by-Step: How to File

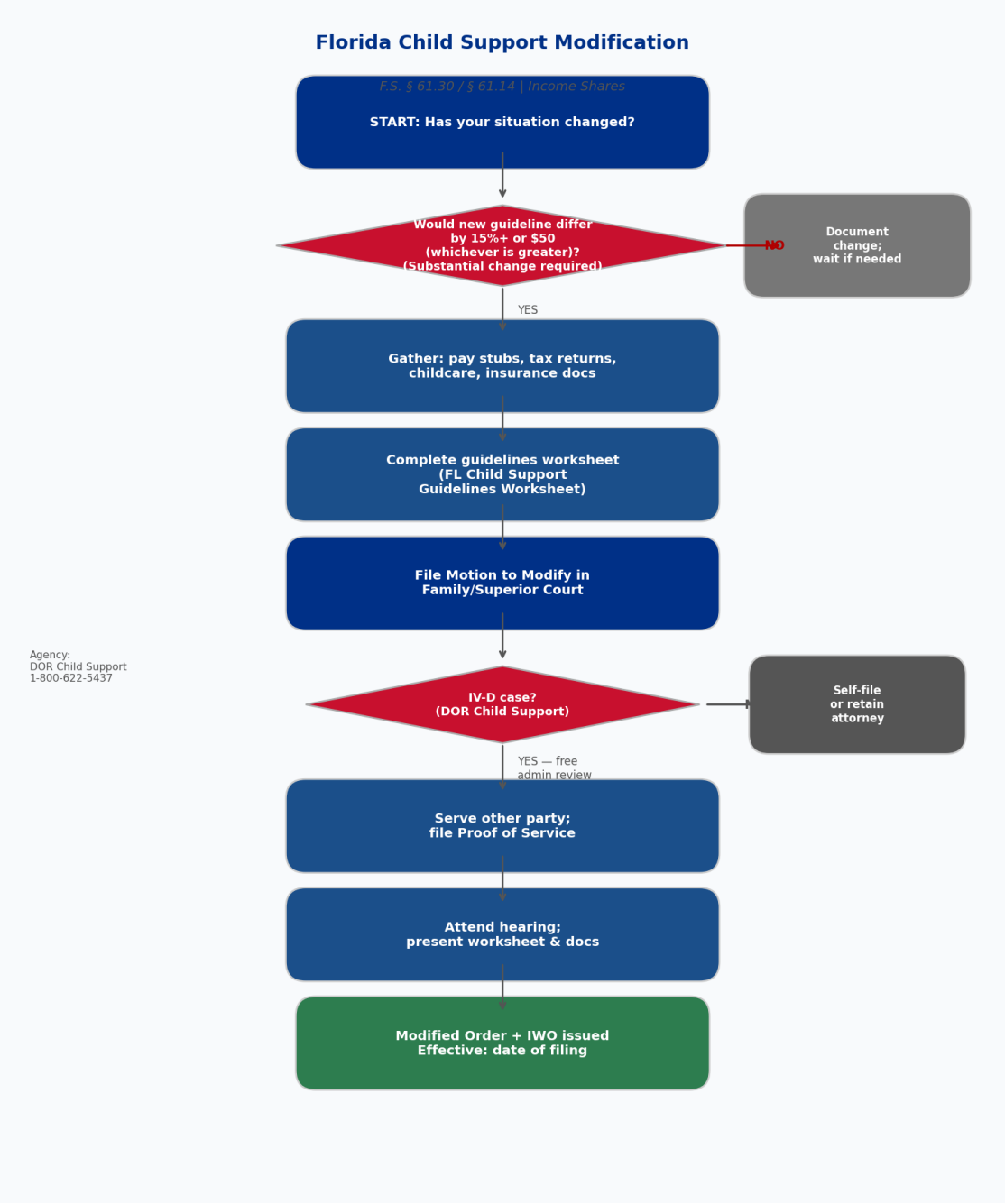


Figure 9-2: Florida Modification Flowchart — DOR Administrative vs. Circuit Court Pathways

Florida modifications go through Circuit Court, Family Law Division, in the county where the original order was entered or where the child now resides. If your case is DOR-enrolled, contact DOR first. The administrative three-year review route is free and avoids court entirely for qualifying cases.

Step 1 — Gather your documents: Last three months' pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, and records of current add-on costs: childcare invoices, health insurance premiums for the child, and any extraordinary medical expenses.

Step 2 — Calculate net income and run the guidelines: Florida uses net income. Net income is gross income minus: federal, state, and local income taxes; FICA; mandatory union dues; mandatory retirement contributions; health insurance for yourself (not the child); and court-ordered support for other children. Download Form 12.902(e) (Child Support Guidelines Worksheet) from flcourts.gov. Enter both parents' net monthly incomes. Apply the threshold test: does the result differ by 15% or $50/month, whichever is less?

Step 3 — Complete the Supplemental Petition: File a Supplemental Petition for Modification of Child Support (Form 12.905(b)), available at flcourts.gov. Attach your completed guidelines worksheet and financial documentation.

Step 4 — File in Circuit Court: File in the Circuit Court, Family Law Division, in the appropriate county. A supplemental petition reopens an existing case, so the cost is modest: a $50 reopen fee plus a small clerk's service charge in most counties. Request a fee waiver if you cannot afford it.

Step 5 — Serve the other parent: Florida requires formal service of process. Hire a process server or request sheriff service. File your Proof of Service with the court after service is completed.

Step 6 — Complete mandatory financial disclosure: Both parties must exchange mandatory financial disclosure within 45 days of service under Fla. Fam. L.R.P. 12.285: Financial Affidavit (long or short form depending on income), last three years' federal tax returns, last three months' pay stubs, proof of current income, and documentation of all add-on costs. Florida's disclosure requirements are among the most detailed in the country. Comply fully and on time.

Step 7 — Attend mediation if required: Many Florida circuits require mediation before a contested hearing. The court may automatically refer your case to mediation. Check with your county's family law division. Many counties offer reduced-fee mediation for cases meeting income guidelines.

Step 8 — Attend the hearing: Bring your Financial Affidavit, completed Guidelines Worksheet, pay stubs, tax returns, childcare receipts, insurance statements, and documentation of any timesharing change. Florida courts take disclosure compliance seriously, so have everything organized before you walk in.

Step 9 — Receive the modified order: The court issues an Amended Final Judgment or Order on Supplemental Petition effective from the date you filed the Supplemental Petition. DOR updates its records for IV-D cases. The employer receives an updated Income Withholding Order (IWO).

Section 4 — Income Calculation

Florida's use of net income makes its calculation different from most Income Shares states. You must correctly calculate net income for both parents before applying the guideline schedule. Errors in net income calculation are the most common reason Florida obligations are set incorrectly.

Net income deductions: Federal, state, and local income taxes withheld; Social Security and Medicare (FICA); mandatory union dues; mandatory retirement contributions required by the employer; health insurance premiums for yourself (not the child); court-ordered support for other children from prior relationships.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income, rental income, interest, dividends, retirement benefits, Social Security, disability payments, unemployment compensation, workers' compensation, and all regular income sources.

Self-employment: Net Schedule C income after legitimate ordinary and necessary business expenses. Bring three years of tax returns. Florida courts examine business expenses carefully. Inflated deductions or undisclosed cash income will be scrutinized.

Timesharing adjustment: At 20% or more of annual overnight time (73+ nights per year), Florida's shared parenting formula substantially reduces the obligation. The more overnights, the larger the reduction. Near 50/50 timesharing can dramatically reduce or effectively eliminate the transfer payment depending on the income difference between parents.

Add-ons: Net childcare costs (after tax credit) and health insurance premiums for the child are added to the basic obligation and split proportionally. Extraordinary medical expenses are also shared. Document all current add-on costs.

Uncovered medical expenses: Medical, dental, and prescription costs that insurance does not cover are addressed under Fla. Stat. Section 61.30(8) and are typically split in proportion to each parent's share of combined net income unless the court orders a different allocation. Keep receipts and follow whatever reimbursement procedure your order spells out; courts enforce these obligations like any other support term.

Imputed income: If you voluntarily left a job or reduced hours without good cause, Florida courts will impute income at your earning capacity. Earning capacity is based on your education, work history, and available jobs in your area.

High combined incomes: The guideline schedule tops out at $10,000 in combined net monthly income. Above that line, Fla. Stat. Section 61.30(6) sets the obligation at the $10,000-level amount plus a percentage of the income over $10,000: 5% for one child, 7.5% for two, 9.5% for three, 11% for four, 12% for five, and 12.5% for six. There is no hard cap, but the marginal percentages flatten considerably at the top.

Section 5 — Shared Parenting

Florida's shared parenting formula is one of the most parent-friendly in the country for fathers with meaningful overnight time. The adjustment kicks in at 20% of annual overnights (73 nights per year) and increases as overnights increase.

Below 73 overnights: Basic Income Shares calculation with no timesharing adjustment.

73+ overnights (20%+): Florida applies a shared parenting formula that significantly reduces the base obligation. The formula accounts for the fact that both parents are directly bearing child-rearing costs during

their respective parenting time. At 50/50 timesharing, the adjustment can nearly eliminate the transfer payment for parents with similar incomes.

Document every overnight: Courts count the nights the child sleeps at your home out of 365. Keep a written calendar. If your actual timesharing is 73+ nights but your court order says less, file to update both the parenting plan and the support order simultaneously.

Parenting plan and support are separate motions: A change to your timesharing requires a modification of the parenting plan (filed with the Supplemental Petition or as a separate motion). Courts do not automatically update support when timesharing changes informally. You must file.

Section 6 — Enforcement

DOR runs one of the largest and most aggressive child support enforcement programs in the country. Interest on arrears accrues at Florida's statutory judgment rate, which the state CFO resets quarterly under Fla. Stat. Section 55.03 (roughly 8% to 9.5% in recent years); each missed payment picks up the rate in effect when it came due. Florida treats every missed payment as a vested judgment, and DOR keeps enforcing arrears long after the ongoing support obligation ends.

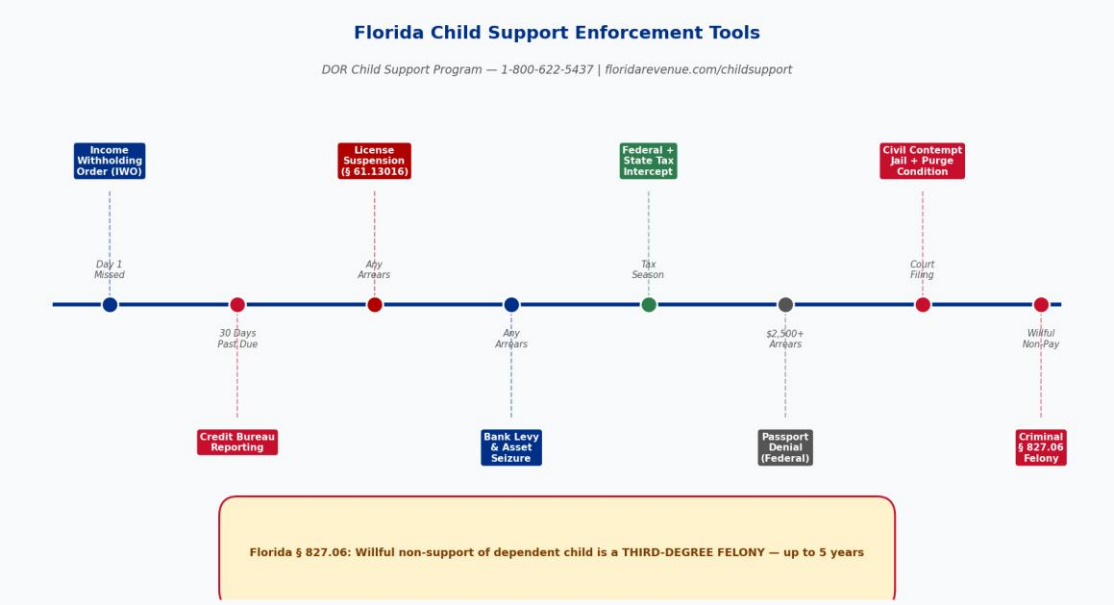


Figure 9-3: Florida Enforcement Escalation Timeline

Income withholding: Mandatory in all orders. Issued to the employer as soon as the order is entered. If you change employers, DOR serves the new employer. Termination for wage withholding is illegal under federal law.

License suspension (Fla. Stat. Sections 61.13016 and 61.13015): Driver's-license suspension can begin once a support payment is just 15 days delinquent. A notice of delinquency and intent to

suspend goes out by mail; unless you pay the delinquency in full, enter a written payment agreement, or petition the circuit court to contest it within 20 days, the Department of Highway Safety and Motor Vehicles suspends your license and vehicle registration. Professional, occupational, and recreational licenses can be suspended through a separate court process under Section 61.13015.

Tax refund intercept: Federal refunds at $500 or more (non-TANF) and Florida state tax refunds intercepted. DOR also intercepts lottery winnings.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: DOR reports delinquent support to the credit bureaus, where it stays until the balance is resolved.

Bank levy and asset seizure: DOR may issue administrative liens on bank accounts, real estate, and personal property without a separate court order.

Civil contempt: Circuit Court contempt for willful non-payment. Incarceration is possible with a purge amount. If incarceration is a possible outcome, you have the right to counsel. Genuine inability to pay is your defense.

Criminal non-support (Fla. Stat. Section 827.06): Willful failure to provide support you have the ability to provide is a first degree misdemeanor. It becomes a third degree felony, punishable by up to 5 years, on a fourth or subsequent violation, or once you have owed $5,000 or more for over a year. The court also orders restitution of the full unpaid balance at sentencing. Florida prosecutes under this statute. Do not ignore accumulating arrears.

Section 7 — Emergency Protocols

Emergency Protocols — Florida

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File your Supplemental Petition for Modification (Form 12.905(b)) in Circuit Court immediately, or contact DOR at 1-800-622-5437 the day of your job loss for IV-D cases. Modification goes back to the filing date only.

Threshold test: Apply the Florida guidelines worksheet to your new net income. A genuine job loss almost always moves the number past the statutory threshold of at least 15% or $50/month, whichever is greater. File now.

DOR route: For IV-D cases, call 1-800-622-5437. DOR can initiate an administrative review. Ask for an emergency review due to income loss.

Net income matters: Calculate your new net income correctly. Unemployment compensation is income. If you are receiving disability, that is also income. Net income is not zero just because you lost your job. Account for all current income sources.

Gather: Termination letter, last three pay stubs, unemployment award letter, medical records if disability-related, and completed Form 12.902(e) at your new income level.

EMERGENCY PROTOCOL 2: TIMESHARING INCREASE

Florida's shared parenting formula is the most powerful lever available to modify your obligation. If your overnight time has increased to 73+ nights per year, file to update both the parenting plan and the support order immediately.

Document every overnight: Keep a calendar of every night the child sleeps at your home. Courts use the actual count. Informal agreements to take more time do not count until the order is updated.

File a two-part motion: File a Supplemental Petition to modify both the parenting plan and the support order at the same time. Updating the plan without updating support leaves the higher obligation in place.

20% threshold: 73 nights per year is 20% of 365. Below that, the shared parenting formula does not apply. At 73+, the reduction can be substantial. At 50/50 (182+ nights), it can nearly eliminate the transfer payment depending on income differences.

Calculate first: Run Form 12.902(e) with your new overnight count before filing to confirm the magnitude of the potential reduction.

EMERGENCY PROTOCOL 3: LICENSE SUSPENSION NOTICE

Florida can start driver's-license suspension once a payment is 15 days delinquent, and the mailed notice gives you only 20 days to respond (Fla. Stat. Section 61.13016). Act immediately.

Use the 20-day window: Pay the delinquency in full, enter a written payment agreement, or file a petition to contest within 20 days of the notice. Contact DOR at 1-800-622-5437; once you comply, DOR clears the suspension with DHSMV and any licensing boards.

Payment plan: A DOR-approved payment plan can halt the suspension.

Contest it: Request an administrative hearing if the arrears amount or suspension is wrong.

Multiple licenses: Beyond your driver's license, Florida can also reach professional, occupational, and recreational licenses under Fla. Stat. Section 61.13015. If your income depends on a professional license, losing it worsens the arrears problem. Act before the effective date.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

Circuit Court contempt in Florida can result in incarceration. Show up to every hearing and bring documentation.

Right to counsel: If incarceration is a possible outcome, you have the right to appointed counsel. Assert it at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Gather bank statements, termination records, medical documentation, and any evidence of why you could not pay.

Get your DOR records: Request your official payment history from DOR. This is the authoritative payment record. Dispute errors before the hearing.

File your Supplemental Petition: File for modification before the contempt hearing. It shows constructive action and may affect the court's approach.

EMERGENCY PROTOCOL 5: MANDATORY DISCLOSURE DEADLINE MISSED

Florida's mandatory disclosure rules (Fla. Fam. L.R.P. 12.285) require exchange of financial documents within 45 days of service. Missing this deadline can result in sanctions, default, or other penalties.

File promptly: If you missed the deadline, file your disclosure package as soon as possible. File a motion to extend if necessary. The longer you wait, the worse the sanction exposure.

What is required: Financial Affidavit (Form 12.902(b) for income under $50,000/year or Form 12.902(c) for income $50,000+), last 3 years' federal tax returns, last 3 months' pay stubs, proof of current income, documentation of all add-on costs.

Do not skip mediation: Many Florida courts require mediation before contested hearings. Skipping mediation can result in a continuance or sanctions. Confirm whether your circuit requires it.

Organize before filing: Courts strictly enforce disclosure in Florida. Have all documents gathered before you file so you can exchange immediately upon service.

EMERGENCY PROTOCOL 6: INTERSTATE: FLORIDA ORDER, YOU MOVED

If you moved out of Florida but your child stayed, Florida retains jurisdiction under UIFSA (Fla. Stat. Section 88.0011 et seq.) as long as either parent or the child remains in Florida.

File in Florida: Your Supplemental Petition must be filed in the Florida Circuit Court that issued the original order. Contact the clerk about procedures for out-of-state filers.

DOR coordination: For IV-D cases, DOR can coordinate with the child support agency in your new state. Call 1-800-622-5437.

Interest keeps running: Florida adds statutory judgment interest to unpaid arrears at the quarterly rate set under Fla. Stat. Section 55.03. Arrears grow steadily in Florida. Address them proactively regardless of where you now live.

EMERGENCY PROTOCOL 7: CHILD APPROACHING 18

Florida support ends at 18, unless the child is still in high school, performing in good faith, and reasonably expected to graduate before 19; then it runs to graduation or the 19th birthday (Fla. Stat. Section 743.07(2)). Plan ahead to terminate or reduce the order at the right date.

File a Supplemental Petition: File to terminate support before the obligation's end date, the 18th birthday or, for a child finishing high school, graduation or age 19. Courts can issue an order effective on the termination date itself.

IWO does not stop automatically: The employer continues withholding until DOR or the court issues a termination notice. Follow up with DOR to confirm withholding has stopped after the order terminates.

Multiple children: If the order covers multiple children, file to recalculate support for the remaining children when the oldest turns 18. The guidelines must be rerun for the remaining number of children.

Arrears survive termination: Any unpaid arrears do not disappear when the child turns 18. DOR continues enforcing arrears even after the ongoing support obligation ends.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

DOR Child Support Program: 1-800-622-5437. floridarevenue.com/childsupport. Administrative review, payment records, IV-D enforcement, license suspension, interstate coordination.

Florida Courts Self-Help: flcourts.gov carries all family law forms, including Form 12.905(b), Form 12.902(e), and the financial affidavits. County-specific resources sit on each circuit court's website.

Florida Legal Aid: Contact your county bar association or floridabar.org for legal aid referrals by circuit. Legal Aid programs exist statewide for qualifying low-income litigants.

Florida Bar Lawyer Referral: 1-800-342-8011. floridabar.org. Statewide lawyer referral service.

Special consideration — net income is not gross income: Florida is one of the few states that uses net income for the guideline calculation. Many parents enter gross income into the guideline worksheet by mistake. The resulting figure is wrong in both directions. Calculate your net income correctly before running the worksheet. The calculation starts with what you actually take home after mandatory deductions.

Special consideration — timesharing is the most powerful lever: Florida's shared parenting formula at 20% of overnights (73 nights/year) produces a substantial reduction in the transfer obligation. At 50/50 timesharing, parents with similar incomes may owe very little to each other. If your actual timesharing has increased to 73+ nights per year and your order has not been updated, you are overpaying. File now.

Special consideration — interest accrues automatically: Florida adds simple judgment interest to each missed payment at the statutory rate the CFO resets quarterly under Fla. Stat. Section 55.03; in recent years that has meant roughly 8% to 9.5% a year, so a $10,000 arrears balance can grow by $850 or more annually. Do not let arrears accumulate. A payment plan filed with DOR stops the enforcement escalation and keeps the balance from running away.

Related chapters: Florida hosts some of the country's largest military communities, including MacDill Air Force Base in Tampa, NAS Jacksonville, and NAS Pensacola. If either parent serves, Chapter 51 — Military Service covers military pay, allowances, and the Servicemembers Civil Relief Act. If the other parent lives outside Florida or you need enforcement across state lines,

Chapter 52 — Interstate & International picks up where Emergency Protocol 6's UIFSA basics leave off.

End of Chapter 9 — Florida | Chapter 10 — Georgia follows.

Chapter 10

Chapter 10 — Georgia

State	Georgia
Calculation Model	Income Shares -- O.C.G.A. Section 19-6-15 (adopted 2007)
Modification Threshold	Substantial change in circumstances -- 2-Year Rule applies
2-Year Rule	Court petition cannot be filed within 2 years of last order -- exceptions listed in Section 2
25% Exception	25%+ income change allows filing before 2 years
Filing Fee	Approximately $60-$80 -- varies by county -- fee waiver available
Agency	Division of Child Support Services (DCSS) -- 1-877-423-4746
DCSS Website	dcss.dhs.georgia.gov
Filing Court	Superior Court -- county of original order or custodial parent and child
Income Basis	Adjusted gross income of both parents
Parenting Credit	Yes -- deviation available at 109+ overnights per year
Imputed Income	Yes -- earning capacity if voluntarily unemployed
3-Year Review	Yes -- DCSS-enrolled IV-D cases (bypasses 2-year court restriction)
Interest on Arrears	7% per annum
License Suspension	60 days past due (O.C.G.A. Section 19-6-28.1)
Age of Majority	18
Statute of Limitations	20 years after child reaches majority
Criminal Non-Support	O.C.G.A. Section 19-6-15(f) -- felony at 12+ months or $10,000+
Retroactivity	Date of SERVICE of petition -- not filing date

Section 1 — Overview

Georgia uses the Income Shares model under O.C.G.A. Section 19-6-15, which replaced the prior flat-percentage system when the legislature adopted new guidelines in 2007. Both parents' adjusted gross incomes are combined, the guideline schedule converts that combined income and number of children into a total basic obligation, and that total is split proportionally. Add-on costs (childcare, health insurance premiums, extraordinary medical expenses) are calculated separately and allocated proportionally.

Georgia has two features that distinguish it from almost every other state in this book. The first is the 2-Year Rule: under O.C.G.A. Section 19-6-15(k), you generally cannot file a court petition to modify within 2 years of the last order. The second is the retroactivity rule: modification in

Georgia goes back to the date the other parent was served, not the date you filed. You must file fast and serve fast. Both rules have strategic implications that every father in Georgia needs to understand before acting.

Your local agency: The Division of Child Support Services (DCSS) is Georgia's IV-D agency, under the Georgia Department of Human Services (DHS). Call 1-877-423-4746 or visit dcss.dhs.georgia.gov. DCSS can conduct administrative reviews for IV-D-enrolled cases every three years regardless of the 2-year court restriction. If your case is DCSS-enrolled and three years have passed, call DCSS before going to court.

Three-year DCSS review: The DCSS administrative review bypasses the 2-year court filing restriction entirely. For IV-D cases, DCSS may conduct a review every three years and adjust the order without either party filing in Superior Court. This is your fastest and cheapest route when three years have passed.

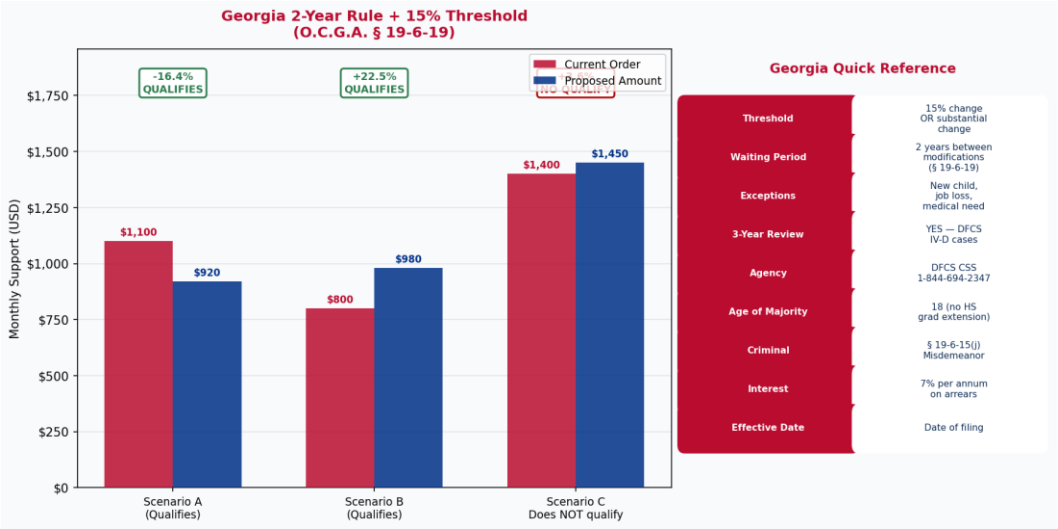


Figure 10-1: Georgia 2-Year Rule and Modification — O.C.G.A. Section 19-6-15(k) | Georgia Child Support Guidelines

Section 2 — Grounds for Modification

Under O.C.G.A. Section 19-6-15(k), modification requires two things: a substantial change in the income and financial status of either parent, or in the needs of the child; AND at least 2 years since the last support order, unless an exception applies. Read both requirements carefully before you file.

The 2-Year Rule exceptions that allow earlier filing are: (1) the child's physical custody changed to a different nonparent; (2) the child's health insurance coverage changed significantly; (3) either parent's income changed by 25% or more since the last order was set; (4) a parent is ordered to pay or becomes eligible to receive Social Security disability benefits. The 25% income change exception is the most frequently used.

Income dropped 25% or more: If your income has dropped by 25% or more since the last order was set, you can file in court even if 2 years have not passed. This exception exists specifically for major income disruptions. Calculate the percentage change precisely and document it before filing.

Income dropped less than 25%: If your income dropped but the percentage is below 25%, you must either wait until 2 years have passed from the last order, request a DCSS administrative review if your case is IV-D-enrolled, or identify another exception.

Income increased on the other side: Georgia uses both parents' adjusted gross incomes. A 25%+ income increase by the other parent opens the filing window and changes the proportional split.

Parenting time changed: As of January 1, 2026, Georgia's guidelines require a parenting time adjustment based on the number of court-ordered parenting-time days, calculated on Child Support Schedule C under O.C.G.A. Section 19-6-15. There is no fixed overnight cutoff; more parenting time generally means a larger adjustment. A meaningful, documented increase in your overnight time supports modification. Keep a record of every overnight.

Child's needs changed: New or significantly changed medical, educational, or therapeutic costs support a modification after the 2-year window opens.

Three-year DCSS review: The DCSS administrative review bypasses the court restriction entirely for IV-D cases. If three years have passed, call DCSS now.

Section 3 — Step-by-Step: How to File

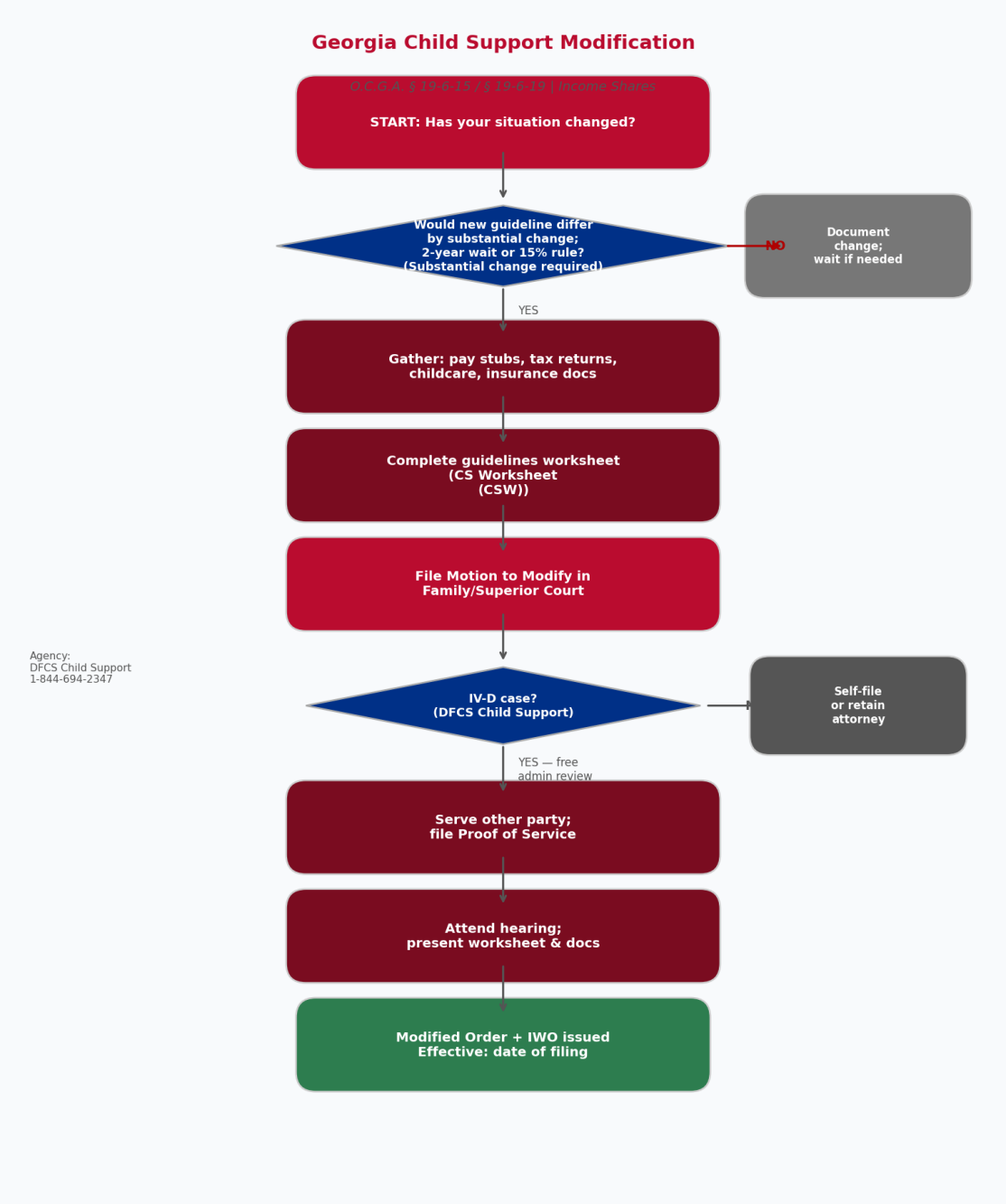


Figure 10-2: Georgia Modification Flowchart — DCSS Administrative vs. Superior Court Pathways

Georgia modifications go through Superior Court in the county where the original order was entered or where the custodial parent and child now reside. Check both options: filing in the county where the child now lives may be available and more convenient. If your case is DCSS-enrolled, call DCSS first.

Step 1 — Verify the 2-year window: Confirm the date of the last support order. If 2 years have not passed, identify which exception applies. The 25% income change exception is the most common. If no exception applies and your case is DCSS-enrolled, call DCSS about a three-year administrative review instead.

Step 2 — Calculate adjusted gross income and run the guidelines: Georgia uses adjusted gross income, meaning gross income reduced by specific deductions including preexisting support obligations for other children and self-employment taxes. Use the Georgia Child Support Calculator at dcss.dhs.georgia.gov or download the Child Support Worksheet. Enter both parents' adjusted gross incomes. Compare the guideline result to your current order.

Step 3 — Draft your petition: Georgia does not have a single statewide standardized petition form. Check with your county Superior Court clerk for local forms and requirements. Your petition must state the grounds for modification and the exception to the 2-year rule if applicable.

Step 4 — File in Superior Court: File in the Superior Court of the county where the original order was entered, or where the custodial parent and child now reside. Filing fees vary by county, running approximately $60 to $80. Request a fee waiver if you qualify.

Step 5 — Serve the petition immediately: Georgia retroactivity runs from the date the other parent is served, not the date you filed. Have the other parent served by a sheriff or process server as fast as possible after filing. Do not allow days or weeks to pass between filing and service. File your Proof of Service with the court.

Step 6 — Exchange financial affidavits: Both parties must exchange financial affidavits, last two years' tax returns, and last three months' pay stubs. Use the Georgia Domestic Relations Financial Affidavit. Comply fully and on time.

Step 7 — Attend mediation if required: Many Georgia counties require mediation before a contested modification hearing. Check with your county court. The court may automatically refer the case.

Step 8 — Attend the hearing: Bring your Georgia Child Support Worksheet, financial affidavit, pay stubs, tax returns, and documentation of the changed circumstances. Be specific about the date and amount of the income change.

Step 9 — Receive the modified order: The court enters a new order effective the date the other parent was served (not the filing date). DCSS updates its records for IV-D cases. The employer receives an updated Income Withholding Order (IWO).

Section 4 — Income Calculation

Georgia uses adjusted gross income, which starts with gross income and applies specific pre-calculation deductions before the guideline schedule is applied.

High combined income: Effective January 1, 2026, Georgia's Basic Child Support Obligation table extends to a combined adjusted income of $40,000 per month, raised from the prior $30,000 cap. For combined income above the top of the table, the court sets the basic obligation at no less than the highest amount on the schedule and may order more in its discretion.

Adjusted gross income deductions: From gross income, deduct: court-ordered support for other children currently being paid; self-employment taxes actually paid; current year federal tax liability; preexisting support obligations actually paid for children in other households. The result is adjusted gross income for guideline purposes.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment gross income, rental income, investment income, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular income sources.

Self-employment: Gross self-employment income less ordinary and necessary business expenses, then less self-employment taxes. Bring three years of returns. Georgia courts scrutinize business expense deductions.

Parenting time adjustment: Effective January 1, 2026, Georgia replaced the old discretionary parenting time deviation with a mandatory parenting time adjustment, calculated on Child Support Schedule C under O.C.G.A. Section 19-6-15. The adjustment is driven by the number of parenting-time days the noncustodial parent has in an annual average (overnights, or daytime hours divided by 24). The more parenting time, the larger the reduction. Document every overnight and run the Schedule C calculation.

Add-ons: Work-related childcare costs and health insurance premiums for the child are added to the basic obligation and split proportionally based on each parent's share of combined adjusted gross income.

Uninsured medical costs: Beyond health insurance premiums, each parent's share of the child's uninsured and unreimbursed medical, dental, and vision expenses is allocated in proportion to that parent's percentage of combined adjusted gross income under O.C.G.A. Section 19-6-15. Keep receipts and request reimbursement promptly.

Imputed income: Georgia courts impute income at earning capacity for parents who are voluntarily unemployed or underemployed without good cause. The standard is what you are capable of earning based on education, training, and available work.

Low-income adjustment: Effective January 1, 2026, Georgia replaced the old low-income deviation with an automatic Low-Income Adjustment built into the guideline calculator. It acts as a failsafe so that a parent's child support obligation does not exceed 19%, 24%, 25%, 26%, 27%, or 28% of that parent's adjusted gross income for 1, 2, 3, 4, 5, or 6 children, respectively. The adjustment is applied automatically from the income comparison; you do not have to request it.

Section 5 — Shared Parenting

As of January 1, 2026, Georgia's parenting time adjustment is mandatory rather than a discretionary deviation. Under O.C.G.A. Section 19-6-15, the court must adjust the noncustodial parent's share of the basic obligation to reflect court-ordered parenting time, using Child Support Schedule C. The size of the adjustment scales with the number of parenting-time days. Document your overnights and make sure Schedule C is completed in your worksheet.

Lower parenting time: With limited court-ordered parenting time the Schedule C adjustment is smaller, but under the 2026 guidelines it still applies whenever a parenting-time order exists.

Substantial parenting time: The more parenting-time days you have, the larger your Schedule C adjustment. Present your annual parenting-time count and the completed Schedule C calculation. Under the 2026 guidelines the adjustment is required, not left to the court's discretion.

Document every overnight: Keep a written calendar of every night the child sleeps at your home. If your actual overnights exceed what your order reflects, file to update both the parenting plan and the support order in the same proceeding so Schedule C matches reality.

Retroactivity from service: Remember that in Georgia, modification goes back to the service date. File and serve quickly if your parenting time has significantly increased. Every week of delay is a week of retroactivity lost.

Section 6 — Enforcement

DCSS enforces with the full range of federal and state tools. Interest on past-due support accrues at 7% per annum under O.C.G.A. Section 7-4-12.1, beginning 30 days after each installment is due, although the court has discretion to apply, reduce, or waive it. Georgia allows enforcement for 20 years after the child reaches majority.

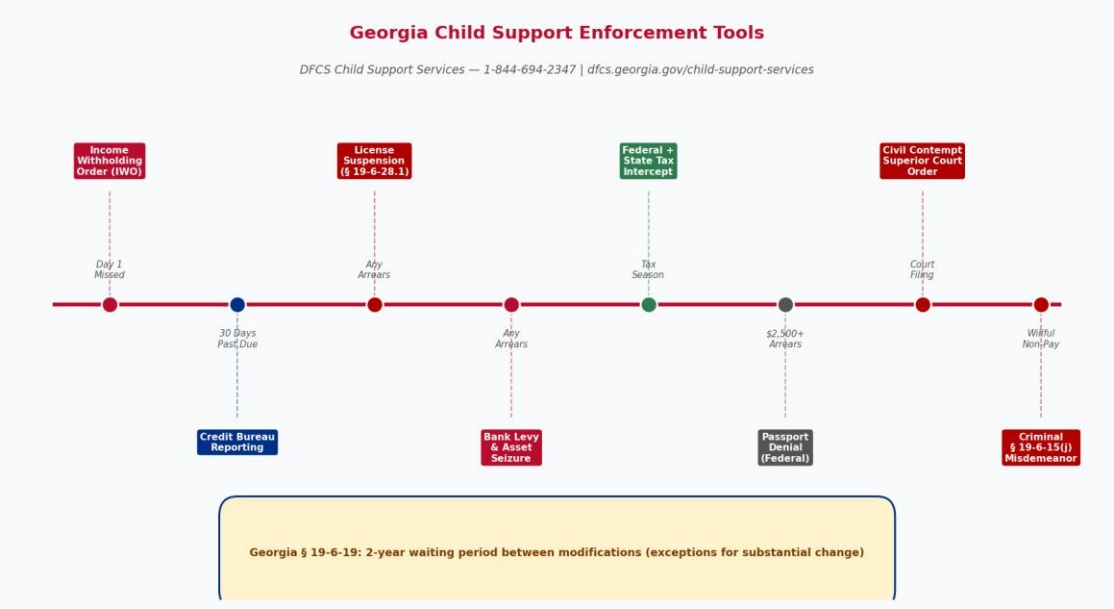


Figure 10-3: Georgia Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. The IWO follows the paying parent to each new employer, so changing jobs does not stop withholding. A new IWO is served on the new employer automatically by DCSS.

License suspension (O.C.G.A. Section 19-6-28.1): Support more than 60 days past due triggers notification to the Department of Driver Services (DDS) and applicable professional licensing boards. Driver's license and professional licenses are suspended. A payment arrangement with DCSS can release the suspension.

Tax refund intercept: Federal refunds at $500 or more (non-TANF) intercepted. Georgia state tax refund also intercepted. DCSS notifies after intercept.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: DCSS reports delinquencies to all three credit bureaus. Reporting begins at 30+ days past due.

Bank levy and asset seizure: DCSS may levy bank accounts and financial assets. Court-ordered asset seizure also available for significant arrears.

Civil contempt: Superior Court contempt for willful non-payment. Incarceration possible with a purge amount. Genuine inability to pay is your defense.

Criminal abandonment (O.C.G.A. Section 19-10-1): Willfully and voluntarily abandoning your child and leaving the child in a dependent condition is a misdemeanor, punishable by up to 12 months in jail, a fine of up to $1,000, or both. If you abandon the child and leave the state, it becomes a felony punishable by one to three years in prison. The District Attorney's office prosecutes, and DCSS refers cases. Do not let your situation reach this point.

Section 7 — Emergency Protocols

Emergency Protocols — Georgia

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP — CHECK THE 2-YEAR RULE FIRST

Georgia has the 2-Year Rule. Before filing in Superior Court, check when the last order was entered. If 2 years have not passed, you need an exception.

25% drop exception: If your income dropped 25% or more from what it was when the last order was set, you can file immediately regardless of the 2-year rule. Calculate the percentage drop precisely. If you are at or above 25%, file that day.

Below 25% drop: Call DCSS at 1-877-423-4746. For IV-D cases, DCSS can conduct a three-year administrative review regardless of the court restriction. If your three-year review window is open, this is your fastest route.

File and serve fast: In Georgia, retroactivity runs from the service date, not the filing date. After you file, serve the other parent by sheriff or process server immediately. Do not wait.

Gather: Documentation of the exact date and amount of the income change, termination letter, last three pay stubs, updated Georgia Child Support Worksheet.

EMERGENCY PROTOCOL 2: INCOME DROPPED BUT BELOW 25% AND INSIDE 2 YEARS

This is the hardest situation in Georgia. Your income has genuinely dropped, but you cannot file in court because 2 years have not passed and the drop is under 25%.

DCSS administrative review: If your case is IV-D-enrolled, DCSS may conduct an administrative review if a substantial change exists. Call 1-877-423-4746 immediately. Explain the income drop and ask whether DCSS can initiate a review outside the standard cycle.

Other exceptions: Review the full list of 2-year exceptions. Has the child's custody situation changed? Has the other parent's income changed by 25% or more? Has the child's health insurance coverage changed significantly? Any of these opens the filing window.

Do not stop paying: Even if you cannot modify right now, do not stop paying. Past-due support accrues 7% interest under O.C.G.A. Section 7-4-12.1 and DCSS will enforce. Keep paying what you can and document every hardship.

Plan for the 2-year mark: Track exactly when 2 years will pass from the last order. If the drop is real and ongoing, file the day the window opens.

EMERGENCY PROTOCOL 3: LICENSE SUSPENSION NOTICE

Georgia suspends at 60 days past due. Act before the effective date.

Pay or make a plan: Contact DCSS at 1-877-423-4746 immediately. A DCSS payment agreement can halt the suspension.

Pay to bring current: Bringing arrears current by paying the past-due amount also releases or prevents the suspension.

Contest it: Request a hearing if the past-due amount is incorrect.

Professional license: DCSS notifies professional licensing boards as well as DDS. If your income depends on a professional license, act the day you receive the notice. Do not wait until after the suspension takes effect.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

Superior Court contempt for non-payment in Georgia can result in incarceration. Appear at every hearing.

Right to counsel: If incarceration is possible, assert your right to appointed counsel at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Bring bank statements, termination records, medical documentation.

Get your DCSS records: Request your official payment history from DCSS at 1-877-423-4746. Dispute any errors before the hearing.

File your petition: Even if you are still within the 2-year window, if a 2-year exception applies (25%+ income drop), file your modification petition before the contempt hearing. It shows constructive action.

EMERGENCY PROTOCOL 5: RETROACTIVITY — SERVE FAST

Georgia's retroactivity rule is unusual in this book: modification goes back to the date the other parent was SERVED, not the date you filed. This has a direct financial impact.

File and serve same day if possible: After filing your petition, arrange for sheriff or process server service immediately. Every day between filing and service is a day of retroactivity lost.

Sheriff service: Arrange service through the county sheriff before you leave the courthouse. Many counties offer same-day or next-day service if you pay the fee and supply the other parent's address.

Proof of Service: File your Proof of Service immediately after the server returns it. The clock for retroactivity runs from the date on the Proof of Service.

Document the service date: Keep a copy of the Proof of Service for your records. This date may become critical if there is a dispute about when retroactivity begins.

EMERGENCY PROTOCOL 6: INTERSTATE: GEORGIA ORDER, YOU MOVED

If you moved out of Georgia but your child stayed, Georgia retains jurisdiction under UIFSA (O.C.G.A. Section 19-11-100 et seq.) as long as either parent or the child remains in Georgia.

File in Georgia: Your petition must be filed in the Georgia Superior Court that issued the original order. Contact the clerk about out-of-state filing procedures.

DCSS coordination: For IV-D cases, DCSS can coordinate with the child support agency in your new state. Call 1-877-423-4746.

2-Year Rule still applies: The 2-year rule applies regardless of where you live. Check the exception list before filing.

EMERGENCY PROTOCOL 7: PARENTING TIME INCREASED SUBSTANTIALLY

If your overnight parenting time has increased substantially, you may be entitled to a larger parenting time adjustment that reduces your obligation under the 2026 guidelines.

Document the overnights: Keep a written calendar of every night the child sleeps at your home. Count the total for the past year; this figure drives the Schedule C parenting time adjustment.

File and serve immediately: Retroactivity in Georgia runs from the service date. Once your parenting time has clearly increased, file and serve without delay.

Run Schedule C: As of January 1, 2026 the parenting time adjustment is mandatory and must be calculated on Child Support Schedule C. Provide your documented parenting-time count and make sure Schedule C is completed and included in your Child Support Worksheet.

Update the parenting plan at the same time: If your parenting plan does not reflect your actual overnight schedule, file to update the parenting plan and the support order in the same proceeding.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

When support ends: In Georgia the duty of support generally continues until the child turns 18. Under O.C.G.A. Section 19-6-15(e), if the child has reached 18 but is still enrolled in and attending secondary school, the court may order support to continue until the child graduates

from high school or turns 20, whichever occurs first, provided the child has not married or otherwise become emancipated.

Section 9 — Resources and Special Considerations

DCSS: 1-877-423-4746. dcss.dhs.georgia.gov. Administrative review, payment records, IV-D enforcement, license suspension, interstate coordination. Offices across the state.

Georgia Child Support Calculator: dcss.dhs.georgia.gov. The official online calculator applies the current guidelines. Use it to verify your calculation before filing.

Georgia Legal Aid: georgialegalaid.org. Statewide free civil legal services for qualifying low-income residents.

State Bar of Georgia Lawyer Referral: 1-800-334-6865. gabar.org. Referral to family law attorneys in your area.

Interstate and military cases: If a parent or the child lives in another state, or a parent is on active military duty, jurisdiction and enforcement are governed by the Uniform Interstate Family Support Act (UIFSA), O.C.G.A. Section 19-11-100 et seq. See Chapter 52 (Interstate and International / UIFSA) and Chapter 51 (Military Service) for how Georgia coordinates orders across state lines and handles servicemembers' pay and protections.

Special consideration — the 2-Year Rule is the most important rule in Georgia: More fathers in Georgia are blindsided by this restriction than any other provision in this chapter. If your income dropped and you want to modify, the first question is always: when was the last order entered? If the answer is less than 2 years ago, identify your exception before filing. Filing without an applicable exception wastes time and filing fees.

Special consideration — retroactivity from service, not filing: Georgia is one of very few states where modification is retroactive to the service date rather than the filing date. The financial impact can be significant: a 30-day delay between filing and service is 30 days of the old, higher obligation that you cannot recover. File and arrange service simultaneously.

Special consideration — DCSS three-year review bypasses the court: The DCSS administrative review process is not subject to the 2-year court restriction. For IV-D cases, three years of passage alone entitles you to a DCSS review that may result in a modified order without any court filing. If you are inside the 2-year window and a three-year review is available, call DCSS first.

End of Chapter 10 — Georgia | Chapter 11 — Hawaii follows.

Chapter 11

Chapter 11 — Hawaii

State	Hawaii
Calculation Model	Income Shares -- HRS Chapter 576D and Chapter 576E
Modification Threshold	10% change in guideline obligation -- among the lowest in the country
Filing Form	Motion and Declaration for Post-Decree Relief

Filing Fee	Per circuit -- fee waiver available
Agency	Child Support Enforcement Agency (CSEA) -- 808-692-7000
CSEA Website	csea.ehawaii.gov
Filing Court	Family Court -- 1st Circuit (Oahu), 2nd (Maui/Molokai/Lanai), 3rd (Hawaii Island), 5th (Kauai)
Income Basis	Gross income of both parents
Parenting Credit	Yes -- shared custody adjustment available
Imputed Income	Yes -- earning capacity if voluntarily unemployed
3-Year Review	Yes -- mandatory review cycle for all cases
Interest on Arrears	10% per annum -- highest financial cost in this book
License Suspension	3 months past due OR $2,000 in arrears (HRS Section 576D-13)
Age of Majority	18
Statute of Limitations	10 years after child's 18th birthday (until age 28)
Criminal Non-Support	HRS Section 709-903.5 -- misdemeanor (first offense) or Class C felony
Retroactivity	Date of SERVICE of motion -- not filing date

Section 1 — Overview

Hawaii uses the Modified Melson Formula under HRS Chapter 576D (with the administrative process in Chapter 576E), administered by the Child Support Enforcement Agency (CSEA). Hawaii is one of only three states, with Delaware and Montana, that use this model. The formula works from both parents' net incomes: it first sets aside a self-support reserve so each parent can meet basic needs, then determines each child's primary support need, and finally adds a standard-of-living adjustment so children share in parental income. Hawaii's guidelines account for the state's cost of living, one of the highest in the country, and health insurance costs are built into the calculation in a way that reflects Hawaii's healthcare market.

Hawaii has three features that set it apart. First, the modification threshold is 10%, among the lowest in this book; a relatively modest income change can cross it and give you standing to file. Second, unpaid support that has been reduced to a judgment carries 10% simple interest per year under HRS Section 478-3, one of the highest judgment-interest rates in this book. Third, like Georgia, retroactivity in Hawaii runs from the date the other party was served, not the date you filed. File fast and serve fast.

Your local agency: CSEA is Hawaii's IV-D agency. Call 808-692-7000 or visit csea.ehawaii.gov. CSEA has offices in each circuit. The agency administers a mandatory three-year review cycle for all

cases; it actively reviews orders and adjusts them without either party needing to initiate. Check when your last review was and whether one is due.

Three-year mandatory review: Hawaii mandates a review every three years for all cases enrolled with CSEA. Unlike most states where you must request a review, CSEA initiates the review cycle. If your income has dropped, your review is a pathway to modification at no court cost.

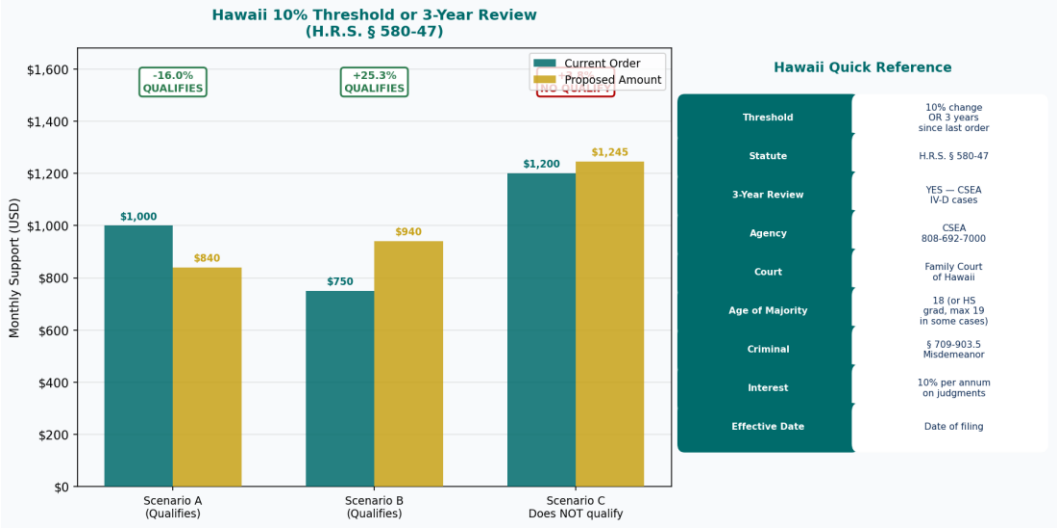


Figure 11-1: Hawaii 10% Modification Threshold — HRS Section 576E-14 | Hawaii Child Support Guidelines

Section 2 — Grounds for Modification

Under HRS Section 576E-14, modification is available through two routes. The first is the 10% deviation: if the guideline support amount today would differ from the existing order by 10% or more, that alone is grounds for modification. The second is any other substantial change in circumstances, available even when the percentage gap is below 10%.

Income dropped: Job loss, a disability, a significant permanent pay reduction. Apply current Hawaii guidelines to your new gross income. If the result differs from the existing order by 10% or more, file immediately. Retroactivity runs from the service date in Hawaii, so file and serve fast.

Income increased on the other side: Hawaii uses both parents' gross incomes. A significant income increase by the other parent shifts the proportional calculation. Request their financial documentation through the court process.

Parenting time changed: A meaningful increase in your overnight parenting time reduces your obligation under the shared custody adjustment. Document every overnight with a written calendar.

Child's costs changed: Hawaii's cost of living means childcare and medical costs can be substantial. Changes in childcare expenses, health insurance premiums, or extraordinary medical costs all support a modification. If these costs have dropped, file to recalculate.

Three-year passage: For CSEA-enrolled cases, three years alone triggers the mandatory review cycle. CSEA will contact you, but you can also proactively request a review.

Cost of living changes: HRS Section 576D-7 specifically directs courts to consider Hawaii's cost of living. If a significant cost-of-living shift has affected your ability to pay, document it and include it in your petition.

Child turns 18: In Hawaii support generally continues to age 18, extends to 19 if the child is still in high school, and can continue to age 23 if the child is enrolled full-time (12 or more credit hours) at a college, university, or vocational school (HRS Section 576D-7). It does not necessarily end at 18. File to terminate or adjust when the child's eligibility actually ends, and keep CSEA informed of any educational extension.

Section 3 — Step-by-Step: How to File

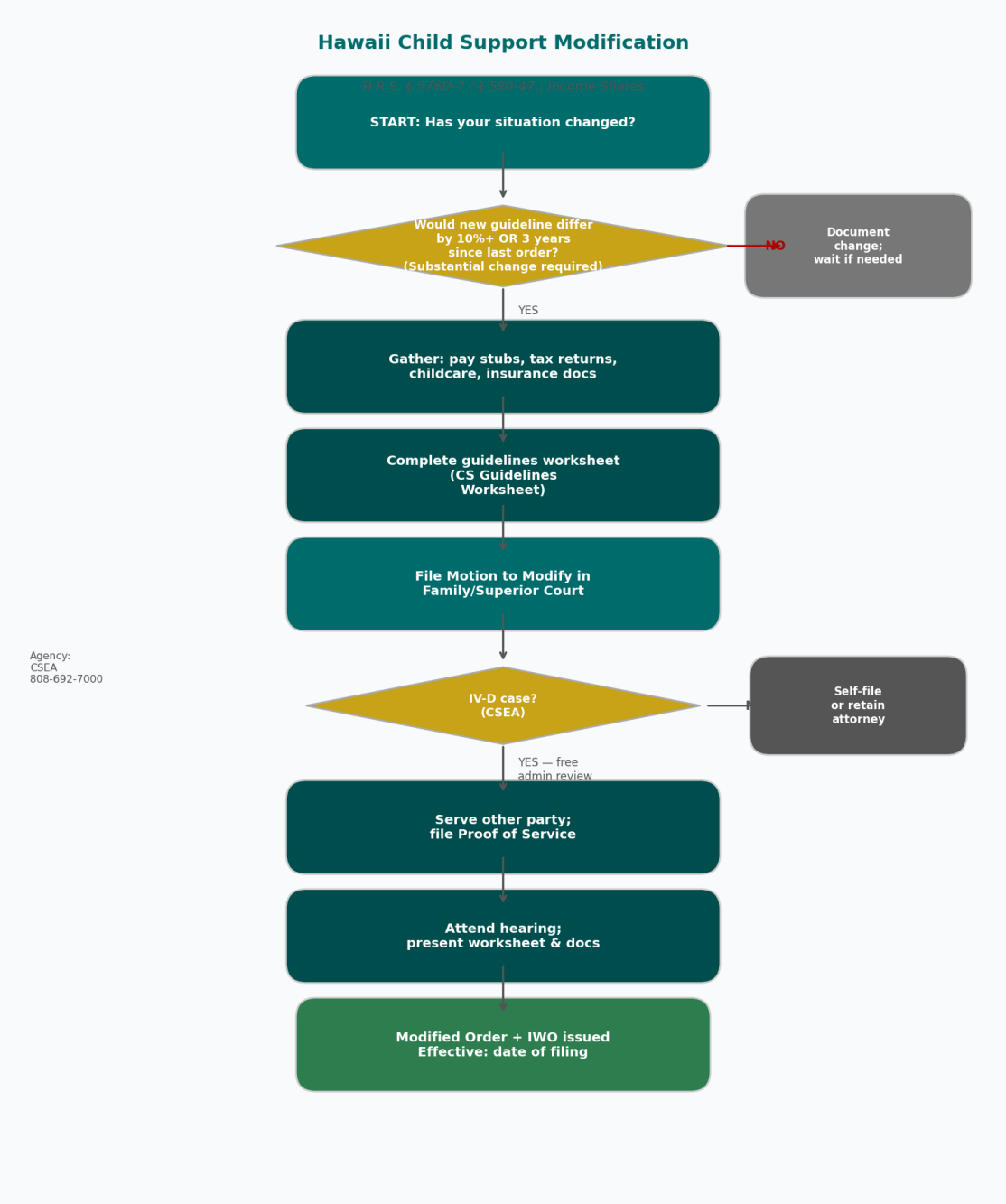


Figure 11-2: Hawaii Modification Flowchart — CSEA Administrative vs. Family Court Pathways

Hawaii modifications go through Hawaii Family Court. Hawaii has four circuit courts corresponding to the main island groups: the First Circuit covers Oahu (Honolulu), the Second Circuit covers Maui, Molokai, and Lanai, the Third Circuit covers the Big Island (Hawaii Island), and the Fifth Circuit covers Kauai. File in the circuit where the original order was entered or where the child now resides. If your case is CSEA-enrolled, contact CSEA first.

Step 1 — Gather your documents: Last three months' pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, and records of all add-on costs: childcare invoices, health insurance premiums for the child, extraordinary medical expenses.

Step 2 — Calculate net income and run the guidelines: Hawaii starts from each parent's gross income and converts it to net income, after taxes, Social Security, and Medicare, under the Modified Melson Formula. Download the CSEA Child Support Guidelines Worksheet from csea.ehawaii.gov. Enter both parents' incomes and the number of children. If the result differs from your existing order by 10% or more, you have a presumptive modification case.

Step 3 — Complete your motion: File a Motion and Declaration for Post-Decree Relief, available from Hawaii Family Court at courts.hawaii.gov. Attach your completed guidelines worksheet, financial documentation, and a declaration explaining the changed circumstances.

Step 4 — File in Family Court: File in the Family Court in the circuit where the original order was entered or where the child now resides. Pay the applicable filing fee. Request a fee waiver if you qualify.

Step 5 — Serve the other parent immediately: Hawaii retroactivity runs from the service date, not the filing date. Have the other parent served by a process server or sheriff immediately after filing. File the Return of Service with the court as soon as service is completed.

Step 6 — Exchange income and expense declarations: Both parties must exchange Declarations of Income and Expenses within the court-specified timeframe (typically 20 to 30 days after service). Comply fully and on time.

Step 7 — Attend the Family Court Conference or hearing: Hawaii Family Courts commonly hold a Family Court Conference before a contested hearing. Many cases resolve at the conference level without a full trial. Bring all financial documentation and be prepared to discuss the changed circumstances and the guideline calculation.

Step 8 — Receive the modified order: The court issues an Amended Order for Child Support effective from the date the other party was served. CSEA updates its records for enrolled cases. The employer receives an updated Income Withholding Order (IWO).

Section 4 — Income Calculation

Hawaii works from each parent's net income (gross income reduced by taxes, Social Security, and Medicare) under the Modified Melson Formula. The formula sets aside a self-support reserve for each parent, determines each child's primary support need, and adds a standard-of-living adjustment, allocating the result in proportion to the parents' incomes. Health insurance costs are allocated separately.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income, rental income, interest, dividends, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular income sources.

Health insurance: Hawaii's healthcare costs are among the highest in the country. Health insurance premiums for the child are specifically addressed in the guidelines and allocated proportionally between the parents. If

health insurance costs have significantly changed, this is a separate add-on adjustment, not just a background factor.

No income cap; standard-of-living adjustment: Hawaii's Modified Melson Formula has no fixed high-income cutoff. After each child's primary support need is met, the formula adds a Standard of Living Adjustment (SOLA) of 10% of remaining net income for each of the first three children, capped at 30%, so that children share in higher parental income (HRS Section 576D-7).

Childcare: Hawaii's childcare costs are also among the highest in the country. Work-related childcare costs are added to the basic obligation and split proportionally. If childcare costs have increased or decreased significantly, recalculate the add-on at the same time as the base obligation.

Uninsured medical costs: Beyond the health insurance premium built into the calculation, the parents share the child's uninsured and unreimbursed medical, dental, and vision expenses in proportion to their incomes. Keep receipts and request reimbursement promptly.

Self-employment: Net Schedule C income after legitimate ordinary and necessary business expenses. Bring three years of tax returns. Contractors, fishermen, and small business owners are common in Hawaii; courts are experienced with variable and seasonal income patterns.

Tourism and hospitality income: Hawaii's economy is heavily dependent on tourism. Hospitality and service industry workers may have variable seasonal income. Courts average income over the prior year or two for workers with variable earnings. Present multi-year data rather than a single high or low month.

Imputed income: If you voluntarily left a job or reduced hours to lower support, Hawaii courts will impute income at earning capacity. What you can earn determines your obligation.

Self-support reserve (low income): Before calculating support, Hawaii's Modified Melson Formula sets aside a self-support reserve so each parent retains enough net income to meet basic needs. Under the 2024 guidelines that reserve is $1,731 per month. A low-earning parent's obligation is reduced or held to a minimum so the reserve is protected (HRS Section 576D-7).

Section 5 — Shared Parenting

Hawaii's guidelines provide a shared custody adjustment when the non-custodial parent has meaningful overnight parenting time. The adjustment reduces the basic obligation to account for the direct parenting costs the non-custodial parent bears during their time.

Standard custody: The base Modified Melson calculation with no shared-custody parenting time adjustment.

Shared custody adjustment: When you have significant overnight time, the guidelines provide a proportional reduction. The more overnights, the larger the potential adjustment. Document every overnight in a written calendar.

Near-equal parenting time: At or near equal time-sharing, the adjustment can substantially reduce the transfer payment depending on the income difference between the parents.

Informal increases: If your actual parenting time has increased informally but the court order has not been updated, your obligation is calculated based on the old order. File to update both the parenting plan and the support order at the same time.

Inter-island logistics: For parents and children on different islands, parenting schedules often involve travel considerations. Document your actual overnight count regardless of logistical challenges. Courts are familiar with inter-island parenting arrangements.

Section 6 — Enforcement

CSEA enforces with the full range of federal and state tools. When arrears are reduced to a judgment, Hawaii applies 10% simple interest per year under HRS Section 478-3, one of the steepest judgment-interest rates in this book. CSEA does not automatically calculate and collect this interest as arrears accrue; it generally attaches when a party obtains a judgment for the arrearage. There is effectively no deadline to collect: under HRS Section 657-5.5, a child support judgment is enforceable until it is paid in full.

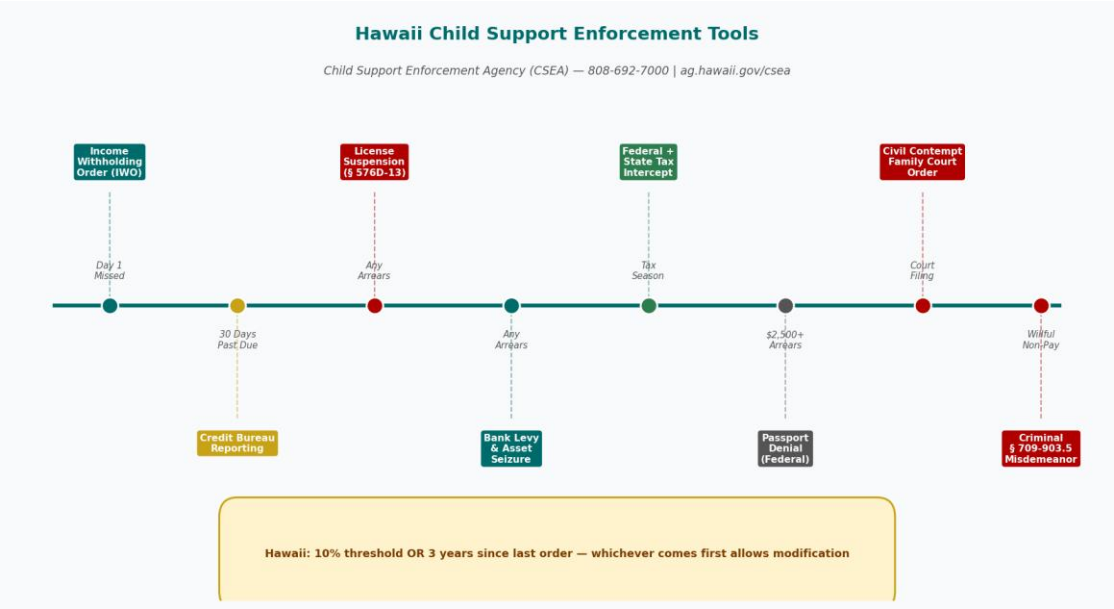


Figure 11-3: Hawaii Enforcement Escalation Timeline

Income withholding: Mandatory in all orders. Employer must comply within 7 days. Changing jobs does not stop withholding: CSEA serves the new employer. Termination for wage withholding is illegal.

License suspension (HRS Section 576D-13): 3 months past due OR $2,000 or more in arrears. CSEA notifies the Department of Transportation (driver's licenses) and applicable professional licensing boards. A CSEA payment plan or payment in full releases the suspension.

Tax refund intercept: Federal refunds at $500 or more (non-TANF) and Hawaii state refunds intercepted. CSEA notifies after intercept.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: CSEA reports certified arrears of $1,000 or more to all three credit bureaus.

Bank levy and asset seizure: CSEA may levy financial accounts and place liens on real and personal property. Hawaii real estate liens are particularly effective given property values, and CSEA uses them.

Civil contempt: Family Court contempt for willful non-payment. Incarceration is possible with a purge amount. Genuine inability to pay is a complete defense.

Criminal non-support (HRS Section 709-903.5): Willful failure to provide support is a misdemeanor on the first offense. Habitual non-payment or large-scale arrears can be charged as a Class C felony. CSEA refers cases to prosecutors.

10% judgment interest: When arrears are reduced to a judgment, they carry 10% simple interest per year under HRS Section 478-3. On a $10,000 arrears judgment, that is $1,000 per year in interest. CSEA does not automatically assess this interest as arrears accrue, but the other parent can obtain a judgment and seek it. Address arrears early so they do not reach that point.

Section 7 — Emergency Protocols

Emergency Protocols — Hawaii

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File your Motion and Declaration for Post-Decree Relief in Hawaii Family Court immediately, or contact CSEA at 808-692-7000 for CSEA-enrolled cases. Retroactivity in Hawaii runs from the service date.

10% test: Apply the current Hawaii guidelines worksheet to your new gross income. At genuine unemployment or a significant pay cut, the result will almost certainly differ from the current order by 10% or more. File and serve immediately.

CSEA route: For CSEA-enrolled cases, call 808-692-7000. CSEA can initiate an administrative review. Explain you have an emergency income change.

Serve immediately after filing: Hawaii retroactivity runs from service, not filing. Arrange process server or sheriff service the same day you file. File the Return of Service promptly.

Gather: Termination letter, last three pay stubs, unemployment award letter, completed Hawaii guidelines worksheet at your new income level, and medical records if disability-related.

EMERGENCY PROTOCOL 2: 10% ANNUAL INTEREST — ARREARS GROWING FAST

Hawaii's 10% per annum judgment interest under HRS Section 478-3 is among the most expensive in this book once arrears are reduced to a judgment. If you are behind on payments, act immediately.

Calculate the impact: If your arrears are reduced to a judgment, multiply the balance by 10% to estimate one year of simple interest under HRS Section 478-3. On a $5,000 judgment that is $500 per year, on top of the ongoing obligation.

CSEA payment plan: Contact CSEA at 808-692-7000 to establish a payment plan that covers both the ongoing obligation and a portion of arrears. An active plan stops the enforcement escalation.

File to modify: If your ongoing obligation is genuinely too high based on your current income, file to modify at the same time you address the arrears. A lower ongoing obligation combined with an arrears payment plan stops the bleeding at both ends.

Do not wait: Every month of inaction at 10% annual interest means more arrears and more financial pressure. Act this week.

EMERGENCY PROTOCOL 3: LICENSE SUSPENSION NOTICE (HRS SECTION 576D-13)

Hawaii suspends at 3 months past due or $2,000 in arrears.

Pay in full or to below $2,000: Contact CSEA at 808-692-7000 with proof of payment.

Payment plan: A CSEA-approved payment plan halts the suspension.

Contest it: Request an administrative hearing if the arrears amount is wrong.

Professional and commercial licenses: Hawaii suspends all state-issued licenses. If your income depends on any state license, act before the suspension takes effect.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

Hawaii Family Court contempt for non-payment can result in incarceration. Appear at every hearing.

Right to counsel: If incarceration is possible, assert your right to appointed counsel at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Gather bank statements, termination records, and medical documentation.

Get your CSEA records: Request your official payment history from CSEA. This is the authoritative payment record. Dispute any errors before the hearing.

File your motion: File your Motion and Declaration for Post-Decree Relief before the contempt hearing if a 10% deviation supports modification. It demonstrates constructive action.

EMERGENCY PROTOCOL 5: INTERSTATE: HAWAII ORDER, YOU MOVED TO THE MAINLAND

→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.

If you moved to the mainland but your child stayed in Hawaii, Hawaii retains jurisdiction under UIFSA (HRS Section 576B-101 et seq.) as long as either parent or the child remains in Hawaii.

File in Hawaii: Your motion must be filed in the Hawaii Family Court circuit that issued the original order. Contact the clerk about procedures for out-of-state filers.

CSEA coordination: For CSEA-enrolled cases, CSEA can coordinate with the child support agency in your new state. Call 808-692-7000.

10% judgment interest still applies: Hawaii's 10% per annum interest under HRS Section 478-3 can attach to an arrears judgment regardless of where you live. Address any arrears proactively from wherever you are.

No collection deadline: Under HRS Section 657-5.5, a Hawaii child support judgment, including arrears, is enforceable until it is paid in full. There is no fixed cutoff, so arrears do not expire with the passage of time.

EMERGENCY PROTOCOL 6: INTER-ISLAND PARENTING COMPLICATIONS

When you and your child are on different Hawaiian islands, parenting logistics create unique complications for documenting overnights and arranging service.

Document every overnight: Keep records of every night the child stays with you, including travel dates. Inter-island travel records (flights, ferry reservations) support your overnight count.

Confirm your circuit: Hawaii's Family Court is divided by island group. The circuit where the original order was entered is typically the correct venue. If the child has moved to a different island group, the new circuit may be available. Call the court clerk to confirm.

CSEA can coordinate inter-island: CSEA handles all islands statewide. Call 808-692-7000 regardless of which island you are on.

Service across islands: Process server service across islands requires advance planning. Budget additional time and cost for inter-island service. Retroactivity still runs from the service date, so do not delay arranging service even when logistics are complicated.

EMERGENCY PROTOCOL 7: MANDATORY 3-YEAR REVIEW — USE IT

Hawaii's mandatory three-year review cycle means CSEA is supposed to review your order every three years automatically. Use this proactively.

Check your review date: Call CSEA at 808-692-7000 and ask when the next scheduled review is for your case. If three years have passed since the last review, request one immediately.

Provide current income documents: When CSEA initiates a review, provide updated income documentation promptly. A review where only the other parent provides documentation will produce a result based on incomplete information.

Income drop + review: If your income has dropped and a three-year review is due, the review may produce a lower order without a court filing. This is the lowest-cost, fastest route for CSEA-enrolled cases.

Review is not automatic for court-only cases: If your case is not CSEA-enrolled (you handle support directly through court), the three-year mandatory review cycle does not apply to you. You must file in Family Court.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

CSEA: 808-692-7000. csea.ehawaii.gov. Administrative review, payment records, IV-D enforcement, license suspension, interstate coordination. Offices on all major islands.

Hawaii Family Court: First Circuit (Oahu): 808-539-4400. Second Circuit (Maui/Molokai/Lanai): 808-244-2800. Third Circuit (Hawaii Island): 808-961-7470. Fifth Circuit (Kauai): 808-482-2300. Forms and self-help resources at courts.hawaii.gov.

Legal Aid Society of Hawaii: 808-536-4302. legalaidhawaii.org. Free civil legal help for qualifying low-income Hawaii residents on all islands.

Hawaii State Bar Lawyer Referral: 808-537-9140. hsba.org. Referral to family law attorneys by island.

Military families: Hawaii has a large active-duty population (Pearl Harbor-Hickam, Schofield Barracks, Marine Corps Base Hawaii, and others). For how military pay, allowances, and the Servicemembers Civil Relief Act affect a Hawaii child support case, and for enforcement when a servicemember is stationed elsewhere, see Chapter 51 (Military Service). For orders that cross state lines, see Chapter 52 (Interstate and International / UIFSA).

Special consideration — 10% judgment interest: Once arrears are reduced to a judgment, Hawaii charges 10% simple interest per year under HRS Section 478-3, among the highest in this book. CSEA does not automatically assess interest as arrears accrue, but the other parent can obtain a judgment and pursue it. If you are behind on payments in Hawaii, act early: establish a payment plan and, if your current income supports it, pursue modification at the same time.

Special consideration — 10% threshold is father-friendly: Hawaii's 10% modification threshold is one of the lowest in this book. A modest income change (far less than what most states require) is enough to bring a modification petition and have standing. If your income has changed meaningfully, check the 10% threshold before assuming you cannot file.

Special consideration — retroactivity from service: Like Georgia, Hawaii makes modification retroactive to the service date rather than the filing date. File and arrange service simultaneously. Inter-island service requires advance planning, so factor in the logistics but do not delay.

Special consideration — cost of living: Hawaii courts are specifically required to consider the state's cost of living under HRS Section 576D-7. If you are arguing that your ability to pay has been affected by Hawaii's extraordinarily high cost of living, document it with specifics: actual housing, food, and healthcare costs for your household.

Chapter 12

Chapter 12 — Idaho

State	Idaho
Calculation Model	Income Shares -- Idaho Child Support Guidelines (ICSG), Idaho Code Section 32-709

Modification Threshold	Substantial change in circumstances -- no fixed percentage (de facto ~15%)
Filing Form	Petition for Modification of Child Support (county-specific)
Filing Fee	Varies by county -- fee waiver available
Agency	DHW Child Support Services (CSS) -- 1-800-356-9868
CSS Website	healthandwelfare.idaho.gov/css
Filing Court	Magistrate Division, District Court -- county of original order or child's residence
Income Basis	Gross income of both parents
Parenting Credit	Yes -- shared parenting adjustment available
Imputed Income	Yes -- earning capacity if voluntarily unemployed
3-Year Review	Yes -- for IV-D cases (CSS-enrolled)
Interest on Arrears	Statutory judgment rate
License Suspension	$500 or 20 days past due -- one of the lowest thresholds in this book (Idaho Code Section 32-1205)
Age of Majority	18
Statute of Limitations	5 years after each child's 18th birthday (until age 23) -- SHORT SOL
Criminal Non-Support	Idaho Code Section 18-401 -- misdemeanor or felony
Retroactivity	Date of SERVICE of petition -- not filing date

Section 1 — Overview

Idaho uses the Income Shares model under the Idaho Child Support Guidelines (ICSG), promulgated by the Idaho Supreme Court. Both parents' gross monthly incomes are combined, the guideline schedule converts that combined income and number of children into a total basic obligation, and that total is split proportionally based on each parent's share of combined income. Idaho's guidelines are updated by Supreme Court order and are available from healthandwelfare.idaho.gov/css.

Idaho's modification standard requires a showing of substantial change in circumstances under Idaho Code Section 32-709. There is no mandatory fixed percentage threshold in the statute; courts apply a practical standard, and experienced practitioners treat a meaningful income change (often cited as roughly 15% or more) as likely to meet the standard. If your income has genuinely dropped, file promptly. The practical threshold exists as a benchmark, but Idaho courts have discretion.

Your local agency: DHW Child Support Services (CSS) is Idaho's IV-D agency, a division of the Department of Health and Welfare. Call 1-800-356-9868 or visit healthandwelfare.idaho.gov/css. CSS administers IV-D cases, conducts three-year administrative reviews at no cost, and enforces orders statewide. Idaho is a large, rural state. CSS offices are located in major population centers but serve all 44 counties.

Three-year review: CSS-enrolled cases qualify for a free three-year administrative review. CSS applies the current ICSG guidelines to both parents' current incomes. If three years have passed since your order was set or last reviewed, request a review before filing in court.

5-year SOL warning: Under Idaho Code Section 5-245, an action to collect child support arrears must be brought within 5 years after the child reaches age 18 (or within 5 years of the child's death if earlier), so the basic collection window for each child runs to about age 23. That is shorter than most states. The limitation runs to bringing an action: once arrears are reduced to a judgment, the judgment can be renewed and collection can continue beyond age 23. If you have accumulated arrears for a child approaching 18, CSS generally moves before the deadline; if you are the paying parent with old arrears, check whether the limitation has run and whether a judgment was entered or renewed.

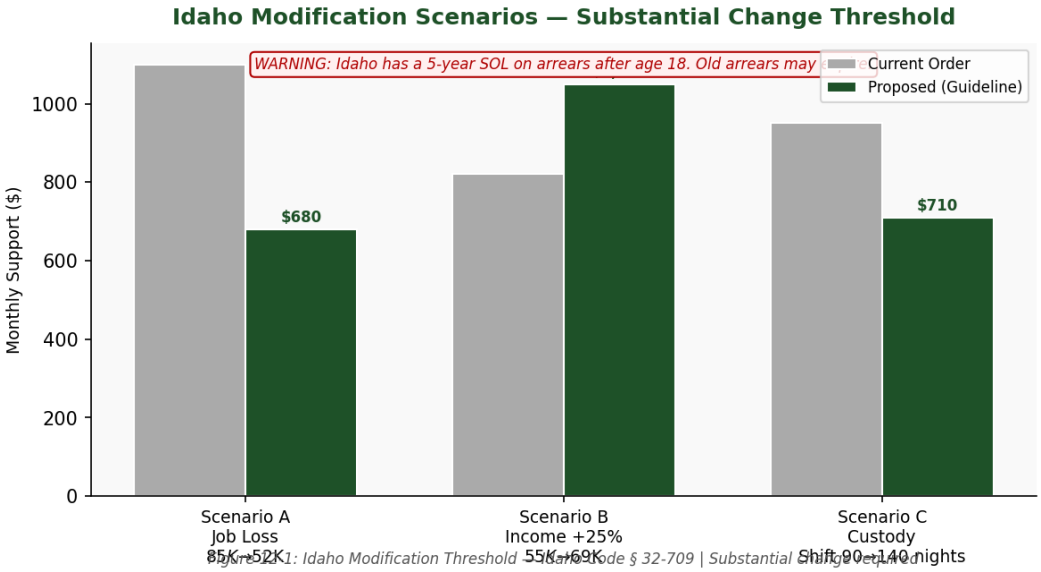


Figure 12-1: Idaho Modification Threshold — Idaho Code § 32-709 | Substantial Change Required

Figure 12-1: Idaho Modification — Substantial Change Standard | Idaho Child Support Guidelines (ICSG)

Section 2 — Grounds for Modification

Under Idaho Code Section 32-709, modification is available whenever the court finds a substantial change in circumstances. There is no mandatory waiting period between modifications; you can file as soon as a genuine change occurs. Idaho courts apply a practical test: the change must be real, significant, and ongoing.

Income dropped: Job loss, a disability, a significant permanent pay reduction. File the moment the change becomes real. Retroactivity in Idaho runs from the service date, not the filing date, so file and serve without delay. A genuine income loss typically produces a guideline difference well above any practical threshold.

Income increased on the other side: Idaho uses both parents' gross incomes. A significant income increase by the other parent shifts the proportional calculation. Request their pay documentation through discovery.

Parenting time changed: A meaningful increase in your overnight parenting time triggers a shared parenting adjustment that reduces your obligation. Document every overnight in a written calendar.

Child's costs changed: Changes in childcare, health insurance premiums for the child, or extraordinary medical costs all affect the ICSG calculation. If add-on costs have dropped, recalculate them alongside the base obligation.

Three-year passage: For CSS-enrolled cases, three years alone qualifies you for a review.

Seasonal employment transition: Idaho's economy includes significant agricultural, forestry, mining, and seasonal work. Courts are experienced with variable income. If your employment has shifted from year-round to seasonal, document the full picture of annual income. Courts average seasonal income rather than judging from a single month.

Child turns 18: Idaho support generally ends at 18, but under Idaho Code Section 32-706(2) the court may, in its discretion, continue support while the child is still in high school, until graduation or age 19, whichever is sooner. Support does not stop automatically; file to terminate when the child's eligibility actually ends if your order does not end on its own.

Section 3 — Step-by-Step: How to File

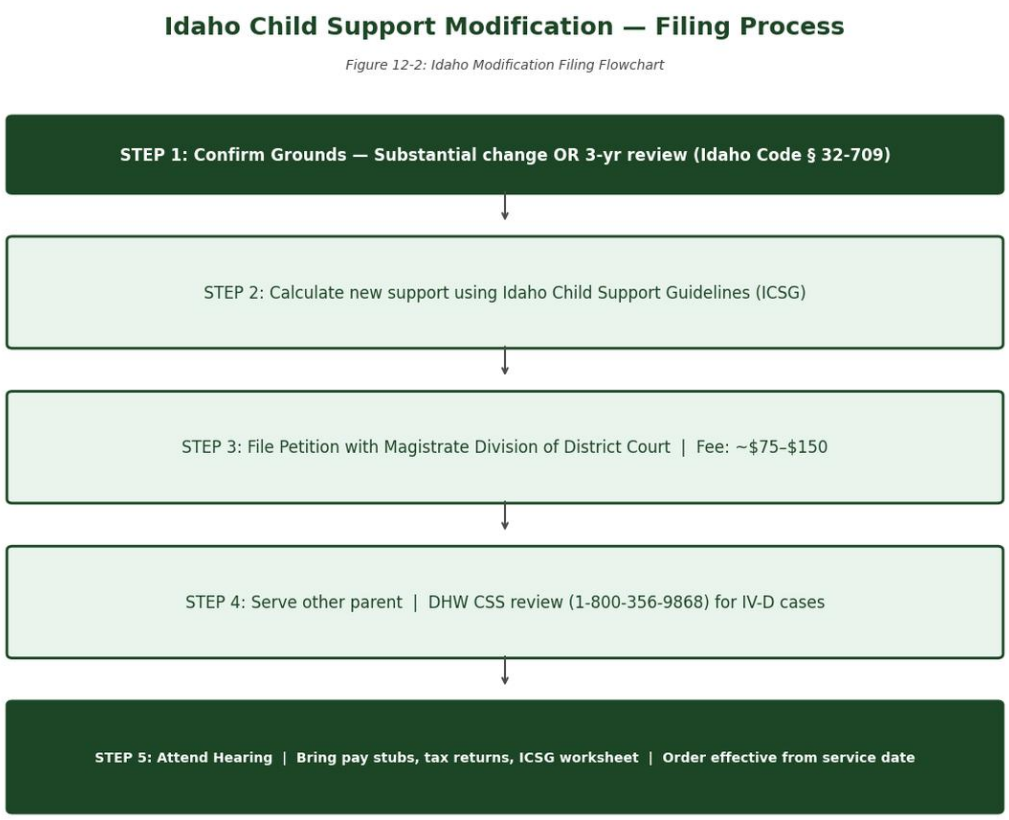


Figure 12-2: Idaho Modification Flowchart — CSS Administrative vs. Magistrate Court Pathways

Idaho modifications go through the Magistrate Division of the District Court in the county where the original order was entered or where the child resides. Each of Idaho's 44 counties has a magistrate court. If your case is CSS-enrolled, contact CSS at 1-800-356-9868 first.

Step 1 — Gather your documents: Last two pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, and records of current add-on costs including health insurance premiums for the child and childcare.

Step 2 — Download the current ICSG worksheet: Get the current Idaho Child Support Guidelines Worksheet from healthandwelfare.idaho.gov/css. Idaho updates its guidelines periodically, so use the current version. Enter both parents' gross monthly incomes and the number of children. Compare the result to your existing order.

Step 3 — Complete your petition: Prepare a Petition for Modification of Child Support. Idaho does not have a single uniform statewide form. Obtain forms from your county magistrate court clerk's office or from the Idaho Legal Aid website. Your petition must state the specific changed circumstances.

Step 4 — File in Magistrate Court: File in the Magistrate Division of the District Court in the appropriate county. Filing fees vary by county. Request a fee waiver if you cannot afford it.

Step 5 — Serve the other parent immediately: Idaho retroactivity runs from the service date, not the filing date. Arrange service by a process server or sheriff immediately after filing. File your Proof of Service with the court as soon as service is completed. Every day between filing and service is lost retroactivity.

Step 6 — Exchange financial information: Both parties must provide: last two years' tax returns, recent pay stubs, verification of health insurance costs, and documentation of childcare expenses. Comply fully and on time.

Step 7 — Attend the hearing: Bring originals and copies of all financial documents, your completed ICSG worksheet, and documentation of the changed circumstances. Your new order is effective from the date of service of your petition.

Step 8 — Receive the modified order: The magistrate issues a modified child support order effective from the service date. CSS updates its records for IV-D cases. The employer receives an updated Income Withholding Order (IWO).

Section 4 — Income Calculation

Idaho's Income Shares model uses gross income from both parents before the guideline schedule is applied. Idaho courts are experienced with the variable income patterns common in the state's rural economy.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income, rental income, investment income, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular income sources.

Self-employment: Net Schedule C income after legitimate ordinary and necessary business expenses. Agricultural, logging, mining, and contracting income is common in Idaho; courts examine multi-year returns to establish a reliable income average. Bring three years of returns.

Seasonal and agricultural income: Idaho's agricultural economy produces genuinely variable income. Courts average earnings over the prior year or two. Present multi-year data rather than a single high or low month. A parent who earns heavily in harvest season cannot argue poverty in January based on a single stub.

Add-ons: Work-related childcare and health insurance premiums for the child are added to the basic obligation and split proportionally. Extraordinary medical expenses are also shared.

High combined income: The Idaho guideline income schedules apply to combined Guideline Income up to $440,000 per year (about $36,667 per month). Above that level the schedule is not a limit on the award; the court determines additional support in its discretion (I.R.F.L.P. 120).

Imputed income: If you deliberately reduced your income to lower support, Idaho courts impute income at earning capacity. What you can earn determines your obligation.

Low-income and minimum order: The Idaho Child Support Guidelines (I.R.F.L.P. 120) set a minimum presumed obligation of $50 per month per child. For a parent with very low income

the guidelines protect a basic subsistence amount, but the order rarely falls below this $50-per-child floor absent specific findings.

Section 5 — Shared Parenting

Idaho's ICSG includes a shared parenting adjustment for non-custodial parents with meaningful overnight parenting time. The adjustment reduces the basic obligation to account for direct parenting costs during your parenting time.

Standard custody: Basic Income Shares calculation with no adjustment.

Shared parenting adjustment: When you have meaningful overnight time, the ICSG provides a reduction. Document every overnight with a written calendar. If your actual parenting time has increased but the order has not been updated, your obligation is still based on the old order. File to update both.

Rural Idaho distances: In rural parts of Idaho, significant distances between communities can affect parenting schedules. Courts are aware of this and may structure schedules differently from urban courts. Document your actual overnights regardless of logistics.

Shared-custody overnight threshold: Idaho's shared-custody adjustment generally applies when each parent has more than 25% of the annual overnights (roughly 91 or more nights). Below that share the standard calculation applies; at or above it, the guidelines reduce the obligation to reflect shared parenting time (I.R.F.L.P. 120).

Section 6 — Enforcement

CSS enforces with the full range of federal and state tools. Idaho can suspend licenses once a parent is delinquent, defined under Idaho Code Section 7-1402 as unpaid support equal to at least 90 days' worth of the obligation or $2,000, whichever is less. Idaho's 5-year limitation period for collection actions, which begins at each child's 18th birthday under Idaho Code Section 5-245, is the state's most distinctive enforcement feature, creating a deadline that both paying parents and CSS must track (subject to judgment renewal).

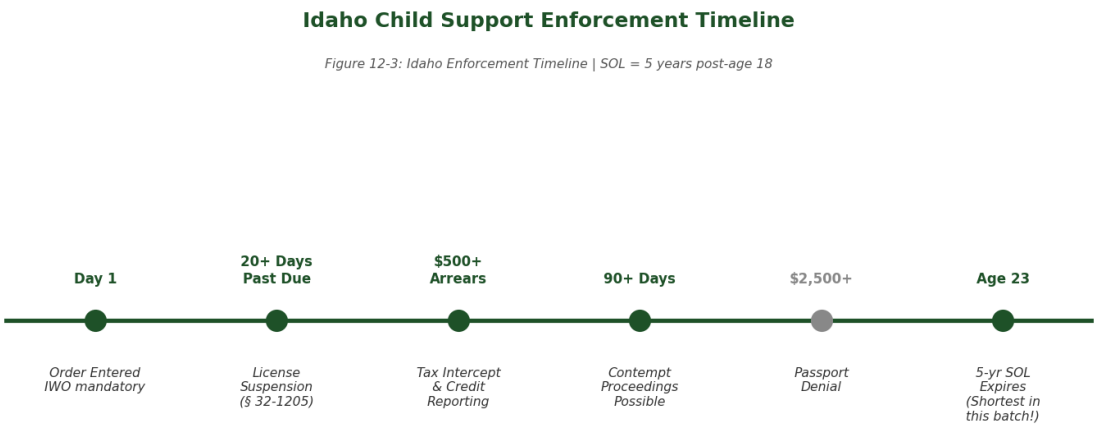


Figure 12-3: Idaho Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Employer must comply. IWO follows the paying parent across employers. Termination for wage withholding is illegal.

License suspension (Idaho Code Sections 7-1402 to 7-1404): Available once the obligor is delinquent, defined as unpaid support of at least 90 days' worth of the obligation or $2,000, whichever is less. Driver's, professional, occupational, and recreational licenses can be suspended. Paying in full vacates the suspension, and entering an approved repayment agreement can stay it for 180 days.

Tax refund intercept: Federal and Idaho state refunds intercepted for IV-D arrears.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: CSS reports certified delinquencies to all three credit bureaus.

Bank levy and property liens: CSS may place liens on real property and levy financial accounts.

Interest on arrears: Idaho does not automatically add interest to child support as it accrues. If arrears are reduced to a court judgment, post-judgment interest may apply at the statutory rate set annually under Idaho Code Section 28-22-104, but only if the court orders it.

Civil contempt: Magistrate Court contempt for willful non-payment. Incarceration is possible with a purge amount. Genuine inability to pay is your defense.

Criminal non-support (Idaho Code Section 18-401): Willful failure to support a child is a misdemeanor on the first offense. Repeated or egregious cases are charged as a felony. CSS refers cases to prosecutors.

5-year SOL (Idaho Code Section 5-245): A collection action on child support arrears must be brought within 5 years after each child's 18th birthday. After that window, unrenewed arrears for that child may be unenforceable, but if the arrears were reduced to a judgment the judgment can be

renewed and collection can continue. If you have accumulated arrears for a child now near 18, this deadline matters to both sides.

Section 7 — Emergency Protocols

Emergency Protocols — Idaho

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File your Petition for Modification in Magistrate Court the day your income drops, or call CSS at 1-800-356-9868 immediately for IV-D cases. Idaho retroactivity runs from the service date, not the filing date.

File and serve same day if possible: After filing, arrange sheriff or process server service immediately. Every day between filing and service is lost retroactivity.

CSS administrative route: For IV-D cases, call CSS the day of job loss. CSS can initiate an administrative review. Explain you have an emergency income change.

Run the ICSG worksheet: Apply the current Idaho guidelines to your new gross income. If the result is materially lower than your current order, you have grounds.

Gather: Termination letter, last three pay stubs, unemployment award letter, medical records if disability-related.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION ON DELINQUENCY (IDAHO CODE SECTION 7-1402)

Idaho's suspension threshold is a delinquency of at least 90 days' worth of support or $2,000, whichever is less (Idaho Code Section 7-1402). Once you cross it you may receive a suspension notice, so address arrears before they reach that level.

Pay in full or get below the delinquency threshold: Contact CSS at 1-800-356-9868 with proof of payment. CSS notifies the relevant licensing authorities.

Payment plan: A CSS-approved payment plan can halt or release the suspension.

Contest it: Request an administrative hearing if the arrears amount is wrong.

Act before it takes effect: Because the delinquency threshold (90 days' worth of support or $2,000, whichever is less) can be reached during a difficult stretch, monitor your payment status closely and act early.

EMERGENCY PROTOCOL 3: 5-YEAR SOL APPROACHING

Idaho's 5-year SOL begins when each child turns 18 and expires at age 23. If you have accumulated arrears for a child now near 18, both you and CSS face a deadline.

If you are the paying parent with arrears: The SOL is a potential defense after age 23. Document carefully whether CSS files suit or takes action before each child's 23rd birthday.

Do not ignore arrears assuming they will expire: CSS actively tracks the SOL. For IV-D cases, CSS will take enforcement action before the deadline. The SOL does not protect you from action taken in time.

Get your CSS account balance: Call 1-800-356-9868 and request your official account balance and the dates of any SOL-relevant enforcement actions.

Legal advice recommended: SOL defenses in child support cases involve procedural complexity. If you believe the SOL has run on specific arrears, consult an Idaho family law attorney before asserting the defense.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

Magistrate Court contempt for non-payment can result in incarceration. Show up to every hearing.

Right to counsel: If incarceration is possible, assert your right to appointed counsel at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Bring bank statements, termination records, and medical documentation.

Get your CSS records: Request your official payment history from CSS at 1-800-356-9868. Dispute errors before the hearing.

File your petition: File your Petition for Modification before the contempt hearing if changed circumstances support a lower order.

EMERGENCY PROTOCOL 5: RETROACTIVITY — SERVE FAST

Like Georgia and Iowa, Idaho makes modification retroactive to the service date, not the filing date. This has a direct financial impact.

Arrange service immediately after filing: Contact the county sheriff or a process server before you leave the courthouse if possible. Idaho is rural, and in some counties you may need to book service in advance.

File Proof of Service promptly: Submit the Proof of Service to the court as soon as the server returns it. The service date on that document is your retroactivity date.

Rural service logistics: In remote Idaho counties, process server availability may be limited. Contact the county sheriff's office when you file; sheriff's service is available in all 44 counties.

EMERGENCY PROTOCOL 6: INTERSTATE: IDAHO ORDER, YOU MOVED

If you moved out of Idaho but your child stayed, Idaho retains jurisdiction under UIFSA (Idaho Code Section 7-1001 et seq.) as long as either parent or the child remains in Idaho.

File in Idaho: Your petition must be filed in the Idaho Magistrate Court that issued the original order. Contact the clerk about out-of-state filing procedures.

CSS coordination: For IV-D cases, CSS can coordinate with the child support agency in your new state. Call 1-800-356-9868.

5-year SOL and relocation: The 5-year SOL applies to arrears under the Idaho order regardless of where you live now. CSS will pursue collection before the deadline.

EMERGENCY PROTOCOL 7: CHILD TURNING 18 — ACT BEFORE SOL CLOCK STARTS

When your child turns 18, two things happen in Idaho: the ongoing support obligation may terminate, AND the 5-year SOL clock starts on any accumulated arrears.

File to terminate: File in Magistrate Court to terminate the support obligation when the child turns 18 if the order does not terminate automatically.

IWO does not stop automatically: The employer will continue withholding until CSS or the court issues a termination notice. Follow up to confirm withholding stops.

Arrears clock: Any unpaid arrears for this child must be collected before the child turns 23. If you have no arrears, the SOL is irrelevant. If you do have arrears, CSS will move to collect them before the deadline.

Multiple children: Each child's SOL clock runs independently. File a modified order for any remaining children so their support is correctly calculated.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

DHW CSS: 1-800-356-9868. healthandwelfare.idaho.gov/css. Administrative review, payment records, enforcement, license suspension, UIFSA coordination.

Idaho Judiciary Self-Help: isc.idaho.gov/self-help — family law forms and resources by county.

Idaho Legal Aid: 1-800-247-0815. idaholegalaid.org. Free civil legal help for qualifying low-income Idaho residents statewide, including rural areas.

Idaho State Bar Lawyer Referral: 208-334-4500. isb.idaho.gov. Referral to family law attorneys in your area.

Military and interstate cases: Idaho hosts Mountain Home Air Force Base and Gowen Field. For how military pay, allowances, and the Servicemembers Civil Relief Act affect an Idaho child support case, and for enforcement when a servicemember is stationed elsewhere, see Chapter 51 (Military Service). For orders that cross state lines, Idaho follows UIFSA (Idaho Code Section 7-1001 et seq.); see Chapter 52 (Interstate and International / UIFSA).

Special consideration — the 5-year collection limitation: Under Idaho Code Section 5-245, an action to collect arrears must be brought within 5 years after the child turns 18, one of the shorter windows in this book. Arrears accumulated before the child's 18th birthday must be pursued within that period or, if not reduced to a judgment, may become unenforceable. Because a judgment for arrears can be renewed, collection can extend beyond age 23 when CSS or the obligee obtains and renews a judgment. This creates urgency for CSS and a possible defense for paying parents. Track this date and check whether a judgment was entered.

Special consideration — license suspension on delinquency: Idaho can suspend a license once the obligor is delinquent, defined under Idaho Code Section 7-1402 as unpaid support of at least 90 days' worth of the obligation or $2,000, whichever is less. Monitor your payment status and address arrears before they reach that threshold; paying in full or entering an approved repayment agreement can vacate or stay the suspension.

Special consideration — service date retroactivity: Idaho retroactivity runs from the service date, not the filing date. File and arrange service simultaneously. In rural Idaho, advance planning for sheriff's service in remote counties may be necessary.

End of Chapter 12 — Idaho | Chapter 13 — Illinois follows.

Chapter 13

Chapter 13 — Illinois

State	Illinois
Calculation Model	Income Shares -- 750 ILCS 5/505 (uses NET income, not gross)
Modification Threshold	20% deviation from current guidelines
Filing Form	Petition to Modify Child Support (circuit-specific)
Filing Fee	Varies by county -- $0 in Cook County for modifications -- fee waiver available
Agency	DCSS under HFS -- 1-800-447-4278
DCSS Website	illinoishfs.illinois.gov
Filing Court	Circuit Court -- county of original order
Income Basis	NET income of both parents (Illinois uses net, not gross)
Parenting Credit	Yes -- shared parenting adjustment for significant overnight time
Imputed Income	Yes -- earning capacity if voluntarily unemployed
3-Year Review	Yes -- for IV-D cases (DCSS-enrolled)
Interest on Arrears	9% per annum
License Suspension	90+ days past due (625 ILCS 5/7-703)
Age of Majority	18 -- or high school graduation, same calendar year as 19th birthday
Statute of Limitations	None -- arrears enforceable indefinitely (750 ILCS 5/516.5)

Criminal Non-Support	720 ILCS 5/16-25 -- Class A misdemeanor or Class 4 felony ($10,000+ or 2+ years)
Retroactivity	Filing date -- Illinois uses filing date, not service date

Section 1 — Overview

Illinois uses the Income Shares model under 750 ILCS 5/505, with one critical distinction from most other Income Shares states: Illinois uses net income, not gross income. Both parents' net monthly incomes are combined, the guideline schedule converts that combined net income and number of children into a total basic obligation, and that total is split proportionally. Getting the net income calculation right is essential; entering gross income produces a wrong result in both directions.

The modification threshold is set by 750 ILCS 5/510(a): if the current guideline support amount calculated using today's net incomes would differ from the existing order by 20% or more, that deviation alone constitutes a substantial change in circumstances. Modification can also be granted below 20% upon a showing of substantial change. Illinois retroactivity runs from the filing date, so file your petition the day your income changes.

Your local agency: The Division of Child Support Services (DCSS) under the Illinois Department of Healthcare and Family Services (HFS) is the IV-D agency. Call 1-800-447-4278. DCSS administers IV-D cases, conducts three-year administrative reviews at no cost, and runs one of the largest child support enforcement programs in the Midwest.

Three-year review: DCSS-enrolled cases qualify for a free three-year administrative review using current net incomes and current guidelines. If three years have passed since your last order or review, request one now.

Illinois extends support for high school: Under 750 ILCS 5/505, Illinois defines the child for support purposes as anyone under 18, or anyone 19 or younger who is still attending high school. Support continues through high school graduation or the date the child turns 19, whichever comes first. If your child is 18 but still in high school, support continues. Budget for this if your child is approaching 18. (Section 513.5 is a separate provision covering educational expenses for a non-minor child, such as college, and is not the high school continuation rule.)

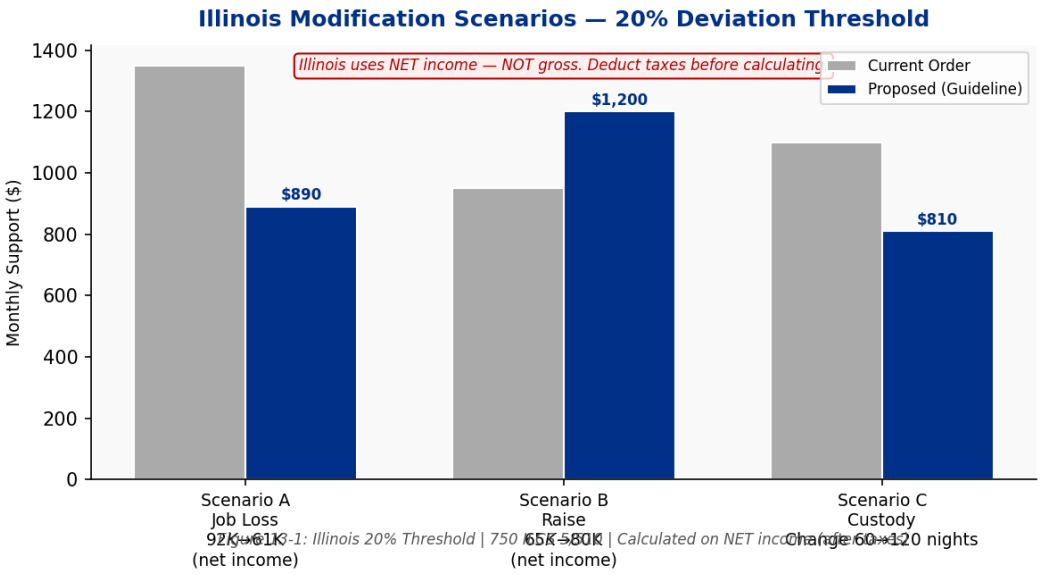


Figure 13-1: Illinois 20% Modification Threshold — 750 ILCS 5/510 | Net Income Basis

Section 2 — Grounds for Modification

750 ILCS 5/510(a) provides two paths. The first is the 20% deviation: apply today's guidelines to both parents' current net incomes and compare the result to the existing order. A 20% gap is a presumptive substantial change in circumstances. The second path is any other substantial change, which is available even when the percentage gap is below 20%.

Income dropped: Job loss, a disability, a significant permanent pay reduction. File the day it happens because Illinois retroactivity runs from the filing date. Modification does not go back to when the change occurred.

Income increased on the other side: Illinois uses both parents' net incomes. A significant income increase by the other parent shifts the proportional calculation and may support modification.

Parenting time changed: A meaningful increase in your overnight parenting time triggers a shared parenting adjustment. Document every overnight.

Child's costs changed: Changes in work-related childcare, health insurance premiums for the child, or extraordinary medical costs all enter the Illinois calculation. If these costs have dropped, file to recalculate.

Three-year passage: For DCSS IV-D cases, three years alone qualifies you for a review.

Child approaching 18 still in high school: If your child turns 18 but is still enrolled in high school, support continues in Illinois through graduation or the calendar year of the 19th birthday. Your obligation does not automatically drop at 18.

20% threshold not met but real change: If your income dropped but the guideline deviation is below 20%, argue substantial change in circumstances. A permanent, documented income reduction below 20% is still a real change. Illinois courts have discretion below the threshold.

Section 3 — Step-by-Step: How to File

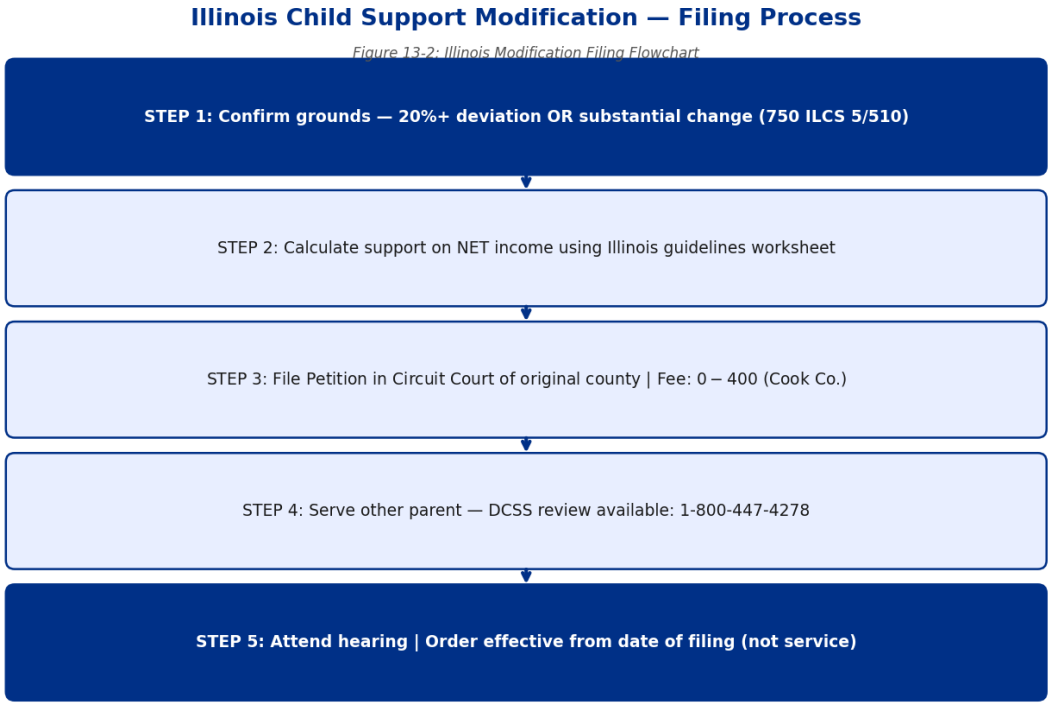


Figure 13-2: Illinois Modification Flowchart — DCSS Administrative vs. Circuit Court Pathways

Illinois modifications go through Circuit Court in the county where the original order was entered. Illinois has 23 judicial circuits. If your case is DCSS-enrolled, call 1-800-447-4278 first; the three-year administrative review route is free and faster than court for qualifying cases.

Step 1 — Gather your documents: Last three months' pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, and records of current add-on costs including health insurance premiums for the child and childcare.

Step 2 — Calculate net income and run the guidelines: Illinois uses net income. Net income is gross income minus: federal, state, and local income taxes withheld; Social Security and Medicare; mandatory union dues; mandatory retirement contributions; health insurance premiums for yourself. Download the Illinois Child Support Guidelines Worksheet from illinoishfs.illinois.gov. Enter both parents' net monthly incomes. Check whether the result deviates 20% from the existing order.

Step 3 — Complete your petition: Prepare a Petition to Modify Child Support. Most Illinois circuits have standardized forms, so check with the Circuit Court clerk in your county. Cook County has specific forms and procedures available at cookcountycourt.org.

Step 4 — File in Circuit Court: File in the Circuit Court in the county where the original order was entered. Filing fees vary by county. Cook County modifications may have no filing fee. Request a fee waiver if you qualify.

Step 5 — Serve the other parent: Illinois requires service of process. The other parent must be served by sheriff or process server. File your Proof of Service with the court.

Step 6 — Exchange financial affidavits: Both parties must exchange financial affidavits and supporting documentation: last two years' tax returns, last three months' pay stubs, and documentation of all add-on costs. Comply fully and on time.

Step 7 — Attend mediation if required: Cook County and many larger Illinois circuits require mediation before contested modification hearings. Confirm whether your circuit requires it. If mediation resolves the issue, the agreement is submitted to the court for approval.

Step 8 — Receive the modified order: The court issues an Amended Order of Child Support effective from the filing date. DCSS updates its records for IV-D cases. The employer receives an updated Income Withholding Order (IWO).

Section 4 — Income Calculation

Illinois is one of a small number of states that uses net income rather than gross for the guideline calculation. Every step of the net income calculation must be done correctly before the guideline schedule is applied.

Net income deductions: From gross income, deduct: federal, state, and local income taxes actually withheld; Social Security and Medicare taxes; mandatory union dues; mandatory retirement contributions required by the employer; health insurance premiums for yourself (not the child). The result is net monthly income for Illinois guideline purposes.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income, rental income, investment income, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular sources.

High-income cases above the schedule: The Illinois Income Shares schedule stops at a combined net income of $30,024.99 per month (about $360,300 per year). When the parents' combined net income exceeds that ceiling, the schedule provides no basic obligation amount, and the court sets support based on the child's needs and the parents' ability to pay rather than reading a figure off the table (750 ILCS 5/505).

Self-employment: Net Schedule C income after legitimate ordinary and necessary business expenses. Illinois courts scrutinize self-employment income carefully. Bring three years of returns.

Add-ons: Work-related childcare costs and health insurance premiums for the child are added to the basic obligation and split proportionally. Extraordinary medical expenses are shared. These are calculated on top of the net income-based guideline amount.

Uninsured and unreimbursed medical costs: Health insurance premiums for the child and work-related childcare are added to the basic obligation and split in proportion to each parent's percentage share of combined net income. Uninsured or unreimbursed medical, dental, and vision expenses are divided the same way, by income share, unless the order states otherwise (750 ILCS 5/505(a)(4)).

Imputed income: If you voluntarily left a job or reduced hours to lower support, Illinois courts impute income at earning capacity. The standard is what you could earn based on your education, training, and the local market.

Multiple support obligations: Prior court-ordered support payments for other children may be deducted before the Illinois net income calculation. Bring copies of all current support orders.

Low-income floor and minimum order: Illinois protects low-income obligors with a minimum-order rule. There is a rebuttable presumption of a $40 per month, per child minimum for a parent whose actual or imputed gross income is at or below 75% of the federal poverty guideline for one person, capped at $120 per month total divided among that parent's children (750 ILCS 5/505(a)(3.4)). A parent with truly no ability to pay can ask the court to set a different amount on the record.

Section 5 — Shared Parenting

Illinois guidelines provide a shared parenting adjustment when the non-custodial parent has significant overnight parenting time. The adjustment reduces the basic obligation to reflect that you bear direct costs during your parenting time.

Standard custody: Basic Income Shares calculation with no parenting time adjustment.

Shared parenting adjustment: Illinois draws a hard line at 146 overnights a year. When each parent has the child for 146 or more overnights, the case qualifies as shared physical care under 750 ILCS 5/505(a)(3.8): the basic obligation is multiplied by 1.5, each parent's share is figured on percentage of combined net income, and the two amounts are offset so the parent who owes more pays the difference. Below 146 overnights, the standard calculation applies. Document every overnight in a written calendar.

Parenting time and the 20% threshold: If your parenting time increased significantly, running the guidelines with the new overnight count may produce a deviation of 20% or more from the existing order, giving you the presumptive threshold even if your income has not changed.

Informal increases do not count: If your parenting time has increased informally but the court order has not been updated, your obligation is based on the old order. File to update both the parenting plan and the support order at the same time.

Section 6 — Enforcement

DCSS operates one of the largest enforcement programs in the Midwest. Illinois has no statute of limitations on child support arrears: under 735 ILCS 5/12-108(a), child support judgments may be enforced at any time, so an obligation from 20 years ago is fully collectible today. Interest works differently than many parents assume. Since January 1, 2021 (Public Act 101-0336), DCSS no longer automatically charges interest on past-due balances, and a 2024 amendment to 735 ILCS 5/12-109 excludes child support orders from the judgment interest that

otherwise accrues by operation of law. The 9% statutory rate still exists, but interest is now adjudicated only on written request after the youngest child emancipates and the full principal is paid (89 Ill. Adm. Code 160.89).

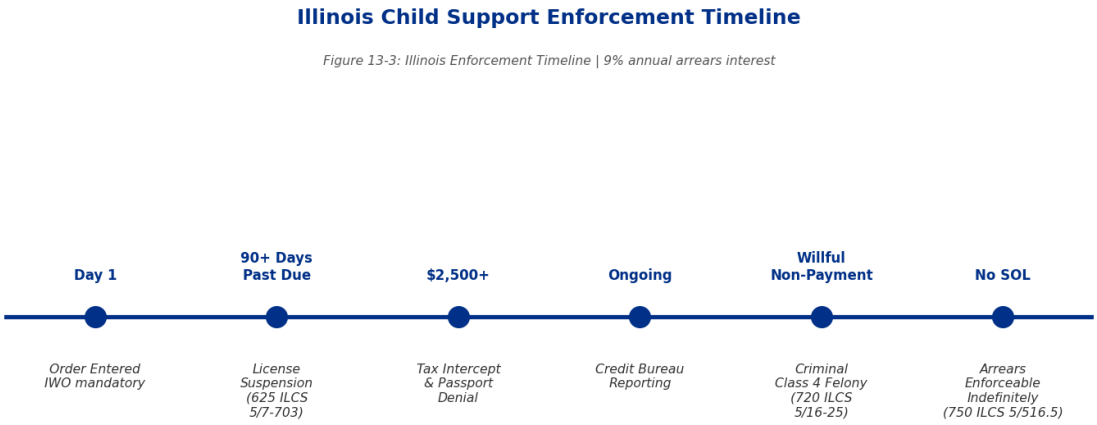


Figure 13-3: Illinois Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Employer must comply within 7 business days. Changing jobs does not stop withholding; DCSS serves the new employer. Termination for wage withholding is illegal.

License suspension (Family Financial Responsibility Law, 625 ILCS 5/7-701 et seq.): At 90 or more days delinquent, DCSS can ask the Secretary of State to suspend your driver's license without a court order, and the Secretary then notifies you that the suspension takes effect in 60 days. A court can also order suspension after finding you 90 days behind. Professional licenses can be suspended as well. Reinstatement requires resolving the delinquency or arranging a payment plan.

Tax refund intercept: Federal and Illinois state refunds intercepted. DCSS also intercepts Illinois lottery winnings above a threshold.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: DCSS reports certified arrears of $1,000 or more to all three credit bureaus.

Liens and asset seizure: DCSS may place administrative liens on real property, vehicles, and financial accounts.

Civil contempt: Circuit Court contempt for willful non-payment. Incarceration possible with a purge amount. Genuine inability to pay is your defense.

Criminal non-support (Non-Support Punishment Act, 750 ILCS 16/15): A first offense of willfully failing to pay a support obligation is a Class A misdemeanor (up to 364 days in jail). It rises to a

Class 4 felony (one to three years) on a second or subsequent offense, or where the obligation has gone unpaid for more than one year or the arrearage exceeds $20,000, or where the parent leaves the state to evade an obligation unpaid for more than six months or exceeding $5,000. DCSS refers cases to prosecutors for sustained willful non-payment.

Section 7 — Emergency Protocols

Emergency Protocols — Illinois

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File your Petition to Modify Child Support in Circuit Court the day your income drops, or call DCSS at 1-800-447-4278 for IV-D cases. Illinois retroactivity runs from the filing date.

20% test on net income: Calculate your new net income (after all allowable deductions). Apply the Illinois guidelines worksheet. If the result differs from your current order by 20% or more, you have a presumptive case.

DCSS administrative route: For IV-D cases, call 1-800-447-4278. DCSS can initiate an administrative review for qualifying cases.

Net income matters: Even if your gross income has dropped, Illinois calculates on net income. If your tax withholding also drops, your net income may not drop as much as your gross. Calculate net first.

Gather: Termination letter, last three pay stubs, unemployment award letter, medical records if disability-related.

EMERGENCY PROTOCOL 2: HIGH SCHOOL STUDENT TURNING 18

Illinois extends support through high school graduation or the calendar year of the 19th birthday, whichever is earlier. This is one of the most frequently missed rules for fathers whose children turn 18.

Do not stop paying at 18: If your child turns 18 but is still enrolled in high school, your obligation continues. Stopping payment early creates arrears.

File to terminate at the right time: File a motion to terminate support when the child graduates high school or at the end of the calendar year of the 19th birthday, whichever comes first.

IWO will not stop automatically: DCSS and your employer continue withholding until a termination order is issued. File promptly and follow up to confirm withholding stops.

Multiple children: If the order covers multiple children, file a modified order for the remaining children when the oldest hits the termination event.

EMERGENCY PROTOCOL 3: LICENSE SUSPENSION NOTICE (625 ILCS 5/7-703)

Illinois suspends at 90 days past due. DCSS acts without a court order.

Resolve the delinquency: Contact DCSS at 1-800-447-4278. Pay the past-due balance or establish a payment plan that brings you current enough to release the suspension.

Administrative hearing: Contest the suspension at an administrative hearing if the delinquency amount is incorrect.

Professional licenses: Illinois suspends professional licenses as well as driver's licenses. If your income depends on a professional license, act before the suspension takes effect.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

Circuit Court contempt for non-payment can result in incarceration. Appear at every hearing.

Right to counsel: If incarceration is possible, assert your right to appointed counsel at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Bring bank statements, termination records, and medical documentation.

Get your DCSS records: Request your official payment history from DCSS. This is the authoritative record. Dispute errors before the hearing.

File your petition: File your Petition to Modify before the contempt hearing if changed circumstances support a lower order. It demonstrates constructive action.

EMERGENCY PROTOCOL 5: BELOW 20% BUT REAL CHANGE

If your income has dropped but the guideline deviation is below 20%, you still have options in Illinois.

Substantial change argument: File your Petition to Modify and argue substantial change in circumstances under 750 ILCS 5/510(a). Document the change, its permanence, and its impact on your ability to pay the current amount.

Net income may close the gap: Recalculate at your new net income. Changes in tax withholding, benefit costs, and other deductions sometimes push the actual net income deviation closer to or above 20%.

Parenting time deviation: If your parenting time has also increased, running the guidelines with an updated overnight count may push the combined deviation above 20%.

Do not stop paying: There is no statute of limitations on Illinois arrears, so anything you fall behind on stays collectible indefinitely, and interest can still be adjudicated at the 9% statutory rate after emancipation. Keep paying at the current rate while you pursue modification.

EMERGENCY PROTOCOL 6: INTERSTATE: ILLINOIS ORDER, YOU MOVED

If you moved out of Illinois but your child stayed, Illinois retains jurisdiction under UIFSA (750 ILCS 22/101 et seq.) as long as either parent or the child remains in Illinois.

File in Illinois: Your petition must be filed in the Illinois Circuit Court that issued the original order. Contact the clerk about out-of-state filing procedures.

DCSS coordination: For IV-D cases, DCSS can coordinate with the child support agency in your new state. Call 1-800-447-4278.

No SOL reminder: Illinois has no statute of limitations on child support arrears. Old arrears remain collectible indefinitely. Address them proactively.

EMERGENCY PROTOCOL 7: NET INCOME ERROR IN THE ORIGINAL ORDER

If your original Illinois support order was set using gross income instead of net income, a common error, the order may be significantly higher than it should be.

Run the net income calculation: Download the current Illinois guidelines worksheet from illinoishfs.illinois.gov. Calculate your net income correctly, apply the worksheet, and compare to your current order.

20% deviation from correct calculation: If the correctly calculated net income amount differs from the existing order by 20% or more, you have a presumptive modification case regardless of whether your income has changed.

File promptly: Retroactivity runs from the filing date. If you identify an error in the original order, file immediately. You cannot recover the overpayment for time before you filed.

Document carefully: Bring the original order, your pay records from when the order was entered, and the correctly calculated worksheet to court.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

DCSS / HFS: 1-800-447-4278. illinoishfs.illinois.gov. Administrative review, payment records, enforcement, license suspension, interstate coordination. Regional offices statewide including Chicago, Springfield, and downstate locations.

Illinois Courts Self-Help: illinoiscourts.gov, which has family law forms and self-help resources. Cook County: cookcountycourt.org.

Illinois Legal Aid Online: illinoislegalaid.org. Free legal help and document assembly tools for qualifying low-income residents statewide.

Illinois State Bar Lawyer Referral: 217-525-1760. isba.org. Referral to family law attorneys by county.

Military families and interstate cases: If either parent serves in the military, see Chapter 51 for how service members' allowances such as BAH and BAS count as income, how the Servicemembers Civil Relief Act can pause proceedings, and how to serve a deployed parent. Illinois installations include Naval Station Great Lakes, Scott Air Force Base, and Rock Island Arsenal. When the other parent or the order sits in another state, Chapter 52 covers UIFSA, which controls which state may modify the order and how Illinois enforces orders across state lines (Illinois UIFSA: 750 ILCS 22/101 et seq.).

Special consideration, the net income basis: Illinois is one of a small number of states using net income for the guideline calculation. Most states use gross income. Every time you calculate

whether the 20% threshold is met, use net income after all allowable deductions. A calculation based on gross will be wrong and can undermine your petition.

Special consideration, the high school extension: Illinois extends support through high school graduation or the calendar year of the 19th birthday. This is easily overlooked. If your child turns 18 and is still in high school, do not stop paying. If you have already stopped, you may have accumulated arrears.

A note on arrears that never expire: Illinois has no statute of limitations on child support arrears, so a balance from 10 years ago is fully collectible today. Interest is no longer charged automatically. Since 2021, DCSS adds interest only if a parent requests adjudication after the youngest child emancipates and the principal is fully paid, applying the 9% statutory rate at that point. The principal itself never expires, so address arrears aggressively rather than assuming time will erase them.

End of Chapter 13 — Illinois | Chapter 14 — Indiana follows.

Chapter 14:

Chapter 14 — Indiana

State	Indiana
Calculation Model	Income Shares -- IC 31-16-8-1 (WEEKLY calculation -- Indiana expresses support per week)
Modification Threshold	20% deviation from current weekly guidelines
Filing Form	Petition for Modification of Child Support (circuit/superior court-specific)
Filing Fee	Approximately $80-$130 -- fee waiver available
Agency	DCS Child Support Bureau -- 1-800-840-8757
DCS Website	in.gov/dcs/child-support
Filing Court	Circuit or Superior Court -- county of original order or child's residence
Income Basis	Gross weekly income of both parents
Parenting Credit	Yes -- parenting time credit reduces weekly obligation
Imputed Income	Yes -- earning capacity if voluntarily unemployed
3-Year Review	Yes -- for IV-D cases (DCS-enrolled)
Interest on Arrears	8% per annum
License Suspension	3 months past due (IC 31-16-12-4)
Age of Majority	19 -- one year higher than most states
Statute of Limitations	None -- arrears enforceable indefinitely

Criminal Non-Support	IC 35-46-1-5 -- Level 6 felony (3+ months or $2,000+)
Retroactivity	Filing date

Section 1 — Overview

Indiana uses the Income Shares model under IC 31-16-8-1 and the Indiana Child Support Rules and Guidelines, promulgated by the Indiana Supreme Court. Indiana has one feature that immediately distinguishes it from every other state in this book: support is calculated and expressed as a weekly amount, not a monthly amount. Both parents' gross weekly incomes are entered into the guidelines worksheet, the guideline schedule produces a total weekly obligation, and that total is split proportionally. Monthly income must be converted to weekly before running the calculation: divide monthly income by 4.33.

The modification threshold under IC 31-16-8-1 is 20%: if the guideline weekly support amount calculated using current weekly incomes would differ from the existing weekly order by 20% or more, that deviation alone is a substantial change in circumstances. Modification can also be granted below 20% upon a showing of substantial change. Indiana retroactivity runs from the filing date, not the service date, so file immediately when your income changes.

Your local agency: The Indiana Department of Child Services (DCS) Child Support Bureau is the IV-D agency. Call 1-800-840-8757 or visit in.gov/dcs/child-support. DCS administers IV-D cases, conducts three-year administrative reviews at no cost, and enforces orders statewide. Contact DCS before filing in court if your case is enrolled.

Three-year review: DCS-enrolled cases qualify for a free three-year administrative review applying current weekly guidelines to current incomes. If three years have passed since your last order or review, request one now.

Age of majority is 19: Under IC 31-16-6-6, an Indiana child is emancipated by operation of law at 19, one year longer than most states, and the obligation terminates automatically at that point. If you budget around an 18th birthday cutoff, you will undershoot by a full year. Support runs past 19 only in narrow situations, such as a child who is mentally or physically incapacitated, or a separate educational-needs (college) order entered before emancipation.

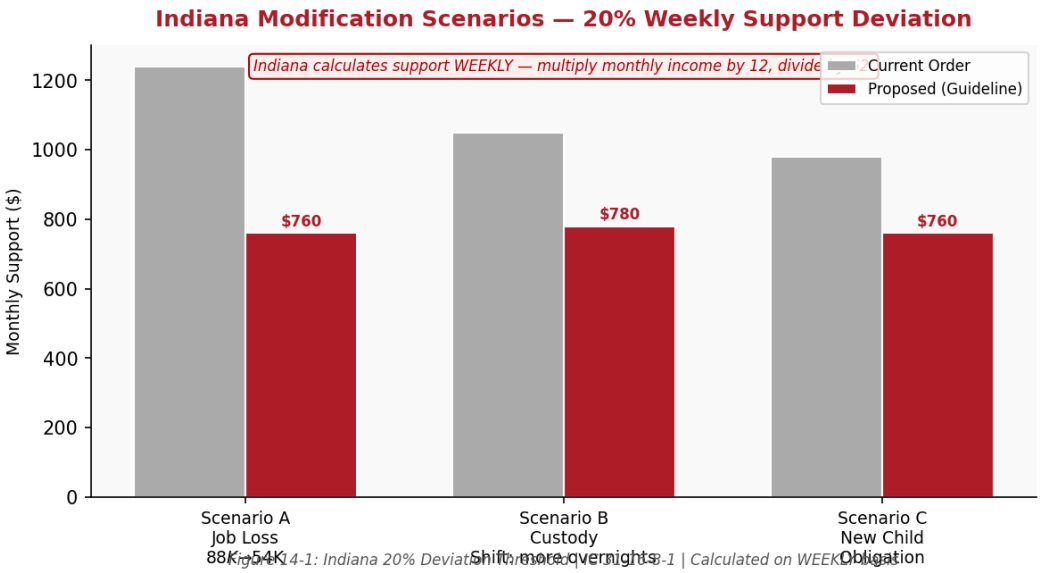


Figure 14-1: Indiana 20% Deviation Threshold — IC 31-16-8-1 | Weekly Calculation Basis

Section 2 — Grounds for Modification

IC 31-16-8-1 provides two modification paths. The first is the 20% weekly deviation: apply current Indiana guidelines to both parents' current weekly incomes and compare the result to the existing weekly order. A 20% deviation is a presumptive substantial change. The second path is any other substantial change in circumstances, meaning a material, ongoing change in income, expenses, or the child's needs.

Income dropped: Job loss, a disability, a significant permanent pay reduction. File the day the change happens. Indiana retroactivity runs from the filing date, not the day you got around to it. Convert your new income to a weekly figure before running the guidelines.

Income increased on the other side: Indiana uses both parents' weekly incomes. A significant income increase by the other parent shifts the proportional split.

Parenting time changed: Indiana's guidelines include a parenting time credit that reduces weekly support when you exercise meaningful parenting time. A significant increase in your overnights reduces your weekly obligation.

Child's costs changed: Changes in childcare, health insurance premiums for the child, or extraordinary medical costs affect the Indiana calculation. If add-on costs have dropped, recalculate.

Three-year passage: DCS IV-D cases qualify for a free three-year review.

Child approaching 19: Indiana support continues to age 19. Do not stop paying at 18. File to terminate when the child turns 19 if your order does not automatically end.

Retirement: Voluntary or involuntary retirement affecting weekly earning capacity is a qualifying substantial change. Document the nature of the retirement and the impact on income.

Section 3 — Step-by-Step: How to File

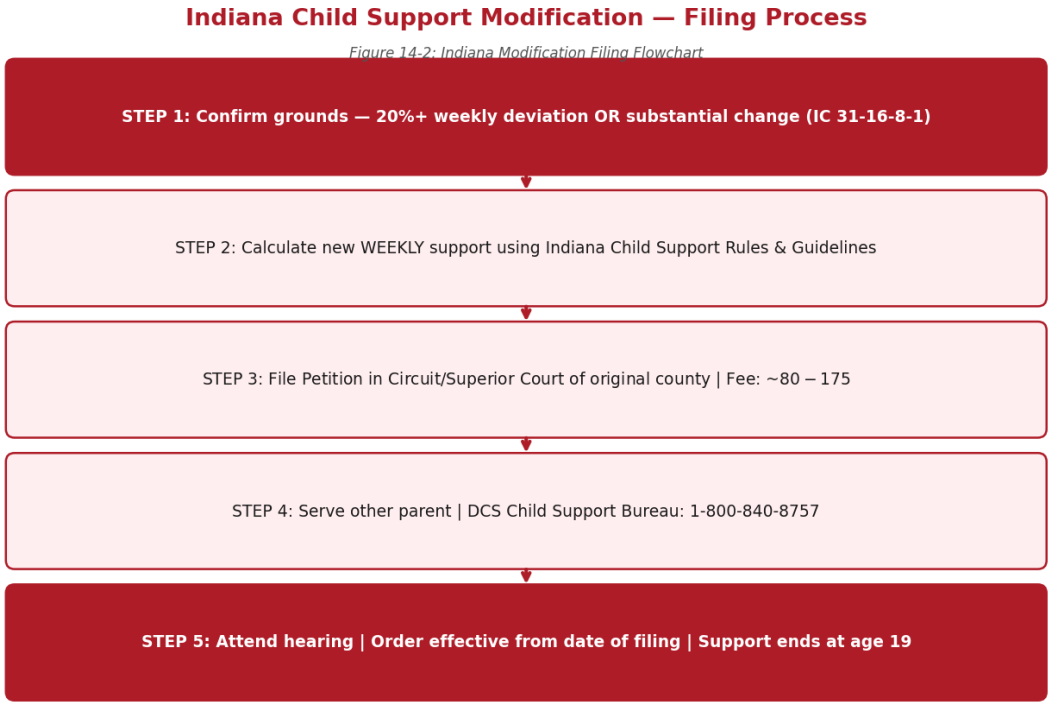


Figure 14-2: Indiana Modification Flowchart — DCS Administrative vs. Circuit/Superior Court Pathways

Indiana modifications go through Circuit Court or Superior Court in the county where the original order was entered or where the child resides. Each Indiana county has at least one of these courts. If your case is DCS-enrolled, contact DCS first.

Step 1 — Gather your documents: Last three months' pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, and records of current add-on costs.

Step 2 — Convert income to weekly and run the guidelines: Indiana uses weekly gross income. To convert monthly income: divide by 4.33. Download the Indiana Child Support Guidelines Worksheet from in.gov/judiciary/iocs. Enter both parents' gross weekly incomes and the number of children. Check whether the result deviates 20% from the existing weekly order.

Step 3 — Complete your petition: Prepare a Petition for Modification of Child Support. Indiana has standardized court forms; obtain them from the Circuit or Superior Court clerk in your county or from in.gov/judiciary.

Step 4 — File in Circuit or Superior Court: File in the county where the original order was entered or where the child resides. Filing fees run approximately $80 to $130. Request a fee waiver if you qualify.

Step 5 — Serve the other parent: Indiana requires service of process. Have the other parent served by sheriff or process server. File your Return of Service with the court.

Step 6 — Exchange financial information: Indiana courts require exchange of financial documentation: last two years' tax returns, last three months' pay stubs, verification of health insurance costs, and documentation of childcare expenses. Comply fully and on time.

Step 7 — Attend mediation or hearing: Many Indiana counties require or strongly encourage mediation before contested modification hearings. Check with your county court. If mediation resolves the issue, the agreement is submitted to the court for approval.

Step 8 — Receive the modified order: The court enters a Modified Child Support Order expressing support as a weekly amount, effective from the filing date. DCS updates its records for IV-D cases. The employer receives an updated Income Withholding Order (IWO).

Section 4 — Income Calculation

Indiana's weekly calculation basis means everything must be converted to weekly before the guideline worksheet is applied. Monthly income divided by 4.33 = weekly income. Annual income divided by 52 = weekly income. Use the correct conversion.

High-income cases above the schedule: The Indiana guideline schedule runs up to a combined weekly adjusted income of $10,000 per week (about $520,000 per year). When the parents' combined weekly adjusted income exceeds that ceiling, the schedule provides no figure, and the court sets support based on the children's reasonable needs and the parents' ability to pay.

Gross weekly income includes: Wages, salary, overtime, bonuses (averaged weekly), commissions, self-employment net income, rental income, investment income, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular income sources. Every item must be converted to a weekly figure before entry.

Self-employment: Net Schedule C income after legitimate ordinary and necessary business expenses. Divide annual net self-employment income by 52 to get weekly income. Bring three years of returns.

Parenting time credit: Indiana's guidelines include a parenting time credit that reduces the weekly support obligation when you exercise significant parenting time. The credit is calculated based on the number of overnights and increases as overnights increase. Request the credit calculation specifically in your petition.

Add-ons: Work-related childcare and health insurance premiums for the child are added to the basic weekly obligation and split proportionally. These are also expressed and calculated weekly.

Uninsured medical, the current rule: Effective January 1, 2024, Indiana eliminated the old "6% rule" that had made the custodial parent absorb the first 6% of the child's ordinary uninsured medical costs. Under current Guideline 7, parents share uninsured health care expenses, meaning whatever is left after insurance pays, in proportion to their incomes. If your order or worksheet still references the 6% controlled-expense method, it predates the change and should be recalculated.

Imputed income: If you voluntarily left work or reduced hours, Indiana courts impute weekly income at earning capacity. What you can earn weekly determines your obligation.

Low-income protection and subsistence reserve: Indiana sets no fixed minimum order. The schedule provides no support amount below a combined weekly adjusted income of $100, and the guidelines direct courts to set support so the obligor is not denied the means of self-support at a subsistence level. Income withholding is also capped under federal limits so the paying parent keeps enough to live on (Indiana Child Support Guideline 2).

Section 5 — Shared Parenting

Indiana's parenting time credit is built directly into the guidelines worksheet and reduces weekly support when the non-custodial parent exercises significant parenting time. The credit reflects the direct costs you bear during your parenting time.

Standard custody: Basic weekly Income Shares calculation. Parenting time credit may apply at any meaningful level of overnight time.

Parenting time credit calculation: The Indiana worksheet applies a credit based on the number of overnights per year. The credit increases with overnights. Request the specific credit calculation when you file and document your actual overnights precisely.

50/50 parenting time: At or near equal time, Indiana applies a cross-credit formula that can substantially reduce or eliminate the transfer payment between parents with similar incomes.

Document overnights weekly: Indiana's weekly framework means overnights are tracked by week. Keep a calendar that documents the specific nights the child sleeps at your home. Inconsistency in your parenting schedule will reduce the credit you receive.

Section 6 — Enforcement

DCS enforces with the full range of federal and state tools. Interest is not automatic in Indiana. Under IC 31-16-12-2, a court may, and only on request, order interest of up to 1.5% per month (18% per year) on delinquent support, and many counties rarely impose it. Indiana also has a limitations period: under IC 34-11-2-10, an action to enforce a support obligation must be brought within 10 years after the child turns 18 or is emancipated, whichever comes first. Arrears reduced to a judgment within that window are then enforceable under the 20-year judgment period, so adjudicate old arrears before the 10-year clock runs out.

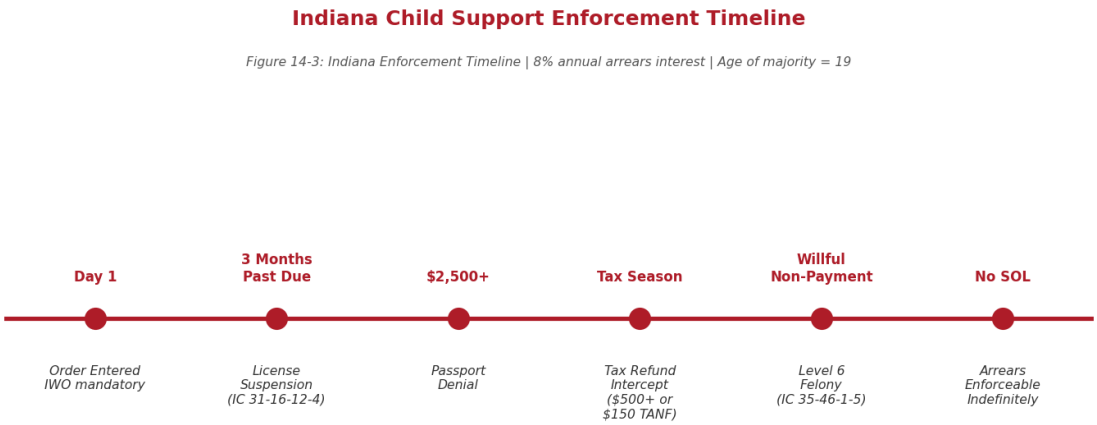


Figure 14-3: Indiana Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Employer withholds the weekly amount from each paycheck. Bi-weekly or semi-monthly pay periods require pro-rata calculation. Termination for wage withholding is illegal.

License suspension (IC 31-25-4-32): An arrearage of at least $2,000, or being three months past due, lets the prosecutor or DCS move to suspend driver's, professional, and recreational licenses. The BMV suspends roughly 20 days after sending its notice, and a court order is not required for the administrative route.

Tax refund intercept: Federal and Indiana state refunds intercepted for IV-D arrears.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: DCS reports certified arrears of $1,000 or more to all three credit bureaus.

Bank levy and property liens: DCS may place liens on real property and levy financial accounts.

Civil contempt: Circuit or Superior Court contempt for willful non-payment. Incarceration possible with a purge amount. Genuine inability to pay is your defense.

Criminal non-support (IC 35-46-1-5): Knowingly or intentionally failing to provide support for a dependent child is itself a Level 6 felony (six months to two and a half years), with no minimum dollar amount or months-behind trigger. It rises to a Level 5 felony if the person has a prior conviction under this section. Inability to pay is a complete defense. DCS refers cases to prosecutors. The $2,000 or three-months figure is the threshold for license suspension, not for the crime.

Section 7 — Emergency Protocols

Emergency Protocols — Indiana

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File your Petition for Modification in Circuit or Superior Court immediately. For IV-D cases, call DCS at 1-800-840-8757. Indiana retroactivity runs from the filing date.

20% test on weekly income: Convert your new gross income to a weekly figure (divide monthly by 4.33). Apply the Indiana guidelines worksheet. If the result differs from your current weekly order by 20% or more, file now.

DCS administrative route: For IV-D cases, call 1-800-840-8757. DCS can initiate an administrative review.

Weekly conversion is critical: Indiana expresses support weekly. A $2,000/month income loss is a $462/week loss. Make sure you are calculating correctly before you assess the 20% threshold.

Gather: Termination letter, last three pay stubs (weekly or bi-weekly), unemployment award letter, and completed Indiana weekly guidelines worksheet at your new income.

EMERGENCY PROTOCOL 2: AGE 19 — DO NOT STOP AT 18

Indiana support continues until age 19. This catches many fathers by surprise. If you stop paying at your child's 18th birthday, you are creating arrears.

When support actually ends: Support ends when the child turns 19, OR earlier if the child emancipates, graduates high school after age 18 and an order covers that period, or another termination event occurs. Read your specific order.

File to terminate at 19: File a motion to terminate in Circuit or Superior Court when the child turns 19 if your order does not automatically terminate. Do not assume the IWO stops on its own.

Notify DCS: If your case is DCS-enrolled, notify DCS in writing of the termination event. Follow up to confirm withholding stops.

Multiple children: If the order covers multiple children, file to recalculate the weekly amount for remaining children when the oldest reaches the termination event.

EMERGENCY PROTOCOL 3: LEVEL 6 FELONY WARNING (IC 35-46-1-5)

Indiana treats nonsupport seriously: knowingly failing to support a dependent child is a Level 6 felony in its own right, not a misdemeanor, and a Level 5 felony with a prior conviction (IC 35-46-1-5). The three-months or $2,000 figure many parents hear is the license-suspension trigger, not the criminal threshold. DCS refers cases proactively, so do not wait.

Act before the 3-month mark: If you are approaching 3 months without payment and cannot pay, contact DCS immediately. An active payment plan substantially reduces the probability of criminal referral.

Payment plan: Call DCS at 1-800-840-8757. Establishing a DCS-approved payment plan demonstrates good faith and stops the enforcement escalation.

File for modification if warranted: If your income has genuinely dropped, file your Petition for Modification immediately. Do both: file the petition and contact DCS about a payment plan.

Retain an attorney: If a criminal referral has already been made, retain a criminal defense attorney. Resolving the civil arrears while criminal proceedings are pending is possible and often affects the outcome.

EMERGENCY PROTOCOL 4: PARENTING TIME CREDIT NOT APPLIED

Indiana's parenting time credit reduces your weekly obligation based on overnight time. If your original order was set without the correct credit, or if your actual parenting time has since increased, you may be overpaying.

Run the correct worksheet: Download the Indiana guidelines worksheet from in.gov/judiciary/iocs and enter your actual overnight count. Compare the result to your current weekly order.

20% deviation: If the corrected credit produces a guideline figure more than 20% lower than your current order, file for modification.

Document overnights: Keep a written calendar of every night the child sleeps at your home. The credit calculation is based on the actual annual overnight count.

File and serve: Indiana retroactivity runs from the filing date. File as soon as you identify the discrepancy.

EMERGENCY PROTOCOL 5: INTERSTATE: INDIANA ORDER, YOU MOVED

→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.

If you moved out of Indiana but your child stayed, Indiana retains jurisdiction under UIFSA (IC 31-18-1-1 et seq.) as long as either parent or the child remains in Indiana.

File in Indiana: Your petition must be filed in the Indiana Circuit or Superior Court that issued the original order. Contact the clerk about out-of-state filing procedures.

DCS coordination: For IV-D cases, DCS can coordinate with the child support agency in your new state. Call 1-800-840-8757.

Weekly amounts and out-of-state employers: Indiana's weekly IWO may need to be recalculated or converted when a new employer is outside Indiana. Contact DCS to ensure the withholding is correctly computed.

EMERGENCY PROTOCOL 6: CONTEMPT PROCEEDING

Circuit or Superior Court contempt in Indiana can result in incarceration. Show up to every hearing.

Right to counsel: If incarceration is possible, assert your right to appointed counsel at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Bring bank statements, termination records, medical documentation.

Get your DCS records: Request your official weekly payment history from DCS. This is the authoritative record. Dispute errors before the hearing.

File your petition: File your Petition for Modification before the contempt hearing if changed circumstances support a lower order.

EMERGENCY PROTOCOL 7: WEEKLY IWO AND MULTIPLE JOBS

Indiana's weekly IWO creates unique complications when the paying parent works multiple jobs or has variable weekly hours.

Multiple employers: DCS can serve an IWO on multiple employers simultaneously. Each employer withholds a pro-rata share. Contact DCS to confirm all employers are covered.

Variable hours: If your weekly hours are genuinely variable, document your actual weekly income over a full year. Courts average variable income to produce a reliable weekly figure.

Bi-weekly pay: If you are paid bi-weekly, your employer calculates the withholding as the weekly amount times two. Verify your paycheck stub confirms the correct withholding.

File if income dropped permanently: Variable hours that drop permanently support a modification petition. Temporary fluctuations do not typically support permanent modification.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

DCS Child Support Bureau: 1-800-840-8757. in.gov/dcs/child-support. Administrative review, payment records, enforcement, license suspension, interstate coordination.

Indiana Office of Court Services (IOCS): in.gov/judiciary/iocs. This is the primary source for Indiana Child Support Guidelines, worksheets, and resources.

Indiana Legal Services: 1-844-243-8570. indianalegalservices.org. Free civil legal help for qualifying low-income Indiana residents.

Indiana State Bar Lawyer Referral: 317-269-2222. inbar.org. Referral to family law attorneys by county.

Military families and interstate cases: If either parent serves in the military, see Chapter 51 for how allowances such as BAH and BAS count toward weekly income, how the Servicemembers Civil Relief Act can pause a case, and how to serve a deployed parent. Indiana installations include Grissom Air Reserve Base, Camp Atterbury, and Naval Surface Warfare Center Crane. When the order or the other parent is in another state, Chapter 52 covers UIFSA, which decides which state may modify the order and how Indiana enforces it across state lines (Indiana UIFSA: IC 31-18-1-1 et seq.).

Special consideration, weekly calculation: Indiana is the only state in this book that expresses child support as a weekly amount. Every time you calculate support or assess the 20% threshold, work in weekly figures. Monthly income divided by 4.33 gives the weekly equivalent. Entering monthly income into the Indiana worksheet will produce a wrong result.

Special consideration, age 19: Indiana support continues to age 19, not 18. Every father in Indiana needs to know this. Do not stop paying at 18. Do not assume the obligation ends on the 18th birthday. Budget for the additional year and file to terminate at the correct time.

A note on criminal exposure: Knowingly failing to support a dependent child is a Level 6 felony in Indiana regardless of the dollar amount (IC 35-46-1-5), and a Level 5 felony with a prior conviction. The widely repeated three-months or $2,000 figure is actually the license-suspension trigger (IC 31-25-4-32), not the criminal line, but both point the same way: if you are falling behind, act immediately. Contact DCS and file a modification petition rather than waiting for enforcement to escalate.

End of Chapter 14 — Indiana | Chapter 15 — Iowa follows.

Chapter 15

Chapter 15 — Iowa

State	Iowa
Calculation Model	Income Shares -- Iowa Code Section 598.21C (judicial) / Chapter 252H (CSRU administrative)
Modification Threshold	10% change in guideline obligation -- tied with Hawaii for most accessible in this book
Filing Form	Petition for Modification of Child Support Order (District Court)
Filing Fee	Varies by county -- fee waiver available
Agency	Child Support Recovery Unit (CSRU) -- 1-888-229-9223
CSRU Website	childsupport.iowa.gov
Filing Court	District Court -- county of original order or child's residence
Income Basis	Gross monthly income of both parents
Parenting Credit	Yes -- shared physical care calculation when both parents have significant time
Imputed Income	Yes -- earning capacity if voluntarily unemployed
CSRU Review	Every 2 years (administrative) -- Iowa's review cycle is 2 years, not 3
Interest on Arrears	10% per annum -- tied with Hawaii for highest in this book
License Suspension	90 days past due OR $500 in certified arrears (Iowa Code Section 252J.8)
Age of Majority	18

Statute of Limitations	None specified -- enforcement may continue under judgment
Criminal Non-Support	Iowa Code Section 726.5 -- Class D felony
Retroactivity	Date of SERVICE of petition -- not filing date

Section 1 — Overview

Iowa uses the Income Shares model under Iowa Code Section 598.21C (judicial modification) and Chapter 252H (administrative modification through the Child Support Recovery Unit, or CSRU). Iowa works from adjusted net monthly income rather than gross. Each parent's gross income is reduced by mandatory deductions (taxes computed the guideline way, the parent's own health insurance, prior support, a qualified additional dependent deduction) to reach adjusted net monthly income. Those net figures are combined, the Iowa guideline schedule converts the combined net income and number of children into a total basic obligation, and that total is split proportionally. Iowa is one of the most accessible modification states in this book: the 10% threshold is tied with Hawaii for the lowest in the country.

Iowa has a dual-pathway structure that distinguishes it from most states. The CSRU administrative pathway is available every two years (not the standard three) for IV-D cases enrolled with CSRU. The judicial District Court pathway is available at any time upon showing a substantial change. Iowa retroactivity runs from the service date, not the filing date, so file fast and serve fast. Iowa's 10% annual interest on arrears is tied with Hawaii for the highest in this book.

Your local agency: The Child Support Recovery Unit (CSRU) is Iowa's IV-D agency, a division of the Iowa Department of Human Services. Call 1-888-229-9223 or visit childsupport.iowa.gov. CSRU administers IV-D cases, conducts administrative reviews every two years, and enforces orders statewide. For IV-D-enrolled cases, the CSRU administrative route is free and does not require a court filing. Contact CSRU before filing in court.

Two-year CSRU review: CSRU-enrolled cases qualify for a free administrative review every two years. CSRU applies the current Iowa guidelines to both parents' current gross monthly incomes. If the result differs by 10% or more from the existing order, CSRU will issue a modified order. Iowa's two-year cycle is faster than the standard three-year cycle in most other states.

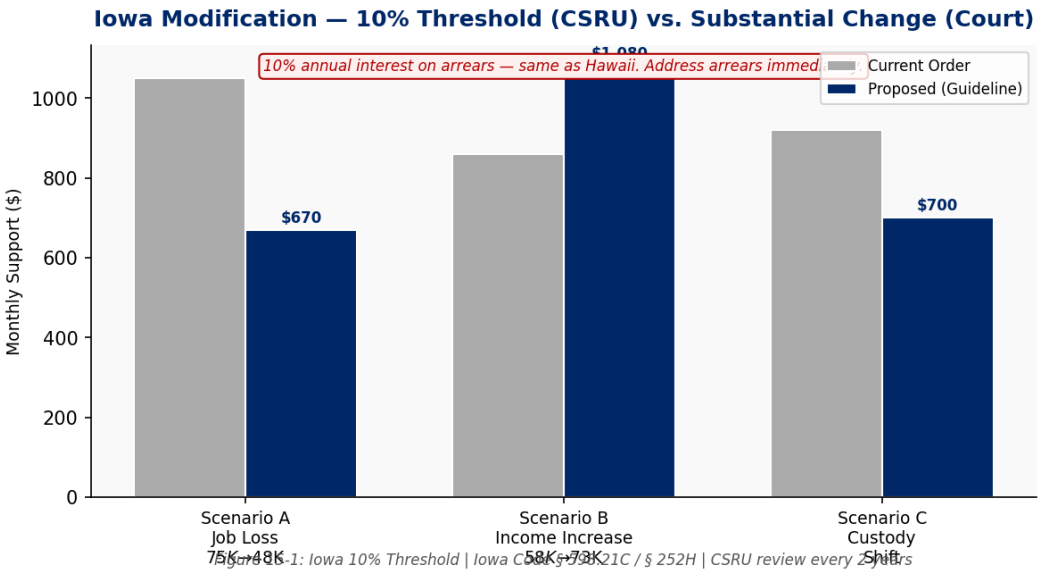


Figure 15-1: Iowa 10% Modification Threshold — Iowa Code Section 598.21C | Iowa Child Support Guidelines

Section 2 — Grounds for Modification

Iowa provides two independent modification pathways. Under Iowa Code Chapter 252H, CSRU may conduct an administrative review every two years for IV-D cases. Under Iowa Code Section 598.21C, either parent may file in District Court at any time upon showing a substantial change in circumstances. The 10% guideline deviation is the primary numerical safe harbor.

Income dropped: Job loss, a disability, a significant permanent pay reduction. File in District Court immediately or contact CSRU for IV-D cases. Iowa retroactivity runs from the service date, not the filing date. Arrange service as fast as possible after filing.

Income increased on the other side: Iowa uses both parents' gross monthly incomes. A significant income increase by the other parent shifts the proportional split and supports a downward modification of your obligation.

Parenting time changed: Iowa's shared physical care calculation provides a significant reduction when both parents have meaningful parenting time. If your actual care has increased, document every overnight and file to update both the custody arrangement and the support order.

Child's costs changed: Changes in work-related childcare, health insurance premiums for the child, or extraordinary medical costs enter the Iowa calculation. If these costs have dropped, recalculate and file.

Two-year CSRU review: For CSRU-enrolled cases, two years alone qualifies you for a review without proving changed circumstances. If two years have passed since your last order or review, call CSRU now.

Incarceration or unemployment over 90 days: Iowa courts treat extended incarceration or unemployment as a qualifying change. If your income dropped to near zero for 90 days or more, document the period and file promptly upon release or re-employment.

Child turns 18: Iowa support generally ends at 18, but under Iowa Code Section 598.21B and Section 598.1 it continues to 19 for a child who is 18 and engaged full-time in completing high school or equivalency requirements and reasonably expected to finish before turning 19. A disability can extend it further. File to terminate at the correct endpoint rather than assuming the obligation stops on the 18th birthday.

Section 3 — Step-by-Step: How to File

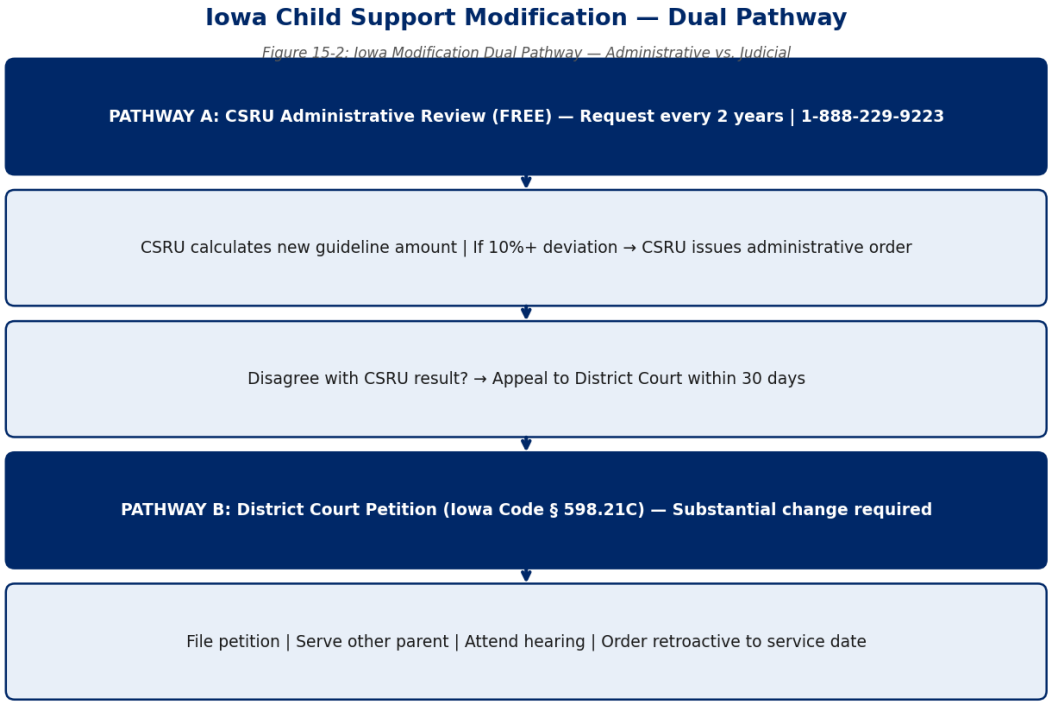


Figure 15-2: Iowa Modification Flowchart — CSRU Administrative vs. District Court Pathways

Iowa offers two routes. For CSRU-enrolled cases, the administrative route through CSRU is free and available every two years. For urgent modifications or cases not enrolled with CSRU, file a Petition for Modification in District Court in the county where the original order was entered or where the child resides.

Step 1 — Contact CSRU for administrative review (IV-D cases): Call 1-888-229-9223 or visit childsupport.iowa.gov. Request a review under Iowa Code Chapter 252H. The review is free, applies every two years, and does not require a court filing. Provide current income documentation. If the 10% deviation is met, CSRU issues a modified order administratively.

Step 2 — Calculate net income and run the guidelines (judicial route): Download the Iowa Child Support Guidelines Worksheet from childsupport.iowa.gov. Enter both parents' gross incomes, take the guideline deductions to reach adjusted net monthly income, and run the

schedule. If the result differs by 10% or more from the existing order, you have a presumptive case in District Court.

Step 3 — File Petition for Modification in District Court: File in the District Court of the county where the original order was entered or where the child resides. Iowa has 99 counties and 8 judicial districts. Pay the applicable filing fee or request a waiver.

Step 4 — Serve the other parent immediately: Iowa retroactivity runs from the service date, not the filing date. Have the other parent served by sheriff or process server immediately after filing. File the Return of Service with the court as soon as service is completed. Every day of delay is lost retroactivity.

Step 5 — Exchange financial affidavits: Both parties must exchange Iowa Financial Affidavits and supporting documentation. Comply fully and on time. Courts in Iowa strictly enforce disclosure requirements.

Step 6 — Attend mediation if ordered: Iowa courts may order mediation before a contested modification hearing. If mediation is ordered, attend and participate in good faith.

Step 7 — Attend the hearing: Bring your Iowa guidelines worksheet, financial affidavit, pay stubs, tax returns, and documentation of the changed circumstances. Your new order will be effective from the service date.

Step 8 — Appeal a CSRU decision if needed: If you disagree with a CSRU administrative decision, either party may appeal to District Court within 30 days of the CSRU notice. The District Court applies the same 10% standard.

Section 4 — Income Calculation

Iowa works from each parent's adjusted net monthly income. You start with gross income from all regular sources, then subtract the mandatory deductions allowed by the guidelines to reach adjusted net monthly income, which is the figure the schedule actually uses.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income, rental income, investment income, retirement benefits, Social Security, disability payments, unemployment compensation, and all regular income sources.

High-income cases above the schedule: Effective January 1, 2026, the Iowa guideline schedule extends to a combined adjusted net monthly income of $30,000 (raised from $25,000). When the parents' combined net income exceeds that ceiling, support is within the court's discretion but cannot be set below the amount produced at the $30,000 level (Iowa Ct. R. 9.26).

Self-employment: Net Schedule C income after legitimate ordinary and necessary business expenses. Iowa's agricultural economy means many paying parents have farming or rural business income, and courts are experienced with averaging variable farm income over multiple years.

Shared physical care: When both parents have significant time with the child, Iowa applies a shared physical care calculation that differs from standard Income Shares. The calculation recognizes that both parents are

directly bearing child-rearing costs. If you have 50/50 or near-equal time, request the shared physical care calculation specifically.

Add-ons: Work-related childcare and health insurance premiums for the child are added to the basic obligation and split proportionally based on each parent's share of combined income.

Uninsured medical costs: Beyond premiums, the parent receiving support generally absorbs the first $250 per child per year of uncovered medical expenses, up to $800 per year for all children combined; anything above that is split between the parents in proportion to income (Iowa Ct. R. 9.12). Iowa also sets cash medical support from a medical support table when neither parent provides a health plan.

Imputed income: If you voluntarily left employment or reduced hours without good cause, Iowa courts impute income at earning capacity. Document why any income reduction was not voluntary.

Low-income protection and minimum order: Iowa protects low-income obligors. At the bottom of the schedule the minimum basic obligation runs about $50 per month for one child, $75 for two, and $100 for three or more, and the lowest income band (roughly $0 to $1,100 net) is computed from the paying parent's income alone so the order stays payable. Iowa now uses the federal poverty guideline to set that low-income dividing line (Iowa Ct. R. 9.26).

Section 5 — Shared Parenting

Iowa's guidelines include a shared physical care calculation for cases where both parents have significant time with the child. This is Iowa's most powerful tool for fathers with meaningful overnight parenting time.

Standard physical care: Basic Income Shares calculation. If the noncustodial parent's court-ordered overnights exceed 127 per year, an extraordinary visitation credit reduces that parent's share even short of full shared care (Iowa Ct. R. 9.9).

Shared physical care: When both parents have substantial physical care, Iowa applies a cross-credit formula that can substantially reduce or even eliminate the transfer payment. Request this calculation if your actual overnight time is significant.

Document overnight time: Keep a written calendar of every night the child sleeps at your home. Courts use the actual overnight count to determine whether shared physical care applies.

File when time increases: Iowa retroactivity runs from the service date. If your parenting time has increased to a level that qualifies for shared physical care, file and serve immediately.

Section 6 — Enforcement

CSRU enforces with the full range of federal and state tools. Iowa's 10% annual interest on arrears is tied with Hawaii for the highest in this book and is set by Iowa Code Section 535.3, which charges simple, not compound, interest beginning 30 days after each payment is due. As

simple interest, $10,000 in arrears grows by $1,000 each year: $11,000 after one year, $12,000 after two, $13,000 after three. It still adds up fast, but not as fast as compounding would.

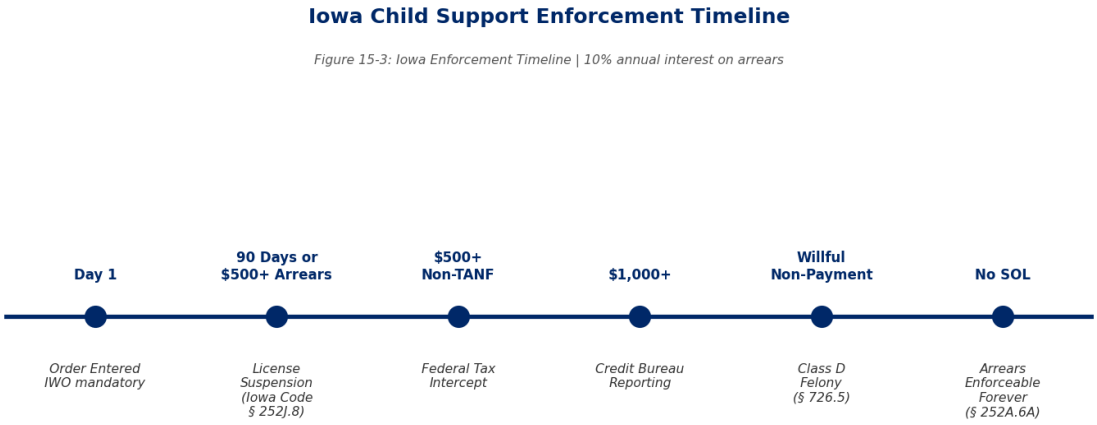


Figure 15-3: Iowa Enforcement Escalation Timeline

Income withholding: Mandatory on all orders. Employer must comply. New IWO issued when the paying parent changes jobs.

License suspension (Iowa Code Chapter 252J): When an obligor is significantly delinquent, often described as roughly 90 days behind or about $500 or more in arrears, CSRU issues a certificate of noncompliance to the licensing authority, which then gives 30 days' notice before suspending, revoking, or denying the license. The Iowa Department of Transportation (driver's license) and professional licensing boards both honor the certificate. A CSRU payment plan, or a withdrawal of the certificate, releases the hold.

Tax refund intercept: Federal and Iowa state refunds intercepted for IV-D arrears. Iowa also intercepts lottery winnings above a threshold.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: CSRU reports certified arrears of $1,000 or more to all three credit bureaus.

Bank levy and property lien: CSRU may place liens on real property and levy financial accounts without a separate court order.

Civil contempt: District Court contempt for willful non-payment. Incarceration possible with a purge amount. Genuine inability to pay is your defense.

Criminal non-support (Iowa Code Section 726.5): A parent who, being able to do so, fails to support a child under 18 for longer than one year or in an amount greater than $5,000 commits nonsupport, a Class D felony (up to 5 years). Because the offense requires that you were able to

pay, genuine inability is built into the defense. CSRU refers cases to prosecutors for sustained willful non-payment.

Section 7 — Emergency Protocols

Emergency Protocols — Iowa

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

Contact CSRU at 1-888-229-9223 immediately for IV-D cases, or file your Petition for Modification in District Court the day your income drops. Iowa retroactivity runs from the service date.

10% test: Apply the Iowa guidelines to your new gross monthly income. A genuine job loss or significant pay cut will almost certainly produce a deviation of more than 10% from the current order.

CSRU route: For IV-D cases, CSRU may be able to expedite an administrative review. Call 1-888-229-9223 and explain you have an emergency income change.

File and serve simultaneously: If you file in District Court, arrange service by sheriff or process server on the same day you file. Iowa retroactivity runs from service. Every day of delay is money you cannot recover.

Gather: Termination letter, last three pay stubs, unemployment award letter, medical records if disability-related, completed Iowa guidelines worksheet at your new income.

EMERGENCY PROTOCOL 2: 10% INTEREST — ACT NOW

Iowa's 10% annual interest on arrears is tied with Hawaii for the most financially punishing rate in this book. Every $1,000 in arrears costs $100 in interest per year.

Calculate the impact: Multiply your current arrears by 10% to see the annual interest cost. At $5,000 in arrears, you are adding $500 per year in interest ($41 per month) on top of the ongoing obligation.

CSRU payment plan: Call 1-888-229-9223 immediately to establish a payment plan covering both the ongoing obligation and a portion of arrears. An active plan stops the enforcement escalation.

File to modify simultaneously: If your ongoing obligation is genuinely too high based on current income, file the modification petition at the same time you address arrears. A lower obligation plus an arrears plan stops the financial hemorrhage at both ends.

Do not wait: At 10% annual interest, every month of inaction on arrears is expensive. Act this week.

EMERGENCY PROTOCOL 3: SERVICE DATE RETROACTIVITY — SERVE FAST

Iowa retroactivity runs from the service date, not the filing date. This directly affects how much of the income drop you can recover through the modified order.

Arrange service the same day you file: Contact the county sheriff or a process server before or as soon as you file your petition. File the Return of Service immediately after service is completed.

99 counties, 8 districts: Iowa is a large state with 99 counties. Sheriff's service is available in all counties. Contact the county sheriff's office for the county where the other parent resides to arrange service.

Document the service date: Keep a copy of the Return of Service showing the exact date. That date is the retroactivity anchor for the modified order.

EMERGENCY PROTOCOL 4: LICENSE SUSPENSION NOTICE

Iowa suspends at 90 days past due or $500 in arrears. That is one of the lower dollar thresholds in this book.

Pay or make a plan: Contact CSRU at 1-888-229-9223 immediately. A CSRU-approved payment plan can halt the suspension.

Pay to bring current: Bringing arrears to below $500 or current on payments releases or prevents the suspension.

Contest it: Request an administrative hearing if the arrears amount is incorrect.

Lottery intercept: Iowa also intercepts lottery winnings above a threshold. If you expect a lottery payment and have arrears, CSRU will intercept before you receive it.

EMERGENCY PROTOCOL 5: TWO-YEAR CSRU REVIEW — USE IT

Iowa's two-year review cycle is faster than the standard three-year cycle in most other states. If two years have passed since your last order or CSRU review, request one now.

Call CSRU: 1-888-229-9223. Ask when the next administrative review is due for your case. If two years have passed, request one immediately.

Provide income documentation promptly: When CSRU requests your income documentation, respond immediately. A review where only the other parent provides documentation produces a result based on incomplete information.

Income drop plus two-year review: If your income has dropped AND two years have passed, the CSRU review is your fastest route to a lower order. It costs nothing and avoids court.

Review vs. District Court: If your income has dropped urgently and waiting for the two-year review is too slow, file in District Court immediately. Both pathways are available.

EMERGENCY PROTOCOL 6: INTERSTATE: IOWA ORDER, YOU MOVED

If you moved out of Iowa but your child stayed, Iowa retains jurisdiction under UIFSA (Iowa Code Section 252K.101 et seq.) as long as either parent or the child remains in Iowa.

File in Iowa: Your petition must be filed in the Iowa District Court that issued the original order. Contact the clerk about out-of-state filing procedures.

CSRU coordination: For IV-D cases, CSRU can coordinate with the child support agency in your new state. Call 1-888-229-9223.

10% interest still applies: Iowa's 10% annual interest on arrears accrues regardless of where you live. Address arrears proactively from wherever you are.

EMERGENCY PROTOCOL 7: CONTEMPT PROCEEDING

Iowa District Court contempt for non-payment can result in incarceration. Appear at every hearing.

Right to counsel: If incarceration is possible, assert your right to appointed counsel at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Bring bank statements, termination records, and medical documentation.

Get your CSRU records: Request your official payment history from CSRU at 1-888-229-9223. Dispute errors before the hearing.

File your petition: File your Petition for Modification before the contempt hearing if changed circumstances support a lower order. It shows you are taking constructive action.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

CSRU: 1-888-229-9223. childsupport.iowa.gov. Administrative review, payment records, enforcement, license suspension, interstate coordination. Regional offices statewide.

Iowa Judicial Branch Self-Help: iowacourts.gov/for-the-public/court-forms. Iowa guidelines worksheets, petition forms, and financial affidavit.

Iowa Legal Aid: 1-800-532-1275. iowalegalaid.org. Free civil legal help for qualifying low-income Iowa residents statewide.

Iowa State Bar Lawyer Referral: 515-243-3179. iowabar.org. Referral to family law attorneys by county.

Military families and interstate cases: If either parent serves in the military, see Chapter 51 for how allowances such as BAH and BAS count toward income, how the Servicemembers Civil Relief Act can pause a case, and how to serve a deployed parent. Iowa's military footprint is largely National Guard, including Camp Dodge and the Iowa Air National Guard wings at Des Moines and Sioux City. When the order or the other parent is in another state, Chapter 52 covers UIFSA, which decides which state may modify the order and how Iowa enforces it across state lines (Iowa UIFSA: Iowa Code Section 252K.101 et seq.).

Special consideration — 10% threshold: Iowa's 10% modification threshold is tied with Hawaii for the lowest in this book. A modest income change, much smaller than what most states require, qualifies for modification. If your income has changed in any meaningful way, run the Iowa guidelines worksheet before assuming you cannot file.

Special consideration — two-year CSRU review: Iowa's administrative review cycle is two years, not three. For IV-D cases enrolled with CSRU, a review is available one year earlier than in most other states. Call CSRU every two years proactively. Do not wait for CSRU to contact you.

Special consideration — service date retroactivity at 10% interest: Iowa has two features that combine to create urgency: retroactivity runs from the service date, and arrears accrue at 10% interest. If your income has dropped, every day of delay in filing and serving costs you money twice — once in lost retroactivity and once in ongoing interest on accumulated arrears. File and serve on the same day.

End of Chapter 15 — Iowa | Chapter 16 — Kansas follows.

Chapter 16

Chapter 16 — Kansas

State	Kansas
Calculation Model	Income Shares -- K.S.A. 20-165 (Kansas Supreme Court guidelines by rule)
Modification Threshold	15% deviation -- safe harbor for material change in circumstances
Filing Form	Motion to Modify Child Support (District Court)
Filing Fee	Approximately $100-$200 -- fee waiver available
Agency	Kansas Child Support Services (CSS) -- 1-888-757-2445

CSS Website	dcf.ks.gov/CSS
Filing Court	District Court -- county of original order (no separate administrative modification track)
Income Basis	Gross income of both parents
Parenting Credit	Yes -- Parenting Time Adjustment (PTA) built into worksheet
Imputed Income	Yes -- earning capacity for voluntarily unemployed parents
3-Year Review	Yes -- for IV-D cases (CSS-enrolled)
Interest on Arrears	Statutory judgment rate (K.S.A. 16-204)
License Suspension	Driver's, professional, recreational (K.S.A. 74-2012)
Age of Majority	18
Statute of Limitations	Child support judgments renewable -- consult CSS for current enforcement window
Criminal Non-Support	Felony at $5,000+ or 6+ months delinquent
Retroactivity	Filing date

Section 1 — Overview

Kansas uses the Income Shares model. Under K.S.A. 20-165, the Kansas Supreme Court adopts and updates the Child Support Guidelines by rule, not by statute. Both parents' gross monthly incomes are combined, the guideline schedule converts that combined income and number of children into a total basic obligation, and that total is split proportionally based on each parent's income share. The guidelines are updated periodically, so always download the current version from kscourts.org before running your calculation.

The modification standard in Kansas is a material change in circumstances. The Kansas guidelines build in a numerical safe harbor: if the current guidelines applied to today's incomes would change the support amount on Line F.3 of the worksheet by 10% or more, that difference is presumed to be a material change in circumstances. Below 10%, you have to demonstrate that the change is real, ongoing, and material. Kansas modifies in District Court; there is no separate administrative modification track the way CSRU handles Iowa or DCSS handles other states.

Your local agency: Kansas Child Support Services (CSS) is the IV-D agency, a division of the Department for Children and Families (DCF). Call 1-888-757-2445 or visit dcf.ks.gov/CSS. CSS administers IV-D cases, conducts three-year administrative reviews for enrolled cases, and

handles enforcement. Modification, however, goes through District Court, not CSS — even for IV-D cases.

Three-year review: CSS-enrolled cases qualify for a three-year administrative review. CSS applies the current guidelines to current incomes, and if the result meets the 10% threshold, CSS may take action. Once three years have passed since the last order, Kansas also lets you seek modification without separately proving a material change. Call 1-888-757-2445 to request a review.

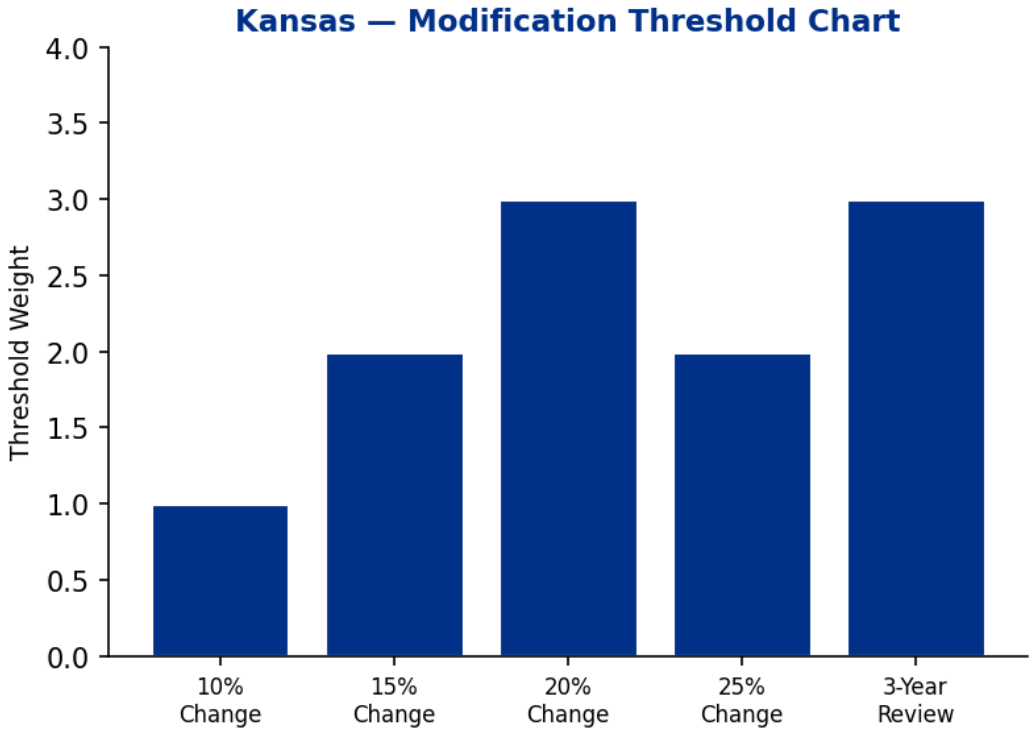


Figure 16-1: Kansas 10% Modification Safe Harbor — K.S.A. 20-165 | Kansas Child Support Guidelines

Section 2 — Grounds for Modification

Kansas requires a material change in circumstances. The 10% deviation is the primary safe harbor. If the guidelines at current incomes produce a result that differs from the existing order by 10% or more, that is presumptively a material change. Below 10%, you have to show the change is real, significant, and ongoing.

Income change that moves the order 10% or more: Job loss, a permanent pay reduction, a disability — run the current Kansas guidelines on your new gross income. If the recalculated order differs from the existing one by 10% or more, you have a presumptive case. File and get the modified order in place.

Change that moves the order less than 10%: A genuine, permanent income reduction that moves the guideline figure less than 10% may still support modification as a material change in circumstances. Document the nature of the change, its permanence, and why it qualifies even below the safe harbor.

Income increased on the other side: Kansas uses both parents' gross incomes. A significant income increase by the other parent shifts the proportional split.

Custody or parenting time changed: A change from primary custody to shared custody, or a significant increase in your overnight parenting time, affects the Parenting Time Adjustment and may generate a 10% or greater deviation in the guideline calculation.

Child's costs changed: Changes in childcare, health insurance premiums for the child, or extraordinary medical expenses change the add-on portion of the Kansas calculation. If these costs have dropped significantly, recalculate.

Three-year review window: For CSS IV-D cases, three years alone opens the review process, and once three years have passed since the last order you can seek modification without independently proving the 10% threshold or any other material change.

Child turns 18 or graduates: Kansas support generally ends at 18, but under K.S.A. 23-3001(b) it does not stop automatically if the child reaches 18 before finishing high school and is still attending. In that case it continues until June 30 of that school year, and the court may extend it through the school year in which the child turns 19 if the child remains a bona fide high school student and the parents jointly participated in or acquiesced to the decision that delayed graduation. File to terminate at the correct endpoint rather than assuming support ends on the 18th birthday.

Section 3 — Step-by-Step: How to File

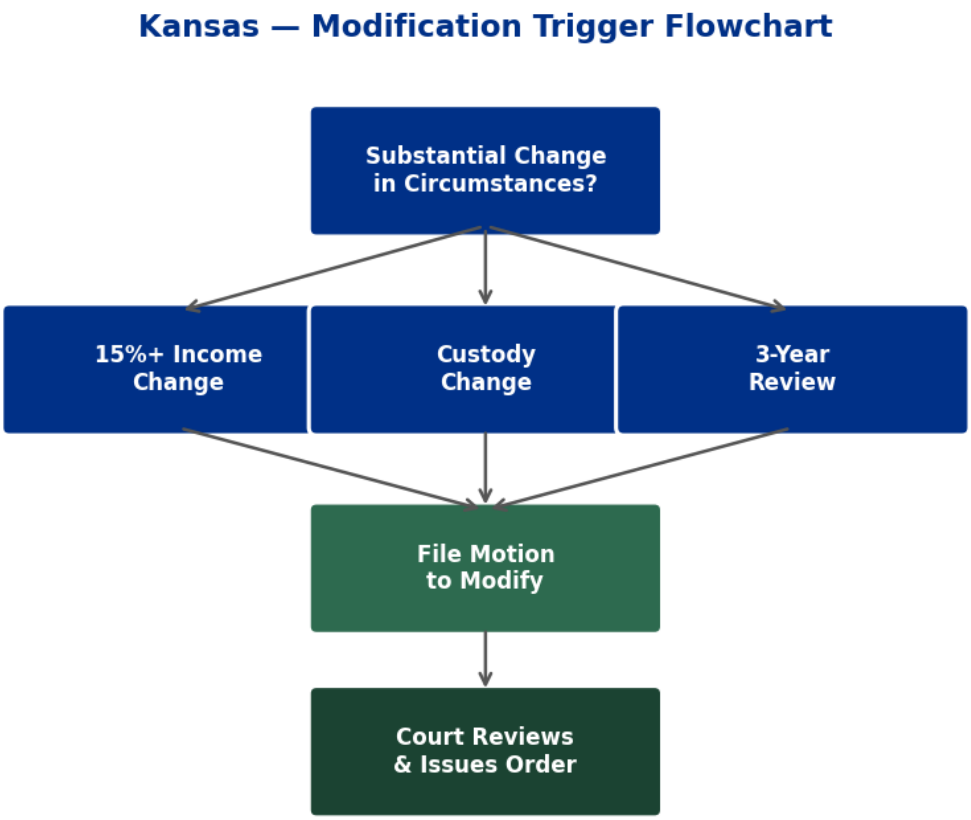


Figure 16-2: Kansas Modification Flowchart — CSS Review vs. District Court Pathways

Kansas modifications go through District Court in the county where the original order was entered. Kansas has no separate administrative modification track. CSS handles enforcement and three-year reviews; the court handles modifications. CSS review results may feed into a court proceeding, but CSS action alone cannot produce a modified order.

Step 1 — Gather your documents: Last two pay stubs, two years of federal tax returns, W-2s, documentation of the triggering change, records of current childcare costs and health insurance premiums for the child.

Kansas updates its guidelines by Supreme Court rule, so always use the current version.

Step 3 — Complete your motion: Prepare a Motion to Modify Child Support. Kansas District Courts have forms available through the clerk's office. Include your completed worksheet, a financial affidavit (Kansas Form K-190 or local equivalent), and documentation of the changed circumstances.

Step 4 — File in District Court: File in the District Court in the county where the original order was entered. Filing fees run approximately $100 to $200. Request a fee waiver if you qualify.

Step 5 — Serve the other parent: Kansas allows service by certified mail, personal service, or sheriff. File your Proof of Service (Form K-196 or local equivalent) with the court after service is completed. Kansas retroactivity runs from the filing date.

Be prepared to explain the 10% deviation calculation specifically.

Section 4 — Income Calculation

Kansas uses gross monthly income from both parents. The guidelines worksheet combines both parents' incomes, applies the schedule, and then adjusts for the Parenting Time Adjustment and add-on costs.

Gross income includes: Wages, salary, overtime, bonuses, commissions, self-employment net income (Schedule C less ordinary business expenses), rental income, investment income, retirement benefits, Social Security, disability payments, unemployment compensation, workers' compensation, and all regular income sources.

Self-employment: Net Schedule C income after legitimate ordinary and necessary business expenses. Kansas courts examine self-employment income carefully. Excessive deductions or undisclosed cash income will be scrutinized. Bring three years of returns. Courts are skeptical of business expenses that reduce income suspiciously close to payment periods.

Military income: Kansas includes Basic Allowance for Housing (BAH), Basic Allowance for Subsistence (BAS), and other regular military allowances as gross income. Military parents cannot exclude these allowances from the calculation.

Parenting Time Adjustment (PTA): Kansas's worksheet includes a PTA that reduces the non-custodial parent's obligation when they exercise significant overnight parenting time. The more overnights, the larger the reduction. The PTA is built into the worksheet, so enter your actual overnight count accurately.

Add-ons: Work-related childcare and health insurance premiums for the child are added to the basic obligation and split proportionally. Extraordinary medical expenses are shared.

Uninsured and extraordinary medical expenses: The first $250 per child per year of uninsured medical, dental, orthodontic, and mental-health costs is treated as built into the basic support figure. Costs above $250 per child per year are extraordinary medical expenses and are divided between the parents in proportion to their incomes, using the same percentage shares shown on the worksheet. In every residential arrangement, including shared residency, the order should assign these uncovered costs, deductibles and co-pays included, by those proportional shares.

Imputed income: Kansas courts impute income to voluntarily unemployed or underemployed parents. The standard is earning capacity based on education, training, and available work. Deliberate income reduction to lower support will not reduce your obligation.

Income above and below the schedule: Kansas sets no fixed dollar floor or ceiling on a support order. The published schedule amounts are presumptive up to the top combined income shown; above that, the court uses the discretionary extended formula printed at the end of Appendix II of the guidelines. At the low end, the guidelines protect a parent's own subsistence: an ability-to-pay and self-support-reserve check, built on the federal poverty guideline for a single-person household, keeps the order from pushing the paying parent below a basic living level, and the court assumes each parent can earn at least full-time minimum wage.

Section 5 — Shared Parenting

Kansas's Parenting Time Adjustment is built directly into the guidelines worksheet. The more overnights you exercise, the greater the reduction to your obligation. At or near 50/50 parenting time, Kansas applies a cross-credit formula that can substantially reduce or eliminate the cash transfer between parents.

PTA from the worksheet: Enter your actual annual overnight count into the Kansas guidelines worksheet. The PTA is calculated automatically by the worksheet. Request the court apply the PTA specifically when you file.

When the Parenting Time Adjustment applies: The adjustment is discretionary and is available only when the non-custodial parent exercises more than 35% of parenting time, counted as time the child is actually with the parent rather than in school or daycare. The guidelines offer a graduated reduction the court may use: roughly 10% at 35-39% of parenting time, 20% at 40-44%, and 30% at 45-49%. At or near equal time, Kansas instead applies the equal-parenting-time or shared-expense formula, offsetting each parent's obligation against the other's.

50/50 parenting time: At or near equal time, Kansas calculates each parent's obligation assuming the other is the custodial parent, then offsets. Parents with similar incomes may owe little or nothing to each other.

Document overnights: Keep a written calendar of every night the child sleeps at your home. If your actual overnight count is higher than the existing order reflects, filing to update both the parenting plan and the support order will produce a lower obligation.

Informal vs. court order: If you and the other parent have informally settled into a 50/50 schedule but the court order says less, your support is calculated based on the old order. File to update it.

Section 6 — Enforcement

Kansas CSS has broad administrative enforcement authority and can act without a separate court order for most enforcement tools. The combination of tax intercept, license suspension, and credit reporting creates significant financial consequences for non-payment.

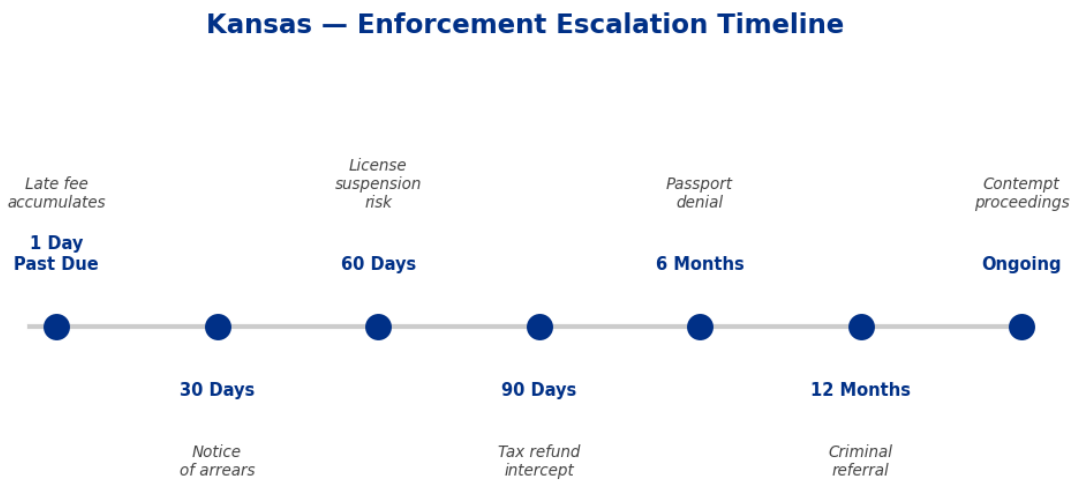


Figure 16-3: Kansas Enforcement Escalation Timeline

Income withholding: Immediate income assignment applies in all new orders. The employer withholds and remits automatically. Changing employers does not stop withholding; CSS serves the new employer.

License suspension: Through its IV-D administrative process, CSS can move to suspend driver's, professional, and recreational licenses, issuing a notice that gives you 20 days to pay the past-due support in full or enter an approved payment plan before the suspension takes effect; CSS generally acts once support is roughly $500 past due and about 90 days delinquent. Separately, under K.S.A. 20-1204a a court may restrict a driver's license in a contempt proceeding when arrears equal six months of support or you fail to abide by a payment plan. Contact CSS immediately if you receive a suspension notice.

Tax refund intercept: Federal and Kansas state refunds are intercepted. CSS acts administratively — no court order required.

Passport denial: $2,500 or more in certified arrears triggers federal passport denial through OCSE.

Credit reporting: CSS reports arrears to all three credit bureaus.

Property liens and bank levy: CSS may place liens on real property and levy bank accounts.

Civil contempt: District Court may hold a non-paying party in contempt for willful non-payment. Incarceration is possible — up to 6 months — and the court will set a purge amount. Genuine inability to pay is your defense.

Criminal non-support: Under K.S.A. 21-5606, criminal nonsupport is a severity level 10 nonperson felony. The offense is a parent's failure, without lawful excuse, to support a child in necessitous circumstances; it is not tied to a fixed dollar amount of arrears or a set number of months delinquent. CSS and county prosecutors pursue sustained, willful non-payment.

Section 7 — Emergency Protocols

Emergency Protocols — Kansas

EMERGENCY PROTOCOL 1: JOB LOSS OR INCOME DROP

File your Motion to Modify Child Support in District Court immediately. Kansas retroactivity runs from the filing date.

10% test: Apply the current Kansas guidelines worksheet to your new gross income. A genuine job loss typically produces a deviation well above 10%.

CSS review: Call CSS at 1-888-757-2445. For IV-D cases, CSS can assist and may be able to expedite a review. But Kansas modification goes through District Court, not CSS alone.

File the same day: Kansas retroactivity runs from the filing date, not the service date. File the motion the day you lose your job or suffer the income drop.

Gather: Termination letter, last two pay stubs, unemployment award letter, medical records if disability-related, and completed Kansas guidelines worksheet at your new income level.

EMERGENCY PROTOCOL 2: BELOW THE 10% THRESHOLD — REAL CHANGE

If your income dropped but the guideline deviation is below 10%, you still have a path in Kansas.

Material change argument: File your motion and argue material change in circumstances directly. Document the permanence and significance of the change. A genuine 10% income reduction that is permanent and well-documented is a real material change.

Combine factors: If your income dropped and your parenting time increased, the combined effect on the guidelines may push the deviation above 10%. Run the worksheet with both changes applied simultaneously.

Three-year review: If your CSS-enrolled three-year review window is open, CSS may address the change administratively even below 10%. Call 1-888-757-2445.

Do not stop paying: Even if you believe modification is warranted, do not stop paying before a court order. Unpaid Kansas support accrues interest at 10% per year under K.S.A. 16-204, running automatically as each installment falls past due, and CSS enforces aggressively.

EMERGENCY PROTOCOL 3: LICENSE SUSPENSION NOTICE

CSS suspends driver's, professional, and recreational licenses administratively — no court order needed.

Act immediately: Contact CSS at 1-888-757-2445. CSS can halt or release a suspension with an approved payment plan or proof of payment.

Professional license: If your income depends on a state-issued professional license (medical, legal, contracting, etc.), a suspension wipes out your ability to earn. Act the day you receive the notice.

Contest it: If the arrears amount is incorrect, request an administrative hearing.

Payment plan: CSS accepts payment plans that halt enforcement. Even a modest plan demonstrates good faith and stops the escalation.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDING

District Court contempt for non-payment can result in up to 6 months of incarceration. Show up to every hearing.

Right to counsel: If incarceration is possible, assert your right to appointed counsel at the first appearance.

Your defense: Genuine inability to pay is a complete defense. Bring bank statements, termination records, medical documentation.

Get your CSS records: Request your official payment history from CSS at 1-888-757-2445. Dispute errors before the hearing.

File your motion: File your Motion to Modify before the contempt hearing if changed circumstances support a lower order. It demonstrates you are addressing the underlying problem.

EMERGENCY PROTOCOL 5: SELF-EMPLOYMENT INCOME DISPUTE

Kansas courts scrutinize self-employment income closely. If CSS or the other parent disputes your reported income, be prepared to defend every expense.

Three years of returns: Bring three years of federal tax returns showing Schedule C income. Courts look for consistency across years. A single unusually low year without explanation will be questioned.

Business expenses: Legitimate ordinary and necessary expenses are deductible. Expenses that benefit you personally, inflated vehicle expenses, or personal expenses run through the business will be added back. Review your returns before filing.

Cash income: Kansas courts take undisclosed cash income seriously. If you have received unreported income, consult an attorney before filing.

Imputation risk: If CSS or the court determines your income is understated, income will be imputed at earning capacity — what you could earn based on your skills and the local market. That imputed amount may be higher than your actual income.

EMERGENCY PROTOCOL 6: PARENTING TIME — PTA NOT APPLIED

If the Parenting Time Adjustment was not correctly applied in your original order, or if your actual parenting time has increased, you may be overpaying.

Run the PTA: Download the current Kansas guidelines worksheet from kscourts.org. Enter your actual overnight count. Compare the PTA-adjusted result to your current order.

10% deviation: If the correctly calculated PTA produces a guideline figure more than 10% lower than the existing order, you have a presumptive modification case.

Document overnights: Keep a written calendar for the past year. Courts use actual counts, not estimates.

File promptly: Kansas retroactivity runs from the filing date. File as soon as you confirm the deviation.

EMERGENCY PROTOCOL 7: INTERSTATE: KANSAS ORDER, YOU MOVED

If you moved out of Kansas but your child stayed, Kansas retains jurisdiction under UIFSA as long as either parent or the child remains in Kansas.

File in Kansas: Your motion must be filed in the Kansas District Court that issued the original order.

CSS coordination: For IV-D cases, CSS can coordinate with the child support agency in your new state. Call 1-888-757-2445.

Kansas guidelines apply: Modification uses Kansas guidelines regardless of where you now live. Download the current worksheet from kscourts.org and run the calculation.

Section 8 — Quick Reference

The State at a Glance card at the top of this chapter covers the key numbers and statutes for quick reference.

Section 9 — Resources and Special Considerations

Kansas CSS: 1-888-757-2445. dcf.ks.gov/CSS. IV-D case management, payment records, enforcement, license suspension, three-year review, interstate coordination.

Kansas Courts Self-Help: kscourts.org — Kansas Child Support Guidelines, current worksheet, and self-help resources by county.

Kansas Legal Services: 1-800-723-6953. kansaslegalservices.org. Free civil legal help for qualifying low-income Kansas residents.

Kansas Bar Association Lawyer Referral: 785-234-5696. ksbar.org. Referral to family law attorneys by district.

Special consideration — no administrative modification track: Unlike Iowa (CSRU), Illinois (DCSS), and many other states, Kansas has no separate administrative modification pathway. All modifications go through District Court. CSS handles enforcement and three-year reviews but cannot issue a modified order without court involvement. To modify, you must file a motion in District Court.

Special consideration — PTA reduces your obligation directly: The Kansas Parenting Time Adjustment is built into the guidelines worksheet and reduces your obligation automatically based on overnight count. If your actual parenting time exceeds what your existing order reflects, you are likely overpaying. Run the current worksheet with your actual overnight count before assuming modification is unavailable.

Special consideration — military pay included: Kansas treats BAH, BAS, and other regular military allowances as gross income. Military parents in Kansas cannot exclude these allowances from the support calculation. If you are active duty or a reservist called to activation, your full military compensation enters the Kansas guidelines — not just base pay.

Military families and interstate cases: If either parent serves in the military, Chapter 51 covers how allowances such as BAH and BAS count toward income, how the Servicemembers Civil Relief Act can pause a case, and how to serve a deployed parent. Kansas's military footprint includes Fort Riley, Fort Leavenworth, and McConnell Air Force Base. When the order or the other parent sits in another state, Chapter 52 explains UIFSA, which decides which state may modify the order and how Kansas enforces it across state lines.

End of Chapter 16 — Kansas | Chapter 17 — Kentucky follows.

Chapter17

Chapter 17 — Kentucky

Kentucky	Child Support at a Glance
Calculation Model	Income Shares -- KRS 403.212
Modification Threshold	15% change in presumptive obligation (safe harbor)
Agency	CHFS Division of Child Support -- (800) 248-1163
Worksheet	AOC-152 (Child Support Worksheet)
Court	Family Court (Circuit Court where no Family Court exists)
Retroactivity	Back to date of filing of the motion to modify
Shared Parenting Trigger	Equal-time provision -- KRS 403.212(2)(f); rebuttable presumption at 50/50
License Suspension	At 30 days past due or one month of arrears -- KRS 205.712
Criminal Penalty	Class D felony -- $1,000+ arrears or 6+ months unpaid -- KRS 530.050
Interest on Arrears	12% per year on unpaid child support -- KRS 360.040

Section 1 — Overview

Kentucky calculates child support under the Income Shares model established in KRS 403.212. Both parents' gross incomes are combined into a single figure. The court looks up the resulting obligation on the state schedule, then assigns each parent a proportional share. The non-custodial parent, the one without primary physical custody, pays their share as a monthly transfer to the custodial parent.

The Cabinet for Health and Family Services (CHFS), Division of Child Support, administers the state's Title IV-D program. Cases involving minor children are handled by Family Court, or by Circuit Court in counties that have not established a separate Family Court division. The worksheet used in every Kentucky case is the AOC-152, produced by the Administrative Office of the Courts.

The primary modification statute is KRS 403.213. The guidelines themselves — income definitions, the schedule, and the deviation framework — appear in KRS 403.212. Child support in Kentucky runs until the child turns 18, or until age 19 if the child is still enrolled in high school.

Income is defined broadly. KRS 403.212 lists wages, salaries, commissions, bonuses, dividends, severance pay, pension distributions, interest, trust income, annuities, capital gains, unemployment insurance, disability benefits, workers' compensation, and regularly received gifts or prizes. Deliberate underemployment is addressed directly: the court may impute income to any parent who voluntarily reduces earnings without good cause.

The income schedule covers combined gross monthly incomes from roughly $1,500 per month up to the top of the published table, a combined $15,000 per month. When the parents' combined income climbs above that ceiling, the amount is left to the court's discretion, one of Kentucky's recognized grounds for deviation, rather than being fixed by the table. Below-guideline awards still require written findings explaining why the guideline amount would be unjust or inappropriate.

Section 2 — Grounds for Modification

To modify a child support order in Kentucky you must demonstrate a material change in circumstances that is substantial and continuing. KRS 403.213 sets the standard. Kentucky codifies a 15% safe harbor: if applying current incomes to the guidelines produces an obligation that differs from the existing order by 15% or more, that difference is presumptively a material change. The 15% standard works in both directions.

A change below 15% is not automatically disqualifying. If the change is smaller but the circumstances are genuinely substantial and long-term — a permanent disability, a structural reduction in work hours, a medically documented condition affecting earning capacity — the court may still modify. You need a stronger factual record when the numbers fall below the threshold.

The following are the most common bases for modification petitions in Kentucky Family Courts.

Job loss or involuntary income reduction: Losing employment or having wages or hours cut significantly qualifies as a material change. Attach termination documentation, a layoff notice, or an employer letter to your motion. Courts want to know whether the change is temporary or permanent. Voluntary resignation requires an explanation: you must show you left for a legitimate reason and are actively seeking comparable work.

Substantial income increase: If the paying parent's earnings have risen meaningfully since the order was entered, the receiving parent can petition for upward modification. Tax returns, W-2s, and recent pay stubs are the standard evidence. The same 15% threshold applies.

Change in custody or parenting time: A significant shift in the actual parenting schedule is a recognized basis for modification. If one parent is now exercising substantially more overnight parenting time than reflected in the existing order, that restructuring affects the guideline calculation. See Section 5 for Kentucky's shared parenting time credit.

Child emancipation: When one child in a multi-child order ages out of support, the order does not automatically recalculate. You must file a petition so the court can enter a new order covering the remaining children.

Change in childcare or health insurance costs: Work-related childcare and the marginal premium cost of carrying the child on a health insurance plan are add-on expenses calculated on the AOC-152. A significant change in either — childcare ending when a child starts school, or a job change that eliminates employer coverage — supports a modification petition.

Disability or serious illness: A medically documented disability that substantially reduces earning capacity is a recognized basis for modification. This applies to both parents: if the receiving parent becomes disabled, the paying parent can also petition based on the shift in household economics. Documentation from treating physicians is essential.

Kentucky does not impose a waiting period between modification petitions. If a material change occurs shortly after a prior modification was entered, a new petition is appropriate. Courts look unfavorably on serial petitions aimed at exploiting temporary fluctuations; document that the change is substantial and continuing, not momentary.

Section 3 — Step-by-Step: How to File

Modification petitions are filed in Family Court, or in Circuit Court in counties without a separate Family Court. You file in the court that entered the original order, or in the county of the child's current residence if jurisdiction has shifted. Follow these steps.

Step 1 — Gather your financial documentation: Collect at least three recent pay stubs, your last two years of federal tax returns and W-2 forms, documentation of health insurance premium costs for the child, and documentation of work-related childcare expenses. If a job loss or income reduction is the basis, gather the termination notice, layoff letter, or employer documentation confirming the change. If disability is at issue, obtain written documentation from treating medical providers.

Step 2 — Obtain and complete the AOC-152 Child Support Worksheet: Download the AOC-152 from the Kentucky Court of Justice website at courts.ky.gov or pick up a copy from the Family Court clerk. Enter both parents' gross monthly incomes, the health insurance costs for the child, work-related childcare, and any other allowable add-ons. The worksheet produces the presumptive monthly obligation.

Step 3 — File the Motion to Modify Child Support: Prepare and file your Motion to Modify Child Support in the appropriate Family Court. Attach your completed AOC-152 and supporting financial documents. If you

can draft a proposed modified order, include it. Pay the filing fee or ask for a fee waiver application if you cannot afford the fee. The clerk will assign a case number and schedule a hearing.

Step 4 — Serve the other parent: Serve the other parent with the motion and all attachments. Personal service by a process server or the county sheriff is the standard method. Certified mail with return receipt may be available in some circumstances. Keep your proof of service — the return receipt card or the server's affidavit — and file it with the clerk before your hearing date.

Step 5 — Attend the hearing and present your evidence: Appear in Family Court on your scheduled date. Bring all financial documentation organized and ready. Be prepared to explain the change in circumstances, walk through your AOC-152 calculation, and respond to arguments from the other parent. The judge may modify the order that day or take the matter under advisement.

Step 6 — Obtain and implement the modified order: Once the judge rules, the court enters a new child support order. Obtain a certified copy from the clerk. If support is paid through income withholding, provide the updated order to your employer and to CHFS so the correct amount is deducted going forward. If you pay directly, adjust to the new amount immediately upon entry of the order.

If you cannot afford an attorney, CHFS can assist with modifications in cases where the state has an active interest. Legal aid organizations in Kentucky also handle child support modification. See Section 9 for contact information.

Section 4 — Income Calculation

Kentucky uses gross income for all guideline calculations under KRS 403.212. You do not subtract taxes, retirement contributions, or health insurance premiums before entering the income figure on the AOC-152. Gross income is the amount shown on a W-2 or at the top of a pay stub before any deductions.

The following items are included in Kentucky gross income: wages and salaries; overtime pay; commissions and bonuses; net income from self-employment or a business interest; interest and dividend income; rental income; pension and retirement distributions; Social Security retirement and disability benefits (but not SSI); unemployment compensation; workers' compensation; and regularly received gifts or contributions from persons not party to the case.

Self-employment income: For self-employed parents Kentucky requires full Schedule C disclosure. Ordinary and necessary business expenses actually paid are deductible. Courts scrutinize large deductions for vehicles, meals, depreciation, and owner draws. If business expenses appear inflated or inconsistent with the business's receipts, the court may calculate income using gross receipts rather than the net figure reported on the tax return.

Overtime and irregular income: Regular overtime that a parent has consistently earned over two or more years is typically averaged into the monthly income figure. Truly irregular income — a one-time bonus or a seasonal spike that has not recurred — may be averaged across twelve months or treated as a deviation factor rather than included in the base income.

Imputed income: If a parent is voluntarily unemployed or underemployed without good cause, the court may impute income at the level the parent is capable of earning. The court considers education, employment

history, jobs available in the local market, and any explanation offered for the reduced earnings. A parent who quits a salaried position to work part-time without documented justification will likely have the higher income imputed.

Minimum order and low-income protection: Even at the bottom of the table, Kentucky sets a presumptive minimum obligation of about $60 per month, which a court can lower only with a written finding that the amount would be unjust or inappropriate. The guideline schedule and the imputation rules are meant to keep an order tied to what a parent can realistically earn rather than dropping it to zero.

SSI and derivative Social Security: Supplemental Security Income (SSI) is excluded from gross income because it is a needs-based federal benefit. Social Security Disability Insurance (SSDI) received by the child as a derivative of a parent's disability record may, in some circumstances, offset or reduce that parent's support obligation. If the child receives derivative SSDI, raise the issue with the court. It does not happen automatically.

Add-on expenses: Work-related childcare costs and the marginal cost of adding the child to a health insurance plan are added to the basic obligation on the AOC-152. These expenses are shared proportionally based on income shares. The parent who carries the health insurance receives a credit equal to the marginal premium for the child.

Uninsured (extraordinary) medical expenses: Beyond the health-insurance premium, a child's uninsured medical costs that exceed $250 per child per year are treated as extraordinary medical expenses and are divided between the parents in proportion to their incomes, the same percentage shares the AOC-152 uses for the basic obligation.

Kentucky does not require a separate financial disclosure form beyond the AOC-152. If the other party disputes your income, the court can order additional discovery including bank statements, business records, and tax returns. Provide accurate figures on the worksheet. Intentional underreporting of income can result in a finding of contempt.

Section 5 — Shared Parenting

Kentucky starts from the standard Income Shares calculation, with the child living primarily with one parent and the other parent exercising scheduled parenting time. But since House Bill 501 took effect on March 31, 2023, the AOC-152 also runs a statutory shared parenting time credit under KRS 403.2122 that lowers the obligation as the paying parent's overnights rise. A parent needs the child for at least 73 days a year to qualify for any credit; the credit then grows with the number of parenting-time days and reaches its maximum, roughly half the standard obligation, at an equal split of about 182.5 days each.

At a genuinely equal split, the shared parenting time credit under KRS 403.2122 reaches its top tier. Because both parents independently bear the daily costs of housing, feeding, clothing, and

transporting the child, the credit can cut the higher earner's transfer by up to about 50 percent. It does not automatically produce a zero-dollar order. When incomes are substantially unequal, the higher-earning parent can still owe support, and the court works from the credit chart rather than from open-ended discretion.

What counts toward the credit: The credit is driven by the number of parenting-time days in a court-ordered or formally agreed schedule, with an equal split landing near 182.5 days per parent per year. Informal arrangements where the child "usually" stays equally are not enough. You need a parenting plan incorporated into a court order that specifies the schedule, because the worksheet calculates the credit from the actual day count.

Income disparity in equal-time cases: Even with a true 50/50 schedule, if one parent earns significantly more than the other, the court may still order that parent to pay child support. The equal-time provision does not produce a zero-dollar result automatically. It opens the door for judicial discretion and requires the court to analyze relative incomes, the child's needs, and each household's ability to provide.

Documenting parenting time: To invoke the equal-time provision you need evidence of the actual schedule. A parenting log, a printed calendar, or records from a co-parenting app showing overnight stays is helpful. If the parenting schedule has changed from what the current order reflects, petition for modification based on both the schedule change and the income change simultaneously.

Parenting time below an equal split: You no longer have to reach a 50/50 schedule to get a reduction. Under KRS 403.2122 the shared parenting time credit begins once the paying parent has the child at least 73 days a year and then climbs on a graduated chart as the day count rises. Document your actual parenting-time days with specific numbers, because the credit is calculated directly from that count.

If you are exercising significantly more parenting time than the standard every-other-weekend schedule but less than a full 50/50 split, compile a record of your actual overnights over the past twelve months. Present that record as evidence supporting a deviation below the guideline amount. The court has discretion; your documentation is what turns that discretion in your favor.

Section 6 — Enforcement

Kentucky's primary enforcement mechanism is income withholding. All new child support orders include a Standard Order for Income Withholding unless both parties agree otherwise in writing. The withholding order goes directly to the employer and deducts the support amount from each paycheck. CHFS administers withholding in IV-D cases.

License suspension: Under KRS 205.712, CHFS may certify a parent for license suspension once the arrearage equals or exceeds the amount that would be owed after six months of nonpayment, or the parent fails to comply with a paternity or child-support subpoena or warrant. Driver's, professional, occupational, and recreational licenses are all subject to suspension. You may request a dispute hearing with CHFS, where the only basis is a mistake of

fact. The hold stays in place until the arrearage is cleared or payments are being made under a court or administrative order.

Contempt of court: A non-paying parent can be held in contempt of the Family Court that entered the order. Contempt proceedings can result in fines, probationary payment plans, or incarceration. A hearing is required before contempt can be found. Contempt is a powerful lever when the obligor has documented income or assets and is choosing not to pay.

Credit bureau reporting: CHFS reports child support arrears to the three major credit bureaus when overdue amounts reach the reporting threshold. A negative credit entry can affect the parent's ability to obtain housing, auto loans, and other consumer credit. The derogatory entry remains until the arrears are paid.

Passport denial and federal tax intercept: Kentucky participates in the federal passport denial program under Title IV-D. When arrears reach $2,500 CHFS certifies the case to the U.S. Department of State and the parent cannot obtain or renew a passport. Federal tax refund intercept is also available: the IRS withholds refunds and routes them to the custodial parent through CHFS.

Bank account levy: CHFS and courts can levy bank accounts to collect arrears. A levy freezes funds in checking or savings accounts and redirects them to satisfy the outstanding obligation. Joint accounts may be levied to the extent of the obligor's ownership interest.

Criminal prosecution: Under KRS 530.050, nonsupport is a Class A misdemeanor, and it becomes flagrant nonsupport, a Class D felony, when the arrearage reaches at least $2,500, support has gone unpaid for six or more consecutive months, or the child has been left in destitute circumstances. A Class D felony in Kentucky carries one to five years in prison. Prosecution is reserved for deliberate, long-term non-payment; minor arrears during documented hardship are typically handled through contempt rather than criminal charges.

If you are behind on payments and want to prevent escalating enforcement, contact CHFS proactively at (800) 248-1163. CHFS can work with you on a payment plan for arrears. If your income has changed, file a modification petition immediately. Do not wait. Filing promptly establishes the date from which any reduction can apply.

Section 7 — Emergency Protocols

Emergency Protocols — Kentucky

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File your motion to modify in Family Court the same week. Do not wait for a new job offer or a court date that feels far away. In Kentucky, modification relief runs from the date you file, not from when the court hears your case. Every day you delay is a day you owe the full prior obligation even if your income is zero.

Attach your termination notice or layoff documentation to the motion. Notify CHFS of the job loss at (800) 248-1163 so your case record reflects the change. If you can make even a

partial payment, make it. Partial payments demonstrate good faith and matter when the court evaluates arrears.

EMERGENCY PROTOCOL 2: YOUR EMPLOYER GOT AN INCOME WITHHOLDING ORDER AND IS DEDUCTING THE WRONG AMOUNT

Your employer is legally required to honor the withholding order as written. Do not ask payroll to reduce or stop the withholding on your say-so. If the amount is wrong — exceeding your Consumer Credit Protection Act (CCPA) cap, applying to the wrong pay period, or continuing after the order ended — call CHFS at (800) 248-1163 first.

If CHFS confirms an error, get that confirmation in writing and provide it to your payroll department. If the error is in the court order itself, file an emergency motion in Family Court requesting immediate correction. Do not attempt to override an active withholding order without a court order authorizing the change.

EMERGENCY PROTOCOL 3: YOUR DRIVER'S LICENSE HAS BEEN SUSPENDED FOR NON-PAYMENT

Under KRS 205.712 CHFS can certify your license for suspension once your arrearage reaches roughly six months' worth of support. You can request a dispute hearing with CHFS, where the only basis is a mistake of fact, so if you believe the arrears figure is wrong, call CHFS at (800) 248-1163 immediately.

Reinstatement requires payment of the overdue amount, entry into an approved payment plan, or both. If you cannot pay the full arrears at once, negotiate a payment plan with CHFS and get written confirmation. That confirmation letter, provided to the Transportation Cabinet, may be enough to get your license reinstated while you make payments. File a modification petition simultaneously if your income has dropped.

EMERGENCY PROTOCOL 4: A CLASS D FELONY NON-SUPPORT CHARGE HAS BEEN FILED UNDER KRS 530.050

Contact a criminal defense attorney immediately. Do not appear at any criminal hearing without representation. The threshold for felony exposure in Kentucky is an arrearage of at least $2,500, six months of unpaid support, or leaving the child in destitute circumstances. A conviction carries one to five years in prison and affects professional licensing, employment background checks, and future court proceedings.

If you cannot afford private counsel, contact the Kentucky State Public Defender at (502) 564-8006. At the same time, file a modification petition in Family Court if you have not already done so. Demonstrating a good-faith effort to address the obligation is relevant context in both the criminal proceeding and any contempt hearing.

EMERGENCY PROTOCOL 5: THE OTHER PARENT IS DENYING YOUR PARENTING TIME

Parenting time and child support are legally separate in Kentucky. You cannot stop paying support because access to the children is being blocked. Stopping payments creates independent enforcement exposure and weakens your position in any custody proceeding.

File a Motion for Enforcement of Parenting Time in Family Court. Kentucky courts take deliberate interference with parenting time seriously and can enforce the schedule, impose sanctions, and modify custody when denial is a pattern. Keep a detailed log of every denied visit: date, time, what happened, how you communicated. Document by text or email so the record is timestamped.

EMERGENCY PROTOCOL 6: THE COURT IS IMPUTING INCOME YOU DO NOT ACTUALLY EARN

Challenge imputation with a paper record. Gather job applications you have submitted, rejection letters, current job postings in your field showing actual wage ranges, your resume, and any medical or personal documentation explaining your reduced earnings.

If imputation is being argued at an initial hearing, present this evidence before the order is entered. If it was applied in a prior order, file a motion to modify and present documentation showing your actual earnings reflect your genuine market capacity. Income imputation requires the court to make a specific factual finding, and an attorney can help you challenge the basis for that finding on cross-examination.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Report the delinquency to CHFS at (800) 248-1163. CHFS can initiate income withholding, license suspension, credit bureau reporting, tax refund intercept, and passport denial. If CHFS enforcement feels too slow for your situation, file a Motion for Contempt in Family Court.

A contempt hearing can be scheduled on short notice when the record is clear. Bring your payment history to the hearing: what was ordered, which payment dates were missed, and the total now owed. Courts in Kentucky take contempt seriously when the evidence is organized and presented clearly.

Section 8 — Quick Reference

Your key Kentucky figures are in the State at a Glance profile at the top of this chapter. Modification threshold: 15%. Worksheet: AOC-152. Agency: CHFS at (800) 248-1163. Retroactivity runs from your filing date. The shared parenting time credit under KRS 403.2122 adjusts the obligation as parenting-time days rise, reaching its maximum at a genuine 50/50 split. Interest on arrears: 12% per year under KRS 360.040. Felony exposure at $2,500 in arrears or six months of non-payment. License suspension applies once arrears reach about six months of support.

Section 9 — Resources and Special Considerations

The CHFS Division of Child Support is Kentucky's IV-D agency. Contact: (800) 248-1163. Website: chfs.ky.gov. CHFS handles income withholding, license suspension, tax intercept, and administrative case services. For court forms including the AOC-152, the Kentucky Court of Justice website at courts.ky.gov is the primary source.

Legal aid resources in Kentucky:

Legal Aid Society of Louisville: Serves Jefferson County and surrounding counties. Phone: (502) 584-1254. Website: laslou.org. Handles family court matters including child support modification for income-eligible clients.

Appalachian Research and Defense Fund (AppalReD): Serves eastern Kentucky counties. Phone: (606) 432-4132. Website: ardfky.org. Focused on low-income clients in the Appalachian region of the state.

Kentucky Legal Aid: Serves western and central Kentucky counties. Phone: (270) 782-2203. Website: kyjustice.org.

Kentucky Bar Association Lawyer Referral Service: For paid attorney referrals statewide: (502) 564-3795.

Special considerations for Kentucky:

Shared parenting time credit: KRS 403.2122, effective March 31, 2023, is Kentucky's statutory mechanism for crediting parenting time in child support. If you have a court-ordered schedule giving you at least 73 parenting-time days a year, cite this provision in your motion and attach the day count. The credit is built into the AOC-152 worksheet rather than left to open-ended discretion.

High school extension to age 19: Kentucky child support continues past age 18 if the child is still enrolled in high school, running until the child turns 19 or graduates, whichever comes first. Track your child's enrollment status carefully during the 18th year. The order does not self-terminate. Confirm the end date with the court if any dispute exists about enrollment status.

Administrative three-year review: For cases that CHFS is actively administering, an administrative review of the support order is available after three years have elapsed since the most recent order. This is an alternative path to modification that does not require filing a court petition. Contact CHFS at (800) 248-1163 to request a review if your case qualifies.

Interstate jurisdiction under UIFSA: The Uniform Interstate Family Support Act (UIFSA) governs which state has authority to modify if you or the other parent have moved out of Kentucky since the original order was entered. Kentucky retains exclusive continuing jurisdiction over its own orders as long as one party or the child still resides in the state. If neither party nor the child remains in Kentucky, the new state of residence can assert jurisdiction. File in the correct forum. A motion filed in the wrong state will be dismissed.

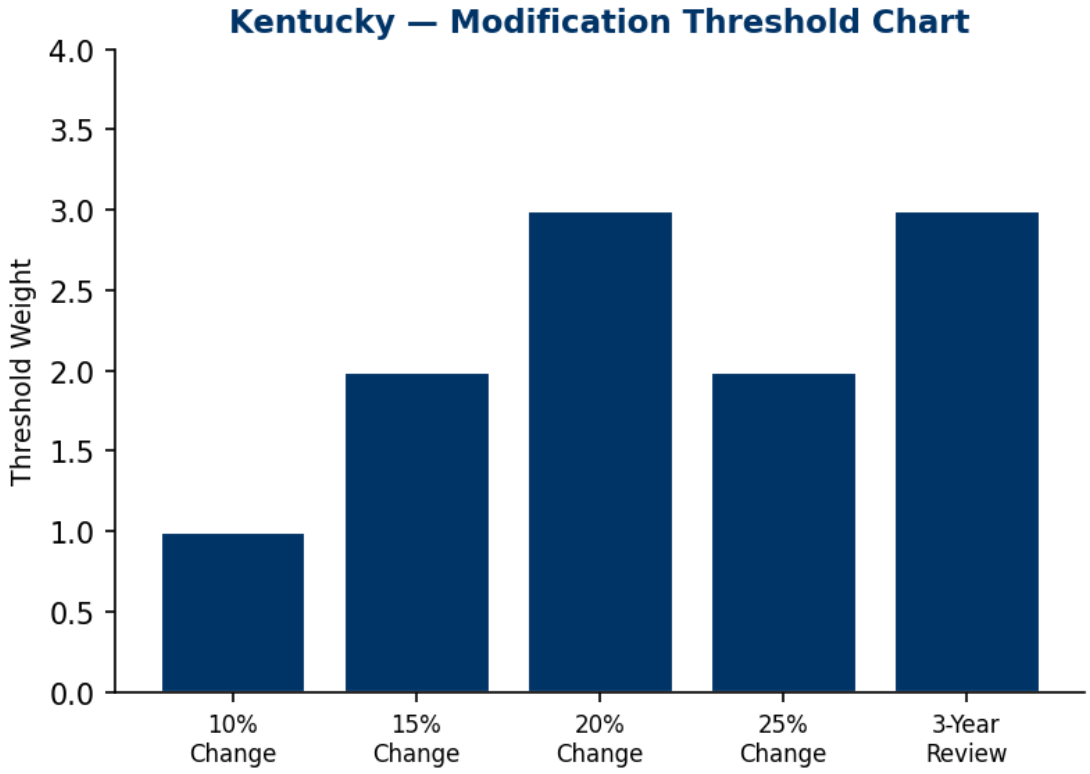
CHFS Division of Child Support: (800) 248-1163 | chfs.ky.gov

Kentucky Court of Justice (forms and court locator): courts.ky.gov

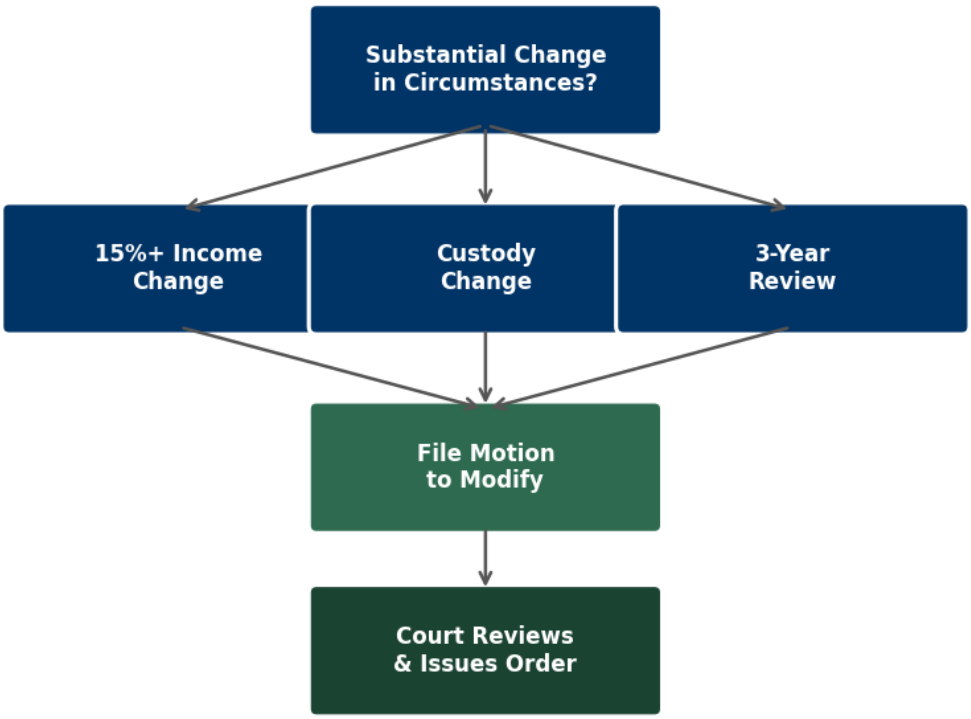
Legal Aid Society of Louisville: (502) 584-1254 | laslou.org

Military families: If either parent serves in the military, Chapter 51 covers how allowances such as BAH and BAS count toward Kentucky gross income, how the Servicemembers Civil Relief Act can pause a proceeding, and how to serve a deployed parent. Kentucky's military footprint includes Fort Campbell and Fort Knox. For an order or parent in another state, the UIFSA rules in

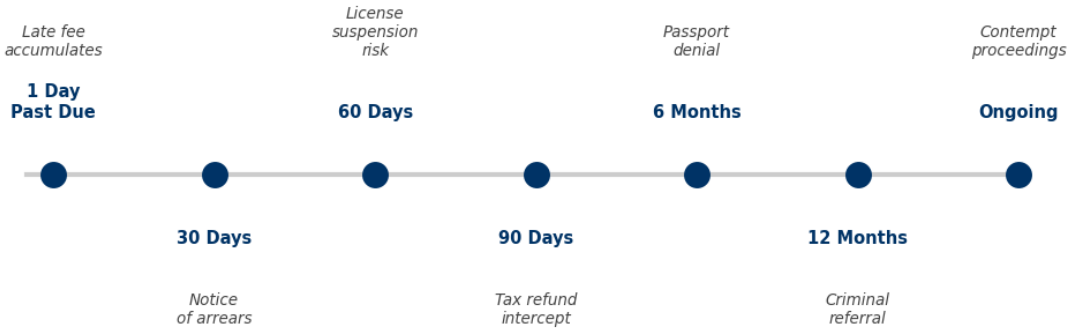
this chapter and in Chapter 52 govern which state may modify and how Kentucky enforces across state lines.



Kentucky — Modification Trigger Flowchart



Kentucky — Enforcement Escalation Timeline



End of Chapter 17 — Kentucky | Chapter 18 — Louisiana follows.

Chapter 18

Chapter 18 — Louisiana

Louisiana	Child Support at a Glance
Calculation Model	Income Shares -- La. R.S. 9:315 through 9:315.20
Modification Threshold	No fixed percentage -- substantial change in circumstances required
Agency	DCFS Support Enforcement Services -- (888) 524-3578
Filing Method	Rule to Show Cause filed in the court that entered the original order
Court	District Court (Louisiana uses Parishes, not Counties)
Retroactivity	Back to the date the Rule to Show Cause is filed
Shared Parenting Trigger	Shared custody at 73+ overnights per year -- La. R.S. 9:315.9
License Suspension	At 30 days past due -- La. R.S. 9:315.30
Criminal Penalty	Criminal neglect of family -- La. R.S. 14:74
Interest on Arrears	Judicial interest rate set annually by Louisiana Supreme Court
Civil Law Jurisdiction	Louisiana is the only civil law state in the U.S. -- French/Spanish heritage

Section 1 — Overview

Louisiana calculates child support under the Income Shares model codified in La. R.S. 9:315 through 9:315.20. Both parents' adjusted gross incomes are combined, the obligation is determined from the state schedule, and each parent pays a proportional share. Louisiana is the only state in the U.S. operating under civil law heritage — its legal system draws on French and Spanish codes rather than English common law — but its child support guidelines follow the same Income Shares framework used by most states.

The Department of Children and Family Services (DCFS), Support Enforcement Services division, is Louisiana's IV-D agency. All child support matters are heard in District Court. Louisiana is divided into parishes rather than counties. You file in the parish where the original order was entered or where the child currently resides.

The filing mechanism in Louisiana is a Rule to Show Cause, not a standard motion. You file the Rule, the clerk issues it, and the other parent is required to appear and explain why the order should not be modified. This procedural format is a feature of Louisiana's civil law tradition. Retroactivity runs from the date the Rule is filed — not from service, not from the hearing date.

Income in Louisiana is defined as gross income before taxes and deductions. La. R.S. 9:315.2 includes wages, salaries, commissions, self-employment earnings, severance pay, retirement income, interest, dividends, rental income, unemployment benefits, disability benefits, and Social Security payments other than SSI. The statute explicitly excludes public assistance benefits including Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF).

Louisiana does not publish a fixed percentage threshold for modification. Instead the standard is whether a "material change in circumstances" has occurred that is substantial and likely to be permanent. Courts evaluate each case individually. The absence of a numerical safe harbor means you must present a clear factual case. A percentage difference alone will not carry the argument without evidence of the underlying change.

Section 2 — Grounds for Modification

Louisiana requires a showing of material change in circumstances that is substantial and likely to be permanent. La. R.S. 9:311 governs modification. There is no statutory percentage threshold, but courts consistently look at whether the change is significant enough to justify the cost and disruption of a modification proceeding. A change that produces a different obligation by at least 10 to 15 percent tends to attract serious judicial attention, though this is not a statutory rule.

Louisiana courts also have the authority to modify a child support order when three years have elapsed since the last review and the guidelines would produce a different result. The three-year review pathway does not require showing a material change. The passage of time and a changed calculation is enough.

The following are recognized grounds for modification under Louisiana law.

Job loss or significant income reduction: An involuntary job loss or a substantial reduction in wages or hours qualifies as a material change. File the Rule to Show Cause in the week you lose your job. Retroactivity runs from the filing date, so delay means more arrears at the prior rate. Attach documentation of the job loss, including any termination notice or employer letter. Voluntary resignation without good cause is treated skeptically by Louisiana courts.

Significant income increase: If the paying parent's income has increased substantially since the order was entered, the receiving parent can seek upward modification. Tax returns, W-2s, and recent pay stubs are the standard proof. The three-year review pathway is often the cleaner route when time has elapsed and both incomes have shifted.

Change in the child's financial needs: Louisiana's Income Shares model accounts for the child's needs as well as parental incomes. A significant change in extraordinary medical expenses, educational costs, or special needs costs can support modification even without a change in either parent's income.

Change in custody or parenting time: A shift in the actual custody arrangement or a significant increase in parenting time by either parent can support a modification petition. A nondomiciliary parent who passes 73 days a year may qualify for a discretionary credit, and an approximately equal split triggers Louisiana's shared-custody formula. See Section 5 for details.

Change in add-on expenses: Work-related childcare costs and health insurance premiums for the child are included in the Louisiana calculation under La. R.S. 9:315.3. A significant change in either category — childcare ending when a child starts school or loss of employer-sponsored insurance — is a basis for modification.

Three-year review: Louisiana allows modification when three years have elapsed since the last order, without requiring proof of a material change, if the guidelines would produce a different result. This is an administrative review available through DCFS for IV-D cases or a court petition for private cases. If three years have passed and circumstances have shifted at all, this is typically your clearest path.

Louisiana's civil law tradition means there is less published appellate case law interpreting the guidelines than in common law states. Judges in Louisiana's District Courts have somewhat more discretion in applying the guidelines. Presenting a clean, well-documented factual record is especially important.

Section 3 — Step-by-Step: How to File

Modification in Louisiana is initiated by filing a Rule to Show Cause in the District Court that entered the original order, or in the parish of the child's current residence if that parish court has proper jurisdiction. Retroactivity runs from the filing date. Follow these steps.

Step 1 — Gather your financial documentation: Collect your last three pay stubs, your last two years of federal tax returns and W-2 forms, documentation of health insurance premium costs for the child, and documentation of work-related childcare. If a job loss is the basis, get your termination letter or layoff documentation. If income has changed for the other parent,

gather what evidence you have: their most recent paystubs, any public financial records, or a request through the court for financial disclosure.

Step 2 — Obtain and complete the Louisiana Child Support Worksheet: Download the Louisiana Child Support Guidelines Worksheet from the Louisiana Supreme Court website or from the DCFS website at dcfs.la.gov. Louisiana uses an Obligation Worksheet and a Schedule of Basic Child Support Obligations. Fill in both parents' monthly gross incomes, healthcare costs, childcare costs, and any applicable deductions. The worksheet produces the presumptive monthly obligation.

Step 3 — Prepare the Rule to Show Cause: Draft a Rule to Show Cause requesting modification of child support. In Louisiana this is the procedural vehicle for most post-judgment family law relief. The Rule must identify the original order, describe the material change in circumstances, and state the relief you are requesting. Some parishes have standard forms available at the clerk's office, so ask the clerk whether a form is available before drafting from scratch.

Step 4 — File the Rule with the District Court clerk: File the Rule to Show Cause and your completed worksheet with the clerk of the District Court that entered the original order. Pay the filing fee or request a fee waiver. The clerk will set a return date — the date on which the other party must appear and respond. The return date is usually two to four weeks out.

Step 5 — Serve the other parent: In Louisiana the sheriff serves civil process. Personal service by the parish sheriff is the standard method and is generally required. The clerk's office can arrange for service through the sheriff's department. Keep proof of service. The Rule cannot proceed if the other parent has not been properly served.

Step 6 — Appear on the return date and present your case: Appear in District Court on the return date. Bring your financial documentation, the completed worksheet, and any supporting evidence of the change in circumstances. The judge will hear both sides and may modify the order that day or schedule a full hearing if the facts are disputed.

Step 7 — Obtain and implement the modified order: Once the court modifies the order, obtain a certified copy from the clerk. If support is paid through DCFS or income withholding, update the withholding documentation. If you pay directly, adjust the payment amount immediately upon entry of the new order.

If you cannot afford an attorney, DCFS Support Enforcement Services can assist with modification in IV-D cases. Louisiana's legal aid organizations also handle family court matters. See Section 9 for contact information.

Section 4 — Income Calculation

Louisiana uses gross monthly income for all calculations under La. R.S. 9:315.2. Gross income means income before any deductions: before taxes, before retirement contributions, before health insurance premiums. If you are a W-2 employee, gross income is the figure in Box 1 of your W-2.

Louisiana gross income includes: wages, salaries, commissions, tips, and bonuses; net income from self-employment, business interests, or rental property; severance pay; retirement and pension distributions; Social Security retirement and disability benefits (but not SSI or TANF); unemployment compensation; workers' compensation; interest, dividends, and capital gains; and regular gifts or financial contributions received from a non-party.

Self-employment and business income: For self-employed parents, Louisiana looks at gross receipts minus ordinary and necessary business expenses. La. R.S. 9:315.2(B) permits deduction of actual, reasonable business expenses that can be verified. Courts scrutinize large vehicle deductions, home office claims, and depreciation. Bring three years of tax returns and a profit-and-loss statement if self-employment income is in dispute.

Imputed income: If a parent is voluntarily unemployed or underemployed the court may impute income based on earning capacity. La. R.S. 9:315.2(D) authorizes imputation when the parent has reduced income voluntarily and without good cause. The court considers the parent's work history, education, vocational skills, and employment opportunities available in the area. A parent who quit a professional position to avoid support obligations is an obvious imputation candidate.

Irregular income: Bonuses, commissions, and overtime pay that recur annually are typically averaged over twelve months and included in monthly gross income. A one-time windfall such as a personal injury settlement or an inheritance may or may not be included depending on how the court characterizes it. Recurring annual bonuses are generally included.

Add-on expenses: Louisiana adds net childcare costs and the cost of health insurance coverage for the child onto the basic obligation. Under La. R.S. 9:315.3 these add-ons are apportioned between the parents in proportion to their income shares. The parent paying childcare or carrying health insurance receives a credit against the basic obligation for those expenses.

Uninsured (extraordinary) medical expenses: The schedule already builds in ordinary medical costs, meaning uninsured expenses up to $250 per child per year. Uninsured medical, dental, orthodontic, and similar costs that exceed $250 per child per year are extraordinary medical expenses under La. R.S. 9:315.5, and they are added to the basic obligation and divided between the parents in proportion to their incomes.

Adjustments for other support obligations: Louisiana allows a deduction from gross income for court-ordered child support or spousal support being paid to someone not party to the current case. If you are already paying support for a child from another relationship, that court-ordered payment reduces the income figure used in this calculation.

Income above and below the schedule: Louisiana's schedule runs up to a combined adjusted gross income of $40,000 per month. When the parents' combined income is higher, the basic obligation is left to the court's discretion but cannot be set below the highest amount on the schedule (La. R.S. 9:315.13(B)). When combined income falls below the lowest figure on the schedule, the court sets an amount based on the facts of the case, but not less than the statutory minimum order (La. R.S. 9:315.14).

Louisiana does not use net income as its base. It uses gross income. The adjustment for other court-ordered obligations is the primary pre-calculation deduction permitted. All other post-tax deductions — retirement, health insurance for the parent, voluntary deductions — are ignored in the guideline calculation.

Section 5 — Shared Parenting

Louisiana's standard calculation assumes the child resides primarily with one parent. The paying parent's obligation is based on the guideline amount without adjustment for parenting time in the standard case. When a parent exercises substantial time with the child, Louisiana's shared custody deviation under La. R.S. 9:315.9 may apply.

Louisiana actually has two distinct parenting-time mechanisms. Under a joint custody order that is not shared custody, if the parent paying support has physical custody of the child for more than 73 days a year, the court may grant a discretionary credit against the obligation under La. R.S. 9:315.8(E); a "day" for this purpose means at least four hours of physical custody. True shared custody, where each parent has the child for an approximately equal amount of time, is governed separately by La. R.S. 9:315.9 and uses a different formula. Both can lower the paying parent's obligation, but they are triggered by different levels of parenting time.

The 73-day threshold: This is the trigger for the discretionary credit under La. R.S. 9:315.8(E), not for the shared-custody formula. If the paying parent's court-ordered schedule provides more than 73 days a year, roughly every-other-weekend plus some additional time, the court may credit the obligation at its discretion. Document the actual days in your calendar or parenting app, since a qualifying day requires at least four hours of physical custody.

The shared-custody formula: When the parents share physical custody approximately equally, La. R.S. 9:315.9 applies. It first multiplies the basic obligation by one and one-half to reflect the added cost of maintaining two households, divides that between the parents in proportion to their incomes, and then offsets each parent's share by the time the child spends with the other. The resulting net obligation for the higher earner is typically lower than the standard calculation.

Below the 73-day threshold: If you have the child 73 days a year or fewer, the discretionary credit under La. R.S. 9:315.8(E) is not available, and parenting time below that level does not automatically reduce the obligation. You can still argue for a deviation based on extraordinary expenses you incur during your parenting time, but whether to grant it is up to the court.

Joint custody versus shared physical custody: Louisiana distinguishes joint legal custody, where both parents participate in major decisions, from shared physical custody, where the child spends substantial physical time with each parent. Joint legal custody is the default preference and does not by itself change the support calculation. It takes actual physical custody time, more

than 73 days for the discretionary credit or an approximately equal split for the shared-custody formula, to affect the obligation.

If your custody arrangement has changed since the support order was entered and you are now exercising more than 73 days a year, that shift supports a modification petition and may qualify you for the discretionary credit under La. R.S. 9:315.8(E), or the shared-custody formula under 9:315.9 if your time is approximately equal. Document the actual schedule with a parenting log, court order, or written agreement.

Section 6 — Enforcement

Louisiana uses income withholding as the primary enforcement mechanism. All new child support orders issued in Louisiana include income withholding. Employers in Louisiana are required to honor income withholding orders and to begin deducting within the time period specified by the order. DCFS administers withholding in IV-D cases.

License suspension: Under La. R.S. 9:315.30 and the sections that follow, Louisiana can suspend driver's, professional, recreational, and hunting and fishing licenses when a parent falls roughly 90 days behind on child support. DCFS administers the process: it sends a delinquency notice by certified mail and gives 30 days' advance written notice to liquidate the arrears or make arrangements. A parent then has 20 days after receiving notice to request an administrative hearing, pay the arrears in full, or set up an approved payment schedule.

Contempt of court: A parent who fails to pay as ordered can be held in contempt of the District Court that issued the order. Contempt can result in fines, a probationary payment plan, or incarceration. The court requires a hearing. In Louisiana, contempt is often the most direct route to compliance when the obligor has assets or income but is choosing not to pay.

Tax refund intercept: Louisiana participates in the federal tax refund intercept program. When certified arrears reach the federal threshold, DCFS certifies the case and the IRS redirects the obligor's federal refund to the custodial parent. Louisiana also intercepts state tax refunds for delinquent cases.

Passport denial: When arrears reach $2,500 DCFS certifies the case for federal passport denial. The obligor cannot obtain or renew a U.S. passport until the arrears are resolved or a payment arrangement is approved.

Credit bureau reporting: DCFS reports certified arrears to the credit bureaus, creating a negative entry that affects the obligor's credit profile. This enforcement tool is particularly effective when the obligor is attempting to obtain financing for housing, vehicles, or business purposes.

Interest on arrears: Each past-due installment of Louisiana child support becomes a money judgment by operation of law and carries judicial interest from the date it falls due. The rate is the Louisiana judicial interest rate, reset every year under La. R.S. 13:4202 (it was 8.25% for 2025), and it runs as simple interest on each missed installment. Over time that interest can add a substantial amount to a large arrearage.

Criminal non-support: Willful failure to pay child support in Louisiana is criminal neglect of family under La. R.S. 14:74. The crime applies when a parent intentionally fails to provide reasonably necessary support and is capable of providing it. Conviction can result in fines and imprisonment. Criminal prosecution is reserved for the most serious, deliberate cases of non-payment.

If you are behind on payments and want to stop escalating enforcement, contact DCFS Support Enforcement Services at (888) 524-3578. DCFS can establish payment plans for arrears. If your income has changed, file the Rule to Show Cause immediately. Every day without a filed Rule is another day the old amount accrues.

Section 7 — Emergency Protocols

Emergency Protocols — Louisiana

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File the Rule to Show Cause in District Court the same week. In Louisiana, retroactivity runs from the filing date of the Rule — not from when the court hears it. Every day you wait is a day you owe the full prior obligation on a zero income.

Attach your termination notice or layoff documentation to the Rule. Notify DCFS at (888) 524-3578 of the job loss so the IV-D record reflects it. Make partial payments if you have any resources. Partial payment demonstrates good faith, and the court notices the difference between a parent who is trying and a parent who has simply stopped.

EMERGENCY PROTOCOL 2: YOUR EMPLOYER GOT AN INCOME WITHHOLDING ORDER AND IS DEDUCTING THE WRONG AMOUNT

Louisiana employers are required by law to honor income withholding orders as written. Do not ask payroll to override the order on your word alone. If the deduction amount is incorrect — exceeding the CCPA cap, applying to the wrong pay period, or running after the order ended — call DCFS at (888) 524-3578 immediately.

If DCFS confirms an error, get that confirmation in writing and provide it to your payroll department with a copy of the corrected order or DCFS letter. If the error is in the order itself, file an emergency Rule in District Court requesting immediate correction of the withholding amount. Do not ask your employer to simply stop the withholding without a court order.

EMERGENCY PROTOCOL 3: YOUR LICENSE HAS BEEN SUSPENDED FOR NON-PAYMENT

Under La. R.S. 9:315.30 DCFS can move to suspend your driver's license once you are roughly 90 days behind. You have 20 days after receiving the notice to request an administrative hearing, pay the arrears, or arrange a payment plan. If you missed that window, call DCFS at (888) 524-3578 immediately.

Reinstatement requires payment of overdue amounts, entry into a payment arrangement, or both. Get written confirmation of any payment plan from DCFS and provide it to the Office of Motor Vehicles for license reinstatement. If your income has dropped, file a Rule for modification at the same time. This shows the court and DCFS that you are taking action, not avoiding the obligation.

EMERGENCY PROTOCOL 4: A CRIMINAL NON-SUPPORT CHARGE HAS BEEN FILED UNDER LA. R.S. 14:74

Contact a criminal defense attorney immediately. Do not appear at a criminal hearing without representation. Louisiana's criminal neglect of family statute applies when a parent willfully fails to provide support and has the ability to pay. A conviction can result in fines and jail time and will affect professional licensing and future court proceedings.

If you cannot afford private counsel, contact the Louisiana Public Defender Board at (225) 342-0911. File a Rule for modification in District Court at the same time if you have not already done so. Demonstrating an active, good-faith effort to address the obligation is relevant to both the criminal case and any contempt proceeding.

EMERGENCY PROTOCOL 5: THE OTHER PARENT HAS DENIED YOUR PARENTING TIME

Parenting time and child support are separate legal obligations in Louisiana. You cannot stop paying support because your access to the children is being blocked. Stopping payments creates enforcement exposure and weakens your position with the court.

File a Rule to Show Cause for enforcement of physical custody or visitation in District Court. Louisiana courts treat interference with court-ordered parenting time as contempt and have authority to enforce the schedule, modify custody, and impose sanctions against the offending parent. Document every denied visit with date, time, what happened, and any text or email exchanges.

EMERGENCY PROTOCOL 6: THE COURT IS IMPUTING INCOME YOU DO NOT ACTUALLY EARN

Louisiana allows income imputation under La. R.S. 9:315.2(D) when a parent is voluntarily underemployed or unemployed without good cause. To challenge an imputed income figure, you need documentary proof that your current earnings represent your genuine capacity.

Gather job applications submitted, rejection letters, current wage postings in your field, your employment history, and any medical or personal documentation explaining reduced work. If imputation happened in a prior order, file a Rule for modification presenting evidence that circumstances support a different figure. The court must make findings when it imputes income, and an attorney can help you attack the factual basis for those findings.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Report the delinquency to DCFS Support Enforcement Services at (888) 524-3578. DCFS has the full enforcement toolkit: income withholding, license suspension, tax intercept, passport denial, and credit bureau reporting. If DCFS action feels too slow, file a Rule to Show Cause for contempt in District Court.

A contempt Rule can be set on a short return date when the non-payment is clear and documented. Bring your complete payment history: the order amount, dates payments were missed, and the total arrears. Louisiana courts treat willful non-payment as contempt, and a well-documented contempt Rule moves quickly.

Section 8 — Quick Reference

Your key Louisiana figures are in the State at a Glance profile at the top of this chapter. No fixed percentage threshold; a substantial change is required. Three-year review available to DCFS-enrolled cases without showing material change. Agency: DCFS at (888) 524-3578. Filing mechanism: Rule to Show Cause. Retroactivity: from Rule filing date. Parenting-time credit: discretionary at more than 73 days a year under La. R.S. 9:315.8(E); shared-custody formula at approximately equal time under La. R.S. 9:315.9. License suspension at roughly 90 days past due. Interest on arrears at the judicial rate set annually under La. R.S. 13:4202. Criminal non-support under La. R.S. 14:74.

Section 9 — Resources and Special Considerations

The DCFS Support Enforcement Services division is Louisiana's IV-D agency. Contact: (888) 524-3578. Website: dcfs.la.gov. DCFS handles income withholding, license suspension, tax intercept, and administrative enforcement. Child support guidelines and worksheets are available at the Louisiana Supreme Court website (lasc.org) and the DCFS website.

Legal aid resources in Louisiana:

Southeast Louisiana Legal Services (SLLS): Serves the New Orleans metro area and southeast Louisiana parishes. Phone: (504) 529-1000. Website: slls.org. Handles family court matters including child support for income-eligible clients.

Acadiana Legal Service Corporation: Serves south-central Louisiana including the Lafayette area. Phone: (337) 237-4320. Website: la-law.org.

Capital Area Legal Services (CALS): Serves the Baton Rouge area and surrounding parishes. Phone: (225) 448-0048. Website: la-law.org/cals.

Louisiana State Bar Association Lawyer Referral Service: For paid attorney referrals statewide: (504) 566-5127 or lsba.org.

Special considerations for Louisiana:

Civil law tradition: Louisiana's civil law heritage means that procedural rules, terminology, and some substantive standards differ from common law states. The Rule to Show Cause is the standard procedural vehicle. Judges in Louisiana's District Courts have more discretion than in some heavily codified common law states. The factual record you present matters, so be thorough and organized.

Parish-based jurisdiction: Louisiana uses parishes rather than counties. You file in the parish court that entered the original order or in the parish of the child's current domicile. If the child has moved to a different parish since the order was entered, confirm which parish court has jurisdiction before filing.

Three-year administrative review: DCFS-enrolled cases can request a free administrative review every three years without showing material change. If three years have elapsed since your last order and the guidelines would produce a meaningfully different result, this is often the fastest and cheapest path to modification. Contact DCFS at (888) 524-3578 to initiate the review.

When support ends: Louisiana child support terminates automatically when a child reaches the age of majority, 18, or is emancipated, with no action required by the paying parent (La. R.S. 9:315.22). It continues, though, for an unmarried child who is a full-time student in good standing in a secondary school, is dependent on a parent, and has not yet turned 19, running until graduation or the 19th birthday, whichever comes first. For a child with a developmental disability who remains a full-time secondary-school student, support can continue until age 22.

Retroactivity to filing date: Louisiana's retroactivity rule runs from the date the Rule to Show Cause is filed — not from service, not from the hearing. File immediately when your circumstances change. Waiting even a few weeks costs you weeks of reduced-rate retroactivity.

Interstate jurisdiction under UIFSA: The Uniform Interstate Family Support Act (UIFSA) applies when either parent or the child has moved out of Louisiana since the order was entered. Louisiana retains exclusive continuing jurisdiction over its own orders as long as one party or the child remains in the state. If all parties have left Louisiana, the new jurisdiction of residence can seek to modify.

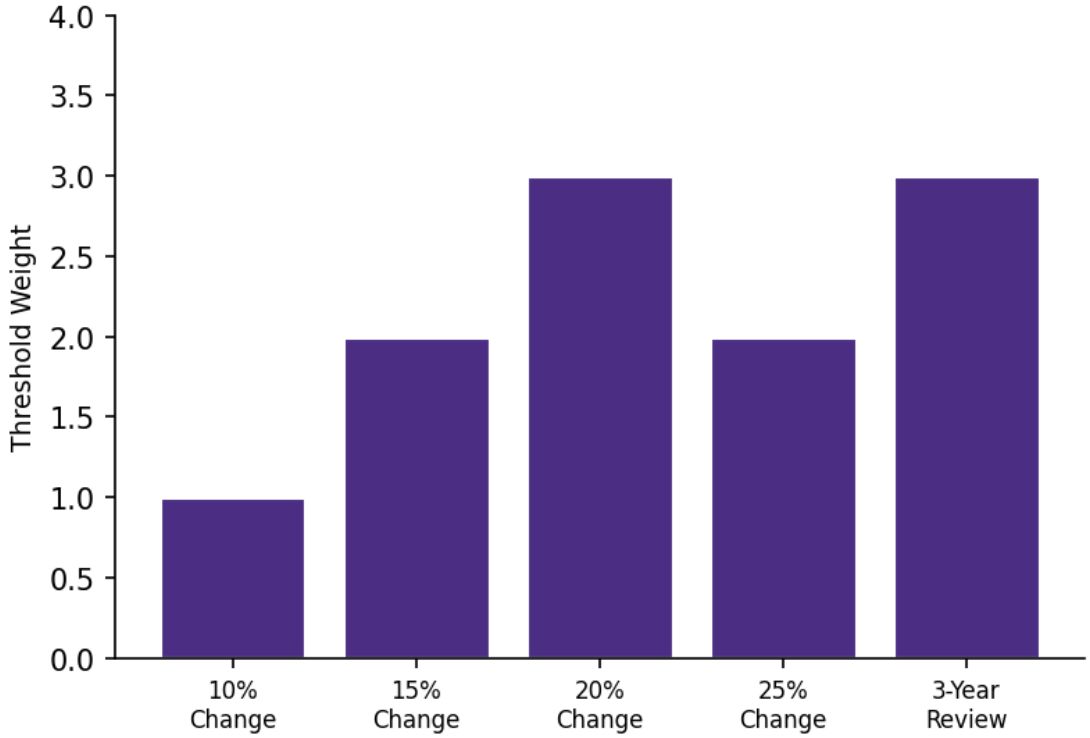
DCFS Support Enforcement Services: (888) 524-3578 | dcfs.la.gov

Louisiana Supreme Court (guidelines and forms): lasc.org

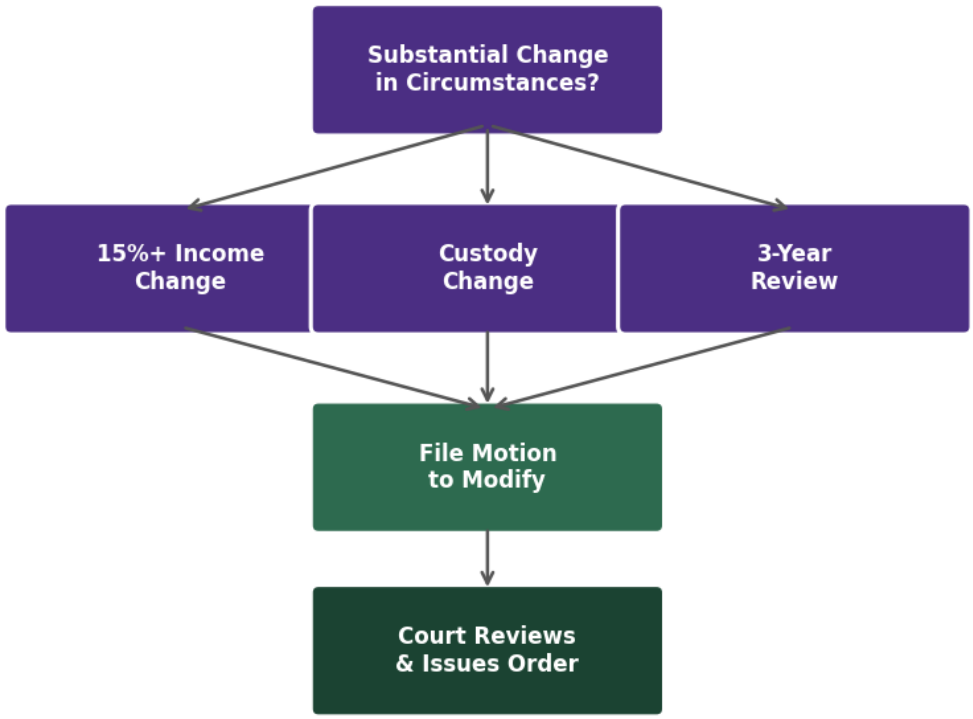
Southeast Louisiana Legal Services: (504) 529-1000 | slls.org

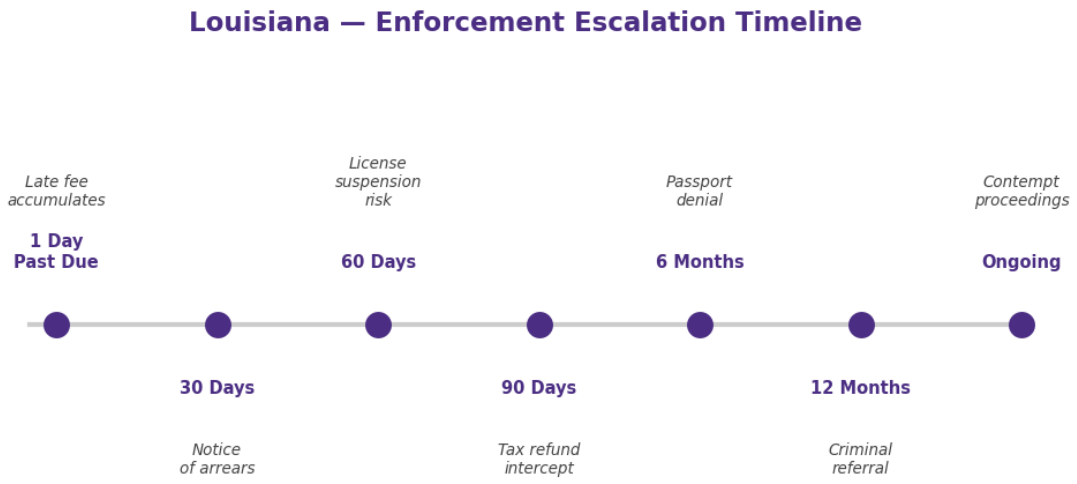
Military families: If either parent serves in the military, Chapter 51 covers how allowances such as BAH and BAS count toward Louisiana gross income, how the Servicemembers Civil Relief Act can pause a proceeding, and how to serve a deployed parent. Louisiana's military footprint includes Barksdale Air Force Base, Fort Johnson (formerly Fort Polk), and Naval Air Station Joint Reserve Base New Orleans. The UIFSA discussion above and Chapter 52 govern which state may modify an order and how Louisiana enforces across state lines.

Louisiana — Modification Threshold Chart



Louisiana — Modification Trigger Flowchart





End of Chapter 18 — Louisiana | Chapter 19 — Maine follows.

Chapter 19

Chapter 19 — Maine

Maine	Child Support at a Glance

Calculation Model	Income Shares -- 19-A M.R.S. Chapter 63
Modification Threshold	15% change in guideline obligation (safe harbor)
Agency	DHHS Division of Support Enforcement and Recovery (DSER) -- (207) 624-4100
Filing Form	Motion to Modify Child Support (FM-014 or local form)
Court	District Court (Unified Criminal Docket) or Superior Court
Retroactivity	Back to date of filing of the motion to modify
Three-Year Review	DSER administrative review available every 3 years in IV-D cases
Shared Parenting Trigger	30% of annual overnights (approximately 110+ nights) -- significant deviation factor
License Suspension	30+ days past due -- 29-A M.R.S. Section 2453
Criminal Penalty	Class D crime -- $5,000+ unpaid or 2+ years of non-payment -- 17-A M.R.S. Section 556
Interest on Arrears	Established by court order -- Maine courts may award interest on arrears

Section 1 — Overview

Maine calculates child support under the Income Shares model established in 19-A M.R.S. Chapter 63. Both parents' gross incomes are combined, the court applies the state guidelines schedule to determine a total basic support obligation, and that obligation is divided between the parents in proportion to their income shares. The non-custodial parent (the one without primary residence) pays their share as a monthly transfer.

The Maine Department of Health and Human Services (DHHS), Division of Support Enforcement and Recovery (DSER), is Maine's IV-D agency. DSER enforces and modifies orders in cases where the state has an active interest. Private cases are handled directly through the court system. Maine child support cases are filed in District Court in most counties, though some matters may be heard in Superior Court depending on how the original case was structured.

The primary modification statute is 19-A M.R.S. Section 2009. Maine codifies a 15% safe harbor: if applying current incomes to the guidelines produces an obligation that differs from the existing order by 15% or more, that difference is presumptively a substantial change. Retroactivity in Maine runs from the date the modification motion is served on the other parent, not from the filing date and not from the hearing date (19-A M.R.S. Section 2009).

Maine defines gross income broadly for guideline purposes. 19-A M.R.S. Section 2001 includes wages, salaries, commissions, tips, bonuses, overtime, self-employment income, rental income, retirement distributions, Social Security benefits (excluding SSI), disability insurance, workers' compensation,

unemployment compensation, interest, dividends, and regular contributions from non-parties. The definition explicitly permits the court to impute income to a parent who is voluntarily unemployed or underemployed.

Maine also conducts three-year administrative reviews through DSER for IV-D cases. After three years have elapsed since the last order, DSER will review the case and adjust the support amount to conform to the current guidelines without requiring the parent to show a material change. This is a valuable and often underutilized pathway.

Section 2 — Grounds for Modification

To modify a child support order in Maine you must show a substantial change in circumstances. 19-A M.R.S. Section 2009 governs the standard. Maine's 15% safe harbor means that if running the current incomes through the guidelines produces an obligation that differs from the existing order by 15% or more, the court will treat that as a presumptive substantial change. Courts retain discretion to modify below the threshold when the circumstances are genuinely significant.

Maine's three-year review pathway does not require showing a material change at all. If three years have elapsed since the last order and the guidelines would produce a different result, DSER can review and revise the order administratively. For IV-D cases, this is often the fastest path when years have passed and both incomes have shifted.

The following are the most common grounds for modification in Maine District Courts.

Job loss or significant income reduction: An involuntary job loss or a substantial, permanent reduction in wages or hours qualifies as a material change. File and serve your motion the same week you lose your job. Maine retroactivity runs from the date the motion is served, so every week of delay is a week you stay liable at the old amount. Attach termination or layoff documentation to the motion.

Substantial income increase: If the paying parent's income has risen significantly since the order was entered, the receiving parent can petition for upward modification. The same 15% standard applies. Tax returns, W-2s, and recent pay stubs are the standard documentation.

Change in custody or parenting time: A meaningful shift in the actual parenting schedule is a basis for modification. If the non-custodial parent is now exercising 110 or more overnights per year (approximately 30% of the year), Maine's shared parenting calculation may apply. See Section 5.

Child emancipation: When one child in a multi-child order reaches the age of majority (18 in Maine), the order does not automatically reduce. You must file a motion so the court enters a new order for the remaining children.

Change in add-on expenses: Maine includes work-related childcare costs and health insurance premiums for the child as add-ons to the basic obligation. A significant change in either category supports a modification petition. Common examples include childcare ending when a child enters school or a loss of health insurance coverage.

Disability or serious illness: A medically documented disability that substantially and permanently reduces earning capacity is a recognized basis for modification. Documentation from treating providers is essential.

Maine courts want to see that the condition is genuine and that it materially affects what the parent is capable of earning.

Maine does not impose a waiting period between modification petitions. If circumstances change materially shortly after a prior modification, a new petition is appropriate. The filing and service record establishes the date from which any modified order can apply.

Section 3 — Step-by-Step: How to File

Modification petitions are filed in the District Court that entered the original order, or in the District Court of the county where the child currently resides if jurisdiction has shifted. Retroactivity runs from the date the motion is served on the other parent, so serve promptly. Follow these steps.

Step 1 — Gather your financial documentation: Collect your last three pay stubs, your last two federal tax returns and W-2 forms, documentation of the child's health insurance premium cost, and documentation of work-related childcare. If a job loss is the basis, get termination or layoff paperwork. If disability is at issue, obtain written documentation from your treating providers. Organize everything before you go to the courthouse.

Step 2 — Obtain and complete the income worksheet: Maine uses a Child Support Worksheet, Form FM-014 or a locally approved equivalent. Download the form from the Maine Judicial Branch website at courts.maine.gov. Fill in both parents' gross monthly incomes, health insurance costs for the child, childcare expenses, and any applicable adjustments. The worksheet produces the presumptive guideline obligation.

Step 3 — File your Motion to Modify Child Support: Prepare and file a Motion to Modify Child Support in the appropriate District Court. Attach your completed worksheet and supporting financial documentation. Include a proposed modified order if you can draft one. Pay the filing fee at the clerk's window or request a fee waiver if you are income-eligible. The clerk will assign a docket number and schedule a hearing.

Step 4 — Serve the other parent: Serve the other parent with the motion and all attachments. Maine requires service by a deputy sheriff or process server for initial service in most cases. Certified mail with return receipt may be available in some circumstances. File your proof of service with the clerk before the hearing.

Step 5 — Attend the hearing and present your evidence: Appear in District Court on your scheduled date. Bring your financial documentation organized and ready to hand to the judge. Explain the change in circumstances, walk through the worksheet calculation, and respond to any objections. The judge may enter a modified order the same day or schedule a follow-up hearing if facts are disputed.

Step 6 — Obtain and implement the modified order: After the court enters the modified order, get a certified copy from the clerk. If support is paid through DSER or income withholding, update the withholding instructions. Adjust direct payments to the new amount immediately upon entry of the order.

DSER can assist with modifications in IV-D cases. Pine Tree Legal Assistance and other legal aid organizations in Maine handle child support matters for income-eligible clients. See Section 9 for contact information.

Section 4 — Income Calculation

Maine uses gross income for all guideline calculations under 19-A M.R.S. Section 2001. Gross income is income before taxes and deductions. For W-2 employees, gross income is the figure shown before withholding on the pay stub. Retirement contributions, health insurance premiums, and other voluntary deductions are not subtracted before entering the income figure on the worksheet.

Maine gross income includes: wages, salaries, tips, overtime, and bonuses; self-employment income after deducting ordinary and necessary business expenses; rental income; retirement and pension distributions; Social Security retirement and disability benefits (but not SSI); unemployment compensation; workers' compensation; disability insurance proceeds; interest and dividend income; and regularly received gifts or financial contributions from non-parties.

Self-employment income: For self-employed parents Maine uses gross business receipts less ordinary and necessary business expenses. Courts scrutinize large deductions for vehicles, meals, and depreciation. If deductions appear inflated, the court may recalculate using gross receipts. Bring three years of tax returns and a current profit-and-loss statement if self-employment income is disputed.

Imputed income: When a parent is voluntarily unemployed or underemployed without good cause, Maine courts may impute income at the parent's earning capacity. The court looks at education, employment history, available jobs in the area, and any explanation for reduced work. Medical documentation or evidence of job searching can rebut an imputation finding.

Low-income protection and self-support reserve: Maine builds a self-support reserve into the child support table for obligors earning $22,800 per year or less, so a low-income payor is not assigned more than the reserve amount regardless of the other parent's income. Separately, if the paying parent's annual gross income is below the federal poverty guideline, that parent's weekly support obligation may not exceed 10% of their weekly gross income (19-A M.R.S. Section 2006(5)(C)). These protections do not apply where they would produce a higher obligation than the standard calculation.

Overtime and irregular income: Regular overtime that a parent has consistently received over two or more years is typically averaged into monthly gross income. One-time bonuses or seasonal spikes may be annualized and divided by twelve. Genuinely irregular income that has not repeated is treated with more flexibility.

Add-on expenses: Maine adds work-related childcare and the marginal cost of the child's health insurance onto the basic obligation under 19-A M.R.S. Section 2006. These costs are allocated between the parents proportionally based on income shares. The parent who pays the childcare or carries the insurance receives a credit on the worksheet.

Uninsured and extraordinary medical expenses: Beyond ordinary childcare and health insurance premiums, Maine adds a child's extraordinary medical expenses, meaning those that are permanent, chronic, or recurring, to the basic support obligation under 19-A M.R.S. Section 2006(3)(B). Uninsured and unreimbursed medical costs are then shared between the parents in

proportion to their respective gross incomes, the same income-share percentages used for the rest of the obligation (19-A M.R.S. Section 2006(5)).

Adjustments for other orders: Maine permits deduction of court-ordered child support or alimony paid for persons not in this case. If you have an existing court-ordered obligation to another family, that payment reduces the income figure used in the current calculation.

Maine does not subtract taxes or voluntary deductions from gross income before the guideline calculation. The only pre-calculation adjustments permitted are for verified, court-ordered support obligations to other families. Everything else goes in as gross.

Income above the schedule (high-income cap): Maine's child support table runs up to a combined annual gross income of $400,000. When the parents' combined gross income exceeds that figure, the table no longer applies, except that each child's basic support entitlement is presumed to be no less than the amount set for a combined income of $400,000 (19-A M.R.S. Section 2006(5)(B)). Support above the cap is set in the court's discretion based on the child's needs.

Section 5 — Shared Parenting

Maine uses the standard Income Shares calculation for most parenting arrangements. The default assumption is that the child resides primarily with one parent. When the non-custodial parent has the child for a substantial portion of the year, Maine's shared parenting deviation applies.

Maine does not codify a single fixed threshold for shared parenting adjustments, but 110 or more overnights per year (approximately 30% of the year) is the standard benchmark at which courts routinely consider a deviation from the standard guideline. At this level of parenting time, the non-custodial parent is bearing significant direct costs for the child during their parenting time, and courts recognize that a straight application of the standard guideline can over-charge the paying parent.

Calculating overnights: Count the number of nights per year the child actually sleeps at the non-custodial parent's residence under the current court-ordered or agreed parenting schedule. A standard every-other-weekend schedule produces approximately 52 overnights. Add any holidays, school vacations, and extended summer time. To approach the 110-night threshold you will need a schedule that goes substantially beyond every other weekend.

The shared parenting calculation: When the parties provide substantially equal care (roughly a 50/50 split), Maine applies a distinct statutory computation. Under 19-A M.R.S. Section 2006(5)(D-1) the basic table amount is raised to the enhanced support entitlement, that figure is divided between the parents in proportion to income, and the higher earner pays the difference. Below that level, around the practical benchmark of 110 overnights per year, a reduction is handled as a deviation under 19-A M.R.S. Section 2007, where the court weighs the direct expenses the paying parent incurs during parenting time. Document your overnights and those expenses either way.

Documentation required: To support a shared parenting deviation, document your actual overnights with a parenting log, calendar app exports, or receipts showing overnight expenses (groceries, clothing, medical co-pays incurred during your time). A parenting log going back six to twelve months gives the court a clear picture of the actual arrangement.

Changes in parenting time as a modification basis: If your parenting time has increased significantly since the support order was entered and you are now at or above the shared parenting threshold, that change supports a modification petition. File based on both the income change (if any) and the parenting time change simultaneously.

Maine encourages parents to resolve parenting and support disputes by agreement where possible. If you and the other parent agree on a new parenting schedule and a corresponding support amount, you can submit a consent order to the court for approval. The court will review the agreed amount to confirm it serves the child's best interests.

Section 6 — Enforcement

Maine uses income withholding as its primary enforcement mechanism. New child support orders in Maine automatically include income withholding unless both parties agree otherwise. The withholding order directs the employer to deduct support from each paycheck and forward it to the State Disbursement Unit, which transmits funds to the custodial parent. DSER administers withholding in IV-D cases.

License suspension: Under 19-A M.R.S. Section 2603-A, on a motion to enforce a support order the court may suspend the obligor's driver's license and revoke occupational, business, professional, and recreational licenses, including hunting, fishing, and boating licenses. The order must rest on a court finding, after notice and an opportunity for a hearing, that the obligor has the present ability to pay all or part of the support owed. The court, not the agency, notifies the Secretary of State, and the order must specify the steps the obligor can take to avoid or undo the loss of a license, such as entering a payment arrangement.

Contempt of court: A parent who fails to pay as ordered can be held in contempt of the District Court that entered the order. Contempt can result in fines, a structured repayment plan, or incarceration. A hearing is required. Contempt is especially effective when the obligor has income or assets and is simply choosing not to pay.

Tax refund intercept: Maine participates in the federal and state tax refund intercept programs. DSER certifies delinquent cases for interception of federal and Maine state tax refunds. Intercepted amounts are credited against arrears and forwarded to the custodial parent.

Passport denial: When arrears reach $2,500 DSER certifies the case for federal passport denial. The obligor cannot obtain or renew a U.S. passport until the arrears are resolved or an acceptable payment arrangement is established.

Credit bureau reporting: DSER reports certified arrears to the three major credit bureaus. Negative credit entries remain until arrears are paid and can affect the obligor's ability to obtain housing, auto financing, and other credit.

Interest on arrears: Maine does not assess automatic interest on child support arrears owed directly to a custodial parent. Unpaid installments accrue as a debt, but they do not carry a running statutory interest charge the way some states impose. Support that has been assigned to or is owed to the Department, for example where the family received public assistance, is treated differently: the commissioner may collect interest of 6% per year on amounts owed to the Department under 19-A M.R.S. Section 2354. A custodial parent who reduces arrears to a separate court judgment may also seek post-judgment interest under Title 14.

Criminal prosecution: Under 17-A M.R.S. Section 552, nonsupport of dependents is a Class E crime. The offense is knowingly failing to provide support that the parent is able to provide, by means of property or capacity for labor, and that the parent knows they are legally obliged to provide. The statute sets no fixed dollar amount or duration of nonpayment as a trigger. A Class E crime carries up to 6 months in jail and a fine up to $1,000. Criminal prosecution is reserved for the most serious cases, where a parent who has the means simply refuses to pay.

If you are behind on payments, contact DSER at (207) 624-4100. DSER can establish payment plans for arrears and can work with you on avoiding escalating enforcement. File a modification motion immediately if your income has changed. Do not wait for a scheduled hearing date that is weeks away.

Section 7 — Emergency Protocols

Emergency Protocols — Maine

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File and serve your Motion to Modify Child Support in District Court the same week. Maine retroactivity runs from the date the motion is served on the other parent, not from the hearing date. Every day you delay serving it is another day you owe the full prior amount on what may now be little or no income.

Attach your termination or layoff documentation to the motion. Notify DSER at (207) 624-4100 of the job loss so the IV-D record is updated. Make whatever partial payment you can manage. Partial payment demonstrates good faith, and the court does see the difference between a parent who is making an effort and one who has simply stopped.

EMERGENCY PROTOCOL 2: YOUR EMPLOYER GOT AN INCOME WITHHOLDING ORDER AND THE AMOUNT IS WRONG

Maine employers are required by law to honor withholding orders as written. Do not ask your employer to change the amount without a court order. If the withholding is incorrect—exceeding the CCPA cap, applying to the wrong paycheck cycle, or continuing after the obligation ended—call DSER at (207) 624-4100 immediately.

If DSER confirms an error in a DSER-administered case, get the confirmation in writing for your payroll department. If the error is in the court order itself, file an emergency motion in District Court for immediate correction of the withholding order. Do not bypass the order on your own authority.

EMERGENCY PROTOCOL 3: YOUR DRIVER'S LICENSE HAS BEEN SUSPENDED

Under 19-A M.R.S. Section 2603-A a court can suspend your driver's license and revoke your occupational, professional, and recreational licenses as part of an enforcement action, but only after finding that you have the present ability to pay. If you have received notice of an enforcement motion or a suspension order, call DSER at (207) 624-4100 immediately and do not miss the hearing.

Reinstatement requires payment of the overdue support or entry into an approved payment plan. Get written confirmation of any plan from DSER and provide it to the Bureau of Motor Vehicles for license reinstatement. File a modification motion simultaneously if your income has dropped.

EMERGENCY PROTOCOL 4: A CLASS E CRIMINAL CHARGE HAS BEEN FILED UNDER 17-A M.R.S. SECTION 552

Contact a criminal defense attorney immediately. Do not appear at a criminal hearing unrepresented. Maine's criminal nonsupport statute, 17-A M.R.S. Section 552, reaches a parent who knowingly fails to provide support they are able to provide and know they owe; there is no fixed dollar or time trigger in the statute. A conviction is a Class E crime carrying up to 6 months in jail.

If you cannot afford private counsel, contact the Maine Commission on Indigent Legal Services (MCILS) at (207) 287-4280. File a modification motion in District Court at the same time if you have not already done so. Showing good-faith effort to address the obligation is relevant to both proceedings.

EMERGENCY PROTOCOL 5: THE OTHER PARENT IS DENYING YOUR PARENTING TIME

Child support and parenting time are legally separate in Maine. You cannot stop payments because your access is being blocked. Stopping payments creates enforcement exposure and harms your standing in any custody matter.

File a Motion to Enforce Parenting Rights in District Court. Maine courts have authority to enforce parenting schedules, hold interfering parents in contempt, and modify custody if denial is systematic. Document every denied visit with date, time, what occurred, and any communications by text or email. Keep the record current and organized.

EMERGENCY PROTOCOL 6: THE COURT IS IMPUTING INCOME YOU DO NOT EARN

Challenge income imputation with documentary evidence. Gather job applications you have submitted, rejection letters, current job postings in your field showing actual wage ranges, your resume, and any medical or personal documentation explaining why you earn less than the court assumes.

If imputation was applied in a prior order, file a motion to modify and present the documentation showing your actual earnings represent your true capacity. Maine courts must make specific findings

when imputing income. An attorney can help you challenge those findings on cross-examination and present the rebuttal evidence effectively.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Report the delinquency to DSER at (207) 624-4100. DSER has a broad enforcement toolkit: income withholding, tax refund intercept, passport denial, and credit bureau reporting, most of which it can pursue administratively. License suspension is the exception in Maine, because it requires a court order under 19-A M.R.S. Section 2603-A that DSER seeks by motion. DSER action is often the fastest route because it can start income withholding without a separate court filing.

If DSER enforcement is too slow for your situation, file a Motion for Contempt in District Court. A contempt hearing can be set on short notice when the non-payment is clear and documented. Bring your complete payment history: the ordered amount, the dates missed, and the total now owed.

Section 8 — Quick Reference

Your key Maine figures are in the State at a Glance profile at the top of this chapter. Modification threshold: 15%. Three-year DSER administrative review available without showing material change. Agency: DSER at (207) 624-4100. Retroactivity: from the date the motion is served. Shared parenting: enhanced support calculation for substantially equal care (19-A M.R.S. Section 2006(5)(D-1)), with a deviation benchmark around 110+ overnights per year. License suspension: court order on a present-ability-to-pay finding (19-A M.R.S. Section 2603-A). Criminal nonsupport: Class E crime under 17-A M.R.S. Section 552, with no fixed dollar or time trigger. Filing form: FM-014 or local equivalent.

Section 9 — Resources and Special Considerations

The DHHS Division of Support Enforcement and Recovery (DSER) is Maine's IV-D agency. Contact: (207) 624-4100. Website: maine.gov/dhhs/oias/dser. DSER handles income withholding, license certification, tax intercept, and administrative case services. For court forms and court information, the Maine Judicial Branch website at courts.maine.gov is the primary source.

Legal aid resources in Maine:

Pine Tree Legal Assistance: Maine's primary statewide legal aid organization. Serves income-eligible clients throughout the state. Phone: (207) 774-8211. Website: ptla.org. Handles family law matters including child support modification.

Volunteer Lawyers Project: Provides pro bono and reduced-fee legal representation in Maine. Phone: (207) 828-0096. Website: vlp.org.

Maine State Bar Association Lawyer Referral Service: For paid attorney referrals: (207) 622-7523 or mainebar.org.

Special considerations for Maine:

Three-year DSER review: If your case is enrolled with DSER and three years have passed since the last order, you can request a free administrative review. DSER will apply the current guidelines to current incomes and may modify the order without a court filing. This is often faster and cheaper than filing a motion. Call DSER at (207) 624-4100 to initiate the review.

Shared parenting at 110+ overnights: Maine does not publish a rigid threshold for shared parenting adjustments, but 110 or more overnights per year is the practical benchmark at which courts routinely consider deviation. Document your overnights carefully if you are near or above this threshold.

High school extension: Maine child support runs until the child turns 18, but if the child is still attending secondary school it continues until the child graduates, withdraws, or is expelled, or turns 19, whichever occurs first (19-A M.R.S. Section 1653 and Section 2006(11)). If your child will be in high school at age 18, the order continues on that basis. Track enrollment status in the child's 18th year.

DSER administrative enforcement: In DSER-enrolled cases, DSER can initiate many enforcement actions without a separate court filing, including income withholding, tax refund intercept, and passport denial. License suspension is different in Maine, because it requires a court order under 19-A M.R.S. Section 2603-A that DSER pursues by motion rather than by administrative certification. If you are a custodial parent with an enrolled IV-D case and payments have stopped, calling DSER is often your fastest first step.

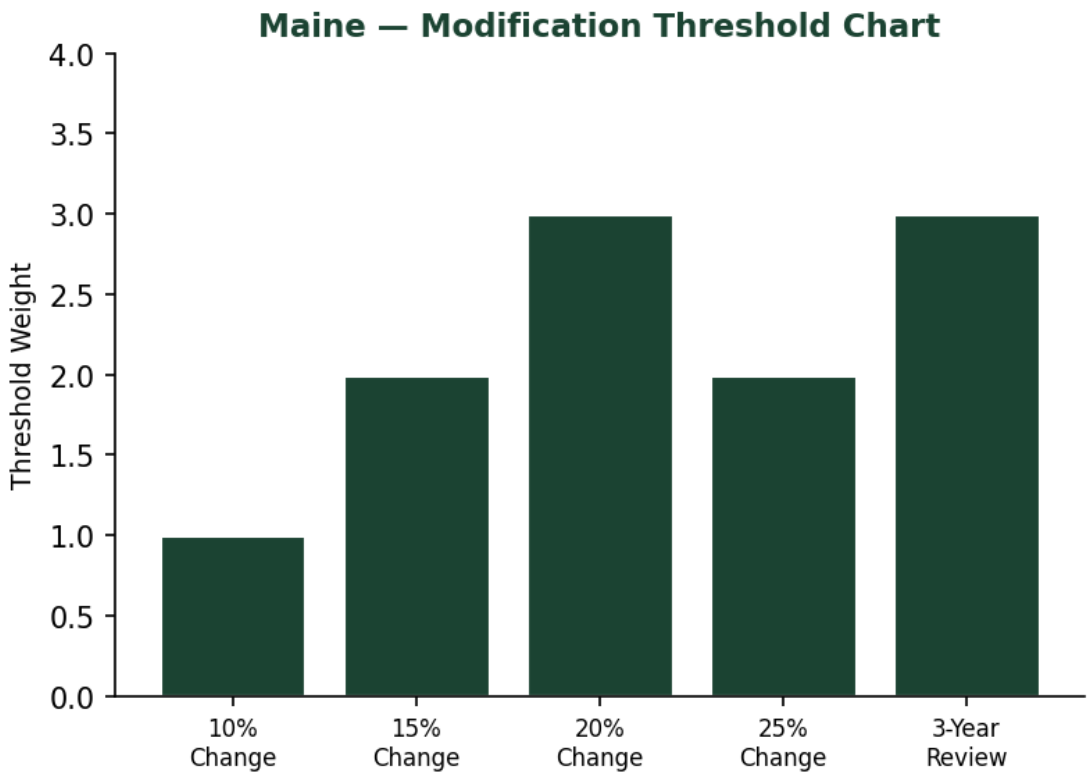
Interstate cases under UIFSA: The Uniform Interstate Family Support Act (UIFSA) governs modification when either parent or the child has moved out of Maine since the order was entered. Maine retains exclusive continuing jurisdiction over its own orders as long as one party or the child still resides in Maine. File in the correct jurisdiction to avoid delays.

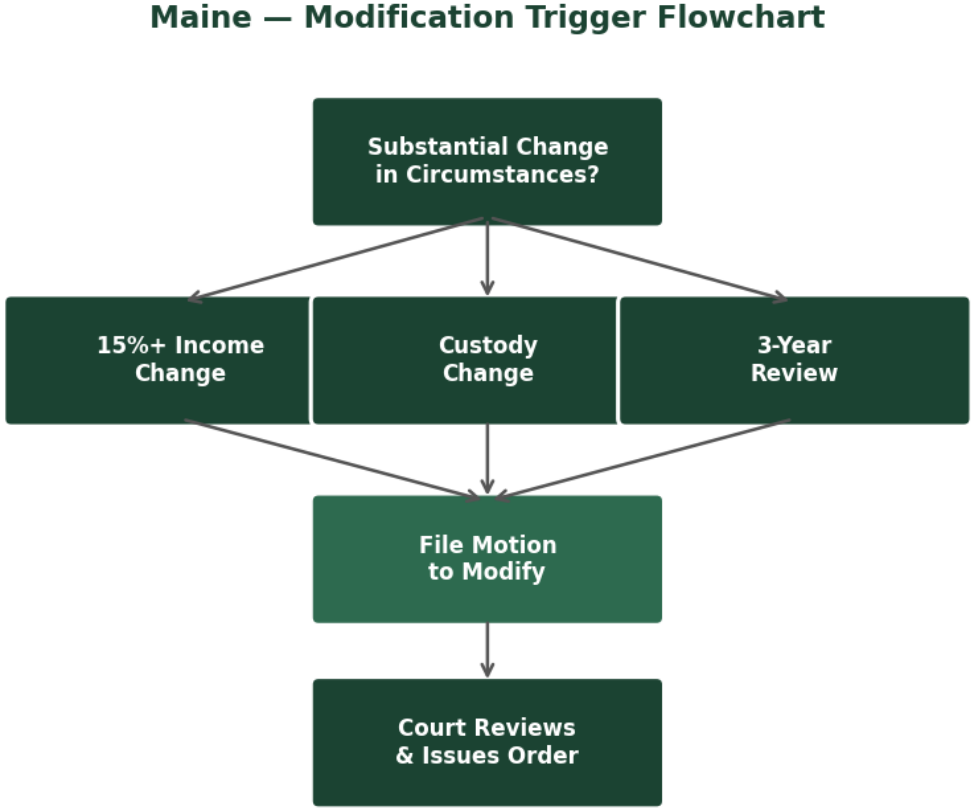
Military families: When a service member or the other parent is in the military, the federal Servicemembers Civil Relief Act can pause a proceeding during active duty, and military allowances such as BAH and BAS are generally counted as income for the guideline calculation. Maine has a National Guard and reserve presence (the Maine Army and Air National Guard) and a workforce tied to Portsmouth Naval Shipyard in nearby Kittery. See Chapter 51 (Military Service) for servicemember-specific procedure, and Chapter 52 (Interstate and International / UIFSA) when a parent is stationed or living out of state.

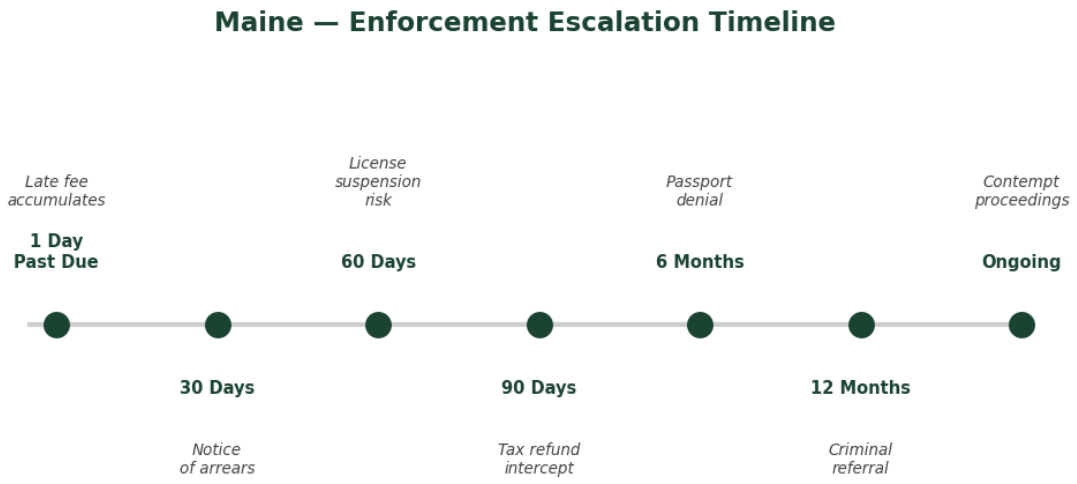
DHHS Division of Support Enforcement and Recovery (DSER): (207) 624-4100 | maine.gov/dhhs/oias/dser

Maine Judicial Branch (forms and court finder): courts.maine.gov

Pine Tree Legal Assistance: (207) 774-8211 | ptla.org


Maine — Modification Threshold Chart
Threshold Weight
4.0
3.5
3.0
2.5
2.0
1.5
1.0
0.5
0.0
10% Change
15% Change
20% Change
25% Change
3-Year Review


Maine — Modification Trigger Flowchart
Substantial Change in Circumstances?
15%+ Income Change
Custody Change
3-Year Review
File Motion to Modify
Court Reviews & Issues Order



End of Chapter 19 — Maine | Chapter 20 — Maryland follows.

Chapter 20

Chapter 20 — Maryland

Maryland	Child Support at a Glance

Calculation Model	Income Shares -- Md. Code, Family Law Article Section 12-204
Modification Threshold	25% recognized benchmark (no fixed statutory percentage)
Agency	Maryland Child Support Administration (CSA) -- (800) 332-6347
Worksheet	CS-DC-034 (Child Support Guidelines Worksheet)
Court	Circuit Court (Family Division)
Income Basis	Adjusted actual income -- deducts alimony paid and prior child support orders
Retroactivity	Back to date of filing of the petition to modify
Shared Parenting Trigger	128+ overnights per year (35% of 365) -- highest threshold in this book
License Suspension	60+ days past due -- Fam. Law Section 10-119.3
Criminal Penalty	Failure to pay maintenance -- Md. Code, Family Law Section 10-203
Interest on Arrears	6% per year -- Md. Code, Courts and Judicial Proceedings Section 11-107

Section 1 — Overview

Maryland calculates child support under the Income Shares model codified in Md. Code, Family Law Article (Fam. Law) Section 12-204. Both parents' adjusted actual incomes are combined, the court applies the state schedule to determine a total basic obligation, and that obligation is divided between the parents proportionally. The non-custodial parent pays their share as a monthly transfer to the custodial parent.

Maryland's key distinction from most Income Shares states is its use of "adjusted actual income" rather than raw gross income. Before combining the parents' incomes, Maryland first deducts (1) any alimony the parent is currently paying under a court order, and (2) any pre-existing court-ordered child support obligations for children not in this case. These deductions reduce the income figure that enters the guideline calculation.

The Maryland Child Support Administration (CSA) is the IV-D agency. Cases are filed in Circuit Court, Family Division. The primary statute governing modification is Fam. Law Section 12-104. Maryland does not codify a specific percentage as the modification threshold, but 25% is the benchmark consistently recognized in Maryland case law and practice as indicating a material change. Courts retain discretion to modify below 25% when circumstances warrant.

Maryland gross income is broadly defined in the guidelines. The definition covers wages, salaries, commissions, bonuses, overtime, self-employment income, rental income, retirement distributions, Social Security benefits (but not SSI), unemployment compensation, workers' compensation, disability insurance, interest, dividends, and recurring gifts or contributions. Income is computed before taxes and deductions. After computing gross income, Maryland applies the two adjustments described above (alimony paid and prior support orders) to arrive at adjusted actual income.

Retroactivity in Maryland runs from the date the modification petition is filed, not from service and not from the hearing date. File immediately when circumstances change. Every day without a filed petition is another day the old obligation accrues.

Section 2 — Grounds for Modification

Maryland requires a material change in circumstances to modify a child support order. Fam. Law Section 12-104 governs the standard. While no fixed percentage is written into the statute, Maryland courts consistently treat a 25% difference between the current order and the guideline calculation as a material change. Changes below 25% can still qualify, but require a more compelling factual showing.

Maryland also permits modification when the parties agree in writing, when the child's circumstances have changed significantly, or when either parent's financial situation has materially and substantially changed in a way that the guideline calculation reflects. The court's overriding concern is the best interests and financial welfare of the child.

The following are the most common grounds for modification petitions in Maryland Circuit Courts.

Job loss or substantial income reduction: An involuntary job loss or a permanent, substantial reduction in wages or hours qualifies as a material change. File the modification petition immediately; retroactivity runs from filing. Attach termination documentation or an employer letter confirming the income change. Voluntary resignation is viewed skeptically: you must demonstrate a legitimate reason for leaving and active efforts to find comparable work.

Significant income increase: If the paying parent's earnings have risen substantially since the order was entered, the receiving parent can petition for upward modification. The same 25% benchmark applies. Pay stubs, tax returns, and W-2 forms are the standard documentation.

Change in custody or parenting time: Maryland adjusts support for shared physical custody once the non-custodial parent has the child for more than 25% of the year, which is at least 92 overnights. As of October 1, 2020 Maryland eliminated the old 128-overnight (35%) cliff and now phases the adjustment in gradually between 92 and 109 overnights, with the full shared-custody formula applying at 30% or more (110+ overnights). If your overnight parenting time has reached or is approaching the 92-overnight line, a modification petition is appropriate. See Section 5 for Maryland's shared custody calculation.

Change in add-on expenses: Maryland includes work-related childcare and health insurance premium costs for the child as additions to the basic obligation. A significant change in either category—childcare ending when the child starts school, or a job change that removes health coverage—supports a modification petition even without a change in base income.

Child emancipation: When one child in a multi-child order reaches age 18, the order does not automatically adjust. File a petition so the court can recalculate and enter a new order for the remaining children.

When support ends (age of majority): Maryland child support runs until the child turns 18. If the child is still enrolled in high school at 18, support continues until the child graduates or turns

19, whichever comes first (Md. Code, Fam. Law Section 12-201; age of majority, Section 5-203). Support does not end automatically, so the paying parent should file to terminate or recalculate when a child ages out, because arrears that accrue in the meantime are not forgiven retroactively.

Disability or serious illness: A medically documented disability that substantially reduces a parent's earning capacity is a recognized basis for modification. Documentation from treating physicians is essential. Maryland courts want evidence that the condition is genuine, significant, and likely to persist.

Maryland has no mandatory waiting period between modification petitions. If circumstances change materially shortly after a prior modification was entered, a new petition is appropriate. File promptly to maximize the retroactivity period.

Section 3 — Step-by-Step: How to File

Modification petitions are filed in the Circuit Court that entered the original order, or in the Circuit Court of the county where the child currently resides if jurisdiction has shifted. All Circuit Court family matters in Maryland are handled through the Family Division. Follow these steps.

Step 1 — Gather your financial documentation: Collect your last three pay stubs, your last two years of federal tax returns and W-2 forms, documentation of the child's health insurance premium cost, and documentation of work-related childcare. If a job loss is the basis, gather the termination notice or employer letter. If disability is at issue, obtain written documentation from treating providers. If you are paying alimony or child support for another family under a court order, have those orders available as well.

Step 2 — Obtain and complete the Child Support Guidelines Worksheet: Download the CS-DC-034 Child Support Guidelines Worksheet from the Maryland Courts website at mdcourts.gov. Enter both parents' gross incomes, then apply the Maryland adjustments: subtract alimony paid and prior child support orders to arrive at adjusted actual income for each parent. Add childcare and health insurance add-ons. The worksheet produces the presumptive monthly obligation.

Step 3 — File the Petition for Modification: Prepare and file a Petition for Modification of Child Support in the Circuit Court. Include your completed CS-DC-034 worksheet and supporting financial documentation. Many Maryland Circuit Courts provide form petitions at the clerk's office or online. Pay the filing fee or request a fee waiver. The clerk will assign a case number and schedule a hearing.

Step 4 — Serve the other parent: Serve the other parent with the petition and all attachments. Maryland requires service by a private process server, the sheriff's office, or certified mail with restricted delivery for personal service on an individual. File proof of service with the clerk. The case cannot proceed to hearing without confirmed service.

Step 5 — Attend the hearing and present your evidence: Appear in Circuit Court on the scheduled date. Bring your financial documentation organized and ready to present. Explain the change in circumstances clearly, walk through your CS-DC-034 calculation, and respond to any arguments from the other parent. The judge may enter a modified order at the hearing or schedule a further hearing if facts are disputed.

Step 6 — Obtain and implement the modified order: After the court enters the modified order, obtain a certified copy from the clerk. Provide the new order to your employer for income withholding purposes and to CSA if your case is CSA-administered. Adjust direct payments to the new amount immediately upon entry of the order.

If you cannot afford an attorney, Maryland Legal Aid provides family court services. The Maryland Courts Self-Help Center and many Circuit Court family law self-help clinics also assist self-represented litigants with child support modification. See Section 9 for contact information.

Section 4 — Income Calculation

Maryland's guideline calculation starts with gross income and then applies two specific adjustments before combining the parents' incomes. This two-step process is what Maryland calls "adjusted actual income." It is different from most states, which simply use gross income without pre-calculation adjustments.

Step one: compute gross income. Maryland gross income includes wages, salaries, overtime, commissions and bonuses, self-employment income (net of legitimate business expenses), rental income, pension and retirement distributions, Social Security benefits (not SSI), unemployment and workers' compensation, disability insurance, interest, dividends, and regularly received gifts or contributions. Income is computed before taxes.

Step two: apply the Maryland adjustments. From each parent's gross income, subtract (1) court-ordered alimony or spousal support currently being paid by that parent (paid, not received) and (2) court-ordered child support currently being paid for children who are not before this court in this case. The result is each parent's adjusted actual income. That adjusted figure is what enters the schedule lookup and the proportional calculation.

Self-employment income: For self-employed parents Maryland requires full Schedule C disclosure. Allowable deductions are ordinary and necessary business expenses actually paid. Courts scrutinize vehicle deductions, meals, home office, and depreciation. If deductions appear inflated, the court may recalculate using gross receipts. Bring three years of tax returns and a current profit-and-loss statement.

Imputed income: If a parent is voluntarily unemployed or underemployed without good cause, Maryland courts may impute income at the parent's earning capacity. The court considers education, employment history, available jobs in the area, and any explanation for reduced earnings. A parent who reduces their work without medical or other justification is an obvious imputation target.

Low-income protection and self-support reserve: The 2022 guidelines added a self-support reserve so a low-income obligor keeps a minimum amount to live on after paying support, taxes, and FICA, set at 110% of the 2019 federal poverty level for one person. For cases filed on or after July 1, 2022, the minimum-order provisions reach parents with monthly income up to $1,250, raised from $850, and a low-income obligor's order is reduced or set at a minimum so it does not push the parent below the reserve (Md. Code, Fam. Law Section 12-204(b)).

Irregular and bonus income: Regular bonuses that recur annually are typically averaged and included in monthly income. One-time windfalls such as an inheritance or a single large

commission may or may not be included, depending on the court's assessment of whether the payment is recurring. Regular overtime is averaged.

Add-on expenses: Maryland adds work-related childcare costs and the marginal cost of the child's health insurance to the basic obligation. These are apportioned between the parents proportionally based on their adjusted actual income shares. The parent carrying the insurance or paying childcare receives a credit on the worksheet.

Uninsured and extraordinary medical expenses: Beyond ordinary health insurance premiums, Maryland treats uninsured medical costs that exceed $250 per child per year as extraordinary medical expenses. These are added to the basic obligation and divided between the parents in proportion to their adjusted actual incomes, the same shares used for the rest of the calculation (Md. Code, Fam. Law Section 12-201 and Section 12-204).

Maryland's two-step income adjustment system means your income for guideline purposes may be lower than your gross income if you are paying alimony or prior child support. Make sure you document those court-ordered obligations and include them on the CS-DC-034 worksheet. Failing to claim these adjustments overstates your income and increases your obligation.

Income above the schedule (high-income cap): Effective July 1, 2022, Maryland's guideline schedule extends to a combined adjusted actual income of $30,000 per month, raised from the prior $15,000 ceiling. When combined income exceeds $30,000 per month, the schedule no longer controls and the court sets support in its discretion based on the child's needs and the parents' circumstances (Md. Code, Fam. Law Section 12-204(d)).

Section 5 — Shared Parenting

Maryland's shared physical custody adjustment applies once the non-custodial parent has the child for more than 25% of the year, meaning at least 92 overnights (Md. Code, Fam. Law Section 12-201 and Section 12-204). Until October 1, 2020 the threshold was 128 overnights (about 35%), and support dropped sharply at that line, the so-called cliff. The current guidelines replaced that cliff with a graduated adjustment that phases in between 92 and 109 overnights and reaches the full shared-custody formula at 30% or more (110+ overnights). Below 92 overnights, the standard single-household calculation applies with no automatic adjustment for parenting time.

At 92 overnights or more, Maryland uses its shared physical custody calculation rather than the straight single-household formula. The shared formula recognizes that both parents are bearing direct costs for the child and adjusts the obligation accordingly. In the 92-to-109 range the adjustment is partial and grows with the number of overnights. At 30% or more (110+ overnights) the full shared-custody formula applies, generally producing a lower monthly transfer for the non-custodial parent than the standard calculation.

Counting overnights: An overnight means the child sleeps at the non-custodial parent's residence. Count every overnight in the current court-ordered or agreed parenting schedule over a full year. A standard every-other-weekend schedule produces roughly 52 overnights. To reach the 92-overnight (more than 25%) threshold in Maryland you need a schedule that goes well beyond every-other-weekend, typically including extended summer, holiday, and vacation time.

The Maryland shared custody worksheet: When overnights exceed 25% (92 or more), you use Maryland's shared physical custody worksheet rather than the standard single-household CS-DC-034 path. The shared worksheet takes both parents' adjusted actual incomes, applies the guideline schedule, and then adjusts the net transfer based on the percentage of time each parent has the child, with a partial phase-in adjustment in the 92-to-109 range. Download the shared physical custody worksheet from mdcourts.gov.

Below 92 overnights, no automatic adjustment: If you are below 92 overnights annually (25% of the year), the standard calculation applies without any automatic reduction for parenting time. You can argue for a deviation based on extraordinary expenses you incur during your parenting time, but that is discretionary. The 92-overnight line, not the old 128-overnight cliff, is now the entry point for the shared-custody calculation.

Changes in parenting time as a modification trigger: If your parenting time has increased since the original order was entered and you are now above 25% of overnights (92 or more per year), that change supports a modification petition. Present the current parenting schedule, a record of actual overnights, and the recalculation using the shared physical custody worksheet.

Maryland no longer has a single hard cliff at 128 overnights. Since October 1, 2020 the shared-custody adjustment begins at more than 25% of overnights (92 per year) and phases in gradually through 109 overnights before the full shared formula applies at 30% (110+). The change was designed to remove the sharp drop that used to occur between 127 and 128 overnights, so a single extra overnight near the old threshold no longer swings the calculation the way it once did. Document your overnights precisely either way.

Section 6 — Enforcement

Maryland uses income withholding as its primary enforcement mechanism. All new child support orders in Maryland include income withholding. The Earnings Withholding Order goes directly to the employer and deducts the support amount from each paycheck. CSA administers withholding in IV-D cases.

License suspension: Under Md. Code, Fam. Law Section 10-119, CSA may refer a parent to the Motor Vehicle Administration for driver's license suspension, and professional and other state-issued licenses are also subject to suspension. Effective October 1, 2025, CSA may refer a case only after the parent is 120 or more days out of compliance with the support order, raised from 60 days, and it may not refer a parent whose individual income is at or below 250% of the

Federal Poverty Level, unless the court found voluntary impoverishment and set support on imputed income. A parent who receives a suspension notice may request CSA review before suspension takes effect. Reinstatement requires payment of arrears or entry into an approved repayment plan.

Contempt of court: A non-paying parent can be held in contempt of the Circuit Court that entered the order. Contempt proceedings can result in fines, structured repayment orders, or incarceration. A hearing is required. In Maryland, contempt is a powerful remedy when the obligor has income or assets and is simply choosing not to pay.

Tax refund intercept: Maryland participates in the federal and state tax refund intercept programs. CSA certifies delinquent cases for interception of federal income tax refunds and Maryland state tax refunds. Intercepted funds are credited to arrears and forwarded to the custodial parent.

Passport denial: When arrears reach $2,500 CSA certifies the case for federal passport denial. The obligor cannot obtain or renew a U.S. passport until the arrears are resolved or an acceptable repayment arrangement is established.

Credit bureau reporting: CSA reports certified arrears to the three major credit bureaus. A negative credit entry affects the obligor's ability to obtain housing, auto financing, and other credit. The entry remains until arrears are paid.

Liens on property: Maryland can place liens on real and personal property owned by a delinquent parent. A lien prevents the obligor from selling or refinancing property without first satisfying the child support debt. Liens on real estate are particularly effective when the obligor owns a home.

If you are behind on payments and want to prevent escalating enforcement, contact CSA at (800) 332-6347. CSA can establish repayment plans for arrears. If your income has changed, file the modification petition immediately, because retroactivity runs from the filing date.

Section 7 — Emergency Protocols

Emergency Protocols — Maryland

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File your Petition for Modification in Circuit Court the same week. Maryland retroactivity runs from the filing date. Every day you delay is another day you owe the full prior obligation on a zero income.

Attach your termination or layoff documentation to the petition. Notify CSA at (800) 332-6347 of the job loss so the IV-D record is updated. Make whatever partial payment you can. Partial payments demonstrate good faith, and the court does consider the difference between a parent who is trying and one who has stopped entirely.

EMERGENCY PROTOCOL 2: YOUR EMPLOYER GOT AN EARNINGS WITHHOLDING ORDER AND IS DEDUCTING THE WRONG AMOUNT

Maryland employers are legally required to honor the withholding order as written. Do not ask payroll to change the amount without a court order. If the deduction is wrong—exceeding the CCPA cap, applying to the wrong pay period, or running after the obligation ended—call CSA at (800) 332-6347 immediately.

If CSA confirms an error in a CSA-administered case, get confirmation in writing for your payroll department. If the error is in the court order itself, file an emergency petition in Circuit Court for immediate correction of the withholding amount. Do not bypass an active withholding order without a court order authorizing the change.

EMERGENCY PROTOCOL 3: YOUR LICENSE HAS BEEN SUSPENDED FOR NON-PAYMENT

Under Md. Code, Fam. Law Section 10-119, CSA can refer your license for suspension, but as of October 1, 2025 only after you are 120 or more days out of compliance, and not if your individual income is at or below 250% of the Federal Poverty Level. If you received a 120-day notice or a suspension notice, submit the Request for Driver's License Suspension Review within the deadline and call CSA at (800) 332-6347 immediately.

Reinstatement requires paying the overdue support or entering into an approved repayment plan with CSA. Get written confirmation of any plan from CSA and provide it to the Maryland Motor Vehicle Administration for license reinstatement. File a modification petition simultaneously if your income has dropped.

EMERGENCY PROTOCOL 4: CONTEMPT PROCEEDINGS HAVE BEEN FILED AGAINST YOU

Contact an attorney immediately. A contempt finding in Maryland can result in incarceration. Appear at the hearing; failure to appear results in a bench warrant. Bring documentation of any financial hardship that prevented payment: bank statements, medical bills, termination notices.

The court will want to see whether your failure to pay was willful or the result of genuine inability. A modification petition filed before the contempt hearing, one that demonstrates good-faith effort to address the obligation, can change the court's assessment of willfulness. If you cannot afford private counsel, contact Maryland Legal Aid at (800) 999-8904.

EMERGENCY PROTOCOL 5: THE OTHER PARENT IS DENYING YOUR PARENTING TIME

Child support and parenting time are legally separate in Maryland. You cannot stop payments because access is being blocked. Stopping payments creates enforcement exposure and damages your standing in any custody matter.

File a Motion to Enforce Parenting Time in Circuit Court. Maryland courts take deliberate interference with court-ordered parenting time seriously and have authority to enforce the schedule, hold the offending parent in contempt, and modify custody when denial is a pattern. Document every denied visit with date, time, what happened, and any communications by text or email.

EMERGENCY PROTOCOL 6: THE COURT IS IMPUTING INCOME YOU DO NOT EARN

Challenge income imputation with documentation. Gather job applications submitted, rejection letters, current wage postings in your field, your resume, and any medical or personal documentation explaining your reduced earnings.

If imputation was applied in a prior order, file a modification petition and present evidence that your actual earnings reflect your genuine capacity. Maryland courts must make specific findings when imputing income. The burden is on you to rebut the imputation with a strong factual record. An attorney can help you challenge the underlying findings.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Report the delinquency to CSA at (800) 332-6347. CSA administers income withholding, license suspension, tax refund intercept, passport denial, credit reporting, and property liens. In CSA-administered cases, many of these tools are available without a separate court filing.

If CSA enforcement is moving too slowly, file a Petition for Contempt in Circuit Court. A contempt petition can be scheduled on short notice when the non-payment is clear and documented. Bring your payment history: the ordered amount, dates missed, and total arrears. Maryland courts take documented contempt seriously.

Section 8 — Quick Reference

Your key Maryland figures are in the State at a Glance profile at the top of this chapter. Modification benchmark: 25%. Income basis: adjusted actual income, meaning gross minus alimony paid and prior child support orders. Worksheet: CS-DC-034. Agency: CSA at (800) 332-6347. Retroactivity: from filing date. Shared physical custody begins above 25% of overnights (92+ per year), phasing in to the full formula at 30% (110+); the former 128-overnight cliff was eliminated October 1, 2020. Interest on arrears: not automatic, with the 10% money-judgment rate applying only if arrears are reduced to a judgment. License suspension: 120+ days out of compliance since October 1, 2025, with a 250% Federal Poverty Level exemption.

Section 9 — Resources and Special Considerations

The Maryland Child Support Administration (CSA) is Maryland's IV-D agency. Contact: (800) 332-6347. Website: mdcourts.gov (child support section) and dhs.maryland.gov/child-support-services. CSA handles income withholding, license certification, tax intercept, and administrative case enforcement. For court forms including the CS-DC-034 worksheet and self-help resources, the Maryland Courts website at mdcourts.gov is the primary source.

Legal aid resources in Maryland:

Maryland Legal Aid: Statewide legal aid organization serving income-eligible clients. Phone: (800) 999-8904. Website: mdlab.org. Handles family law matters including child support modification.

People's Law Library of Maryland: Free online legal self-help resource covering child support and family law. Website: peoples-law.org.

Maryland Courts Self-Help Center: Most Circuit Courts in Maryland have a self-help center staffed by legal professionals who can assist self-represented litigants with forms and procedures. Check mdcourts.gov/circuit for the location nearest you.

Maryland State Bar Association Lawyer Referral Service: For paid attorney referrals: (410) 685-7878 or msba.org.

Special considerations for Maryland:

Adjusted actual income—the Maryland difference: Maryland's pre-calculation deduction for alimony paid and prior child support orders is unique. Most states include these obligations only as deviation arguments. In Maryland, they reduce your income figure before the guideline calculation begins. Document these court-ordered obligations carefully and include them on the CS-DC-034 every time.

Shared physical custody threshold: Maryland's shared custody adjustment now begins once a parent has the child for more than 25% of overnights, at least 92 per year, with a graduated phase-in between 92 and 109 overnights and the full formula at 30% or more (110+). This replaced the old 128-overnight (35%) cliff as of October 1, 2020, so support no longer drops off sharply at a single overnight. Document your overnights precisely, especially if you are near 92 or near the 110 full-formula line.

Interest on arrears: Maryland does not automatically charge interest on child support arrears. Unpaid support accrues as a debt, but interest is not added by operation of law the way some states impose it. If a parent reduces the arrears to a money judgment, that judgment carries Maryland's statutory post-judgment rate of 10% per year (Md. Code, Cts. & Jud. Proc. Section 11-107). Even without interest, arrears in Maryland can grow substantially and are not dischargeable in bankruptcy.

Property liens: Maryland can place liens on real and personal property to collect arrears. If you own real estate in Maryland and have significant arrears, a lien can prevent sale or refinancing until the debt is paid. This is an enforcement tool that affects major financial transactions, not just cash flow.

Interstate jurisdiction under UIFSA: The Uniform Interstate Family Support Act (UIFSA) governs modification when either parent or the child has moved out of Maryland since the order was entered. Maryland retains exclusive continuing jurisdiction over its own orders as long as one party or the child remains in the state. File in the correct forum, because filing in the wrong jurisdiction wastes time and money.

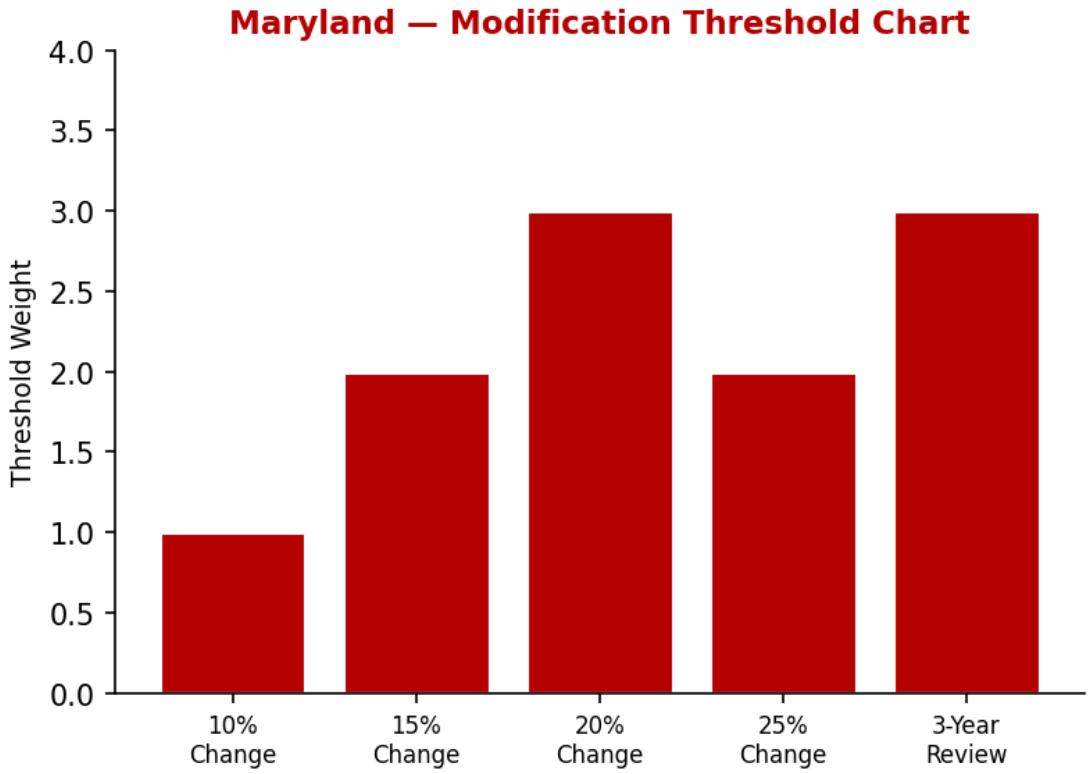
Military families: When a service member or the other parent is in the military, the federal Servicemembers Civil Relief Act can pause a proceeding during active duty, and military allowances such as BAH and BAS are generally counted as income for the guideline calculation. Maryland has a heavy military presence, including Fort Meade, Joint Base Andrews, Aberdeen Proving Ground, the U.S. Naval Academy in Annapolis, and Naval Air Station Patuxent River. See

Chapter 51 (Military Service) for servicemember-specific procedure, and Chapter 52 (Interstate and International / UIFSA) when a parent is stationed or living out of state.

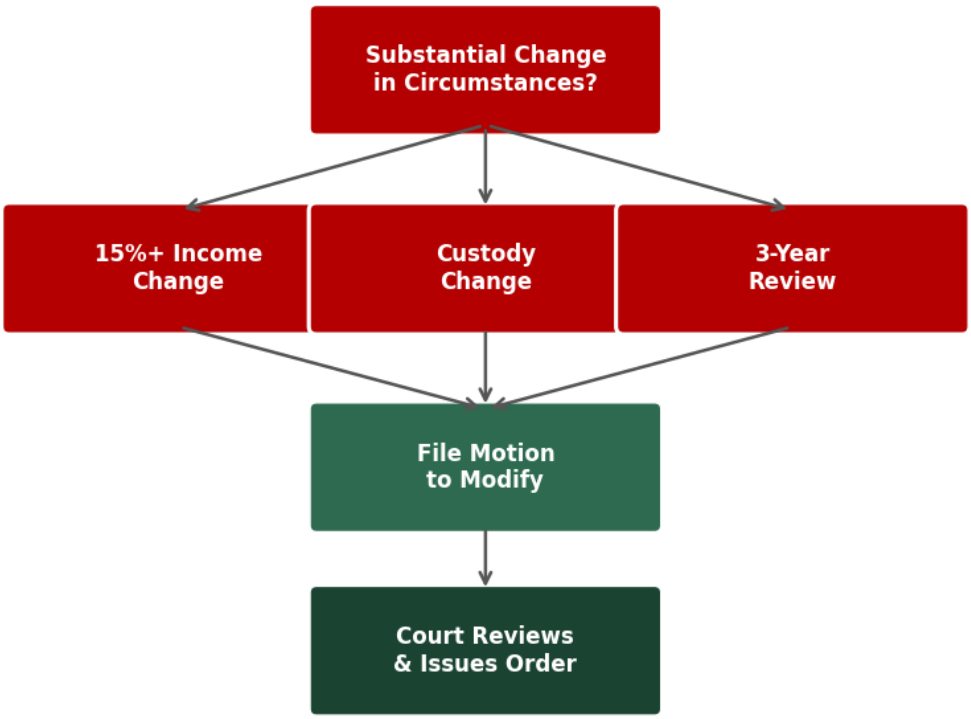
Maryland Child Support Administration: (800) 332-6347 | dhs.maryland.gov/child-support-services

Maryland Courts (forms and self-help): mdcourts.gov

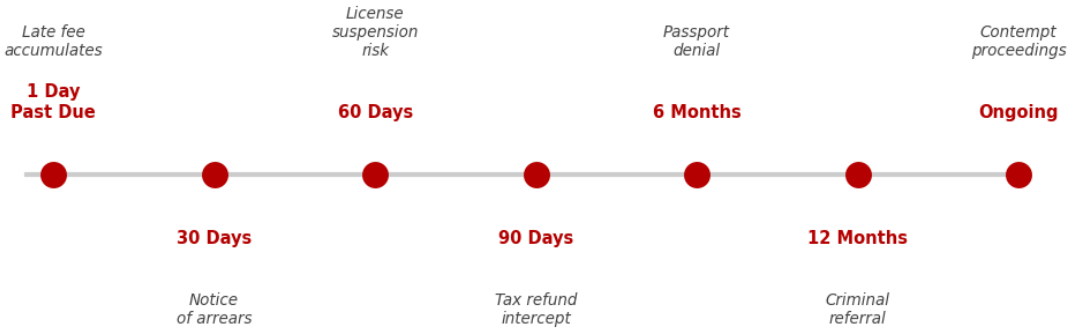
Maryland Legal Aid: (800) 999-8904 | mdlab.org



Maryland — Modification Trigger Flowchart



Maryland — Enforcement Escalation Timeline



End of Chapter 20 — Maryland | Chapter 21 — Massachusetts follows.

Chapter 21

Chapter 21 — Massachusetts

Massachusetts	Child Support at a Glance
Calculation Model	Percentage of Income -- 2021 Massachusetts Child Support Guidelines
NOT Income Shares	Massachusetts uses the paying parent's income ONLY -- a common misconception
Modification Threshold	$25/week OR 20% difference -- whichever occurs first
Agency	DOR Child Support Enforcement -- (800) 332-2733
Filing Document	Complaint for Modification (not a Motion -- unique to Massachusetts)
Court	Probate and Family Court
Service Method	Sheriff or constable required -- certified mail alone is insufficient
Retroactivity	Back to date of service of the Complaint for Modification
Shared Parenting Trigger	33%+ of overnights (approximately 121+ nights) -- parenting time adjustment
License Suspension	90+ days past due -- M.G.L. c. 119A Section 16
Criminal Penalty	Wilful failure to provide support -- M.G.L. c. 273 Section 1

Interest on Arrears	12% per year -- highest statutory rate in this book

Section 1 — Overview

Massachusetts calculates child support under its own statewide Child Support Guidelines, currently the 2025 guidelines that took effect December 1, 2025. The guidelines are not a pure percentage-of-the-payor's-income formula, contrary to a common misconception. The worksheet uses BOTH parents' available weekly incomes: it combines them, applies the guideline percentages, and apportions the result between the parents in proportion to their respective incomes. The combined-income figure drives the calculation up to a cap, and the payor's share is what is ordered.

The Department of Revenue (DOR) Child Support Enforcement division is Massachusetts's IV-D agency. All child support cases are heard in the Probate and Family Court. Each county in Massachusetts has a Probate and Family Court, and you file in the division for the county where the original order was entered or where the child currently resides.

Massachusetts also has a distinctive procedural feature: modification is initiated by filing a Complaint for Modification, not a motion. That distinction is not cosmetic; it changes the procedural rules entirely. A Complaint for Modification is a new pleading that must be served by a sheriff or constable. Certified mail alone is insufficient service in Massachusetts. Retroactivity runs from the date the Complaint for Modification is served on the other parent, not the filing date. File and arrange service immediately.

The standard for modification in Massachusetts is generous: under Section III of the Child Support Guidelines, an order may be modified simply because there is an INCONSISTENCY between the existing order and the amount that would result from applying the current guidelines. No fixed dollar or percentage threshold is required, and no separate material change need be shown if the numbers are inconsistent. A material and substantial change in circumstances, or a change in available health-care coverage, is also an independent basis.

Massachusetts can add interest AND a penalty to unpaid child support, together reaching 12% per year. Under M.G.L. c. 119A Section 6 and 830 CMR 119A.6.1, the Department of Revenue may assess interest at 0.5% per month (6% per year) plus a penalty at 0.5% per month (6% per year) on arrears that exceed $500. The combined 12% is among the steepest charges in this book, though DOR has discretion to reduce or waive it. Arrears that sit unpaid for years can grow well beyond the face value of the missed payments.

Section 2 — Grounds for Modification

Massachusetts allows modification on more than one basis. Under M.G.L. c. 208 Section 28 and Section III of the 2025 Child Support Guidelines, an order may be modified if there is an

inconsistency between the existing order and the amount the current guidelines would produce, if health-care coverage has changed, or if any other material and substantial change in circumstances has occurred. The inconsistency basis stands on its own: if running the current incomes through the guidelines produces a different number, you have a presumptive basis for modification.

The guidelines and case law also recognize a three-year pathway: where roughly three years have elapsed since the order was entered or last modified, the court applies the inconsistency standard and may modify the order to the current guidelines amount without requiring proof of a separate material change. The passage of time plus a changed calculation is enough.

The following are the most common grounds for modification in Massachusetts Probate and Family Courts.

Job loss or significant income reduction: An involuntary job loss or a substantial, permanent reduction in wages qualifies. File the Complaint for Modification and arrange service the same week you lose your job. Massachusetts retroactivity runs from the service date, not the filing date. Delay in service costs you retroactivity coverage, day by day. Attach termination documentation to the Complaint. Voluntary resignation requires an explanation and evidence of active job searching.

Substantial income increase: If the paying parent's income has risen significantly since the order was entered, the receiving parent can file for upward modification. The inconsistency standard applies: if the current guidelines produce a higher number than the existing order, that gap alone supports modification. Tax returns, W-2 forms, and recent pay stubs are the standard documentation.

Change in parenting time: Massachusetts builds an assumption of roughly one-third parenting time with the payor into the base guidelines calculation, so reaching about 33% of overnights does not by itself trigger an extra reduction. Where parenting time is substantially MORE than one-third but less than one-half, the court MAY deviate from the worksheet amount; where parents share time approximately equally, a different shared calculation applies. A meaningful increase in actual parenting time can still support a modification. See Section 5.

Child emancipation: Massachusetts support does not simply end at 18. Under M.G.L. c. 208 Section 28, the court may order support for a child who has reached 18 but not 21 if the child is domiciled with a parent and principally dependent on that parent, and for a child who has reached 21 but not 23 if the child is also enrolled in an undergraduate educational program. When one child in a multi-child order emancipates, the order does not automatically adjust; file a Complaint for Modification for recalculation. See Section 9 for college-age support.

Change in add-on expenses: The Massachusetts guidelines include health insurance premiums and work-related childcare as add-ons that affect the total obligation. A significant change in either

expense supports a modification: childcare ending when a child starts school, or a parent losing employer-sponsored health coverage, are both recognized grounds.

Three-year review: If roughly three years have elapsed since the last order and the current guidelines would produce a different result, file a Complaint for Modification. You do not need to articulate a separate material change. The three-year passage and the inconsistent recalculation are enough under the guidelines' inconsistency standard.

Massachusetts courts apply the guidelines strictly. The presumption is that the guideline amount is correct. Any deviation, whether upward or downward, requires the court to make written findings that the guideline amount is unjust or inappropriate. If you are seeking a deviation, come prepared with a clear, documented reason.

Section 3 — Step-by-Step: How to File

Modification in Massachusetts is initiated by filing a Complaint for Modification in the Probate and Family Court. You file in the division for the county where the original order was entered or where the child currently resides. Retroactivity runs from the service date, not the filing date. File and serve promptly. Follow these steps.

Step 1 — Gather your financial documentation: Collect your last three pay stubs, your last two years of federal tax returns and W-2 forms, documentation of health insurance premium costs for the child, and documentation of work-related childcare. If a job loss is the basis, get the termination or layoff documentation. If disability is at issue, get written documentation from treating providers. Massachusetts requires a completed Financial Statement to be filed with the court, so gather all financial records before you begin.

Step 2 — Obtain and complete the Massachusetts Child Support Guidelines Worksheet: Download the current Child Support Guidelines Worksheet (Form CJD 304, 2025 guidelines effective December 1, 2025) from the Massachusetts Probate and Family Court website at mass.gov/probate-and-family-court. Enter both parents' gross weekly incomes, then the relevant adjustments for health insurance and childcare. The worksheet combines the incomes, applies the guideline percentages, and produces the weekly obligation. Massachusetts calculates support weekly, not monthly, so keep your income entries weekly.

Step 3 — File the Complaint for Modification: Prepare and file a Complaint for Modification of Child Support at the Probate and Family Court clerk's office. In Massachusetts this is a Complaint, not a motion; it is a formal pleading. Pay the filing fee or request a fee waiver. The clerk will assign a docket number and return a summons that must be served on the other parent.

Step 4 — Serve the other parent by sheriff or constable: Massachusetts requires personal service of the Complaint for Modification by a sheriff or constable. Certified mail is not sufficient for service of a Complaint. Contact the county sheriff's office or a licensed constable to arrange

service. Retroactivity runs from the service date, so get service completed as quickly as possible after filing. File the return of service with the clerk.

Step 5 — File your Financial Statement: Massachusetts Probate and Family Court requires a Financial Statement (Form CJ-D 301A for annual income under $75,000, or CJ-D 301 for income over $75,000) to be filed with the court and served on the other party. The Financial Statement discloses your income, expenses, assets, and liabilities. File this with your Complaint or as soon as possible after filing.

Step 6 — Attend the hearing and present your evidence: Appear in Probate and Family Court on your scheduled hearing date. Bring your Financial Statement, the completed guidelines worksheet, and all supporting financial documentation. The judge will apply the guidelines, hear any arguments for deviation, and enter a modified order. The order is effective back to the service date.

Step 7 — Obtain and implement the modified order: Once the court enters the modified order, obtain a certified copy. Provide it to your employer for income withholding and to DOR if your case is DOR-administered. Adjust direct payments to the new amount immediately.

If you cannot afford an attorney, Massachusetts has extensive self-help resources through the Probate and Family Court. Massachusetts Legal Aid organizations also handle child support modification. See Section 9 for contact information.

Section 4 — Income Calculation

Massachusetts computes support from BOTH parents' available incomes, not from the paying parent's income alone. The worksheet combines the parents' available weekly incomes, applies the guideline percentages to the combined figure, and then divides the obligation between the parents in proportion to their respective incomes. The base calculation already assumes the children have a primary residence with one parent and spend approximately one-third of the time with the other; the recipient's income is a direct input, not merely a deviation factor.

The paying parent's gross income for Massachusetts guidelines purposes includes wages, salaries, tips, overtime, commissions and bonuses, self-employment income, rental income, retirement and pension distributions, Social Security benefits (but not SSI), unemployment compensation, workers' compensation, disability insurance, interest and dividends, and regular contributions from non-parties. One point worth noting: Massachusetts computes income weekly, not monthly, so the guidelines work from a weekly income figure.

Self-employment income: For self-employed parents Massachusetts looks at gross receipts less ordinary and necessary business expenses. Three years of tax returns are the standard documentation. Courts scrutinize large deductions for vehicles, meals, home office, and depreciation. If the business expenses appear inflated, the court may use a higher income figure than the tax return shows.

Imputed income: Massachusetts allows income imputation when a parent is voluntarily unemployed or underemployed without good cause. The court considers education, work history, the parent's earning history, and available employment in the area. A parent who reduces work deliberately to lower child support is an obvious candidate for imputation at the level they are capable of earning.

Low-income protection and minimum order: The Massachusetts guidelines protect a low-income payor with a self-support floor and a small minimum order. Under the 2025 guidelines the minimum presumptive order is $15 per week (the prior $12 minimum adjusted for inflation), and for the lowest income tranches the presumptive order can range between $0 and $33 per week. The worksheet phases the obligation in gradually for payors with very low weekly income rather than imposing the full guideline amount.

How the recipient's income is used: Massachusetts uses both parents' available incomes as direct inputs on the worksheet, then apportions the combined obligation by each parent's share of income. Where the recipient earns substantially more than the payor, that disparity is captured both in the worksheet apportionment and as a possible ground for deviation below the guideline amount. Either way, the recipient's income is part of the base calculation, not an afterthought.

Add-on expenses: Massachusetts adds the cost of health insurance coverage for the child and work-related childcare to the basic weekly obligation. These are allocated based on the parents' relative incomes. The parent who carries the health insurance or pays childcare receives credit for those expenses on the worksheet.

Uninsured medical and dental expenses: Beyond health insurance premiums, the court allocates the children's uninsured and unreimbursed medical and dental expenses between the parents, commonly in proportion to their incomes, under the Massachusetts guidelines. Spell out the split and a reimbursement timetable in the order so these costs do not become a recurring dispute.

Weekly calculation: Massachusetts guidelines use weekly income and produce a weekly child support amount. To convert to a monthly figure, multiply the weekly amount by 4.333. Courts in Massachusetts typically enter orders in weekly amounts, though payments may be structured differently. Be consistent: use weekly figures throughout the Massachusetts guidelines worksheet.

Massachusetts computes the paying parent's income weekly. If you are a salaried employee, divide your annual salary by 52. If you are paid biweekly, divide by 2. If your income varies, average your annual income and divide by 52. The weekly figure enters the guideline schedule directly.

Income above the schedule (high-income cap): The Massachusetts guidelines are calculated on combined available income up to $450,000 per year (raised from $400,000 in the 2025 guidelines). On the first $450,000 the guidelines are applied in proportion to each parent's actual income. For combined income above $450,000, additional support is in the court's discretion, with any percentage applied generally below 10%, adjusted for the number and ages of the children.

Section 5 — Shared Parenting

Massachusetts does not bolt a separate one-third-time reduction onto the worksheet. Instead, the base guidelines amount already assumes the children live primarily with one parent and spend approximately one-third of the time (about 121 overnights) with the other (2025 Child Support Guidelines, Section II.D). Because that one-third assumption is baked into the table, simply reaching 33% overnights does not produce an automatic additional reduction.

Above the one-third baseline, the treatment changes. Where the non-residential parent's time is substantially more than one-third but less than one-half of the year, the court MAY adjust (deviate from) the worksheet amount in its discretion (Section IV). Where the parents share parenting time and financial responsibility approximately equally, the guidelines use a shared calculation that runs the worksheet both ways. There is no single automatic multiplier that switches on at exactly 33%.

Putting numbers on it: approximately one-third of 365 days is about 121 overnights, and that is the parenting-time level already assumed in the base guidelines figure. A standard every-other-weekend schedule (about 52 overnights) is well below that baseline. If you want the court to consider a reduction for time well above one-third, you generally need a schedule that approaches equal time, and you should document the actual overnights.

How an above-baseline adjustment works: when the non-residential parent's time is substantially more than one-third but less than one-half, the court may deviate downward in its discretion based on the share of time and the direct costs you bear; it is not automatic. When time is approximately equal, the worksheet is run both ways (each parent treated as the recipient) and the difference, adjusted for income shares, sets the order.

At or below the one-third baseline: if your parenting time is around or below one-third of overnights, the standard guidelines figure already reflects that assumption, with no further automatic reduction. You can still ask for a deviation based on extraordinary expenses you incur during parenting time, but that is discretionary. The meaningful adjustments come above one-third, not at it.

Documenting parenting time: To invoke the parenting time adjustment, document your overnights with a detailed calendar or parenting app record. A court order specifying the parenting schedule is the strongest evidence. If the actual schedule exceeds what the order specifies, a parenting log of actual overnights can supplement the court order.

Massachusetts rewards substantial, well-documented parenting time, but through discretionary deviation and the shared-time calculation rather than an automatic 33% switch. If you are seeking a downward adjustment, the stronger position is parenting time approaching equal, supported by a court-ordered schedule and a parenting log of actual overnights.

Section 6 — Enforcement

Massachusetts uses income withholding as its primary enforcement mechanism. All new child support orders in Massachusetts include automatic income withholding. The withholding order directs the employer to deduct support from each paycheck and forward it to the DOR State Disbursement Unit, which transmits funds to the custodial parent. DOR administers withholding in IV-D cases.

License suspension: Under M.G.L. c. 119A Section 16 the Department of Revenue may direct any licensing authority to suspend, revoke, or refuse to renew a license when an obligor is 8 weeks or more in arrears, or has failed to comply with a warrant, summons, or subpoena. The definition of license is broad, covering driver's, professional, occupational, business, and recreational licenses. DOR must give written notice and 30 days to request a hearing, where the obligor can show no arrearage exists, mistaken identity, or compliance with an approved payment plan, before the suspension is finalized.

Contempt of court: A parent who fails to pay can be held in civil contempt of the Probate and Family Court that entered the order. Contempt can result in fines, structured repayment plans, or incarceration. A hearing is required. A contempt finding followed by incarceration is called a "capias" warrant in Massachusetts. Courts use contempt when the obligor has the ability to pay and is choosing not to.

Tax refund intercept: DOR participates in federal and state tax refund intercept programs. DOR certifies delinquent cases for interception of federal and Massachusetts state income tax refunds. Intercepted amounts are applied to arrears.

Passport denial: When arrears reach $2,500 DOR certifies the case for federal passport denial. The obligor cannot obtain or renew a U.S. passport until arrears are resolved or an acceptable payment arrangement is established.

Credit bureau reporting: DOR reports certified arrears to the three major credit bureaus. The negative entry affects the obligor's ability to obtain housing, auto financing, and other credit. The entry remains until arrears are paid.

Interest and penalty (up to 12% per year): Under M.G.L. c. 119A Section 6 and 830 CMR 119A.6.1, the Department of Revenue may assess 0.5% interest per month plus 0.5% penalty per month, a combined 12% per year, on past-due support over $500. A parent who falls $10,000 behind and stays behind for five years can owe several thousand dollars more in interest and penalty alone. DOR can reduce or waive these charges in appropriate cases, so address arrears early.

If you are behind on payments, contact DOR Child Support Enforcement at (800) 332-2733. DOR can establish payment plans for arrears. If your income has changed, file the Complaint for Modification immediately and arrange service as quickly as possible. Massachusetts retroactivity runs from the service date; every day that passes without service is a day the old obligation continues to accrue.

Section 7 — Emergency Protocols

Emergency Protocols — Massachusetts

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File the Complaint for Modification in Probate and Family Court immediately and arrange for sheriff or constable service the same week. Massachusetts retroactivity runs from the service date, not the filing date. Every day between filing and service is a day the old obligation accrues at the full prior rate.

Attach your termination or layoff documentation to the Complaint. Notify DOR at (800) 332-2733 of the job loss. Make whatever partial payment you can manage. The 12% annual interest rate on Massachusetts arrears means falling behind here is more costly than in almost any other state in this book.

EMERGENCY PROTOCOL 2: YOUR EMPLOYER GOT AN INCOME WITHHOLDING ORDER AND THE AMOUNT IS WRONG

Massachusetts employers are legally required to honor withholding orders as written. Do not ask payroll to change the amount on your word alone. If the deduction is wrong — exceeding the CCPA cap, applying to the wrong pay cycle, or continuing after the obligation ended — call DOR at (800) 332-2733 immediately.

If DOR confirms an error in a DOR-administered case, get the confirmation in writing for your payroll department. If the error is in the court order itself, file an emergency motion in Probate and Family Court for correction of the withholding amount. Do not bypass an active withholding order without a court order authorizing the change.

EMERGENCY PROTOCOL 3: YOUR LICENSE HAS BEEN SUSPENDED FOR NON-PAYMENT

Under M.G.L. c. 119A Section 16 DOR can move to suspend your license once you are 8 weeks or more in arrears (or have ignored a warrant, summons, or subpoena). You get written notice and 30 days to request a hearing before it is final, so do not let that deadline pass. Call DOR at (800) 332-2733 immediately.

Reinstatement requires payment of overdue support, entry into an approved payment arrangement, or a combination. Get written confirmation of any plan from DOR and provide it to the Registry of Motor Vehicles for license reinstatement. File a Complaint for Modification simultaneously if your income has dropped.

EMERGENCY PROTOCOL 4: A CONTEMPT COMPLAINT HAS BEEN FILED AGAINST YOU

Appear at every scheduled court date. Failure to appear in a Massachusetts contempt proceeding results in a capias warrant, which is an order for your arrest. Contact an attorney immediately. Bring documentation of any financial hardship that prevented payment: bank statements, termination notices, medical bills.

A Complaint for Modification filed before the contempt hearing, showing you are actively trying to address the obligation, can change how the court views the failure to pay. If you

cannot afford private counsel, contact Greater Boston Legal Services at (617) 603-1700 or your county's legal aid organization.

EMERGENCY PROTOCOL 5: THE OTHER PARENT IS DENYING YOUR PARENTING TIME

Child support and parenting time are separate legal obligations in Massachusetts. You cannot stop payments because your access to the children is being blocked. Stopping payments creates enforcement exposure, generates 12% annual interest on arrears, and damages your standing in any custody proceeding.

File a Complaint for Modification or a Complaint for Contempt regarding the parenting schedule in Probate and Family Court. Document every denied visit: date, time, what happened, and any communications by text or email. Massachusetts courts have authority to enforce parenting orders, impose sanctions on the offending parent, and modify custody when denial is systematic.

EMERGENCY PROTOCOL 6: THE COURT IS IMPUTING INCOME YOU DO NOT EARN

Challenge income imputation with documentation. Gather job applications submitted, rejection letters, current wage postings in your field, your resume, and any medical or personal documentation explaining why you earn less than the court assumes.

If imputation was applied in a prior order, file a Complaint for Modification and present the documentation showing your actual earnings reflect your genuine market capacity. Massachusetts courts must make specific findings when imputing income. The burden is on you to rebut the imputation with a clear factual record.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Report the delinquency to DOR at (800) 332-2733. DOR has the full enforcement toolkit: income withholding, license suspension, tax refund intercept, passport denial, credit bureau reporting, and contempt proceedings. DOR can initiate most of these tools administratively without a separate court filing in IV-D cases.

If DOR enforcement is moving too slowly, file a Complaint for Contempt in Probate and Family Court. A contempt proceeding can be set on short notice when the non-payment is documented and clear. Bring your payment history: the ordered weekly amount, dates missed, total arrears, and the interest accrued at 12% per year. Massachusetts courts take contempt seriously, and the interest rate gives the numbers urgency.

Section 8 — Quick Reference

Your key Massachusetts figures are in the State at a Glance profile at the top of this chapter. Guidelines: 2025 Child Support Guidelines (effective December 1, 2025), Worksheet CJD 304, using BOTH parents' combined available income up to $450,000/year. Modification standard: inconsistency between the existing order and the current guidelines amount (no fixed dollar or percentage threshold), or a material change. Agency: DOR at (800) 332-2733. Filing document: Complaint for Modification (not a motion). Service: sheriff or constable required. Retroactivity: from service date. Parenting time: about one-third (121 overnights) is the built-in baseline;

above one-third is discretionary deviation, approximately equal time uses a shared calculation. License suspension: 8 weeks in arrears (M.G.L. c. 119A Section 16). Interest plus penalty on arrears: up to 12% per year combined.

Section 9 — Resources and Special Considerations

The DOR Child Support Enforcement division is Massachusetts's IV-D agency. Contact: (800) 332-2733. Website: mass.gov/child-support. DOR handles income withholding, license certification, tax intercept, and administrative enforcement. For Probate and Family Court forms and information, the Massachusetts Courts website at mass.gov/probate-and-family-court is the primary source.

Legal aid resources in Massachusetts:

Greater Boston Legal Services: Serves the greater Boston area. Phone: (617) 603-1700. Website: gbls.org. Handles family law matters including child support for income-eligible clients.

Massachusetts Legal Aid (statewide directory): Massachusetts has multiple regional legal aid organizations. Find your local office at masslegalhelp.org.

Massachusetts Legal Help Self-Help Center: Online self-help resources for Massachusetts family court matters. Website: masslegalhelp.org. Includes plain-language guides to Probate and Family Court procedures.

Massachusetts Bar Association Lawyer Referral Service: For paid attorney referrals: (617) 654-0400 or massbar.org.

Special considerations for Massachusetts:

Both parents' incomes drive the calculation: Massachusetts uses its own guidelines worksheet that combines both parents' available weekly incomes and apportions the obligation in proportion to income, not a pure percentage of the payor's income alone. If someone runs a calculation using only one parent's income, or treats both incomes as identical equal inputs, they are using the wrong method. Use the current Massachusetts guidelines worksheet (CJD 304) with both parents' gross weekly incomes.

Complaint for Modification — not a motion: In Massachusetts, modification is initiated by filing a Complaint for Modification, not a motion. A Complaint requires personal service by a sheriff or constable; certified mail is insufficient. Retroactivity runs from service, not filing. These procedural distinctions matter: getting service wrong or confusing the filing type can delay your case or cost you retroactivity.

Interest and penalty: Massachusetts can add interest of 6% per year plus a penalty of 6% per year (a combined 12%) on arrears over $500 under M.G.L. c. 119A Section 6, among the steepest in this book. Address arrears aggressively, because the charges accrue every month until the balance is paid, though DOR has discretion to reduce or waive them.

College-age children: Massachusetts is unusual in that Probate and Family Court has jurisdiction to order support for college-age children past age 18. Under M.G.L. c. 208 Section 28 and related provisions, courts may order a parent to contribute to educational expenses for a child attending college, vocational school, or

other post-secondary education. If a college-age child is in your situation, consult an attorney about the scope of any ongoing obligation.

DOR administrative review: DOR offers a free review of child support orders in IV-D-enrolled cases every three years. If your case is DOR-administered and three years have passed since the last order, call DOR at (800) 332-2733 to request a review. This can be faster than filing a Complaint for Modification, though it is limited in scope.

Military families: When a service member or the other parent is in the military, the federal Servicemembers Civil Relief Act can pause a proceeding during active duty, and military allowances such as BAH and BAS are generally counted as income for the guidelines. Massachusetts hosts Hanscom Air Force Base, Joint Base Cape Cod (including Otis Air National Guard Base), Westover Air Reserve Base, the Natick Soldier Systems Center, and the Massachusetts Army and Air National Guard. See Chapter 51 (Military Service) for servicemember-specific procedure, and Chapter 52 (Interstate and International / UIFSA) when a parent is stationed or living out of state.

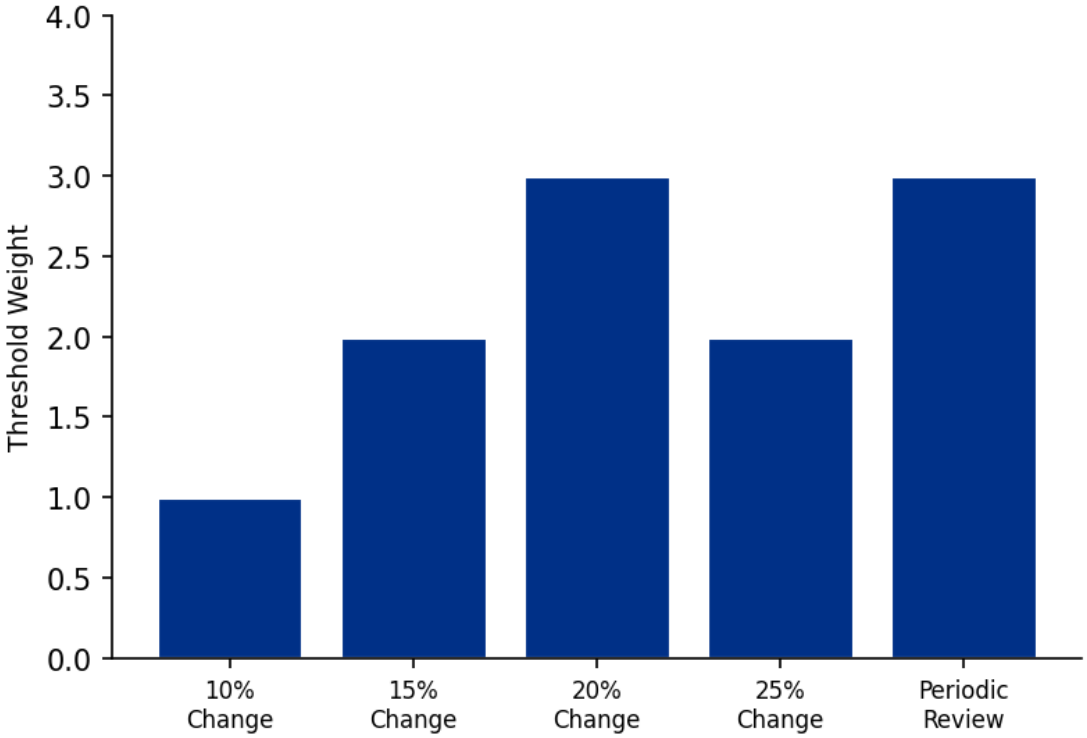
Interstate cases under UIFSA: The Uniform Interstate Family Support Act (UIFSA) governs modification when either parent or the child has moved out of Massachusetts since the order was entered. Massachusetts retains exclusive continuing jurisdiction over its own orders as long as one party or the child remains in the state. Filing in the correct forum matters: a Complaint filed in the wrong jurisdiction will be dismissed or transferred.

DOR Child Support Enforcement: (800) 332-2733 | mass.gov/child-support

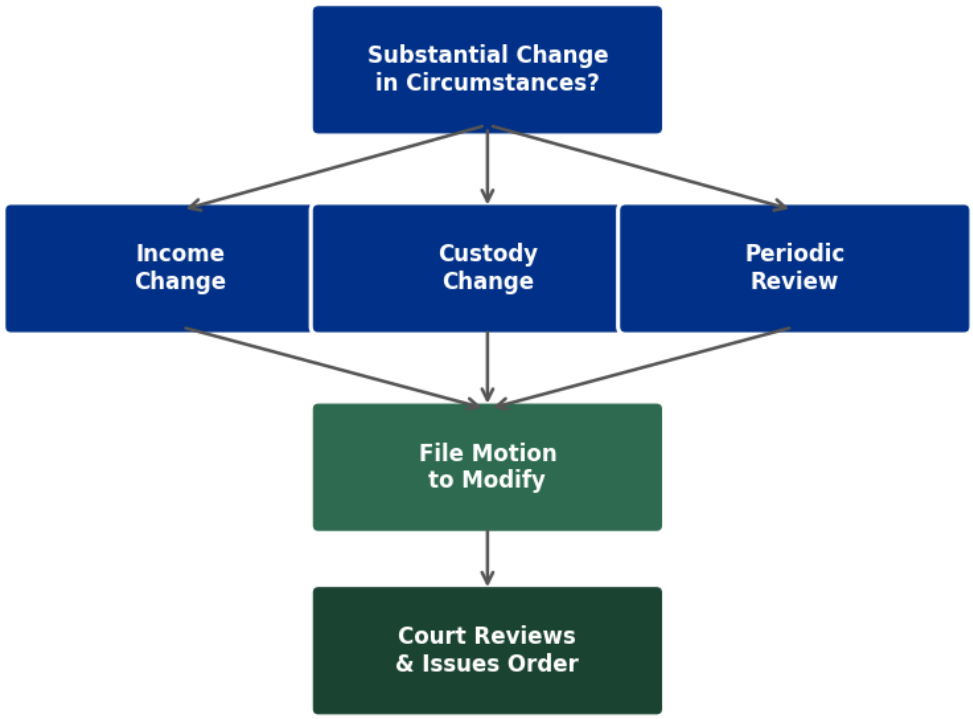
Massachusetts Probate and Family Court (forms and information): mass.gov/probate-and-family-court

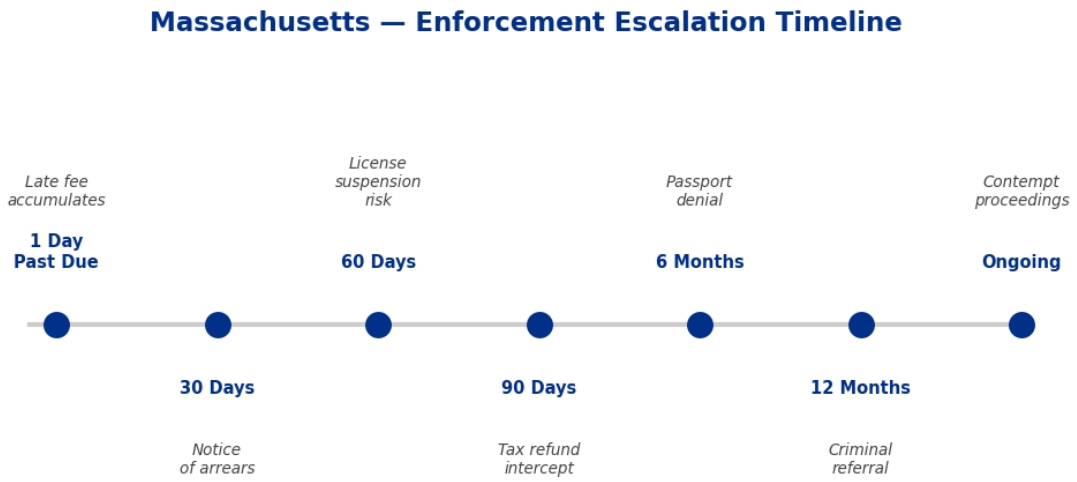
Greater Boston Legal Services: (617) 603-1700 | gbls.org

Massachusetts — Modification Threshold Chart



Massachusetts — Modification Trigger Flowchart





End of Chapter 21 — Massachusetts | Chapter 22 — Michigan follows.

Chapter 22

Chapter 22 — Michigan

MI

MICHIGAN

CHILD SUPPORT

Michigan	Child Support at a Glance

Calculation Model	Income Shares -- Michigan Child Support Formula (MCSF) -- MCL 552.517
Income Basis	NET income -- subtract estimated taxes before entering the formula
Modification Threshold	10% change in guideline amount -- MCL 552.517(7) -- one of the lowest in the book
Agency	Friend of the Court (FOC) -- statewide network through each Circuit Court
Financial Disclosure Form	FOC 10 Verified Statement
Court	Circuit Court (Family Division)
Retroactivity	Back to date of filing of the motion to modify
Shared Parenting Trigger	128+ overnights per year (35%) -- FOC calculates offset automatically
Three-Year Review	FOC periodic review available every 3 years -- no showing of change required
License Suspension	$2,500 in arrears -- driver's and occupational licenses
Criminal Penalty	Felony -- MCL 750.165 -- $2,000+ arrears or 6+ months non-payment
Interest on Arrears	6% per year -- MCL 600.6013

Section 1 — Overview

Michigan calculates child support under the Income Shares model using the Michigan Child Support Formula (MCSF), a detailed manual updated periodically by the Michigan Supreme Court and administered under MCL 552.517. Both parents' net incomes are combined, the guideline obligation is determined from the schedule, and each parent pays a proportional share. The non-custodial parent pays their share as a monthly transfer to the custodial parent.

Michigan's most distinctive feature is its Friend of the Court (FOC) system. The FOC is a court-connected agency operating in every county's Circuit Court that performs a function unlike any other state agency in this book: the FOC investigates, calculates, and recommends support orders; monitors compliance; initiates enforcement; and conducts periodic reviews. In most states you must go to court to get a review. In Michigan, the FOC reviews support orders every 36 months automatically in cases where the family receives public assistance, and either parent in any other FOC case can request a review once every 36 months (MCL 552.517).

Michigan is also one of the few states in this book that uses net income rather than gross income as the base for the guideline calculation. Before entering the MCSF, each parent must subtract their estimated state and federal income taxes and Social Security and Medicare (FICA) contributions from their gross income to arrive at net income. Self-employed parents must

estimate their tax liability before calculating net. This distinction matters: using gross income instead of net income will produce the wrong answer.

Michigan's modification threshold is a change of 10% of the currently ordered support payment or $50 per month, whichever is greater (MCL 552.517; 2025 MCSF 4.05). If applying the current incomes to the MCSF produces an obligation that crosses that threshold, the difference is presumptive grounds for modification. The threshold is among the more accessible numerical triggers in this book, which means even moderate income changes can qualify for review. Michigan courts also retain discretion to modify based on a material change in circumstances even when the threshold is not reached.

Retroactivity in Michigan runs from the date notice of the modification petition is given to the other party, not from the date circumstances changed (MCL 552.603(2)). File and serve promptly when circumstances change. Until notice is given, the old obligation keeps accruing at the old rate, and those amounts cannot be retroactively reduced.

Section 2 — Grounds for Modification

Michigan requires either a change meeting the minimum modification threshold (10% of the current order or $50 per month, whichever is greater) when the guidelines are applied to current incomes, or a material change in circumstances. MCL 552.517 and 2025 MCSF 4.05 set the threshold. The FOC conducts periodic reviews every 36 months in public-assistance cases, and either parent can request a FOC review once every 36 months. You can also file a direct motion in Circuit Court if you prefer.

The FOC periodic review is a key resource. In cases where the family receives public assistance, the FOC recalculates support every 36 months using both parents' current incomes and the current MCSF schedule; in other FOC cases, either parent may request a review once every 36 months. If the result differs from the current order by 10% or $50 per month, whichever is greater, the FOC will recommend modification. For the periodic review itself, time alone is sufficient; you do not need to show a material change.

The following are the most common grounds for modification in Michigan Circuit Courts and FOC proceedings.

Income change producing 10%+ deviation: An involuntary job loss, income reduction, or income increase that causes the guideline calculation to differ from the current order by 10% of the ordered amount or $50 per month, whichever is greater, qualifies. File the motion or request the FOC review immediately and see that notice reaches the other parent. Michigan retroactivity runs from the date notice of the petition is given (MCL 552.603(2)).

Job loss or involuntary income reduction: Losing employment or having income substantially reduced is the most common basis for modification. Document the change with termination

notices, employer letters, or records of reduced hours. Voluntary resignation without good cause is treated skeptically. You must show you left for a legitimate reason and are actively seeking comparable work.

Change in custody or parenting time: A significant shift in the actual parenting schedule is a recognized basis for modification. The MCSF applies a parental time offset based on each parent's annual overnights, so a meaningful change in the overnight count changes the calculation. If your schedule has shifted substantially since the order was entered, a modification is warranted.

Child emancipation: Support normally runs until the child turns 18. It can continue while the child attends high school full time with a reasonable expectation of graduating and lives full time with the support recipient (or at an institution), but never past age 19 and a half (MCL 552.605b). In multi-child orders, file a motion for the obligation to be recalculated for the remaining children. The order does not automatically adjust.

Change in childcare or health insurance costs: Childcare costs and health insurance premiums for the child are factored into the MCSF. A significant change in either category is a basis for modification even without a change in base income. Examples include childcare ending when a child starts school or loss of employer-sponsored insurance.

Three-year FOC review: In a FOC case you can request a periodic review once every 36 months without showing a material change. If your income has changed enough to cross the 10%/$50 threshold, requesting a FOC review is often faster and less expensive than filing a motion in Circuit Court. The FOC investigates, calculates, and issues a recommendation, and the court then enters an order if neither party objects.

Michigan does not impose a waiting period between modification petitions. If a material change occurs shortly after a prior modification, a new request or petition is appropriate. The FOC and Circuit Court judges understand that economic circumstances can change rapidly.

Section 3 — Step-by-Step: How to File

Michigan offers two pathways: a FOC review request, or a direct motion to the Circuit Court. The FOC pathway is typically faster and less expensive for straightforward income-change cases. The court pathway gives you more direct control and is better when facts are disputed or when you need a quick ruling. Both pathways result in a Circuit Court order.

Step 1 — Gather your financial documentation: Collect your last two pay stubs, your most recent two years of federal tax returns and W-2 forms, documentation of health insurance premium costs for the child, and documentation of work-related childcare. If a job loss is the basis, gather the termination or layoff documentation. Calculate your estimated net income by subtracting estimated state and federal income taxes and FICA contributions from your gross income. Michigan uses net income, not gross.

Step 2 — Complete the FOC 23 Verified Statement: The Verified Statement (form FOC 23) is Michigan's standard financial disclosure form. Download it from your county FOC office or the Michigan Courts website at courts.michigan.gov. The FOC 23 collects your income, assets, expenses, and employment information. Complete it accurately, because this form drives the FOC calculation and any court hearing.

Step 3 — Choose your pathway: FOC review or direct court motion: To use the FOC pathway: submit a written request for review to your county FOC office. The FOC will set a conference, gather financial information from both parents, and calculate a recommended order. If neither parent objects within 21 days, the court enters the FOC's recommended order automatically. To use the court pathway: file a Motion Regarding Support (form FOC 50) in Circuit Court, attach your FOC 23 and financial documentation, and pay the filing fee.

Step 4 — Serve the other parent: For a direct court motion, serve the other parent with the motion and FOC 23 pursuant to Michigan Court Rules (MCR 2.107). For a FOC review, the FOC handles notification to the other parent. If you file in court, keep proof of service and file it with the clerk before your hearing date. Retroactivity runs only from the date notice is given, so prompt service protects you.

Step 5 — Attend the FOC conference or court hearing: For the FOC pathway: appear at the FOC conference with your documentation. Review the FOC's recommended order. You have 21 days to object if you disagree. For the court pathway: appear in Circuit Court on your hearing date with your FOC 23 and all supporting financials. The judge will apply the MCSF, hear arguments, and enter a modified order.

Step 6 — Implement the modified order: Once the Circuit Court enters the modified order, obtain a certified copy from the clerk. Provide it to your employer for income withholding updates. The FOC will update the withholding amount in FOC-administered cases. If you pay directly, adjust the amount immediately upon entry of the order.

Michigan's legal aid organizations serve income-eligible parents. Michigan Legal Help (michiganlegalhelp.org) provides free self-help resources for Circuit Court and FOC matters. Michigan Legal Services and regional legal aid organizations provide representation. See Section 9 for contact information.

Section 4 — Income Calculation

Michigan uses net income as the base for the MCSF calculation. This is a critical difference from most states in this book, which use gross income. In Michigan, each parent must first estimate their net income by taking gross income and subtracting estimated income taxes (state and federal) and FICA contributions (Social Security and Medicare). The net figures are then entered into the MCSF to determine the guideline obligation.

Michigan gross income includes wages, salaries, commissions, bonuses, overtime, self-employment income, rental income, pension and retirement distributions, Social Security retirement and disability benefits (not

SSI), unemployment compensation, workers' compensation, disability insurance, interest, dividends, and regularly received gifts or contributions. All of these are included in the gross income figure that is then reduced to net.

Estimating net income for W-2 employees: For a salaried or hourly employee, estimate annual federal and state income tax liability using your prior year's tax return as a guide. Subtract those estimated taxes and your annual FICA contribution (7.65% of gross wages up to the Social Security wage base) from your gross annual income. Divide by 12 to get monthly net income. When in doubt, the FOC will assist with this calculation.

Self-employment income: Self-employed parents compute gross self-employment income, subtract ordinary and necessary business expenses, then subtract estimated self-employment taxes (15.3% on net self-employment income up to the wage base) plus estimated federal and state income taxes. Michigan courts scrutinize inflated deductions. Bring three years of Schedule C tax returns and a current profit-and-loss statement.

Imputed income: When a parent is voluntarily unemployed or underemployed without good cause, Michigan courts may impute income at the parent's earning capacity. The MCSF's potential-income provisions (2025 MCSF 2.01(G)) direct courts to look at earning capacity, not just actual earnings. Education, work history, job market conditions, and any reason the parent offers for reduced work are all considered.

Shared parenting and the parental time offset: The MCSF applies a parental time offset whenever the approximate annual number of overnights each parent provides can be determined. There is no minimum-overnight trigger; the offset scales continuously, and more overnights for the payer mean a larger reduction. The FOC calculates this automatically in periodic reviews. The offset reflects the direct costs each parent bears during their parenting time. See Section 5 for details.

Add-on expenses: The MCSF adds childcare costs and health insurance premium costs for the child onto the basic obligation and allocates them between the parents proportionally. The parent carrying health insurance or paying childcare receives credit on the calculation.

The net income approach in Michigan means that two parents with identical gross incomes but different tax situations will have different net income figures and different MCSF obligations. A parent who is married filing jointly with multiple dependents and a parent who is single with no other deductions will end up at different net figures even if their gross pay is the same. Accurate tax estimation matters.

Section 5 — Shared Parenting

Michigan's MCSF adjusts support for parenting time through the parental time offset, which is built into every calculation rather than switched on at a threshold. The offset equation uses each parent's annual overnights (raised to the power 2.5 under the 2025 MCSF) to weight the two parents' obligations against each other, so both parents' time with the child is reflected in the final number. The FOC calculates the offset in periodic reviews; you can also request the calculation in a direct court motion.

The offset works by weighing each parent's share of annual overnights in the support equation. The more overnights the payer has, the greater the reduction in the transfer amount. The offset is not a flat amount and has no cliff; it scales continuously with parenting time.

Counting overnights: An overnight is a night the child sleeps at the non-custodial parent's residence. Count every overnight in the court-ordered or agreed parenting schedule over a full year: weeknights, weekends, holidays, school vacations, and summer time. A standard every-other-weekend schedule produces approximately 52 overnights annually. Because the offset scales with the count, every additional overnight in the schedule matters to the calculation.

Overnight counts and the court order: The MCSF presumes the approximate number of overnights from the most recent support determination unless there is credible evidence that practices have changed; otherwise it looks to the current custody or parenting time order. If your actual time exceeds the order, petition to have the order corrected to reflect reality before requesting a modification.

Documenting parenting time: The FOC relies primarily on the court order to calculate overnights. If your actual parenting time is more than the order reflects, keep a parenting log or app record and file a motion to modify the parenting order to reflect the actual schedule. An accurate parenting order is the foundation for the correct support calculation.

Change in parenting time as a modification trigger: If your parenting time has increased significantly since the original support order was entered, that shift changes the parental time offset and is a basis for modification. You can petition based on the parenting time change alone, or combine it with an income change in the same motion.

Michigan's FOC calculates the parental time offset automatically in every periodic review. If you believe the offset is based on the wrong overnight count, request a review and bring documentation showing the actual annual overnight schedule.

Section 6 — Enforcement

Michigan's Friend of the Court has broader enforcement authority than virtually any other state agency in this book. In active IV-D cases, the FOC can initiate most enforcement actions administratively, without a separate court filing. Income withholding is automatic in all new orders. The FOC monitors compliance and escalates enforcement when payments fall behind.

Income withholding: All new Michigan child support orders include automatic income withholding. The FOC issues the withholding order to the employer and processes payments through the Michigan State Disbursement Unit (MiSDU). Employers are legally required to comply. The FOC monitors payment compliance and can update withholding amounts when orders are modified.

License suspension: When the arrearage exceeds an amount equal to two months' worth of payments, the court, on the FOC's initiation, may order suspension of the parent's driver's,

occupational, and recreational or sporting licenses (MCL 552.628). You will receive a notice first, with 21 days to pay the arrearage or request a hearing; the hearing can contest a mistake of fact about the amount or your identity. Reinstatement requires payment of the overdue amount or entry into an approved payment plan. Contact your county FOC office at the first sign of a suspension notice.

Tax refund intercept: The FOC participates in federal and state tax refund intercept programs. When arrears reach the intercept threshold, the FOC certifies the case and the IRS or Michigan Department of Treasury withholds the obligor's refund and forwards it to the custodial parent through MiSDU.

Passport denial: When arrears reach $2,500, the FOC certifies the case for federal passport denial. The obligor cannot obtain or renew a U.S. passport until arrears are resolved or an acceptable payment plan is established.

Credit bureau reporting: The FOC reports certified arrears to the three major credit bureaus. A negative credit entry affects the obligor's ability to obtain housing, financing, and other credit. The entry remains until arrears are paid.

Contempt of court: A parent who does not pay can be held in civil contempt of the Circuit Court. The FOC can initiate contempt proceedings. Contempt can result in fines, probationary payment plans, or incarceration. A hearing is required.

Criminal non-support: Under MCL 750.165, failing to pay support in the amount and at the time stated in a court order is a felony punishable by up to four years in prison or a fine of up to $2,000. The statute contains no minimum dollar amount or minimum months of non-payment; the elements are a support order, an appearance or personal service in the underlying action, and failure to pay as ordered. In practice, criminal prosecution is reserved for the most serious, deliberate cases of long-term non-payment.

If you are behind on payments, contact your county FOC office proactively. The FOC can establish payment plans for arrears and work with you on a path to compliance. If your income has changed, file a modification motion immediately rather than waiting.

Section 7 — Emergency Protocols

Emergency Protocols — Michigan

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File your Motion Regarding Support (FOC 50) in Circuit Court immediately and simultaneously request a FOC review in writing. Michigan retroactivity runs only from the date notice of the petition reaches the other party (MCL 552.603(2)). Every day you delay is another day the full prior obligation accrues on a zero income.

Attach your termination or layoff documentation to the motion and FOC review request. Notify the FOC of the job loss by contacting your county FOC office and telling them you are

filing a modification. Make whatever partial payment you can manage. The FOC and courts notice the difference between a parent who is trying and one who has simply stopped.

EMERGENCY PROTOCOL 2: YOUR EMPLOYER RECEIVED A WITHHOLDING ORDER AND THE AMOUNT IS WRONG

Your employer is legally required to honor the withholding order as written. Do not ask payroll to change the amount on your word alone. If the deduction is incorrect for any reason, such as exceeding the CCPA cap, applying to the wrong pay period, or continuing after the obligation ended, contact your county FOC office immediately.

The FOC administers withholding in FOC-administered cases and can correct errors. If the error is in the court order itself, file a motion in Circuit Court for immediate correction. The FOC can also issue a corrected withholding order without a full hearing in some circumstances. Do not bypass an active withholding order without FOC or court authorization.

EMERGENCY PROTOCOL 3: YOUR DRIVER'S OR PROFESSIONAL LICENSE HAS BEEN SUSPENDED

Michigan can seek suspension of your driver's and occupational licenses once your arrearage exceeds two months' worth of payments (MCL 552.628). Contact your county FOC office immediately. The FOC has discretion to support reinstatement when you enter into a satisfactory payment plan or pay the overdue amount.

Get your payment plan in writing from the FOC and provide confirmation to the Secretary of State (for driver's license) or the relevant licensing board (for professional licenses). File a modification motion simultaneously if your income has changed. Showing the FOC that you are actively addressing the underlying obligation improves their willingness to work with you on reinstatement.

EMERGENCY PROTOCOL 4: A FELONY CHARGE HAS BEEN FILED UNDER MCL 750.165

Contact a criminal defense attorney immediately. Do not appear at a criminal hearing without representation. MCL 750.165 requires no minimum arrearage; any failure to pay as ordered can support a charge, and a conviction carries up to four years in prison and a fine of up to $2,000. It also permanently affects your ability to work, maintain professional licenses, and participate in your children's lives.

If you cannot afford private counsel, contact your county's public defender's office. If you have not already done so, file a Motion to Modify Child Support in Circuit Court at the same time. Demonstrating a good-faith effort to address the underlying obligation is relevant to both the criminal proceeding and any FOC contempt matter.

EMERGENCY PROTOCOL 5: THE OTHER PARENT IS DENYING YOUR PARENTING TIME

Child support and parenting time are separate legal obligations in Michigan. You cannot stop paying support because your access to the children is being blocked. Stopping payments

triggers FOC enforcement, and on a finding of willful non-payment the court may add a semiannual surcharge to your past-due balance (MCL 552.603a).

File a motion to enforce the parenting time order in Circuit Court. The FOC can also assist with parenting time enforcement in some circumstances, so contact your county FOC office as well. Document every denied visit: date, time, what happened, and communications by text or email. Courts in Michigan take deliberate interference with parenting time seriously.

EMERGENCY PROTOCOL 6: THE FOC REVIEW PRODUCED A CALCULATION YOU BELIEVE IS WRONG

When the FOC issues a recommended order following a periodic review, you have 21 days to object in writing. Do not let the 21-day window pass. If you believe the income figures are wrong, the parenting time calculation is off, or the MCSF was applied incorrectly, file a written objection with the FOC within 21 days.

Your objection triggers a de novo hearing before the Circuit Court judge, who reviews the FOC's recommendation independently. Bring your documentation: your FOC 23, pay stubs, tax returns, and any evidence supporting the correct income or parenting time figure. An attorney can help you prepare the objection and the court filing.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Contact your county FOC office. Michigan's FOC enforcement covers more ground than in most states. The FOC can initiate income withholding, license suspension, tax intercept, passport denial, credit reporting, and contempt proceedings without a separate court motion in most cases.

If the FOC is moving too slowly for your situation, file a Motion for Contempt in Circuit Court. Bring your complete payment history: the ordered amount, every missed payment date, and the total now owed. The FOC's payment records are the most reliable source for this history, so request them from your county FOC office before the hearing.

Section 8 — Quick Reference

Your key Michigan figures are in the State at a Glance profile at the top of this chapter. Calculation model: Income Shares using net income (not gross), under the Michigan Child Support Formula. Modification threshold: 10% of the current order or $50 per month, whichever is greater (2025 MCSF 4.05). FOC periodic review every 36 months (automatic in public-assistance cases; on request otherwise). Agency: Friend of the Court (county-level). Financial disclosure: FOC 23 Verified Statement. Retroactivity: from the date notice of the petition is given (MCL 552.603(2)). Parenting time: continuous parental time offset based on annual overnights, no minimum threshold. License suspension: arrearage above two months' worth of payments (MCL 552.628). Criminal non-support: felony, up to 4 years, no dollar

threshold (MCL 750.165). Arrears: discretionary semiannual surcharge for willful non-payment (MCL 552.603a); no flat annual interest.

Section 9 — Resources and Special Considerations

The Friend of the Court is the primary administrative agency for Michigan child support. Contact your county FOC office; each county Circuit Court has its own FOC, and a statewide FOC directory is published on the Michigan Courts website. For court forms and MCSF information, the Michigan Courts website at courts.michigan.gov is the primary source.

Legal aid resources in Michigan:

Michigan Legal Help: Free statewide self-help website for Michigan courts and FOC procedures. Website: michiganlegalhelp.org. Includes plain-language guides to child support modification and FOC review processes.

Michigan Legal Services: Statewide legal aid organization serving income-eligible clients. Phone: (313) 964-4130 (Detroit). Website: michiganlegalservices.org.

Legal Aid and Defender Association (LADA): Serves Wayne County (Detroit metro). Phone: (313) 628-2000. Website: ladadetroit.org.

Michigan State Bar Lawyer Referral Service: For paid attorney referrals statewide: (800) 968-0738 or michbar.org.

Special considerations for Michigan:

Low-income protection: The MCSF contains built-in low-income protections. When a payer's monthly net income is at or below the Low Income Threshold, $1,255 per month under the 2025 MCSF Supplement § 2.01, base support is figured under the formula's low-income provisions rather than the general care tables, and a transition equation phases the protection out as income rises above the threshold (2025 MCSF 3.02). If you are a low-income payer, verify that the calculation applied these provisions.

High-income cases: Michigan sets no dollar cap on child support. The general care support tables top out at $17,871.57 in combined monthly net income for one child under the 2025 MCSF Supplement, and listed marginal percentages normally apply to income above the highest level. When family income greatly exceeds the top of the tables, the court may exercise discretion in setting support (2025 MCSF 3.02(E); 2025 MCSF-S 2.03).

Ordinary and uninsured medical expenses: Every Michigan order includes an ordinary medical expense amount, presumed at $200 per child per year ($400 for two children, $600 for three), paid as an advance monthly reimbursement to the support recipient and apportioned between the parents by income share (2025 MCSF 3.04; 2025 MCSF-S 2.02). Uninsured expenses beyond the ordinary amount are additional medical expenses, also divided in proportion to the parents'

incomes. Childcare costs are presumed for children through the last day of the month the child is under age 13 (2025 MCSF 3.06(D)).

Net income, not gross: Michigan is one of a small number of states in this book that uses net income as the basis for the guideline calculation. Using gross income when you enter the MCSF will produce the wrong answer. Always subtract estimated taxes and FICA before running the formula, and when in doubt, ask the FOC to walk through the net income calculation with you.

Friend of the Court, a unique resource: Michigan's FOC system means you have a court-connected agency that actively monitors your case, conducts periodic reviews, and enforces orders without waiting for you to file a motion. Use the FOC proactively. Request reviews when your income changes, report changes in childcare and insurance costs, and communicate with your county FOC office rather than letting changes go unreported.

10% modification threshold: Michigan's threshold of 10% of the current order or $50 per month, whichever is greater, is among the lowest numerical triggers in the book. Even modest income changes may qualify for modification. Do not assume a change is too small to matter. Run the MCSF with current incomes and see whether the result crosses the threshold.

Parental time offset: The MCSF applies the parental time offset in every calculation, scaled to each parent's annual overnights. The FOC calculates it in every periodic review. If your parenting schedule has changed, document the actual schedule carefully and make sure the parenting order reflects it, because the order is what drives the count.

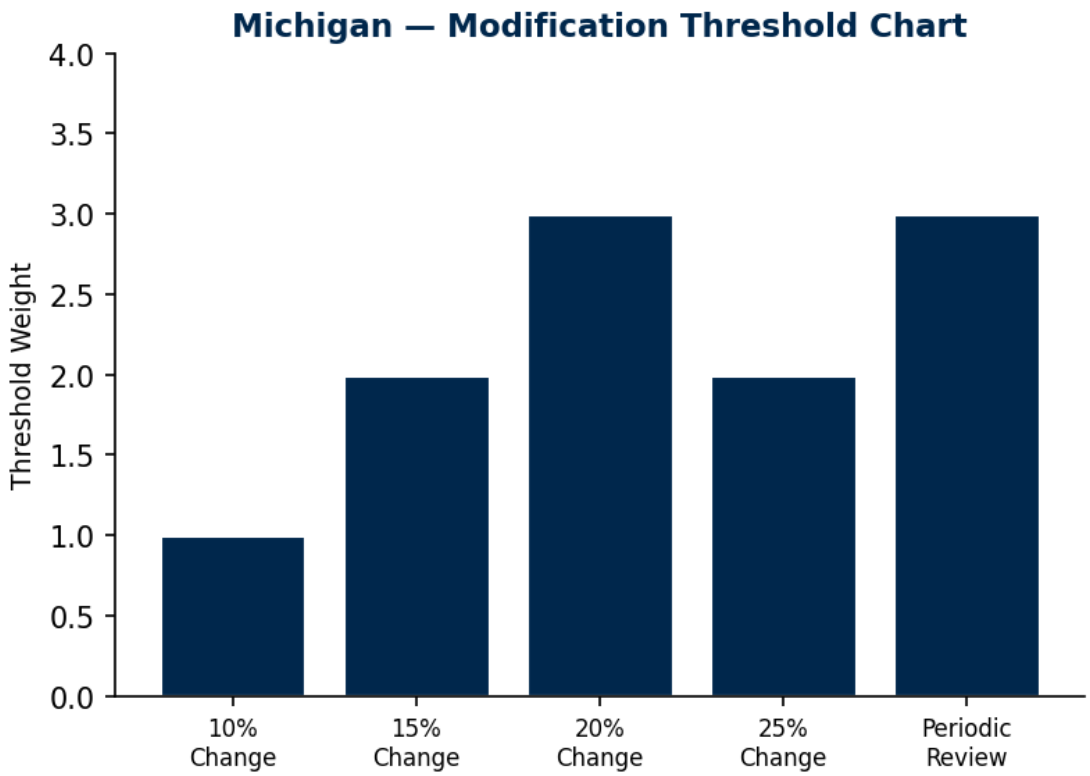
Interstate cases under UIFSA: The Uniform Interstate Family Support Act governs modification when either parent or the child has moved out of Michigan since the order was entered. Michigan retains exclusive continuing jurisdiction over its own orders as long as one party or the child remains in the state. File in the correct jurisdiction; a motion in the wrong state will be dismissed.

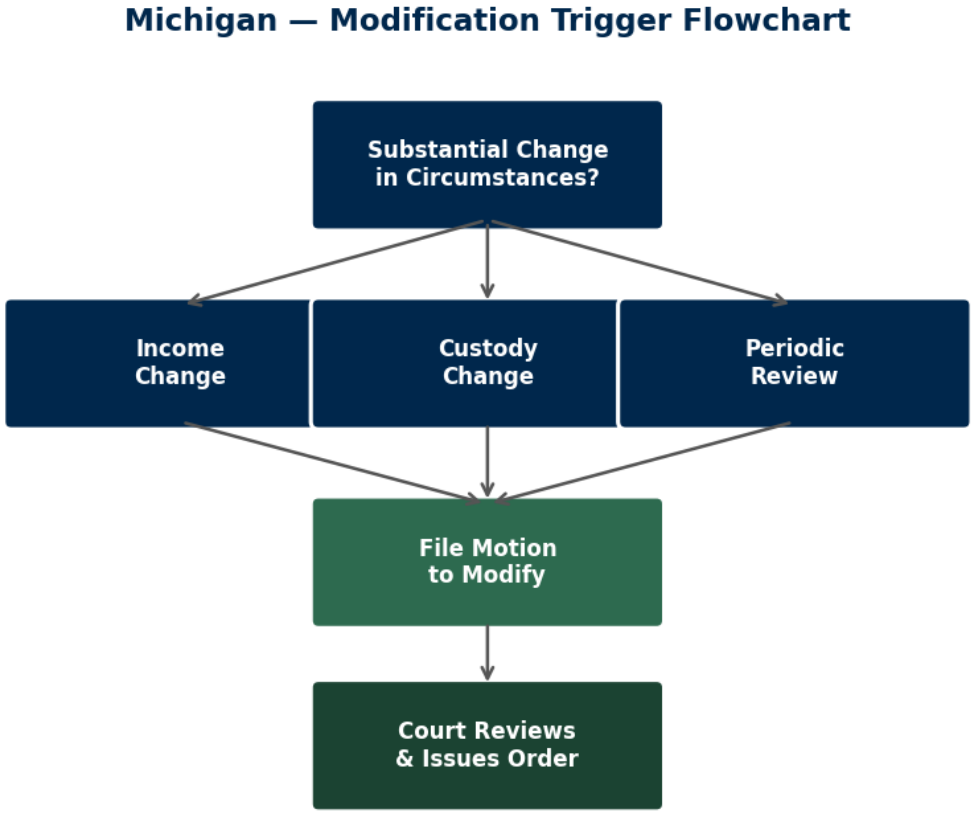
Military families and interstate cases: Michigan hosts Selfridge Air National Guard Base, Fort Custer Training Center, and Camp Grayling, and servicemember cases bring their own rules for income, service of process, and protections under the Servicemembers Civil Relief Act; see Chapter 51 (Military Service). When a parent or child lives outside Michigan, modification jurisdiction is governed by UIFSA as described above; Chapter 52 (Interstate & International) covers those rules in depth.

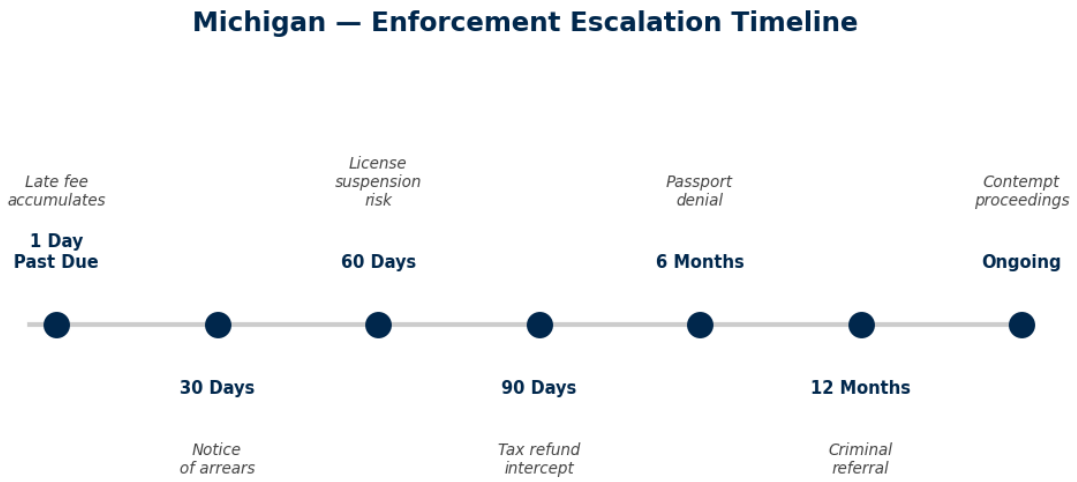
Friend of the Court (county directory): courts.michigan.gov

Michigan Courts (forms and MCSF resources): courts.michigan.gov

Michigan Legal Help (self-help): michiganlegalhelp.org


Michigan — Modification Threshold Chart
Threshold Weight
4.0
3.5
3.0
2.5
2.0
1.5
1.0
0.5
0.0
10% Change
15% Change
20% Change
25% Change
Periodic Review


Michigan — Modification Trigger Flowchart
Substantial Change in Circumstances?
Income Change
Custody Change
Periodic Review
File Motion to Modify
Court Reviews & Issues Order



End of Chapter 22 — Michigan | Chapter 23 — Minnesota follows.

Chapter 23

Chapter 23 — Minnesota

Minnesota	Child Support at a Glance

Calculation Model	Income Shares -- Minn. Stat. 518A.35
Modification Threshold	BOTH $50/month AND 20% change required simultaneously -- Minn. Stat. 518A.39
Agency	Minnesota Child Support Division -- (651) 431-4400 (metro) / (800) 657-3954 (outstate)
Court	District Court (Family Division)
Income Basis	Gross income of both parents
Retroactivity	Back to date of filing of the motion to modify
Parenting Time Credit	Up to 45% reduction -- most generous credit in this book -- Minn. Stat. 518A.36
License Suspension	90 days past due -- Minn. Stat. 518A.65
Criminal Penalty	Gross misdemeanor or felony depending on amount and duration
Interest on Arrears	No specific statutory interest rate -- courts may award interest on arrears
Three-Year Review	Available every 3 years -- IV-D cases through Child Support Division
Age of Majority	18 -- or up to 20 if still attending secondary school

Section 1 — Overview

Minnesota calculates child support under the Income Shares model codified in Minn. Stat. 518A.35. Both parents' gross monthly incomes are combined, a basic support obligation is determined from the state schedule, and each parent pays a proportional share. The non-custodial parent pays their share as a monthly transfer to the custodial parent.

Minnesota's most distinctive feature is its parenting expense adjustment under Minn. Stat. 518A.36. Since August 1, 2018, the adjustment has been a continuous formula rather than a set of tiers: every overnight the non-custodial parent exercises feeds directly into the calculation, and the adjustment grows incrementally as parenting time increases, with no cliffs and no minimum threshold to cross. The adjustment is built into the guideline calculation and applied automatically.

Minnesota's IV-D child support program is administered by the Department of Children, Youth, and Families (DCYF), which took over the program from the Department of Human Services in the 2024-2025 agency transition, working through county and tribal child support offices. Cases are filed in District Court, Family Division. Child support in Minnesota runs until the child turns 18, or up to age 20 if the child is still enrolled in and attending secondary school.

Minnesota's income definition is broad. Minn. Stat. 518A.29 includes wages, salaries, commissions, bonuses, self-employment income, rental income, retirement distributions, Social Security benefits (not SSI), unemployment compensation, workers' compensation, disability insurance, interest, dividends, and regular gifts or contributions. Income is computed as gross income before taxes. The Minnesota guidelines use a gross income figure, not a net income figure.

Three-year administrative reviews are available for IV-D cases enrolled with the child support program. After three years have elapsed since the last order, the agency will review the case and pursue adjustment to current guidelines if the recalculation differs from the existing order by at least 20% and at least $75 per month. For private cases, you file a Motion to Modify in District Court. Separately, most Minnesota orders also carry a biennial cost-of-living adjustment (see Section 9).

Section 2 — Grounds for Modification

Minnesota's modification standard under Minn. Stat. 518A.39 creates a rebuttable presumption of substantial change when the recalculated guideline amount is at least 20% AND at least $75 per month higher or lower than the current order. Both conditions must be met simultaneously (if the current order is less than $75, the 20% change alone is enough). This dual threshold, sometimes called the "20% and $75 rule," is stricter than most states, which require only one threshold to be met.

If only one condition is met, say the percentage change is 25% but the dollar change is only $40 per month, you do not automatically qualify under the presumptive threshold. You can still petition for modification by demonstrating a substantial change in circumstances through other evidence, but the dual threshold protects against excessive litigation over small changes.

Minnesota also allows modification under the three-year review pathway when time alone has passed and the guidelines would produce a result meeting the 20% and $75-per-month presumption. The three-year review is particularly useful when both parents' incomes have drifted over time without a single dramatic change.

The following are the most common grounds for modification in Minnesota District Courts.

Income change meeting both the 20% and $75 tests: An involuntary job loss, income reduction, or income increase that produces a new guideline amount differing from the current order by at least 20% AND at least $75 per month qualifies as presumptive grounds. Run the calculation before filing to confirm both thresholds are met.

Job loss or substantial income reduction: Losing employment or having income substantially reduced is the most common filing basis. Document the change with termination notices or employer letters. Voluntary resignation without good cause is treated skeptically, and you must show a legitimate reason for leaving along with active job searching efforts.

Change in parenting time: Since August 1, 2018, Minnesota's parenting expense adjustment is a continuous formula based on each parent's annual overnights, so any significant change in the overnight schedule changes the adjustment and the monthly obligation. If your parenting time has increased meaningfully, that change supports a modification petition.

Child emancipation: When a child in a multi-child order reaches age 18 (or 20 if still in secondary school), the order does not automatically recalculate. File a motion so the court can enter a new order for the remaining children.

Change in childcare or medical costs: Childcare costs and medical support are factored into Minnesota's guideline calculation. A significant change in either category supports modification even without a base income change. Examples include childcare ending when a child starts school or a major shift in uninsured medical expenses.

Three-year review: For IV-D cases, contact the Child Support Division after three years have elapsed since the last order. The Division will review and may modify administratively if the recalculation meets the threshold. For private cases, file a Motion to Modify in District Court after three years have passed.

Minnesota courts apply the dual threshold strictly. Confirm both the dollar and percentage change before filing. If only one test is met, you will need additional evidence of a substantial change in circumstances to justify modification.

Section 3 — Step-by-Step: How to File

Modification petitions are filed in District Court in the county where the original order was entered, or where either party currently resides. For IV-D cases enrolled with the Child Support Division, an administrative review is also available. Both pathways can result in a modified order. Follow these steps for a court filing.

Step 1 — Gather your financial documentation: Collect your last three pay stubs, your last two years of federal tax returns and W-2 forms, documentation of health insurance premium costs for the child, and documentation of work-related childcare. If a job loss is the basis, gather the termination or layoff documentation. Organize everything before visiting the courthouse.

Step 2 — Calculate the proposed new support amount: Use the Minnesota child support guidelines calculator available through the state child support website at childsupportcalculator.dhs.state.mn.us. Enter both parents' current gross monthly incomes, childcare and insurance add-ons, and the actual parenting time schedule (in overnights per year). The calculator applies the parenting expense adjustment automatically. Verify that the result meets the 20% and $75-per-month thresholds before filing.

Step 3 — File a Motion to Modify Child Support: Prepare and file a Motion for Modification of Child Support in District Court. Attach your completed guideline calculation, financial documentation, and a proposed modified order. Pay the filing fee or request a fee waiver. The clerk will assign a hearing date.

Step 4 — Serve the other parent: Serve the motion by personal service or certified mail pursuant to Minnesota Rules of Civil Procedure. File proof of service with the clerk before the hearing. The motion cannot proceed to hearing without confirmed service.

Step 5 — Attend the hearing and present your evidence: Appear in District Court on your hearing date. Bring your guideline calculation, pay stubs, tax returns, and any other supporting documentation. Walk the court through the recalculation and demonstrate that both thresholds are met. If both parents agree on the new amount, the court may enter a consent order without extended argument.

Step 6 — Obtain and implement the modified order: After the court enters the modified order, obtain a certified copy. Provide it to your employer for income withholding updates and to the Child Support Division if your case is IV-D-administered. Adjust direct payments immediately upon entry of the order.

Minnesota Legal Aid organizations serve income-eligible parents statewide. Mid-Minnesota Legal Aid and Southern Minnesota Regional Legal Services are the largest providers. The Minnesota Judicial Branch self-help center at mncourts.gov/selfhelp also provides free guides to child support modification. See Section 9 for contact information.

Section 4 — Income Calculation

Minnesota uses gross income for all guideline calculations under Minn. Stat. 518A.29. Gross income is income before taxes and deductions. For W-2 employees, gross income is the amount shown on the pay stub before any withholding. Retirement contributions, health insurance premiums, and other voluntary deductions are not subtracted.

Minnesota gross income includes: wages, salaries, tips, overtime, and commissions; self-employment income after subtracting ordinary and necessary business expenses; rental income; retirement and pension distributions; Social Security retirement and disability benefits (not SSI); unemployment compensation; workers' compensation; disability insurance proceeds; interest, dividends, and capital gains; and regularly received gifts or financial contributions from non-parties.

Self-employment income: For self-employed parents Minnesota uses gross business receipts less ordinary and necessary business expenses. Courts scrutinize large deductions for vehicles, meals, depreciation, and owner draws. If business expenses appear inflated, the court may use a higher income figure. Bring three years of tax returns and a current profit-and-loss statement if self-employment income is disputed.

Imputed income: Minnesota courts may impute income when a parent is voluntarily unemployed or underemployed without good cause. Minn. Stat. 518A.32 authorizes imputation at the parent's earning capacity. Courts consider education, work history, and the wages available for the parent's type of work in the area. The burden is on the imputed parent to show that their actual earnings reflect their genuine capacity.

Parenting expense adjustment impact on the calculation: Minnesota's parenting expense adjustment under Minn. Stat. 518A.36 is computed from both parents' annual overnight counts and applied as part of the basic support calculation. Under the formula in effect since August 1, 2018, the adjustment increases incrementally with each additional overnight, so there are no brackets to cross and no plateau until the schedule reaches equal time. The guideline calculator applies the adjustment automatically when you enter the parenting schedule.

Add-on expenses: Minnesota adds work-related childcare costs and health insurance premium costs for the child to the basic obligation. These add-ons are allocated between the parents in proportion to their income

shares. The parent who pays childcare or carries health insurance receives a credit against the basic obligation.

Minnesota does not reduce the paying parent's income for taxes before the guideline calculation. The gross income figure enters the schedule directly. This is different from Michigan, which nets income before the formula. Use Minnesota's online calculator to avoid errors in the multi-step calculation.

Section 5 — Shared Parenting

Minnesota's parenting expense adjustment under Minn. Stat. 518A.36 reflects parenting time more smoothly than most states in this book. Since August 1, 2018, the adjustment is computed by a continuous formula that uses each parent's share of annual overnights. Every overnight counts. There is no minimum threshold to qualify and no cliff where the adjustment jumps; it simply grows as the non-custodial parent's overnight share grows.

The credit recognizes that parents who exercise substantial parenting time are bearing direct costs for the child's daily living during that time: food, clothing, transportation, activities. Requiring full support on top of those direct costs double-charges the non-custodial parent in high-parenting-time situations. The credit addresses that economic reality.

How the formula works: The parenting expense adjustment is calculated from both parents' annual overnight counts and basic support obligations, weighted so that each additional overnight produces an incremental change in the transfer amount. The pre-2018 system of percentage tiers (no adjustment, a 12% bracket, and a presumed-equal bracket at 45.1% of overnights) was eliminated effective August 1, 2018, precisely because the cliffs created litigation incentives at the tier lines. The current formula is set out in Minn. Stat. 518A.36 and is built into the state guideline calculator.

Equal and near-equal time: Under the current formula there is no special 45.1% threshold; the adjustment scales continuously all the way to a 50/50 schedule. When parenting time and incomes are both equal, the calculation can produce little or no transfer payment. Parents with near-equal schedules should model the calculation carefully using the online calculator, because at these levels small changes in the overnight count or in income can still move the result noticeably.

Documenting parenting time: The credit is based on the court-ordered or agreed parenting schedule, not informal arrangements. To receive the credit, have your actual parenting time reflected in a court order or formal parenting plan. If your actual time exceeds the order, petition to modify the parenting schedule to reflect reality.

Changes in parenting time as a modification basis: If your parenting time has increased since the original order was entered, the parenting expense adjustment changes with it, and therefore so does the monthly obligation. This change may meet the 20% and $75-per-month thresholds needed for presumptive modification. Run the calculation to find out.

The parenting expense adjustment makes Minnesota one of the more responsive states in this book for non-custodial parents with substantial parenting time. If you are exercising significant time with your children, document it accurately, ensure the parenting order reflects it, and run the calculation to see the impact on your monthly obligation.

Section 6 — Enforcement

Minnesota uses income withholding as its primary enforcement mechanism. All new child support orders include automatic income withholding. The Child Support Division monitors compliance in IV-D cases and can initiate most enforcement actions administratively without a separate court filing.

License suspension: Under Minn. Stat. 518A.65, a court or child support magistrate orders driver's license suspension when the obligor's arrears equal or exceed three times the total monthly support obligation and the obligor is not in compliance with a written payment agreement approved under Minn. Stat. 518A.69. Occupational license suspension operates under the parallel provisions of Minn. Stat. 518A.66. A parent who receives a suspension notice has 30 days to contest it in writing or can avoid suspension by entering an approved payment agreement.

Contempt of court: A parent who fails to pay can be held in contempt of the District Court that entered the order. Contempt can result in fines, a structured repayment plan, or incarceration. A hearing is required. Contempt is the most direct route when the obligor has income or assets and is choosing not to pay.

Tax refund intercept: Minnesota participates in federal and state tax refund intercept programs. The Child Support Division certifies delinquent cases for interception of federal and Minnesota state tax refunds. Intercepted amounts are applied to arrears and forwarded to the custodial parent.

Passport denial: When arrears reach $2,500, the Division certifies the case for federal passport denial. The obligor cannot obtain or renew a U.S. passport until arrears are resolved or an approved payment plan is in place.

Credit bureau reporting: The Division reports certified arrears to the three major credit bureaus. A negative credit entry affects the obligor's ability to obtain housing, financing, and other credit. The entry remains until arrears are paid.

Criminal non-support: Under Minn. Stat. 609.375, knowingly failing to pay court-ordered support is a misdemeanor. It becomes a gross misdemeanor (up to 364 days, $3,000 fine) when the violation continues more than 90 days but not more than 180 days, or when arrears reach six to nine times the monthly obligation; it becomes a felony (up to two years, $5,000 fine) when the violation continues beyond 180 days or arrears reach nine times the monthly obligation or more. Criminal prosecution is reserved for cases of deliberate, long-term non-payment.

If you are behind on payments, contact the Child Support Division at the numbers in the profile card. The Division can establish payment plans for arrears. If your income has changed, file a Motion to Modify immediately. Do not wait for enforcement to escalate before taking action.

Section 7 — Emergency Protocols

Emergency Protocols — Minnesota

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File a Motion to Modify Child Support in District Court the same week and serve it promptly. Minnesota retroactivity runs only from the date notice of the motion is served on the other party (Minn. Stat. 518A.39, subd. 2). Every day without a served motion is another day you owe the full prior amount on a zero income.

Attach your termination or layoff documentation to the motion. Contact the Child Support Division if your case is IV-D-enrolled and request an expedited review. Make whatever partial payment you can. Partial payment demonstrates good faith, and the court considers it when evaluating arrears.

EMERGENCY PROTOCOL 2: YOUR EMPLOYER RECEIVED A WITHHOLDING ORDER AND THE AMOUNT IS WRONG

Your employer is legally required to honor the withholding order as written. Do not ask payroll to adjust the amount without authorization. If the deduction is wrong for any reason, whether it exceeds the CCPA cap, continues after the obligation ended, or applies to the wrong period, contact the Child Support Division immediately.

If the error is in the order itself, file an emergency motion in District Court for correction. The Child Support Division can also correct errors in Division-administered cases without a court filing in some circumstances. Do not bypass the order without court or Division authorization.

EMERGENCY PROTOCOL 3: YOUR LICENSE HAS BEEN SUSPENDED

Under Minn. Stat. 518A.65 your driver's license can be suspended once arrears equal or exceed three times your total monthly support obligation and you are not in compliance with an approved payment agreement; professional and occupational licenses are covered by Minn. Stat. 518A.66. Contact the child support help desk at (651) 431-4400 or (800) 657-3890 immediately.

Reinstatement requires payment of overdue support or entry into an approved payment plan. Get written confirmation of any plan from the Division and provide it to the Department of Public Safety for driver's license reinstatement or the relevant licensing board for professional licenses. File a modification motion simultaneously if your income has dropped.

EMERGENCY PROTOCOL 4: A CRIMINAL NON-SUPPORT CHARGE HAS BEEN FILED UNDER MINN. STAT. 609.375

Contact a criminal defense attorney immediately. Do not appear at a criminal hearing without representation. Minnesota's non-support statute escalates with duration and arrears: gross misdemeanor exposure after 90 days of violation or arrears of six times the

monthly obligation, felony exposure after 180 days or arrears of nine times the monthly obligation.

If you cannot afford private counsel, contact your county's public defender. File a Motion to Modify Child Support in District Court at the same time if you have not already done so. Showing the court a good-faith effort to address the obligation is relevant to both the criminal proceeding and any contempt matter.

EMERGENCY PROTOCOL 5: THE OTHER PARENT IS DENYING YOUR PARENTING TIME

Child support and parenting time are separate legal obligations in Minnesota. You cannot stop paying support because your access to the children is being blocked. Stopping payments creates enforcement exposure and does nothing to restore your parenting time.

File a Motion for Enforcement of Parenting Time in District Court. Document every denied visit: date, time, what happened, and any communications by text or email. Minnesota courts take deliberate interference with parenting time seriously and have authority to enforce the schedule, impose sanctions, and modify custody when denial is a pattern.

EMERGENCY PROTOCOL 6: THE NEW CALCULATION MEETS ONLY ONE OF THE TWO MODIFICATION THRESHOLDS

If the new guideline calculation changes by more than 20% but less than $75 per month, or by more than $75 per month but less than 20%, you do not meet the dual presumptive threshold under Minn. Stat. 518A.39 (unless the current order is under $75, in which case 20% alone suffices). This is a common situation when the current order is low in dollar terms.

You can still petition for modification by presenting evidence of a substantial change in circumstances beyond the calculation alone: financial hardship, changed family circumstances, or other factors the court recognizes. An attorney can help you frame the argument. Alternatively, wait for the three-year mark if it is approaching, which allows modification based on the recalculation alone.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Contact the state child support help desk at (651) 431-4400 or (800) 657-3890. In IV-D cases the agency can initiate income withholding, license suspension, tax refund intercept, passport denial, and credit bureau reporting without a separate court filing.

If Division enforcement is moving too slowly, file a Motion for Contempt in District Court. Bring your complete payment history: the ordered amount, dates missed, and total now owed. The Division's payment records are the most reliable source for this history, so request them before the hearing.

Section 8 — Quick Reference

Your key Minnesota figures are in the State at a Glance profile at the top of this chapter. Calculation model: Income Shares, gross income. Modification threshold: BOTH 20% AND $75/month required simultaneously (20% alone if the order is under $75). Three-year review available for IV-D cases; biennial cost-of-living adjustment on most orders (Minn. Stat. 518A.75). Parenting time: continuous parenting expense adjustment, no tiers, every overnight counts. License suspension: arrears at three times the monthly obligation without an approved payment agreement. Interest: no longer charged on past-due support as of August 1, 2022 (interest accrued before then is still owed). Age of majority: 18 (or 20 if in secondary school). Retroactivity: from the date notice of the motion is served.

Section 9 — Resources and Special Considerations

Minnesota's child support program is administered by the Department of Children, Youth, and Families (dcyf.mn.gov) through county and tribal child support offices. Help desk: (651) 431-4400 or (800) 657-3890. Online case access is through Minnesota Child Support Online at childsupport.dhs.state.mn.us, and the guideline calculator is at childsupportcalculator.dhs.state.mn.us. For court forms and information, the Minnesota Judicial Branch website at mncourts.gov is the primary source.

Legal aid resources in Minnesota:

Mid-Minnesota Legal Aid: Serves greater Minneapolis area and central Minnesota. Phone: (612) 332-1441. Website: mylegalaid.org.

Southern Minnesota Regional Legal Services (SMRLS): Serves southern Minnesota counties. Phone: (651) 894-8082 (St. Paul). Website: smrls.org.

Volunteer Lawyers Network (VLN): Provides pro bono and reduced-fee legal assistance in Minnesota. Phone: (612) 752-6677. Website: vlnmn.org.

Minnesota State Bar Association Lawyer Referral Service: For paid attorney referrals: (612) 333-1183 or mnbar.org.

Special considerations for Minnesota:

Low-income protection: Minnesota applies a self-support adjustment under Minn. Stat. 518A.42: a reserve equal to 120% of the federal poverty guidelines for one person is subtracted from the obligor's income before ability to pay is determined. Minimum orders are $50 per month for one or two children, $75 for three or four, and $100 for five or more.

High-income cap: The basic support schedule tops out at combined parental income of $20,000 per month. Above that level, the presumptive obligation is the $20,000-level amount; a higher figure must be justified under the deviation factors in Minn. Stat. 518A.43.

Uninsured and unreimbursed medical expenses: Medical support under Minn. Stat. 518A.41 is set alongside basic support, and uninsured or unreimbursed medical and dental expenses for

the child are divided between the parents in proportion to their shares of combined parental income. Keep receipts and request reimbursement promptly; the order or the statute's procedures control how claims are exchanged.

Biennial cost-of-living adjustment: Most Minnesota support orders must provide for a cost-of-living adjustment every two years (Minn. Stat. 518A.75), applied on May 1 in public-authority cases based on a consumer price index, with at least 20 days' advance notice to the payer, who may contest it. Budget for the COLA on both sides of the order; it changes the amount without any motion to modify.

Dual threshold, both conditions required: Minnesota's 20% AND $75/month dual threshold is stricter than most states. Confirm both conditions are met before filing a motion (20% alone is enough only when the existing order is below $75). If only one condition is satisfied, you need additional evidence of a substantial change in circumstances to justify modification.

Parenting expense adjustment, every overnight counts: Minnesota's continuous adjustment formula responds to each overnight in the schedule rather than to brackets. If you are exercising substantial parenting time, document your actual overnights and use the online calculator to see the adjustment. A well-documented parenting schedule can significantly reduce your monthly obligation through the adjustment alone, independent of any income change.

Interest no longer charged: Minnesota eliminated interest charging on past-due child support effective August 1, 2022, under a 2021 amendment to Minn. Stat. 548.091. Interest that accrued before August 1, 2022 remains owed, but no new interest has been added since. This does not mean non-payment has no consequences; enforcement tools still apply, and pre-2022 interest balances do not disappear.

Secondary school extension to age 20: Minnesota child support continues until age 18 or until the child completes secondary school, whichever is later, but no later than age 20. Track your child's enrollment status carefully during the 18th year. If they will still be in secondary school at 18, the obligation continues.

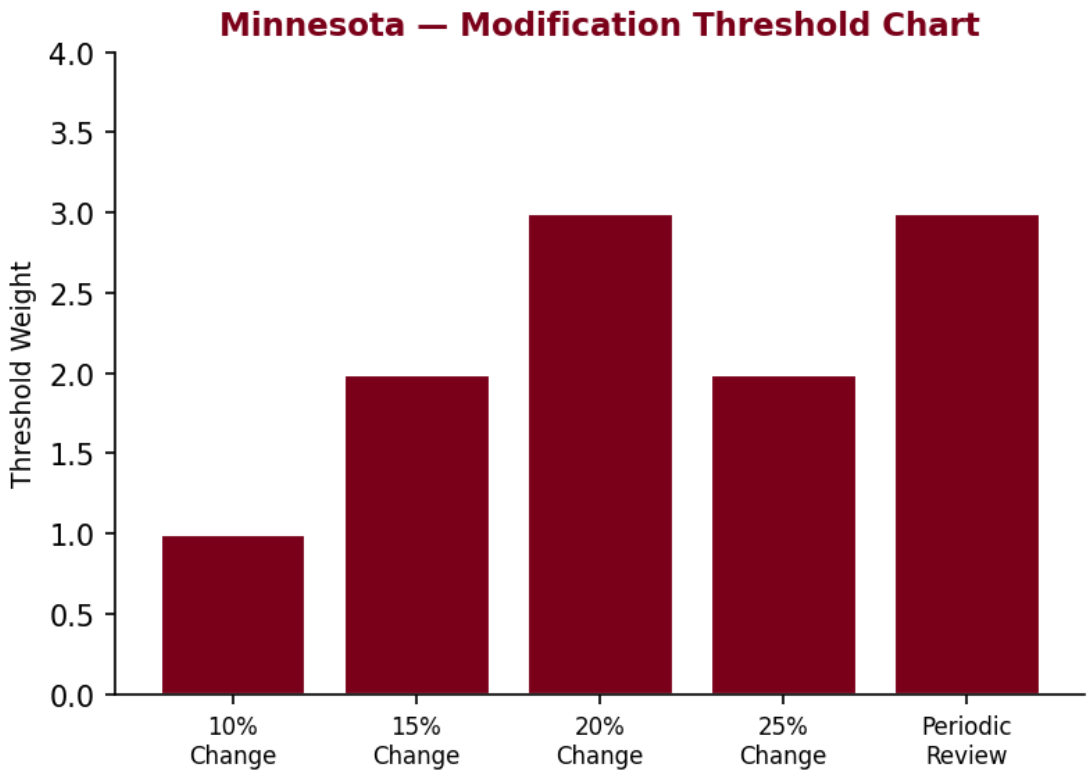
Interstate cases under UIFSA: The Uniform Interstate Family Support Act governs modification when either parent or the child has moved out of Minnesota since the order was entered. Minnesota retains exclusive continuing jurisdiction as long as one party or the child remains in the state. File in the correct jurisdiction.

Military families and interstate cases: Minnesota is home to Camp Ripley, the Minneapolis-St. Paul Air Reserve Station, and a large National Guard population, and servicemember cases bring their own rules for income, service of process, and protections under the Servicemembers Civil Relief Act; see Chapter 51 (Military Service). When a parent or child lives outside Minnesota, UIFSA controls where modification can be filed, and Chapter 52 (Interstate & International) covers those rules in depth.

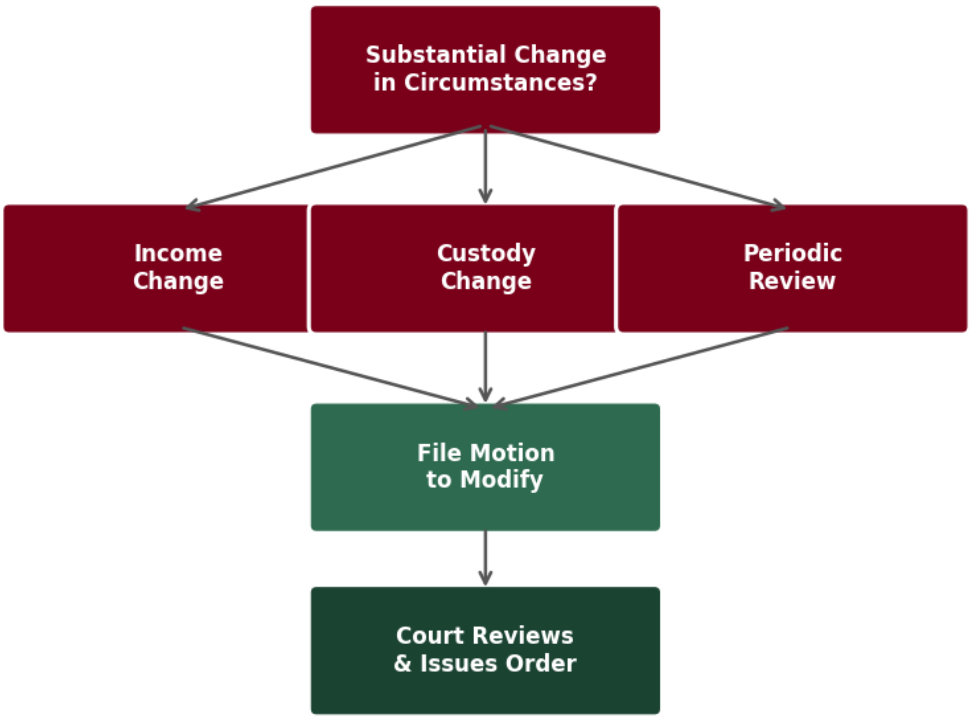
Minnesota child support program (DCYF): (651) 431-4400 | (800) 657-3890 | dcyf.mn.gov | childsupport.dhs.state.mn.us

Minnesota Judicial Branch (courts and self-help): mncourts.gov

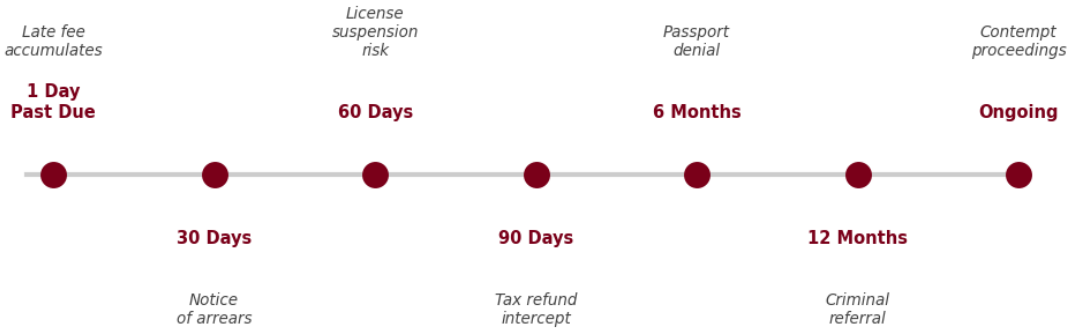
Mid-Minnesota Legal Aid: (612) 332-1441 | mylegalaid.org



Minnesota — Modification Trigger Flowchart



Minnesota — Enforcement Escalation Timeline



End of Chapter 23 — Minnesota | Chapter 24 — Mississippi follows.

Chapter 24

Chapter 24 — Mississippi

Mississippi	Child Support at a Glance
Calculation Model	Income Shares -- Miss. Code Ann. 43-19-101
Modification Threshold	No fixed percentage -- substantial and material change in circumstances required
Agency	MDHS Division of Child Support (DCSE) -- (800) 434-5437
Court	Chancery Court -- exclusive jurisdiction over domestic relations in Mississippi
Income Basis	Adjusted gross income of both parents
Retroactivity	Back to date of filing of the petition to modify
Age of Majority	21 years old -- one of the highest in the country
Shared Parenting	No fixed overnight threshold -- court applies deviation analysis
License Suspension	90 days past due -- Miss. Code Ann. 93-11-157
Criminal Penalty	Felony -- Miss. Code Ann. 97-5-3 -- $2,500+ arrears or 6+ months non-payment

Interest on Arrears	8% per year -- Miss. Code Ann. 75-17-7

Section 1 — Overview

Mississippi calculates child support under a percentage-of-income model codified in Miss. Code Ann. 43-19-101. Unlike the Income Shares states that dominate this book, Mississippi applies a flat statutory percentage to the non-custodial parent's adjusted gross income alone: 14% for one child, 20% for two, 22% for three, 24% for four, and 26% for five or more. The custodial parent's income does not enter the formula. Mississippi also has two procedural features that distinguish it from most states in this book.

First, Chancery Court has exclusive jurisdiction over domestic relations matters in Mississippi, including child support modification. You do not go to Circuit Court or District Court. You go to Chancery Court. Every county in Mississippi has a Chancery Court, and you file in the chancery district where the original order was entered or where the child currently resides.

Second, Mississippi's age of majority for child support purposes is 21, not 18. Child support in Mississippi runs until the child turns 21 unless the child is emancipated earlier by court order. This is one of the highest age-of-majority standards in the country. Support does not automatically stop at 18, and a parent who stops paying when the child turns 18 is in violation of the order.

The Mississippi Division of Child Support (DCSE), a division of the Mississippi Department of Human Services (MDHS), is the IV-D agency. Contact: (800) 434-5437. The modification statute is Miss. Code Ann. 43-19-34. Mississippi does not codify a specific percentage threshold for modification; the standard is a substantial and material change in circumstances, and courts evaluate each case on its facts.

Unpaid Mississippi child support vests as it comes due: once payments remain unpaid for at least 30 days, a judgment arises against the obligor by operation of law (Miss. Code Ann. 93-11-71). Judgments bear interest at a per-annum rate set by the judge under Miss. Code Ann. 75-17-7, and Mississippi chancellors have commonly applied 8% to support arrears. A parent who falls significantly behind will owe more than the face value of missed payments once interest is added. Address arrears aggressively in Mississippi.

Section 2 — Grounds for Modification

Mississippi requires a substantial and material change in circumstances to modify a child support order under Miss. Code Ann. 43-19-34. There is no statutory percentage threshold. Mississippi courts look at whether the change is meaningful in dollar terms and in its

permanence. In practice, courts consistently treat income changes of 25% or more as substantial, but 25% is not a statutory rule; it is a practical guideline drawn from case law.

Mississippi is more conservative than average in granting modifications. The absence of a numerical safe harbor means you must present a compelling factual record. A carefully documented income change with supporting documents is far more effective than a bare assertion that circumstances have changed.

The following are the most common grounds for modification in Mississippi Chancery Courts.

Job loss or significant income reduction: An involuntary job loss or a permanent, substantial reduction in wages or hours qualifies as a material change. Document the change with termination notices, employer letters, or records of reduced hours. Voluntary resignation is treated with skepticism; you must show you left for a legitimate reason and are actively seeking comparable employment.

Significant income increase: If the paying parent's earnings have risen substantially since the order was entered, the receiving parent can petition for upward modification. Mississippi courts look at the magnitude of the increase. Tax returns, W-2 forms, and recent pay stubs are the standard documentation.

Change in custody or placement: A shift in primary custody or a significant increase in the non-custodial parent's actual time with the child is a recognized basis for modification. Mississippi does not have a fixed overnight threshold for shared parenting adjustments. The court applies a deviation analysis based on the actual circumstances.

Child's changed needs: Mississippi's guidelines are built around the child's needs as reflected in the statutory percentages, and courts may deviate where actual needs depart from the standard case. A significant change in the child's extraordinary medical expenses, educational costs, or special needs costs can support modification even without a change in parental income.

Child emancipation: When a child in a multi-child order is emancipated (whether by reaching age 21 or by court order), the obligation for that child ends and the remaining children's order should be recalculated. File a petition in Chancery Court for the recalculation. Mississippi courts do not automatically adjust the order when one child ages out.

Disability or serious illness: A medically documented disability that substantially reduces a parent's earning capacity is a recognized basis for modification. Medical documentation from treating providers is essential. Mississippi Chancery judges expect a complete, professional medical record demonstrating the extent of the impairment.

Mississippi courts and Chancery judges are experienced with domestic relations matters. Presenting a clean, organized, and fully documented factual record is the most effective approach. Underdocumented petitions are denied more frequently in Chancery Court than in states with a fixed percentage threshold.

Section 3 — Step-by-Step: How to File

All modification petitions in Mississippi are filed in Chancery Court, the court with exclusive jurisdiction over domestic relations matters. You file in the chancery district where the original order was entered, or in the chancery district where the child currently resides. Follow these steps.

Step 1 — Gather your financial documentation: Collect your last two months of pay stubs, your last two years of federal tax returns and W-2 forms, documentation of health insurance premium costs for the child, and documentation of work-related childcare. If a job loss is the basis, gather the termination or layoff documentation. If disability is at issue, obtain written documentation from treating providers. Mississippi Chancery judges expect comprehensive documentation.

Step 2 — Calculate the proposed new child support amount: Apply the statutory percentage to the non-custodial parent's current adjusted gross income: 14% for one child, 20% for two, 22% for three, 24% for four, 26% for five or more (Miss. Code Ann. 43-19-101). Adjusted gross income starts with gross income and subtracts federal and state taxes, Social Security contributions, mandatory retirement and disability contributions, and court-ordered support actually being paid for other children. The result is the presumptive obligation.

Step 3 — File a Petition for Modification in Chancery Court: Prepare and file a Petition to Modify Child Support in the Chancery Court. The petition must describe the material change in circumstances with specificity. Include your supporting financial documentation and a sworn financial statement. Pay the filing fee or request a fee waiver. The court clerk will assign a docket number and a hearing date.

Step 4 — Serve the other parent: Mississippi requires formal personal service. Service by the county sheriff or a process server is the standard method. Certified mail service alone is generally not sufficient for service of a petition in Mississippi Chancery Court. File proof of service with the clerk. The case cannot proceed to hearing without confirmed service.

Step 5 — Attend the Chancery Court hearing: Appear in Chancery Court on your scheduled date. Mississippi Chancery judges are experienced with domestic relations matters and expect professional, organized presentations. Bring all documentation in organized form. Present the factual basis for the material change clearly, walk through the guideline calculation, and address any arguments from the other party.

Step 6 — Obtain and implement the modified order: Once the Chancellor enters the modified order, obtain a certified copy from the clerk. Provide the order to your employer for income withholding updates and to MDHS/DCSE if your case is IV-D-enrolled. Adjust direct payments to the new amount immediately upon entry of the order.

Step 7 — Monitor interest on any arrears: If you have arrears outstanding, they vest as judgments once 30 days past due and bear interest, commonly at 8% per year. Do not let arrears compound without addressing them. Contact DCSE at (800) 434-5437 to establish a payment plan for any outstanding arrears when the modification is complete.

Mississippi legal aid organizations serve income-eligible parties. Mississippi Center for Legal Services and North Mississippi Rural Legal Services are the primary providers. See Section 9 for contact information.

Section 4 — Income Calculation

Mississippi applies the guideline percentage to the non-custodial parent's adjusted gross income under Miss. Code Ann. 43-19-101. Adjusted gross income begins with gross income from all sources, then subtracts federal, state, and local taxes, Social Security contributions, mandatory retirement and disability contributions, and court-ordered child support currently being paid for other children not in this case. What remains is the income figure the statutory percentage is applied to.

Mississippi gross income includes wages, salaries, commissions, tips, bonuses, overtime, self-employment income (net of legitimate business expenses), rental income, retirement and pension distributions, Social Security retirement and disability benefits (not SSI), unemployment compensation, workers' compensation, disability insurance, interest, dividends, and regularly received gifts or contributions from non-parties.

Self-employment income: Mississippi Chancery courts examine self-employment income carefully. Judges look at gross business receipts, business tax returns (Schedule C), bank statements, and often compare reported income against the parent's lifestyle and living expenses. If a parent is reporting low income while maintaining a high lifestyle, the court may impute income at a higher level. Bring three years of complete tax returns and a current profit-and-loss statement.

Imputed income: Voluntary underemployment does not reduce child support in Mississippi. The court may impute income at the level the parent is capable of earning based on education, employment history, and available jobs in the area. Mississippi Chancery judges take a dim view of parents who appear to be deliberately reducing income to lower a support obligation.

Lifestyle vs. reported income: Mississippi courts, particularly in cases involving self-employed parents or business owners, will compare reported income against observable lifestyle: housing, vehicles, travel, and spending patterns. If there is a significant disconnect, the court may find that income is being concealed and set the obligation accordingly.

Age of majority at 21, impact on calculation: Mississippi's 21-year age of majority means the guidelines apply to children until they reach 21. In multi-child orders, as children age out at 21 rather than 18, the obligation should be recalculated each time. A parent cannot reduce payments unilaterally when a child turns 18. The order runs to 21 unless the court orders otherwise.

Childcare and health insurance: Mississippi's percentage formula does not bolt these on as automatic add-ons the way Income Shares states do. The court orders health insurance coverage and addresses work-related childcare and extraordinary expenses through the statutory deviation criteria (Miss. Code Ann. 43-19-103), adjusting the percentage amount where the standard figure would be unjust. Raise these costs explicitly in your petition.

Mississippi's adjusted gross income system means that documented court-ordered support for other families directly reduces the income figure used in the current calculation. If you are paying support for children from

another relationship under a court order, that obligation reduces your adjusted gross income before the guidelines table is applied.

Section 5 — Shared Parenting

Mississippi does not have a fixed overnight threshold that automatically triggers a shared parenting adjustment in the guideline calculation. There is no "128 nights" or "30%" rule in Mississippi statute. Instead, Mississippi courts use a deviation analysis: when a non-custodial parent is exercising substantial parenting time, the court may deviate from the guideline amount if the standard obligation would be unjust or inappropriate given the actual shared parenting arrangement.

Deviation from the guidelines in Mississippi requires written findings by the Chancellor explaining why the guideline amount would be unjust or inappropriate. The burden is on the party seeking the deviation to present the factual record that justifies it. Courts do grant deviations for substantial shared parenting, but you must make the argument and present the documentation.

What constitutes substantial shared parenting: Mississippi courts look at the actual number of overnights the non-custodial parent has per year and the direct costs they bear during that time. A parent with 100 or more overnights per year is likely bearing significant direct costs for the child (food, clothing, transportation, activities) that the standard guideline does not account for. Document your actual overnights precisely.

How to request a deviation: In your petition for modification, specifically request a deviation from the guideline amount based on shared parenting. Attach your parenting time documentation. In the hearing, present the actual overnight count, the direct expenses you incur during your parenting time, and the argument that the standard guideline would over-charge you in light of the direct costs you bear.

Temporary orders during modification proceedings: If your parenting time has increased significantly and a modification proceeding will take several months, you can request a temporary order from the Chancellor reducing the support obligation during the pendency of the proceeding. A temporary order locks in a lower obligation while the case is heard.

Formal parenting plan: Mississippi courts look more favorably on deviation requests that are grounded in a formal court-ordered parenting plan rather than informal arrangements. If your parenting schedule has changed from what the order reflects, petition to modify the parenting plan as part of the same proceeding.

Mississippi's deviation-based approach means you must be more proactive in making the shared parenting argument than in states with an automatic threshold. If you are exercising substantial time, compile your overnight records and direct expense documentation, and make the case explicitly in both your petition and the hearing.

Section 6 — Enforcement

Mississippi uses income withholding as its primary enforcement mechanism. All new child support orders in Mississippi include automatic income withholding. MDHS DCSE administers withholding in IV-D cases. The Family Court and Chancery Court handle contempt proceedings for non-IV-D cases.

License suspension: Under Miss. Code Ann. 93-11-151 through 93-11-163, DCSE reviews cases for delinquency and sends notice by first-class mail when a parent is out of compliance with a support order. The parent then has 90 days to pay the arrearage in full or enter a stipulated payment agreement; if neither happens, DCSE directs the licensing entities to suspend driver's, professional, and recreational licenses. A suspension can be appealed to Chancery Court within 30 days. Reinstatement requires payment of overdue support or entry into an approved payment plan.

Contempt of court: A non-paying parent can be held in civil contempt of Chancery Court. Contempt proceedings in Chancery Court can result in fines, a structured repayment plan, or incarceration. The Chancellor must find that the failure to pay was willful. A hearing is required. Contempt is the most direct lever when the obligor has income or assets and is choosing not to pay.

Tax refund intercept: DCSE participates in federal and Mississippi state tax refund intercept programs. Delinquent cases are certified for interception of federal and state refunds. Intercepted amounts are applied to arrears and forwarded to the custodial parent.

Passport denial: When arrears reach $2,500, DCSE certifies the case for federal passport denial. The obligor cannot obtain or renew a U.S. passport until arrears are resolved or an acceptable payment plan is established.

Interest on arrears: Each unpaid installment vests as a judgment by operation of law once it is 30 days past due (Miss. Code Ann. 93-11-71), and judgments bear interest at a rate set by the judge under Miss. Code Ann. 75-17-7; chancellors have commonly applied 8% per year, simple interest, to support arrears. At that rate a parent who falls $5,000 behind and stays behind for three years owes roughly an additional $1,200 in interest. Address arrears aggressively before the total inflates.

Criminal non-support: Under Miss. Code Ann. 97-5-3, deserting or willfully refusing to support your child while the child is under 21 is a felony with no minimum arrears threshold. A first offense carries a fine of $100 to $500, commitment to the Department of Corrections for up to five years, or both; a second or subsequent offense carries $1,000 to $10,000 and two to five years. Criminal prosecution is reserved for the most serious, deliberate cases of long-term non-payment.

If you are behind on payments, contact DCSE at (800) 434-5437. DCSE can establish payment plans for arrears. If your income has changed, file a petition immediately; do not wait. Interest on vested arrears means the total owed grows meaningfully with every passing month.

Section 7 — Emergency Protocols

Emergency Protocols — Mississippi

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File your Petition to Modify Child Support in Chancery Court immediately and arrange personal service on the other parent as quickly as possible. Mississippi retroactivity runs from the filing date. Attach your termination or layoff documentation to the petition.

Contact DCSE at (800) 434-5437 if your case is IV-D-enrolled and notify them of the job loss. Make whatever partial payment you can; interest accrues on vested arrears in Mississippi, so the balance grows quickly. Even partial payments reduce the interest-accruing balance. The Chancellor will view good-faith partial payment more favorably than a complete stop in payments.

EMERGENCY PROTOCOL 2: YOUR EMPLOYER RECEIVED A WITHHOLDING ORDER AND THE AMOUNT IS WRONG

Your employer is legally required to honor the withholding order as written. Do not ask payroll to change the amount without a court order. If the deduction is incorrect (exceeding the CCPA cap, running after the obligation ended, or applying to the wrong period), contact DCSE at (800) 434-5437 immediately.

If DCSE confirms an error in a DCSE-administered case, get the confirmation in writing for your payroll department. If the error is in the Chancery Court order itself, file an emergency motion in Chancery Court for correction. Do not bypass the withholding order without court or DCSE authorization.

EMERGENCY PROTOCOL 3: YOUR LICENSE HAS BEEN SUSPENDED

Under Miss. Code Ann. 93-11-151 through 93-11-163, DCSE can direct suspension of your driver's, professional, and recreational licenses if you do not pay the arrearage or enter a stipulated payment agreement within 90 days of the delinquency notice. Call DCSE at (800) 434-5437 immediately.

Reinstatement requires payment of overdue support or entry into an approved payment plan. Get written confirmation of any plan from DCSE and provide it to the Mississippi Department of Public Safety for driver's license reinstatement or the relevant licensing board for professional licenses. File a modification petition simultaneously if your income has dropped.

EMERGENCY PROTOCOL 4: A FELONY CHARGE HAS BEEN FILED UNDER MISS. CODE ANN. 97-5-3

Contact a criminal defense attorney immediately. Do not appear at a criminal hearing without representation. Miss. Code Ann. 97-5-3 makes willful desertion or non-support of a child under 21 a felony with no minimum arrears threshold; a conviction can carry up to five years, and repeat offenses carry two to five years plus larger fines.

If you cannot afford private counsel, contact the Mississippi Public Defender's office. File a Petition to Modify Child Support in Chancery Court simultaneously if you have not done so. Demonstrating a good-faith effort to address the underlying obligation is relevant context in both the criminal and Chancery proceedings.

EMERGENCY PROTOCOL 5: THE OTHER PARENT IS DENYING YOUR PARENTING TIME

Child support and parenting time are separate legal obligations in Mississippi. You cannot stop paying support because your access to the children is being blocked. Stopping payments creates vested, interest-bearing arrears and gives the Chancellor reason to view you unfavorably in any custody proceeding.

File a Motion for Enforcement of Visitation in Chancery Court. Document every denied visit: date, time, what happened, and any communications by text or email. Mississippi Chancery judges take deliberate interference with court-ordered visitation seriously and have authority to enforce the schedule and hold the offending parent in contempt.

EMERGENCY PROTOCOL 6: YOU NEED TO PETITION FOR EMANCIPATION BEFORE AGE 21

Mississippi support runs to age 21 unless the child is emancipated earlier. If a child has married, joined the military, or become self-supporting before age 21, you can petition Chancery Court for emancipation, which terminates the support obligation for that child.

File an emancipation petition in Chancery Court with documentation of the grounds: marriage certificate, military enlistment papers, or evidence of financial self-sufficiency. Do not unilaterally stop paying when the child turns 18. The order runs to 21 absent a Chancery Court order of emancipation, and unilateral stoppage at 18 creates vested arrears that accrue interest.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Contact DCSE at (800) 434-5437. In IV-D-enrolled cases DCSE can initiate income withholding, license suspension, tax refund intercept, passport denial, credit bureau reporting, and contempt proceedings through Chancery Court. Because unpaid installments vest as judgments and bear interest, every month of non-payment adds meaningfully to the arrears total.

If DCSE enforcement is too slow, file a Motion for Contempt in Chancery Court directly. Bring your complete payment history: the ordered amount, dates missed, total arrears, and an interest calculation on the vested installments. Mississippi Chancery judges take contempt seriously when the record is organized and the non-payment is documented.

Section 8 — Quick Reference

Your key Mississippi figures are in the State at a Glance profile at the top of this chapter. Calculation model: percentage of the non-custodial parent's adjusted gross income (14/20/22/24/26% for 1-5+ children). Modification threshold: no fixed percentage; substantial and material change required. Agency: MDHS DCSE at (800) 434-5437. Court: Chancery Court (exclusive jurisdiction). Age of majority: 21; support does not stop at 18. No fixed overnight threshold for shared parenting; deviation analysis applies. Arrears: vest as judgments after 30 days (Miss. Code Ann. 93-11-71) and bear judge-set interest, commonly 8%. License suspension:

90-day notice process under Miss. Code Ann. 93-11-151 et seq. Criminal non-support: felony, no dollar threshold (Miss. Code Ann. 97-5-3).

Section 9 — Resources and Special Considerations

The MDHS Division of Child Support (DCSE) is Mississippi's IV-D agency. Payments info line: (800) 434-5437. Call center: (877) 882-4916. Website: mdhs.ms.gov/childsupport. DCSE handles income withholding, license suspension, tax intercept, and administrative enforcement. For Chancery Court information and forms, the Mississippi courts website at courts.ms.gov is the primary source.

Legal aid resources in Mississippi:

Mississippi Center for Legal Services: Serves central and southern Mississippi. Phone: (601) 948-6752. Statewide legal help information: mslegalservices.org. Handles family law matters including child support modification for income-eligible clients.

North Mississippi Rural Legal Services: Serves northern Mississippi counties. Phone: (662) 842-1951. Website: nmsrls.org.

The Mississippi Bar Lawyer Referral Service: For paid attorney referrals statewide: (601) 948-4471 or msbar.org.

Special considerations for Mississippi:

Income outside the guideline band: The statutory percentages are presumptive for non-custodial parents with adjusted gross income between $10,000 and $100,000 per year. Above $100,000 or below $10,000, the court must make a written finding on whether applying the percentage is reasonable in light of the case (Miss. Code Ann. 43-19-101(4)). Low earners can argue for less than the percentage; high earners should expect the court to scrutinize, not automatically apply, the formula.

Uninsured and extraordinary medical expenses: Mississippi's percentage formula does not contain an automatic uninsured-medical split. The court addresses extraordinary medical, dental, and psychological expenses through the deviation criteria (Miss. Code Ann. 43-19-103) and through the allocation written into your order. Read the order's medical-expense language carefully, and ask the court to spell out the split when the order is entered or modified.

Chancery Court, exclusive jurisdiction: All child support modification in Mississippi goes through Chancery Court. This is different from most states where you go to Circuit Court, Family Court, or District Court. Find your local Chancery Court at courts.ms.gov. Chancery judges specialize in equity and domestic relations. They are experienced with support modification but expect professional, fully documented petitions.

Age 21 majority, plan for it: Mississippi's age-21 majority is one of the highest in the country. Plan for the extended support obligation. Do not stop paying at age 18 without a Chancery Court emancipation order or a court order terminating support. Unilateral stoppage at 18 creates vested arrears that bear interest until paid.

No fixed modification threshold, document everything: Mississippi's substantial-and-material-change standard without a fixed percentage means the quality and completeness of your documentation drives the outcome. A petition backed by termination letters, tax returns, pay stubs, and medical records succeeds far more often than one backed by a sworn statement alone. Treat the Chancery Court petition as a serious legal filing, not an administrative request.

Interest on arrears, address them promptly: Mississippi arrears vest as judgments and bear interest at a judge-set rate, commonly 8% per year, which is higher than what many states actually collect. A parent who falls significantly behind and remains behind for years will owe a substantially inflated total when interest is added. Contact DCSE immediately when you fall behind and either establish a payment plan or file for modification.

Interstate jurisdiction under UIFSA: The Uniform Interstate Family Support Act governs modification when either parent or the child has moved out of Mississippi since the order was entered. Mississippi retains exclusive continuing jurisdiction over its own orders as long as one party or the child remains in the state. File in the correct jurisdiction.

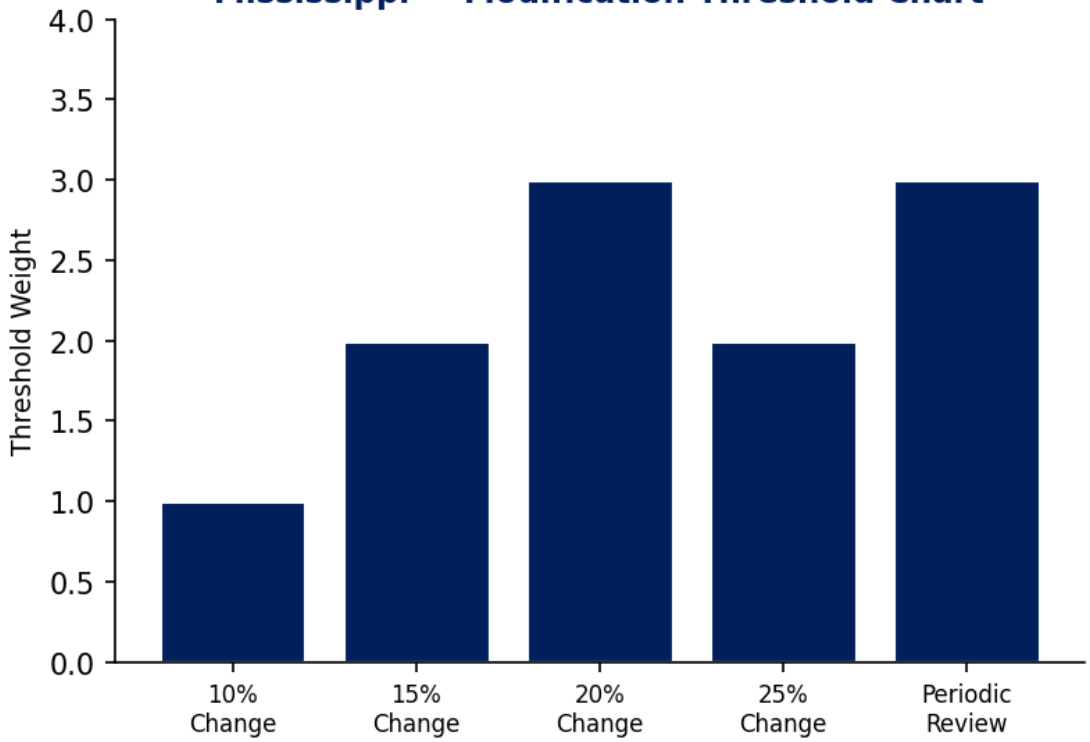
Military families: Mississippi hosts Keesler Air Force Base, Columbus Air Force Base, Naval Air Station Meridian, and Camp Shelby, and servicemember cases bring their own rules for income, service of process, and protections under the Servicemembers Civil Relief Act; see Chapter 51 (Military Service). Chapter 52 (Interstate & International) covers the UIFSA rules described above in depth.

MDHS Division of Child Support (DCSE): (800) 434-5437 | mdhs.ms.gov/child-support

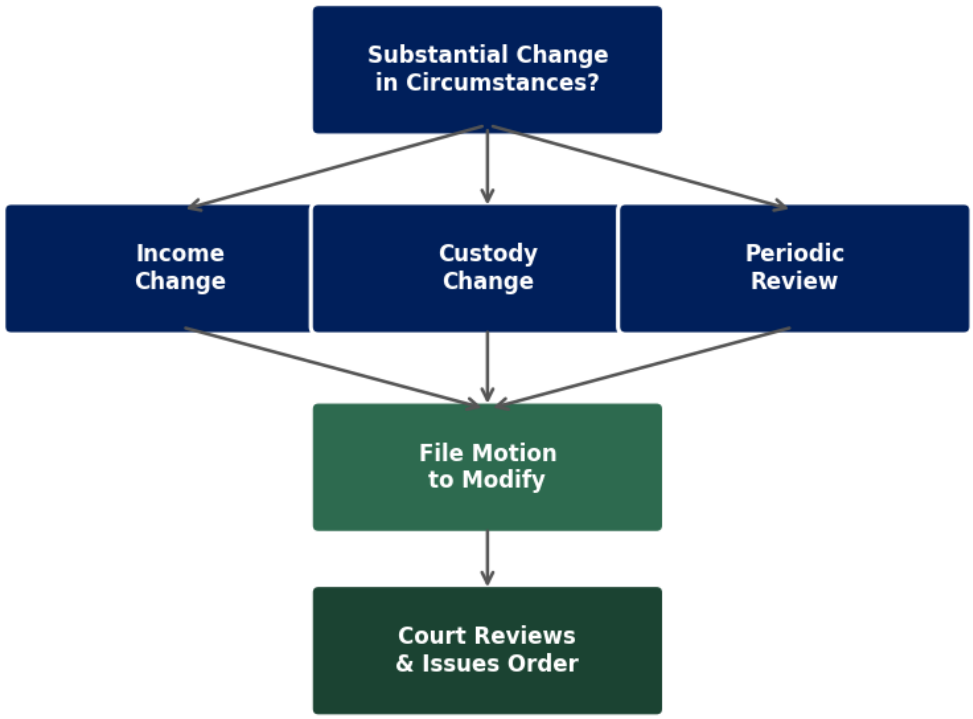
Mississippi Courts (Chancery Court locator): courts.ms.gov

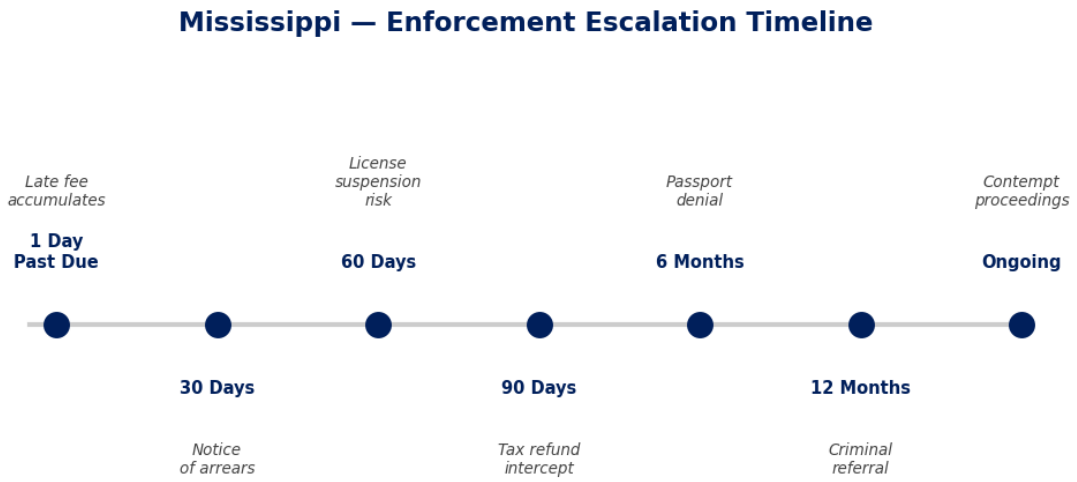
Mississippi Center for Legal Services: (601) 948-6752 | mcls.ms.gov

Mississippi — Modification Threshold Chart



Mississippi — Modification Trigger Flowchart





End of Chapter 24 — Mississippi | Chapter 25 — Missouri follows.

Chapter 25

Chapter 25 — Missouri

Missouri	Child Support at a Glance

Calculation Model	Income Shares -- Mo. Rev. Stat. 452.340; Form 14 (mandatory worksheet)
Modification Threshold	20% change in Form 14 amount -- Mo. Rev. Stat. 452.370(6)
Agency	Division of Child Support Services (DCSS) -- (800) 859-7999
Mandatory Worksheet	Form 14 -- both parties must complete and exchange before any hearing
Payment Center	Family Support Payment Center (FSPC) -- centralized payment processing
Court	Circuit Court -- county of original order or child's current residence
Retroactivity	Back to date of filing of the motion to modify
Age of Majority	18 -- or 21 if enrolled in and attending an accredited post-secondary institution
Shared Parenting	Form 14 cross-credit calculation applies at substantially equal custody
License Suspension	Certified past-due amounts -- DCSS administrative certification
Criminal Penalty	Class A misdemeanor or D felony -- Mo. Rev. Stat. 568.040
Interest on Arrears	No specific statutory interest rate for child support arrears

Section 1 — Overview

Missouri calculates child support under the Income Shares model using Form 14, the Child Support Amount Calculation Worksheet. Form 14 is not optional: under Missouri Supreme Court Rule 88.01 and Mo. Rev. Stat. 452.340, both parents must complete and exchange Form 14 before any hearing on child support. A parent who shows up to a support hearing without a completed Form 14 loses credibility with the court immediately.

Missouri combines both parents' gross monthly incomes on Form 14, applies the Schedule of Basic Child Support Obligations to determine the total obligation, and then assigns each parent a proportional share based on their contribution to combined income. The non-custodial parent (the one without primary physical custody) pays their share as a monthly transfer to the custodial parent.

Missouri's IV-D child support agency is the Family Support Division of the Department of Social Services; this chapter uses the program's familiar shorthand, DCSS. All child support payments in Missouri flow through the Family Support Payment Center (FSPC), a centralized clearing system. Whether support is paid by income withholding from a paycheck or by direct payment, every payment is routed through FSPC, which provides an official, timestamped payment record. That record is the definitive source of payment history in any enforcement proceeding.

Missouri child support generally runs until the child turns 18, but two statutory extensions matter. If the child is still enrolled in and attending a secondary school program when they turn 18, support continues until the child completes the program or turns 21, whichever comes first (Mo. Rev. Stat. 452.340.5). The same subsection continues support for a child who enrolls in an accredited college, university, or vocational school by October 1 after graduating from high school (or completing a GED program), so long as the child completes at least twelve credit hours each semester (summers excluded) and achieves grades sufficient to re-enroll; that extension also ends when the child completes the program or turns 21, whichever comes first. Courts may extend support past 18 for a child who is physically or mentally incapacitated, insolvent, and unmarried (452.340.4). Verify enrollment status each semester.

Retroactivity in Missouri runs only from the date the motion to modify is personally served on the other party. Under Mo. Rev. Stat. 452.370, a support order may be modified only as to installments accruing after the date of personal service. File promptly when circumstances change, and arrange service right away. Do not wait until you have collected every document: file the motion, get it served to lock in the date, then supplement the record with documentation before the hearing.

Section 2 — Grounds for Modification

Missouri's primary modification threshold is codified in Mo. Rev. Stat. 452.370.1: when applying the child support guidelines to the parties' current financial circumstances would change the support amount by 20% or more, a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, provided the existing amount was based on the presumed guideline amount. If running both parents' current incomes through Form 14 produces an obligation that differs from the current order by 20% or more, you have a presumptive basis for modification. The showing can be rebutted, but the 20% threshold shifts the burden.

Missouri also recognizes modification based on a substantial and continuing change in circumstances outside of the 20% calculation. Courts retain discretion to modify when the factual record demonstrates a meaningful, lasting change even if the percentage falls below 20%.

The following are the most common grounds for modification in Missouri Circuit Courts.

20%+ deviation in Form 14 calculation: Run Form 14 with both parents' current gross monthly incomes. If the result differs from the current order by 20% or more in either direction, you have presumptive grounds. Include the completed Form 14 with your motion.

Job loss or significant income reduction: An involuntary job loss or a permanent, substantial reduction in wages or hours qualifies as a material change. Attach termination documentation to your motion. Missouri courts treat voluntary resignation skeptically, so document the reason for leaving and your job search efforts.

Significant income increase: If the paying parent's income has risen substantially since the order was entered, the receiving parent can petition upward. The 20% threshold applies in both directions. Tax returns, W-2s, and pay stubs are the standard documentation.

Change in custody or parenting time: A significant shift in the actual custody arrangement can support modification. Missouri's Form 14 has a cross-credit calculation for substantially equal custody. If the actual custody arrangement has changed materially from what the current order reflects, modification is appropriate.

Child emancipation or age-out: When support ends for one child, whether at 18, at secondary-school completion, or at the post-secondary cutoff at 21, the order does not automatically reduce for the remaining children. File a motion in Circuit Court for recalculation. For children in post-secondary school, verify each semester that the child remains enrolled in twelve credit hours with grades sufficient to re-enroll.

Incarceration: Missouri courts may reduce child support during a parent's incarceration. Under Missouri case law, incarceration can be considered an involuntary reduction in income. File a motion during incarceration rather than waiting until release, because arrears accrue at the full rate until the order is modified.

Missouri courts expect both parties to bring completed Form 14 worksheets to any hearing on modification. If the forms disagree, the court will reconcile them. Having your Form 14 completed accurately and professionally demonstrates that you understand the guidelines and take the proceeding seriously.

Section 3 — Step-by-Step: How to File

Modification petitions are filed in the Circuit Court that entered the original order, or in the Circuit Court of the county where either party or the child currently resides. Retroactivity runs from the date of personal service of the motion, so file and serve promptly. Follow these steps.

Step 1 — Complete your Form 14: Download Form 14 from the Missouri Courts website at courts.mo.gov. Enter your current gross monthly income, the other parent's gross monthly income (use your best available information, since the other party will complete their own Form 14 as well), childcare costs, health insurance premium costs for the child, and any applicable adjustments. The form produces the presumptive monthly obligation. Check whether the result differs from the current order by 20% or more.

Step 2 — Gather your financial documentation: Collect your last two pay stubs, your last two years of federal tax returns and W-2 forms, documentation of health insurance premium costs for the child, and documentation of work-related childcare. If a job loss is the basis, get the termination or layoff documentation. If incarceration is the basis, gather the commitment order and facility information.

Step 3 — File a Motion to Modify Child Support: Prepare and file a Motion to Modify Child Support in Circuit Court. Attach your completed Form 14 and all supporting financial documentation. Include a proposed modified order if you can prepare one. Pay the filing fee or request a fee waiver. The clerk will assign a hearing date.

Step 4 — Serve the other parent: Serve the other parent by personal service through the sheriff or a process server, or by certified mail if the other party is represented by counsel. File proof of service with the clerk. The case cannot proceed to hearing without confirmed service.

Step 5 — Exchange Form 14 with the other parent: Missouri requires that both parties complete Form 14 and exchange copies before the hearing. When you serve your motion, include your Form 14. Request the other parent's Form 14 in your motion papers. If the other parent does not provide a Form 14, bring that failure to the court's attention at the hearing. The court may use your Form 14 and draw an adverse inference from the other party's failure to complete one.

Step 6 — Attend the hearing and present your evidence: Appear in Circuit Court on your scheduled date. Bring your Form 14, all supporting financial documentation, and a copy of the other parent's Form 14 if available. The judge will reconcile any discrepancies between the two forms and enter a modified order. Bring a proposed order if you can draft one.

Step 7 — Obtain and implement the modified order: Once the court enters the modified order, obtain a certified copy from the clerk. Provide it to your employer for income withholding updates and to DCSS/FSPC. All Missouri payments route through FSPC, so make sure FSPC has the updated order amount on file.

Missouri legal aid organizations serve income-eligible clients. Legal Services of Eastern Missouri and Legal Aid of Western Missouri are the major providers. The Missouri Courts self-help center at courts.mo.gov also provides plain-language guides to child support modification. See Section 9 for contact information.

Section 4 — Income Calculation

Missouri uses gross income for all Form 14 calculations under Mo. Rev. Stat. 452.340. Gross income is income before taxes and deductions. For W-2 employees, gross income is the amount on the pay stub before withholding. Retirement contributions, health insurance premiums for the employee, and other voluntary deductions are not subtracted before entering income on Form 14.

Missouri gross income includes wages, salaries, commissions, bonuses, overtime, self-employment income (net of legitimate business expenses), rental income, retirement distributions, Social Security retirement and disability benefits (not SSI), unemployment compensation, workers' compensation, disability insurance, interest, dividends, and regularly received gifts or contributions. Social Security or veterans' disability payments received by the child as a derivative of a parent's benefit may affect the calculation.

Self-employment income: For self-employed parents Missouri examines Schedule C net income after deducting ordinary and necessary business expenses. Missouri courts add back personal expenses run through the business (vehicle depreciation, home office, meals) when those costs appear personal rather than business-related. Bring three years of complete tax returns and a current profit-and-loss statement. Missouri courts scrutinize self-employment income carefully, particularly when the business appears to generate significant cash flow.

Imputed income: Missouri may impute income when a parent is voluntarily unemployed or underemployed without good cause. Mo. Rev. Stat. 452.340(8) allows courts to set income at the parent's earning capacity. The court considers education, work history, available employment in the area, and any explanation for

reduced earnings. Parents who reduce their work specifically to lower child support are strong candidates for imputation.

Veterans' disability and SSI: Veterans' disability compensation is included in Missouri gross income. SSI is excluded as a needs-based benefit. Derivative Social Security benefits paid directly to the child may offset the paying parent's obligation; raise this with the court if it applies.

Add-on expenses: Form 14 adds work-related childcare costs and the child's health insurance premium to the basic obligation. These are allocated between the parents proportionally based on income shares. The parent who pays childcare or carries the insurance receives credit on Form 14.

Uninsured medical expenses: The Form 14 schedule assumes the parent receiving support covers routine uninsured medical costs up to $250 per child per year. Uninsured medical and dental expenses beyond that threshold, including deductibles and co-payments, are divided between the parents in proportion to their income shares on top of the basic obligation. Keep receipts and request reimbursement promptly; courts expect documentation.

FSPC payment routing: Missouri routes all child support payments through the Family Support Payment Center regardless of whether payments come from income withholding or direct payments. FSPC maintains the official payment record. If there is ever a dispute about whether a payment was made, FSPC records are the definitive source. Self-help payments in cash directly to the other parent without FSPC routing can be difficult to prove.

Form 14 must be completed carefully. Both parents complete their own version. When the forms disagree on income, the court resolves the discrepancy using pay stubs, tax returns, and other evidence. Avoid estimating or approximating income on Form 14; use actual documented figures.

Section 5 — Shared Parenting

Missouri's Form 14 accounts for parenting time through the Line 11 adjustment: a percentage adjustment to the basic child support amount based on the number of overnight periods the children spend with the paying parent each year. The current Form 14, effective November 4, 2021, builds this adjustment into the standard calculation rather than reserving it for a separate shared-custody worksheet.

Missouri does not switch the adjustment on at a single cliff. The Line 11 table scales with the parenting schedule: a paying parent with at least one but fewer than 36 overnights per year may receive a 6% adjustment to the basic child support amount, a schedule of 36 to 109 overnights carries the basic 10% adjustment, and beyond 109 overnights the Form 14 directions authorize progressively larger adjustments, reaching 34% at 181 to 183 overnights, an essentially equal split. Courts examine the court-ordered schedule and the actual lived schedule when setting the figure.

Approaching equal time: As overnights approach an equal split, the Line 11 adjustment grows toward its 34% maximum, and the court retains discretion to find the presumed amount unjust or inappropriate and deviate when a rigid application does not fit a genuinely shared arrangement. If you believe your schedule supports a larger adjustment, document the actual overnights over a full year: the court order, plus a calendar or app record of where the child actually slept.

How the Line 11 adjustment works on the form: Line 11 multiplies the basic child support amount by the applicable percentage from the overnight table and credits the result against the paying parent's share. The directions and comments to Form 14 govern which percentage applies; above 109 overnights the percentage is discretionary within the table's range, so be prepared to justify the figure you claim with your documented schedule.

How to claim the adjustment: Complete Line 11 on your Form 14 using your overnight count, and describe the actual parenting arrangement in detail in your motion. Attach your parenting schedule as evidence: the court order plus a calendar or app record showing actual overnights for the past year. If the other parent's Form 14 uses a different overnight count, the court will resolve the discrepancy from the documentation.

Changes in custody as a modification trigger: If the actual custody arrangement has changed significantly since the support order was entered and you are now exercising substantially more time than the order reflects, that change supports a modification petition. You can petition based on the custody change alone, or combine it with an income change in the same motion.

Missouri's graduated Line 11 adjustment rewards documented parenting time without the all-or-nothing cliff some states use. If you exercise substantial overnight time, count it carefully and claim the correct percentage. If your time has grown since the order was entered, that growth can support both a modification motion and a larger adjustment.

Section 6 — Enforcement

Missouri uses income withholding as its primary enforcement mechanism. All new child support orders include automatic income withholding. The withholding order directs the employer to send payments to the Family Support Payment Center, which then forwards them to the custodial parent. DCSS administers withholding and enforcement in IV-D cases.

License suspension: Under Mo. Rev. Stat. 454.1000 to 454.1027, a court or the Family Support Division may suspend a parent's driver's, professional, or occupational license when the parent is not paying in accordance with the order and owes an arrearage of at least three months' support payments or $2,500, whichever is less. The parent receives notice first and can avoid suspension by paying the arrearage in full, entering and complying with an approved payment plan, or requesting a hearing.

Contempt of court: A parent who does not pay can be held in contempt of the Circuit Court that entered the order. Contempt can result in fines, a structured repayment plan, or incarceration. A hearing is required. Contempt is particularly effective when the obligor has documented income or assets and is simply choosing not to pay.

Tax refund intercept: Missouri participates in federal and state tax refund intercept programs. DCSS certifies delinquent cases and the IRS or Missouri Department of Revenue withholds refunds and routes them through FSPC to the custodial parent.

Passport denial: When arrears reach $2,500, DCSS certifies the case for federal passport denial. The obligor cannot obtain or renew a U.S. passport until arrears are resolved or an approved payment plan is in place.

Credit bureau reporting: DCSS reports certified arrears to the three major credit bureaus. A negative credit entry affects the obligor's ability to obtain housing, vehicle financing, and other credit. The entry remains until arrears are paid.

Criminal non-support: Under Mo. Rev. Stat. 568.040, knowingly failing to provide adequate support is a Class A misdemeanor; it becomes a Class E felony when the total arrearage exceeds an aggregate of twelve monthly payments due under a support order. Criminal prosecution is reserved for the most deliberate, long-term cases of non-payment, and minor arrears during documented hardship are typically addressed through contempt rather than criminal charges. An offender placed on probation or parole can be required to pay current support and satisfy arrears as a condition.

If you are behind on payments, contact DCSS at (800) 859-7999. DCSS can establish payment plans for arrears. If your income has changed, file a modification motion immediately. All payments go through FSPC, so route every payment through FSPC so it appears in the official record.

Section 7 — Emergency Protocols

Emergency Protocols — Missouri

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File a Motion to Modify Child Support in Circuit Court immediately, attach a completed Form 14 showing the new income figure, and have the motion served. Missouri retroactivity runs only from the date of personal service (Mo. Rev. Stat. 452.370), so every day without a served motion is another day the old obligation accrues.

Notify DCSS at (800) 859-7999 of the job loss. Route all payments through FSPC and do not make cash payments directly to the other parent. Make whatever partial payment you can and send it through FSPC so it appears in the official record. Courts distinguish between a parent who is trying and one who has stopped entirely.

EMERGENCY PROTOCOL 2: YOUR EMPLOYER RECEIVED A WITHHOLDING ORDER AND THE AMOUNT IS WRONG

Your employer is legally required to honor the withholding order as written. Do not ask payroll to change the amount on your word alone. If the deduction is wrong (exceeding the CCPA cap, continuing after the obligation ended, or applying to the wrong period), contact DCSS at (800) 859-7999 immediately.

DCSS administers withholding in IV-D cases and can correct errors. Payments route through FSPC, which has a record of every payment and can confirm the current withholding amount. If the error is in the court order itself, file an emergency motion in Circuit Court for correction. Do not bypass an active withholding order without DCSS or court authorization.

EMERGENCY PROTOCOL 3: YOUR LICENSE HAS BEEN SUSPENDED

Contact the child support call center at (866) 313-9960 immediately. Missouri begins license suspension when arrears reach three months' support payments or $2,500, whichever is less (Mo. Rev. Stat. 454.1000 et seq.). The Family Support Division administers the certification process and can work with you on reinstatement.

Reinstatement requires payment of overdue support or entry into an approved payment plan. Get written confirmation of any plan from DCSS and provide it to the Missouri Department of Revenue for driver's license reinstatement or the relevant licensing board for professional licenses. File a modification motion simultaneously if your income has dropped.

EMERGENCY PROTOCOL 4: A CRIMINAL CHARGE HAS BEEN FILED UNDER MO. REV. STAT. 568.040

Contact a criminal defense attorney immediately. Do not appear at a criminal hearing without representation. Mo. Rev. Stat. 568.040 makes criminal nonsupport a Class A misdemeanor, rising to a Class E felony when the total arrearage exceeds an aggregate of twelve monthly payments.

If you cannot afford private counsel, contact your county's public defender's office. File a Motion to Modify Child Support in Circuit Court simultaneously if you have not done so. Showing the court that you are actively addressing the underlying obligation is relevant context in both the criminal and Circuit Court contempt proceedings.

EMERGENCY PROTOCOL 5: THE OTHER PARENT IS DENYING YOUR PARENTING TIME

Child support and parenting time are separate legal obligations in Missouri. You cannot stop paying support because your access to the children is being blocked. Stopping payments creates enforcement exposure and damages your credibility in any custody proceeding.

File a Motion to Enforce Custody/Parenting Time in Circuit Court. Document every denied visit: date, time, what happened, and any communications by text or email. Missouri courts have authority to enforce parenting time orders, hold the offending parent in contempt, and modify custody when denial is systematic.

EMERGENCY PROTOCOL 6: THE OTHER PARENT'S FORM 14 CONTAINS SIGNIFICANTLY DIFFERENT INCOME FIGURES THAN YOURS

Competing Form 14 worksheets with different income figures are common. The court resolves them by examining the underlying documentation: pay stubs, tax returns, W-2s, and bank statements. If the other parent's reported income seems low relative to their lifestyle, prior returns, or public information, bring that evidence to the hearing.

Request the other parent's financial disclosure documents in advance of the hearing through the discovery process. In Missouri, both parties can request financial records from the other party through formal discovery in Circuit Court. An attorney can help you structure a document request and cross-examine the other parent's income at the hearing.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Contact DCSS at (800) 859-7999. DCSS can initiate income withholding, license suspension, tax refund intercept, passport denial, and credit bureau reporting in IV-D cases. All Missouri payments route through FSPC, and FSPC records will show exactly when payments stopped and the total now owed.

If DCSS enforcement is moving too slowly, file a Motion for Contempt in Circuit Court. Your FSPC payment history is the primary evidence to bring: it is the most reliable source of payment records in Missouri. Present the ordered amount, the dates missed, and the total now owed. Courts take contempt seriously when the documentation is organized.

Section 8 — Quick Reference

Your key Missouri figures are in the State at a Glance profile at the top of this chapter. Calculation model: Income Shares, Form 14 mandatory. Modification threshold: 20% change in the Form 14 amount (prima facie, Mo. Rev. Stat. 452.370.1). Agency: child support call center (866) 313-9960; general help (800) 859-7999. All payments through FSPC. Court: Circuit Court. Retroactivity: from date of personal service of the motion. Age of majority: 18, with continuation to 21 for secondary school or qualifying post-secondary enrollment. Line 11 overnight adjustment up to 34%. Interest on arrears: 1% per month simple (Mo. Rev. Stat. 454.520). License suspension at three months' arrears or $2,500, whichever is less.

Section 9 — Resources and Special Considerations

Missouri's child support program is run by the Family Support Division of the Department of Social Services. Contact: (866) 313-9960 for orders and enforcement, or (800) 859-7999 for general help. Website: dss.mo.gov/child-support. The program handles income withholding, license suspension, tax intercept, and administrative enforcement, and all payments flow through the Family Support Payment Center (FSPC). For court forms including Form 14 and

modification motion templates, the Missouri Courts website at courts.mo.gov is the primary source.

Legal aid resources in Missouri:

Legal Services of Eastern Missouri: Serves the St. Louis metro area and eastern Missouri counties. Phone: (314) 534-4200. Website: lsem.org. Handles family law matters including child support modification.

Legal Aid of Western Missouri: Serves the Kansas City metro area and western Missouri counties. Phone: (816) 474-6750. Website: lawmo.org.

Mid-Missouri Legal Services: Serves central Missouri counties including Columbia and Jefferson City. Phone: (573) 442-0116. Website: midmolegal.org.

Missouri Bar Lawyer Referral Service: For paid attorney referrals statewide: (573) 636-3635 or mobar.org.

Special considerations for Missouri:

Form 14 is mandatory: Both parties must complete Form 14 and exchange copies before any support hearing in Missouri. A party who appears in Circuit Court without a completed Form 14 damages their credibility with the judge. Download Form 14 from courts.mo.gov and complete it carefully using actual documented income figures.

All payments through FSPC: Missouri routes all child support payments through the Family Support Payment Center. Cash payments directly to the other parent are very difficult to prove and create enforcement risk. Always pay through FSPC. The FSPC payment record is the official record and the one the court relies on in enforcement proceedings.

Post-secondary extension to age 21: Missouri extends support to age 21 for a child who enrolls in an accredited post-secondary or vocational institution by October 1 after finishing high school or a GED program, completes at least twelve credit hours each semester (summers excluded), and earns grades sufficient to re-enroll (Mo. Rev. Stat. 452.340.5). A child who withdraws or falls below the requirements loses the extension, and the obligation ends. Verify enrollment and credit status every semester rather than annually; the statute ties the extension to semester-by-semester performance.

Interest on arrears at 1% per month: Missouri is not a no-interest state. Under Mo. Rev. Stat. 454.520, delinquent child support draws simple interest at 1% per month (12% per year), accruing automatically at the close of the last business day of each month on the arrearage then existing, less that month's installment. No payment counts as interest until the entire support arrearage is satisfied, and an obligee seeking to execute on interest presents a sworn payment-history affidavit with the interest computation to the circuit clerk. Arrears in Missouri grow as fast as anywhere in this book, and enforcement adds license suspension, passport denial, and contempt exposure on top of the accruing interest.

Interstate cases under UIFSA: The Uniform Interstate Family Support Act governs modification when either parent or the child has moved out of Missouri since the order was entered. Missouri retains exclusive

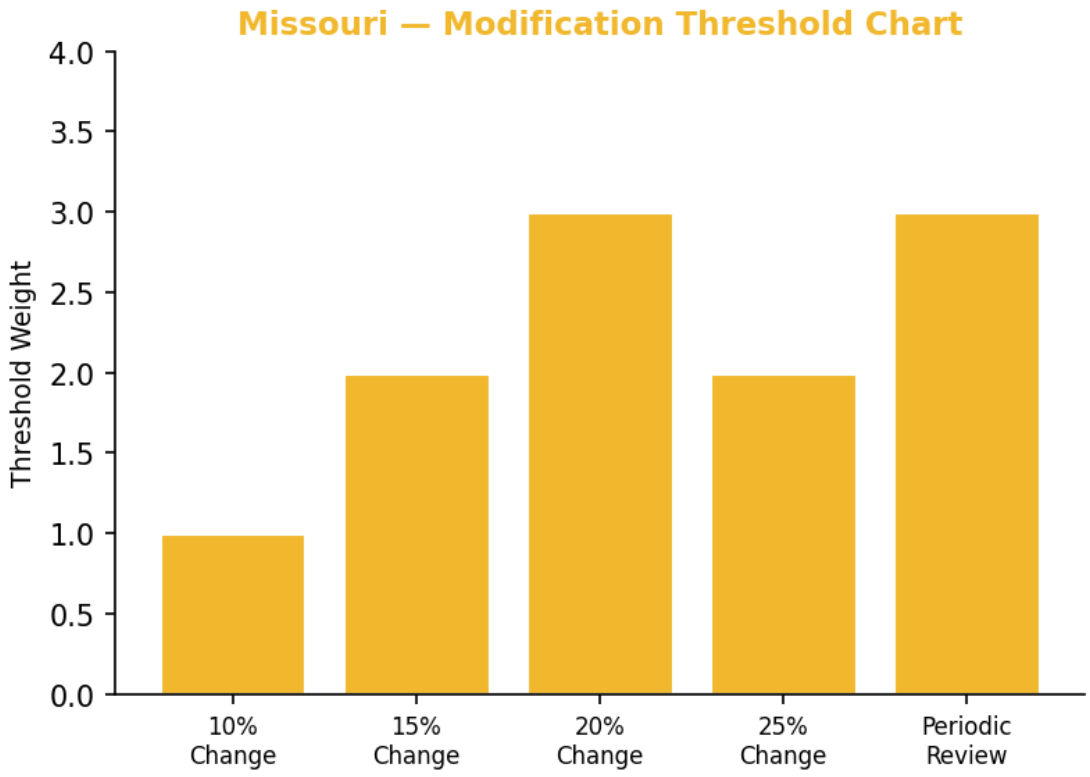
continuing jurisdiction over its own orders as long as one party or the child remains in the state. File in the correct jurisdiction.

Military families: Missouri hosts Fort Leonard Wood and Whiteman Air Force Base, and servicemember cases bring military pay structures (BAH, BAS, special pays) and SCRA protections that change both the income calculation and hearing timelines. Chapter 51 — Military Service covers these rules in detail; Chapter 52 covers interstate enforcement and modification mechanics under UIFSA.

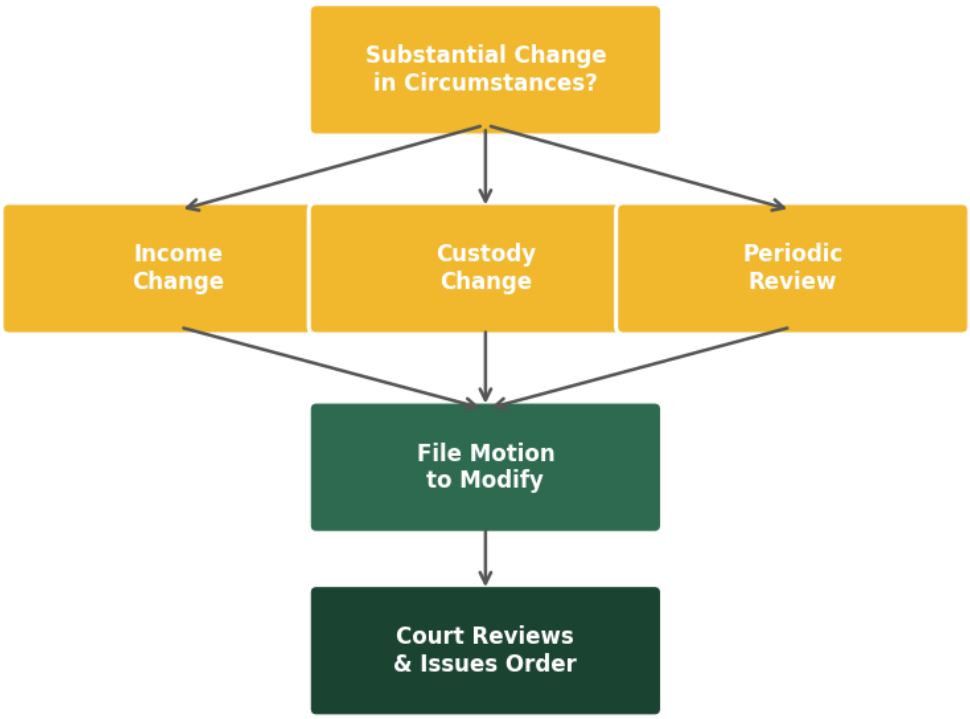
Missouri Child Support (Family Support Division): (866) 313-9960 | dss.mo.gov/child-support

Missouri Courts (Form 14 and court locator): courts.mo.gov

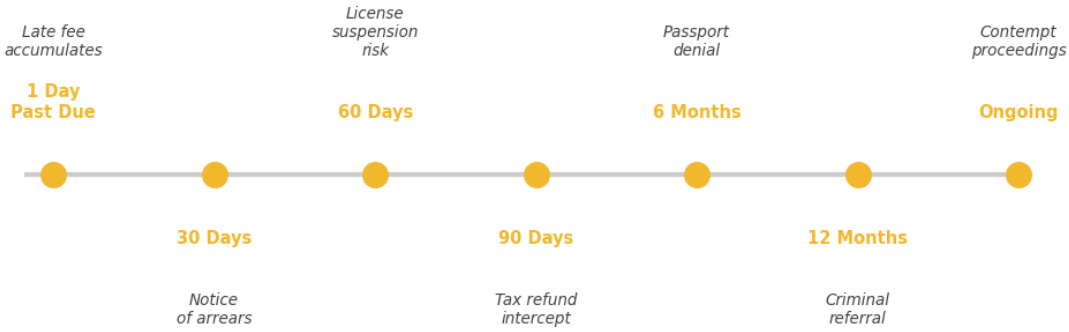
Legal Services of Eastern Missouri: (314) 534-4200 | lsem.org



Missouri — Modification Trigger Flowchart



Missouri — Enforcement Escalation Timeline



End of Chapter 25 — Missouri | Chapter 26 — Montana follows.

Chapter 26

Chapter 26 — Montana

Montana	Child Support at a Glance
Calculation Model	Income Shares -- Mont. Code Ann. (MCA) Section 40-4-204
Modification Threshold	25% change in guideline obligation -- MCA Section 40-4-208
Agency	Child Support Services Division (CSSD) -- (800) 346-5437
Court	District Court -- county of original order or child's residence
Income Basis	Gross income of both parents
Retroactivity	From date of filing of the motion -- not before filing
Three-Year Review	Administrative review available every 3 years without showing material change
Shared Parenting Trigger	110+ overnights per year -- parenting time credit reduces obligation
License Suspension	3 months past due -- MCA Section 40-5-703
Criminal Penalty	Felony -- MCA Section 45-5-605 -- $20,000+ arrears or 6+ months non-payment
Interest on Arrears	10% simple annual interest -- MCA Section 40-5-236

Section 1 — Overview

Montana calculates child support under a modified Melson formula, one of only three states (with Delaware and Hawaii) to use this model. The governing statute is Mont. Code Ann. (MCA) Section 40-4-204, and the working rules are the child support guidelines adopted by the Department of Public Health and Human Services at ARM Title 37, chapter 62. The formula starts from each parent's income after taxes and allowable deductions, sets aside a personal allowance for each parent's own subsistence (1.3 times the federal poverty guideline for one person), allocates a primary support obligation for the children from what remains, and adds a standard-of-living adjustment when income is left over after primary support. Each parent contributes in proportion to available income, and the non-custodial parent's share becomes the monthly transfer payment.

Montana has two pathways for modification. The judicial pathway runs through District Court under MCA Section 40-4-208 and requires a showing of a substantial and continuing change in circumstances. The administrative pathway runs through the Child Support Services Division (CSSD) of the Department of Public Health and Human Services (DPHHS) under MCA Section 40-5-271, which offers a three-year review without requiring a material change showing. Both pathways can result in a modified order.

The CSSD is Montana's IV-D agency. Contact: (800) 346-5437. Website: dphhs.mt.gov/cssd. In active IV-D cases, CSSD administers income withholding, enforcement actions, and three-year administrative reviews. For non-IV-D private cases, modification proceeds through District Court only.

Montana sets no fixed percentage threshold for judicial modification. Under MCA Section 40-4-208, a District Court may modify support only on a showing of changed circumstances so substantial and continuing as to make the existing terms unconscionable, on the parties' written consent, or on application of the department in IV-D cases. Run the guideline calculation with current incomes before you file: a large gap between the current order and the guideline amount is the most persuasive evidence of substantial change, but no particular percentage automatically qualifies or disqualifies you.

Montana assesses no automatic interest on unpaid child support. CSSD does not add interest to arrears as they accrue. Interest enters the picture only when arrears are reduced to a money judgment, which can bear Montana's 10% judgment rate (MCA Section 25-9-205) where ordered. Arrears still grow into a serious problem through enforcement: license suspension, tax intercept, credit reporting, and contempt. Address any overdue amounts promptly.

Section 2 — Grounds for Modification

Montana requires a substantial and continuing change in circumstances, one serious enough to make the current terms unconscionable, to modify through the judicial pathway under MCA Section 40-4-208. There is no statutory percentage trigger; the showing rests on the factual

record. The further the guideline calculation with current incomes drifts from the existing order, the stronger the case.

The three-year administrative review pathway through CSSD does not require showing a material change. After 36 months have elapsed since the last order, CSSD can review the case and adjust the obligation to match current guidelines if the recalculation differs from the current order. For IV-D cases, the administrative pathway is often faster, free, and requires less preparation than a District Court motion.

The following are the most common grounds for modification in Montana District Courts and CSSD proceedings.

Significant deviation from the current order: Run the Montana guideline calculation with both parents' current financial information. If the result differs substantially from the current order, and the change behind it is continuing, you have the core of a modification case. Include a completed guideline worksheet with your motion to amend.

Job loss or significant income reduction: An involuntary job loss or a permanent, substantial reduction in wages or hours qualifies. File the motion the same week you lose your job and make sure the other party receives notice promptly: Montana support can be modified only as to installments accruing after the parties have actual notice of the motion (MCA Section 40-4-208). Attach termination documentation. Voluntary resignation is treated skeptically, so document the reason for leaving and your job search efforts.

Significant income increase: If the paying parent's income has increased substantially since the order was entered, the receiving parent can petition upward. The substantial-and-continuing standard applies in both directions. Tax returns, W-2s, and pay stubs are the standard documentation.

Change in parenting time crossing the 110-day level: Montana's guidelines adjust the transfer payment when the children spend more than 110 days per year with each parent (ARM Title 37, chapter 62). If your parenting time has grown past that level since the order was entered, the guideline amount changes, and that change can support a modification petition.

Child emancipation: Montana support ends at the child's emancipation or graduation from high school if the child is enrolled in high school, whichever is later, but never past the child's 19th birthday (MCA Section 40-4-208(5)). When a child in a multi-child order ages out, the order does not automatically recalculate. File a motion for the remaining children.

Disability or serious illness: A medically documented disability that substantially reduces earning capacity is a recognized basis for modification. Medical documentation from treating providers is essential. Montana courts want to see that the condition is genuine and materially affects earning capacity.

Three-year CSSD review: If your case is IV-D-enrolled and 36 months have passed since the last order or review (ARM 37.62.2103), contact CSSD at (800) 346-5437 to request an administrative

review. This is a free, non-court process that adjusts the order to the current guideline amount without a material change showing.

Montana courts and CSSD take a practical approach to modification. Document the change clearly, complete the guideline worksheet, and file promptly. Installments that accrue before the other party has actual notice of your motion cannot be modified, so delay costs you.

Section 3 — Step-by-Step: How to File

Montana's IV-D cases can be modified administratively through CSSD's three-year review or through District Court. Non-IV-D private cases proceed through District Court only. Follow these steps for a District Court filing.

Step 1 — Gather your financial documentation: Collect your last two pay stubs, your last two years of federal tax returns and W-2 forms, documentation of health insurance premium costs for the child, and documentation of work-related childcare. If a job loss is the basis, get the termination or layoff documentation. If disability is at issue, get written documentation from treating providers. If choosing the CSSD administrative pathway, call CSSD at (800) 346-5437 before filing in court.

Step 2 — Complete the Montana Child Support Worksheet: Download the Montana Child Support Worksheet from the CSSD website at dphhs.mt.gov/cssd or the Montana Courts website at courts.mt.gov. Enter both parents' current gross monthly incomes, health insurance and childcare add-ons, and the parenting time percentage for the parenting time credit if applicable. The worksheet produces the presumptive monthly obligation.

Step 3 — Choose your pathway: CSSD administrative review or District Court: For IV-D cases where 36 months have passed since the last order: call CSSD at (800) 346-5437 and request an administrative review. CSSD will gather information from both parents, calculate the new amount, and issue a notice. If neither parent objects within 20 days, CSSD issues a revised order. For cases where material change is the basis, or for non-IV-D cases: file a Motion to Amend Child Support in District Court.

Step 4 — File the Motion to Amend in District Court: File a Motion to Amend Child Support Order in the District Court that entered the original order, or in the District Court of the county where the child currently resides. Attach your completed guideline worksheet and supporting documentation. Pay the filing fee or request a fee waiver. The clerk will schedule a hearing.

Step 5 — Serve the other parent: Serve the other parent pursuant to Montana Rules of Civil Procedure. Personal service by a deputy sheriff or process server is the standard method. File proof of service with the clerk before the hearing date.

Step 6 — Attend the hearing and present your evidence: Appear in District Court on your hearing date. Bring your guideline worksheet, pay stubs, tax returns, and all supporting documentation. Present the substantial and continuing change in circumstances, walk the court through the guideline calculation, and address the parenting-days adjustment if it applies. The court will enter a modified order.

Step 7 — Obtain and implement the modified order: After the court or CSSD enters the modified order, obtain a certified copy from the clerk. Provide it to your employer for income

withholding updates. If you have arrears outstanding, set up a payment plan; arrears stay fully collectible, and enforcement remedies escalate the longer they sit.

Montana legal aid services are limited by geography. Montana Legal Services Association (MLSA) provides statewide services to income-eligible clients. See Section 9 for contact information.

Section 4 — Income Calculation

Montana does not run its formula on raw gross income. Under the guidelines (ARM Title 37, chapter 62), each parent's actual income is reduced by allowable deductions, including income taxes and certain other mandatory items, and then by a personal allowance equal to 1.3 times the federal poverty guideline for a one-person household, which protects each parent's own subsistence before support is calculated. What remains is income available for child support. Enter your figures carefully on the worksheet; the deductions and allowance do real work in this formula.

Low-income protection is built into the formula: Before any support is calculated, each parent keeps a personal allowance equal to 1.3 times the federal poverty guideline for a one-person household ($20,748 per year under the 2025 guidelines tables). A parent whose income does not exceed the allowance has little or no income available for support under the formula. If your income is near the allowance level, complete the worksheet carefully rather than assuming a number.

Montana gross income includes wages, salaries, commissions, bonuses, overtime, self-employment income (net of ordinary and necessary business expenses), rental income, retirement and pension distributions, Social Security retirement and disability benefits (not SSI), unemployment compensation, workers' compensation, disability insurance, interest, dividends, and regularly received gifts or contributions. The definition is intentionally broad to capture all recurring sources of economic support.

Self-employment income: For self-employed parents Montana uses gross business receipts less ordinary and necessary business expenses. Courts scrutinize inflated deductions for vehicles, depreciation, home office, and owner draws. Bring three years of Schedule C tax returns and a current profit-and-loss statement. Montana courts also look at bank statements and spending patterns when reported business income seems inconsistent with lifestyle.

Imputed income: Montana may impute income when a parent is voluntarily unemployed or underemployed without good cause. The court considers education, employment history, and available jobs in Montana's regional labor market. The landmark case In re Marriage of Thompson, 263 Mont. 375 (1994), confirmed that voluntarily reducing income does not shelter a parent from the guideline calculation. Income is imputed at the level the parent is capable of earning.

Parenting-days adjustment: Montana's guidelines adjust support when the children spend more than 110 days per year with each parent. A day for this purpose is defined in the guidelines (ARM 37.62.124), and the worksheet computes the adjustment from each parent's annual day count. See Section 5 for details.

Add-on expenses: Montana adds work-related childcare costs and health insurance premium costs for the child to the basic obligation. These add-ons are allocated between the parents proportionally based on income shares. The parent who pays childcare or carries insurance receives credit on the worksheet.

High-income cases and the standard-of-living adjustment: Montana sets no dollar cap on child support. After primary support needs are met, the formula applies a standard-of-living adjustment (SOLA) that allocates a share of remaining parental income to the children, so the obligation keeps scaling as income rises. In very high-income cases, courts still test the result against the children's actual needs and the statutory factors in MCA Section 40-4-204.

Montana adds no automatic interest to unpaid support, but do not mistake that for forgiveness. Every unpaid dollar remains collectible, CSSD enforcement escalates from withholding to license suspension to credit reporting, and arrears reduced to judgment can bear the 10% judgment rate under MCA Section 25-9-205 where ordered. A parent who falls $10,000 behind still owes every dollar of it, plus the enforcement consequences that follow.

Section 5 — Shared Parenting

Montana's guidelines recognize shared parenting through a parenting-days adjustment that applies when the children spend more than 110 days per year with each parent, roughly 30% of the year. At that level both households are bearing meaningful direct costs, and the formula adjusts the transfer payment to account for spending in each home.

Montana does not use an all-or-nothing cliff. Once both parents are above the 110-day level, the worksheet adjusts the obligation based on each parent's share of parenting days, and the adjustment scales with the schedule: the more days the paying parent has, the larger the adjustment.

Counting to 110 days: Montana counts parenting days, not strictly overnights; a day is generally a 24-hour period, or the majority of one, spent with the parent (ARM 37.62.124). Count every day in the court-ordered or agreed schedule over a full year: weeknights, weekends, school breaks, holidays, and extended summer time. A standard every-other-weekend schedule produces roughly 52 overnights' worth of time, well short of the mark, so reaching 110 days takes a schedule substantially beyond every-other-weekend.

How the adjustment is applied: Enter each parent's annual parenting days on the Montana Child Support Worksheet. If the children do not spend more than 110 days per year with each parent, the standard calculation governs and the full transfer payment applies. Above that level, the worksheet adjusts the transfer payment to reflect the time split.

Changes in parenting time as a modification trigger: If your parenting time has increased since the original support order was entered and the children now spend more than 110 days per year

with each parent, the guideline amount changes through the adjustment mechanism. Paired with the substantial-and-continuing standard, that shift can support a modification petition.

Temporary orders during modification: If your parenting time has increased significantly and a District Court modification will take several months, request a temporary order from the court reducing the support obligation during the pendency of the proceeding. A temporary order locks in a lower payment while the case is heard and prevents arrears from accumulating at the old rate.

Document your parenting time precisely. Keep a parenting log, calendar app records, or receipts showing overnight expenses during your time with the child. The court-ordered schedule is the starting point, but documented actual overnights can supplement the order if the actual practice exceeds what the order provides.

Section 6 — Enforcement

Montana uses income withholding as its primary enforcement mechanism. All new child support orders in Montana include automatic income withholding. The withholding order directs the employer to deduct support from each paycheck and forward it to the Montana State Disbursement Unit, which transmits funds to the custodial parent. CSSD administers withholding in IV-D cases.

License suspension: Under MCA Sections 40-5-701 through 40-5-713, CSSD can suspend driver's licenses, professional and occupational licenses, and recreational licenses when an obligor's delinquency reaches an amount equal to or greater than six months' support payments. CSSD serves a notice of intent to suspend, and the license is suspended 60 days after service unless the parent pays the support debt in full, enters an approved payment plan, or appears and shows cause why suspension is not appropriate. Reinstatement runs through payment or plan compliance.

Federal refund offset generally requires arrears of at least $150 in public-assistance cases and $500 in non-assistance cases.

Passport denial: When arrears reach $2,500, CSSD certifies the case for federal passport denial. The obligor cannot obtain or renew a U.S. passport until arrears are resolved or an acceptable payment plan is in place.

Credit bureau reporting: CSSD reports certified arrears to the three major credit bureaus. A negative credit entry affects the obligor's ability to obtain housing, vehicle financing, and other credit. The entry remains until arrears are paid.

Contempt of court: A non-paying parent can be held in contempt of the District Court that entered the order. Contempt can result in fines, attorney fee awards, or incarceration. The court must find that the failure to pay was willful. A hearing is required.

Criminal non-support: Under MCA Section 45-5-621, failing to provide support you are able to provide and know you owe is a misdemeanor, punishable by up to a $500 fine and six months in county jail. It becomes a felony, with a fine up to $5,000 and up to 10 years in state prison (all but two years suspended), when the parent has failed to pay under a court or administrative order for six months or more, or owes a cumulative amount equal to at least six months'

support. Aggravated nonsupport, meaning leaving the state without making reasonable provision for support or a repeat conviction, carries up to $50,000 and 10 years. Prosecution is reserved for serious, sustained non-payment.

If you are behind on payments, contact CSSD at (800) 346-5437. CSSD can establish payment plans for arrears. If your income has changed, file a motion or request a CSSD review immediately; the obligation keeps accruing at the old rate until you act.

Section 7 — Emergency Protocols

Emergency Protocols — Montana

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File a Motion to Amend Child Support Order in District Court the same week and make sure the other party gets actual notice of the motion promptly. Montana support can be modified only as to installments accruing after the parties have actual notice of the motion (MCA Section 40-4-208), not from when the court eventually hears the case. Every day without a filed and noticed motion is another day the full prior obligation accrues on zero income.

If your case is IV-D-enrolled, contact CSSD at (800) 346-5437. CSSD can enter a temporary administrative adjustment in urgent income-drop cases while the judicial process proceeds. Gather your termination letter, last three pay stubs, and any unemployment award letter. Make partial payments and route them through the disbursement unit so they appear on the official payment record.

EMERGENCY PROTOCOL 2: A CSSD LICENSE SUSPENSION NOTICE HAS ARRIVED UNDER MCA SECTION 40-5-702

You have 60 days from service of the notice before suspension takes effect. Do not let this window pass. Call CSSD at (800) 346-5437 immediately. You have three options: pay the entire support debt stated in the notice, enter into a payment plan approved by CSSD, or appear and show cause at a hearing why suspension is not appropriate.

Contesting the suspension triggers a hearing with CSSD. If you establish a payment plan, get confirmation in writing and provide a copy to the relevant licensing agency. If your income has genuinely dropped, file a modification motion in District Court at the same time: doing so shows you are addressing the underlying issue rather than ignoring the obligation.

EMERGENCY PROTOCOL 3: YOUR EMPLOYER GOT AN INCOME WITHHOLDING ORDER AND THE AMOUNT IS WRONG

Your employer is legally required to honor the withholding order as written. Do not ask payroll to change the amount on your word alone. If the deduction is incorrect (exceeding the CCPA cap, running after the obligation ended, or applying to the wrong period), contact CSSD at (800) 346-5437 immediately.

CSSD can correct errors in IV-D cases. If the error is in the District Court order itself, file an emergency motion for correction. Do not bypass the active withholding order without CSSD or court authorization; get the correction made through the proper channel and keep paying the corrected amount.

EMERGENCY PROTOCOL 4: A FELONY CHARGE HAS BEEN FILED UNDER MCA SECTION 45-5-621

Contact a criminal defense attorney immediately. Do not appear at a criminal hearing without representation. Felony exposure under MCA Section 45-5-621 begins at six months of non-payment under an order, or a cumulative arrearage equal to six months' support; if a charge has been filed, you need counsel now.

If you cannot afford private counsel, contact the Montana Public Defender's Commission at (406) 444-8650. File a Motion to Amend Child Support in District Court simultaneously if you have not done so. A good-faith effort to address the underlying obligation is relevant context in both the criminal proceeding and any contempt hearing.

EMERGENCY PROTOCOL 5: THE OTHER PARENT IS DENYING YOUR PARENTING TIME

Child support and parenting time are separate legal obligations in Montana. You cannot stop paying support because your access to the children is being blocked. Stopping payments creates arrears that remain fully collectible and damages your position in any custody matter.

File a Motion for Enforcement of Parenting Plan in District Court. Document every denied visit: date, time, what happened, and all communications by text or email. Montana courts have authority to enforce parenting plans, hold the offending parent in contempt, and modify the parenting plan when denial is persistent.

EMERGENCY PROTOCOL 6: THE THREE-YEAR CSSD REVIEW PRODUCED A RESULT YOU DISAGREE WITH

When CSSD issues a notice following a three-year administrative review, you have 20 days to object in writing. Do not let the 20-day window pass. If the income figures are wrong, the parenting time percentage is off, or the guidelines were misapplied, file your written objection within 20 days.

A timely objection stops the administrative order from taking effect and triggers a hearing process. Gather your documentation: pay stubs, tax returns, parenting records, and any evidence supporting the correct figures. If you agree the review is correct, you can accept it and the order will issue. If you disagree, contest it and request a hearing.

EMERGENCY PROTOCOL 7: YOU ARE THE CUSTODIAL PARENT AND PAYMENTS HAVE STOPPED

Contact CSSD at (800) 346-5437. In IV-D cases CSSD can initiate income withholding, license suspension (once the delinquency equals six months' support), tax refund intercept, passport denial, and credit bureau reporting without a separate court filing.

If CSSD enforcement is too slow, file a Motion for Contempt in District Court. Bring your complete payment history: the ordered amount, dates missed, and total arrears. Montana adds no automatic interest to arrears, so your motion should focus on the principal owed and the willfulness of the non-payment. Courts respond well to organized, quantified contempt motions.

Section 8 — Quick Reference

Your key Montana figures are in the State at a Glance profile at the top of this chapter. Calculation model: modified Melson formula (one of three states, with Delaware and Hawaii), built on income after taxes and a personal allowance of 1.3 times the federal poverty guideline. Modification: substantial and continuing change making the terms unconscionable (MCA Section 40-4-208), with no fixed percentage trigger. Three-year CSSD administrative review without a material change showing. Agency: CSSD at (800) 346-5437. Court: District Court. Retroactivity: installments after actual notice of the motion. Parenting-days adjustment when children spend more than 110 days per year with each parent. License suspension at a delinquency of six months' support, on 60-day notice. Criminal non-support: misdemeanor, felony at six months of non-payment or six months' cumulative arrears (MCA Section 45-5-621). Interest: none automatic; 10% judgment rate only if arrears are reduced to judgment.

Section 9 — Resources and Special Considerations

The Child Support Services Division (CSSD) of the Department of Public Health and Human Services (DPHHS) is Montana's IV-D agency. Contact: (800) 346-5437. Website: dphhs.mt.gov/cssd. CSSD handles income withholding, license suspension, tax intercept, administrative reviews, and enforcement. For Montana Child Support Worksheet and District Court information, the Montana Courts website at courts.mt.gov is the primary source.

Legal aid resources in Montana:

Montana Legal Services Association (MLSA): Statewide legal aid organization serving income-eligible Montana clients. Phone: (406) 442-9830. Website: montanalegalservices.org. Handles family law matters including child support modification. Because Montana's geography puts many clients far from an office, MLSA provides telephone and online assistance statewide.

State Bar of Montana Lawyer Referral Service: For paid attorney referrals: (406) 442-7660 or montanabar.org.

Special considerations for Montana:

Two pathways, choose the right one: Montana's judicial and administrative modification pathways have different requirements and timelines. For IV-D cases where three years have passed and incomes have drifted, the CSSD administrative review is often faster and free. For a dramatic income change that needs immediate relief, file in District Court and get notice to the other party immediately, because only installments accruing after actual notice can be modified.

Felony exposure at six months: Montana's criminal non-support statute (MCA Section 45-5-621) makes non-payment a felony once it persists for six months under an order or the cumulative arrearage equals six months' support, with no minimum dollar amount. Aggravated nonsupport, which includes leaving the state without making reasonable provision for support, carries penalties up to $50,000 and 10 years. Do not let arrears reach that point: payment plans and prompt modification motions are the off-ramps.

No automatic interest, but no forgiveness either: Montana does not add interest to child support arrears as they accrue, and CSSD does not charge it. Arrears reduced to a money judgment can bear the 10% judgment rate (MCA Section 25-9-205) where ordered. Every dollar of principal remains collectible through withholding, intercepts, license suspension, and contempt. Address arrears proactively through payment plans or modification.

Parenting-days adjustment at 110 days: Montana's adjustment turns on the children spending more than 110 days per year with each parent, counting days rather than strictly overnights. If your schedule is at or near that level, make sure the parenting plan reflects it accurately and run the guideline calculation with the adjustment applied.

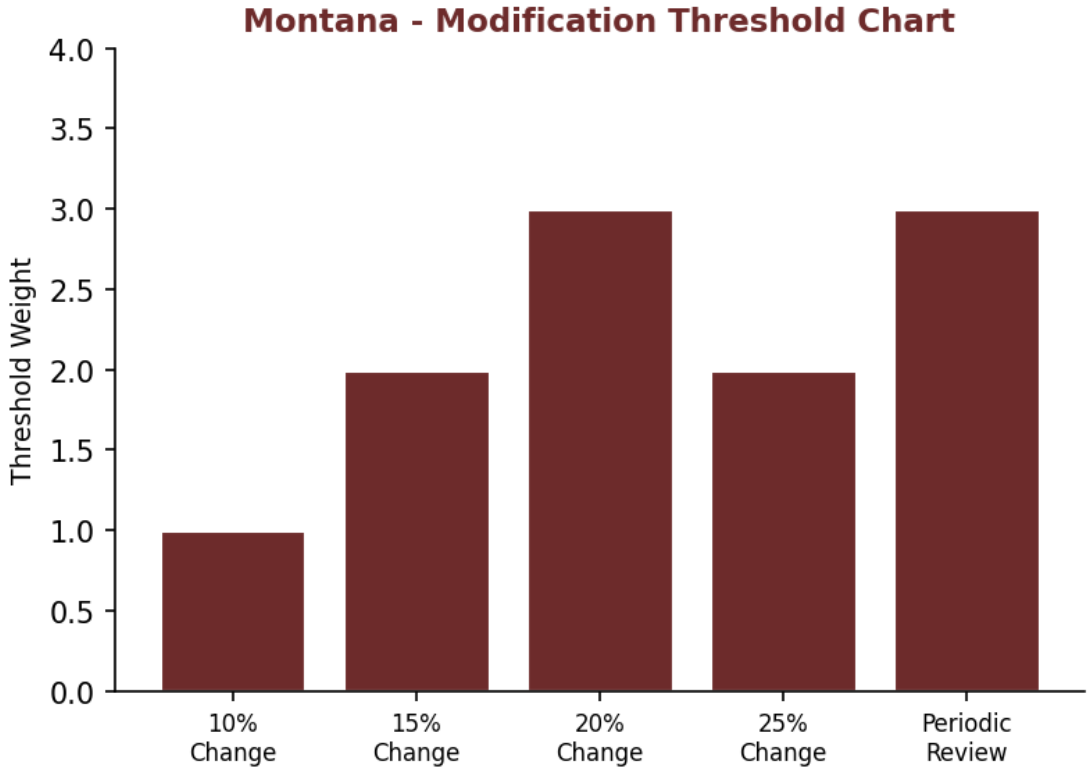
Rural geography and court access: Montana's large geography and sparse population place some District Courts far from population centers. Plan travel time accordingly for any required court appearances. CSSD's administrative review pathway can often be handled entirely by phone and mail, avoiding the need to appear in person. Contact CSSD to confirm the process for your county.

Interstate cases under UIFSA: The Uniform Interstate Family Support Act governs modification when either parent or the child has moved out of Montana since the order was entered. Montana retains exclusive continuing jurisdiction over its own orders as long as one party or the child remains in the state. File in the correct jurisdiction.

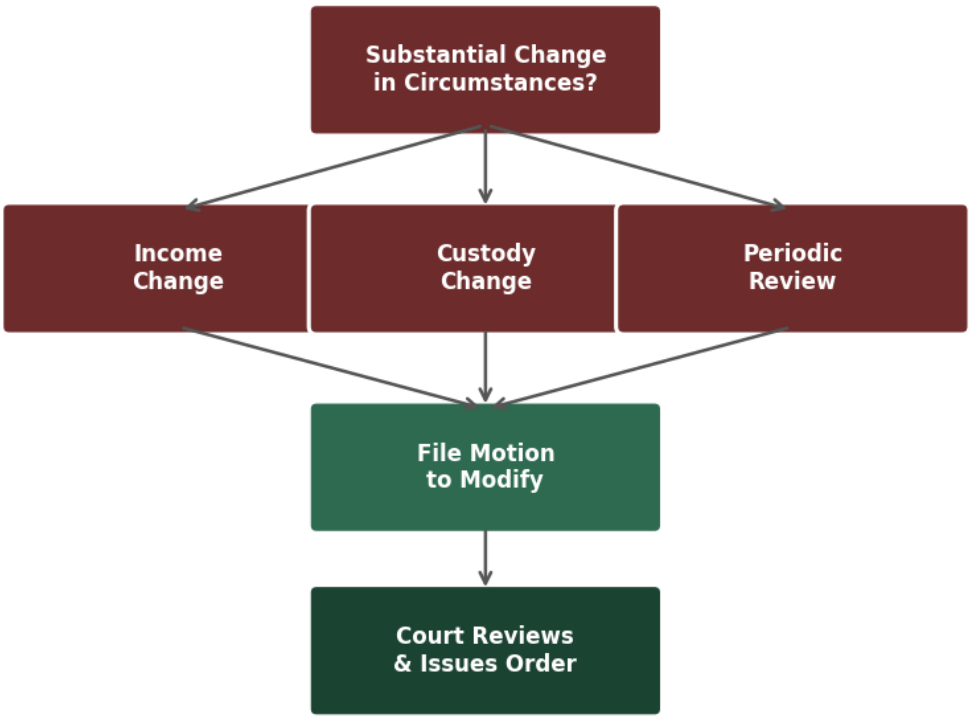
Military families: Montana hosts Malmstrom Air Force Base in Great Falls and a substantial National Guard presence, and servicemember cases bring military pay structures (BAH, BAS, special pays) and SCRA protections that change both the income calculation and hearing timelines. Chapter 51 — Military Service covers these rules in detail; Chapter 52 covers interstate enforcement and modification mechanics under UIFSA.

Child Support Services Division (CSSD): (800) 346-5437 | dphhs.mt.gov/cssd

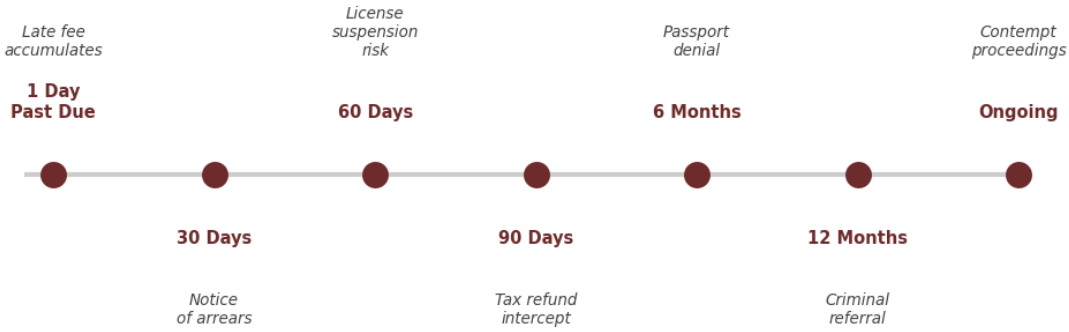
Montana Courts (worksheet and District Court locator): courts.mt.gov


Montana - Modification Threshold Chart
Threshold Weight
4.0
3.5
3.0
2.5
2.0
1.5
1.0
0.5
0.0
10% Change
15% Change
20% Change
25% Change
Periodic Review

Montana - Modification Trigger Flowchart



Montana - Enforcement Escalation Timeline



End of Chapter 26 — Montana | Chapter 27 — Nebraska follows.

Chapter 27 — Nebraska

State	Nebraska
Calculation Model	Income Shares, gross income
Key Statute	Neb. Rev. Stat. §§ 42-364 (judicial); 42-371.16 (administrative)
Modification Threshold	10% change in guideline amount
Agency	DHHS Child Support Enforcement (CSE), (877) 631-9973
Financial Form	Financial Affidavit
Court	District Court
Retroactivity	Back to the filing date of the Complaint for Modification
Shared Parenting	73+ overnights/year (20%), extraordinary visitation credit
Age of Majority	19
License Suspension	$2,000 in arrears or 3 months past due
Criminal Penalty	Class IV felony, Neb. Rev. Stat. § 28-706, $1,500+ or 6+ months
3-Year Review	Yes, 36-month review for IV-D cases

Section 1 — Overview

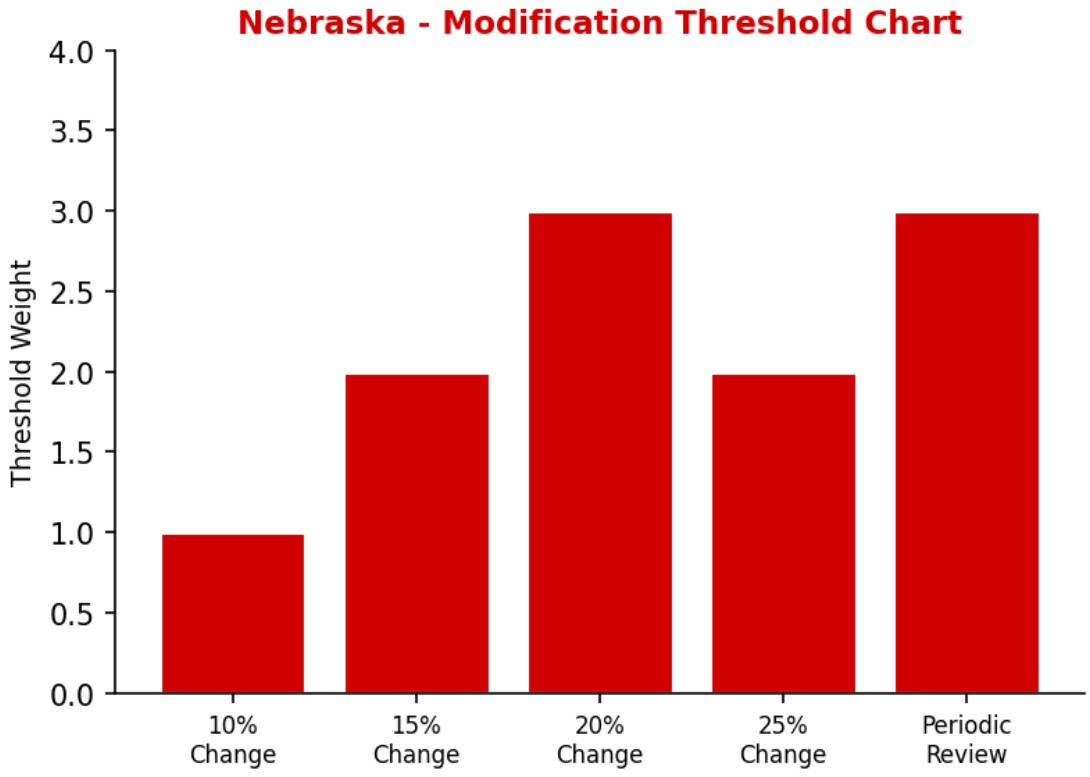
Nebraska uses the Income Shares model. Both parents' net monthly incomes, total income from all sources minus the deductions allowed by the guidelines, combine into a total support obligation, and each parent's share is proportional to their contribution. The Nebraska Child

Support Guidelines are adopted by the Nebraska Supreme Court (Neb. Ct. R. § 4-201 et seq., under the authority of Neb. Rev. Stat. § 42-364.16). The Department of Health and Human Services (DHHS) Child Support Enforcement program administers IV-D cases statewide.

Nebraska's 10% rule is one of the friendlier modification triggers in the country. Under Neb. Ct. R. § 4-217, a recalculation that moves the guideline amount by 10% or more, but not less than $25, in either direction creates a rebuttable presumption of a material change, provided the financial circumstances behind it have lasted three months and can reasonably be expected to last another six. You do not need to wait for a larger swing before filing.

All child support payments in Nebraska are routed through the Nebraska Child Support Payment Center (NCSPC). Direct payments to the other parent do not count as paid unless a court order expressly permits them. Keep every payment confirmation from the NCSPC.

Nebraska's guideline review cycle is four years, longer than the federal standard. The Child Support Advisory Commission reviews and updates the guidelines every four years. Between reviews, you must show the 10% threshold or a material change in circumstances to get a modification.



Section 2 — Grounds for Modification

Nebraska allows modification under Neb. Rev. Stat. § 42-364(6) when there is a material change in circumstances. The 10% rule of Neb. Ct. R. § 4-217 (10% or more, not less than $25, lasting three months and expected to last six more) is the practical trigger for most modifications.

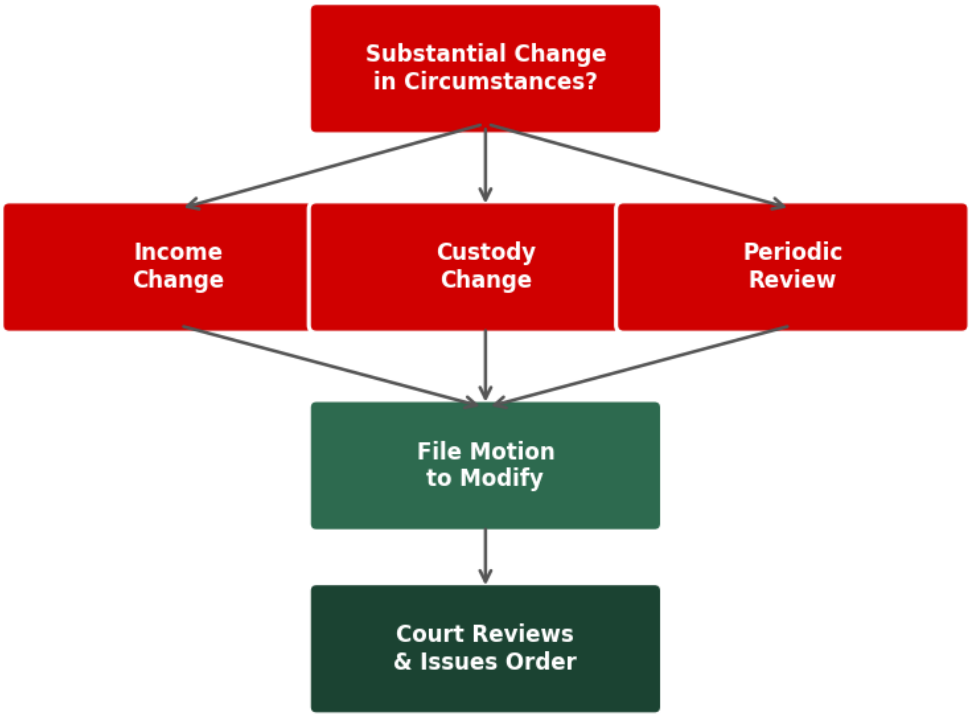
What qualifies: A change that moves the guideline amount by 10% or more (and at least $25), based on circumstances that have lasted three months and should last six more. Significant income loss, layoff, disability, or reduction in hours. A new child you are legally obligated to support. A substantial change in the child's needs, medical expenses, educational costs. The other parent's income has increased substantially. The child's custody or parenting time arrangement has changed. Incarceration that results in income loss (courts may or may not treat this as voluntary, document your situation carefully). The 36-month IV-D administrative review window has opened.

What does not qualify: Voluntary reduction in income without a legitimate reason. Temporary income fluctuations. Wanting a lower payment without a specific triggering event. Claiming childcare costs you cannot document. Arrears already owed, modification does not erase what is past due.

Income included: Wages, salary, tips, bonuses, commissions, overtime (regular), self-employment net income, rental income, investment returns, workers' compensation, disability payments, Social Security disability (SSDI), unemployment benefits, and trust distributions.

Income excluded: Child support received for other children, means-tested public assistance (SNAP, Medicaid), and income of a new spouse or partner unless the court finds specific circumstances warranting deviation.

Nebraska - Modification Trigger Flowchart



Section 3 — Step-by-Step: How to File

Nebraska offers two pathways: a judicial modification through District Court, and an administrative review through DHHS CSE (for IV-D cases). The judicial pathway is available to all parties at any time; the administrative review pathway requires an open IV-D case and 36 months since the last review.

Step 1 — Gather your financial documentation: Collect your last two pay stubs, your two most recent federal tax returns and W-2 forms, documentation of all income sources, and records of any new support obligations. If self-employed, prepare a profit-and-loss statement for the past 12 months.

Step 2 — Complete the Financial Affidavit: Nebraska requires both parties to file a Financial Affidavit disclosing all income and expenses. Download the current form from the Nebraska Judicial Branch website (supremecourt.nebraska.gov). Fill it out completely, gaps in the affidavit will delay your hearing.

Step 3 — File the Complaint for Modification: File a Complaint for Modification in the District Court in the county where the existing order was entered or where the child currently lives. Pay the filing fee (varies by county, typically $80–$100). Nebraska courts ordinarily make a modification effective no earlier than the first day of the month after the complaint was filed, and never before filing, so file as soon as your circumstances change.

Step 4 — Serve the other parent: Serve the other parent with the Complaint for Modification and summons according to Nebraska Rules of Civil Procedure. Service must be personal unless the other party waives service in writing. File proof of service with the court.

Step 5 — Exchange financial disclosures: Both parties must exchange their Financial Affidavits before the hearing. Nebraska courts expect both parties to have reviewed each other's financial information before appearing. Prepare a comparison spreadsheet showing the current guideline amount versus the proposed modification amount.

Step 6 — Attend the hearing: Appear in District Court on the scheduled date. Bring your Financial Affidavit, all supporting income documentation, and any evidence of changed circumstances. The judge will review the guideline calculation and issue a modified order if the 10% threshold or material change is established.

If your case is a IV-D case (DHHS is involved), you may request an administrative review after 36 months without going to court. Contact DHHS CSE at (877) 631-9973 to request a review. DHHS will recalculate using current incomes and issue an administrative order, which you can accept or challenge in District Court.

Section 4 — Income Calculation

Nebraska calculates support on net income, not gross. Total monthly income from all sources (Neb. Ct. R. § 4-204) is reduced by the deductions in § 4-205, and the support calculation runs on what remains. The guidelines define income broadly, then let the deductions do the narrowing.

Total income includes: Wages, salary, tips, bonuses, commissions, all overtime (if regular and recurring), self-employment gross receipts minus ordinary business expenses, rental income, interest and dividends, workers' compensation, disability benefits, Social Security disability (SSDI), unemployment, pension payments, and trust distributions.

Allowable deductions: Federal and state income taxes, FICA (Social Security and Medicare, including self-employment tax), mandatory retirement contributions, court-ordered child support for other children, court-ordered spousal support, and regular union dues (Neb. Ct. R. § 4-205). The figure left after these deductions is the net monthly income that drives the calculation.

Self-employment: Use Schedule C net income as the starting point, then add back any personal expenses run through the business, depreciation in excess of actual asset decline, and any other non-cash deductions. Nebraska courts scrutinize self-employment income carefully. Bring three years of tax returns.

Imputed income: If the court finds that a parent is voluntarily underemployed or unemployed without good cause, it may impute income at the level that parent is capable of earning based on their education, training, and work history.

The combined monthly net income of both parents enters the Nebraska guideline table to produce a base support obligation. Each parent's percentage share of the combined net income determines their proportional obligation.

Low-income protection: Nebraska's basic subsistence limitation (Neb. Ct. R. § 4-218) prevents a support, child care, and health care obligation from reducing the paying parent's net income below a poverty-guideline floor ($1,330 net per month for one person under the 2024 update, adjusted as the federal poverty guidelines change), though a minimum order may still be set under § 4-209. If your income is near this level, the limitation, not the table, may control your number.

Section 5 — Shared Parenting

Nebraska handles shared parenting through Worksheet 3, the joint physical custody calculation. When the court orders joint physical custody and each parent's parenting time exceeds 142 days per year, there is a rebuttable presumption that support is calculated on Worksheet 3 (Neb. Ct. R. § 4-212). When one parent's time falls between 109 and 142 days, using Worksheet 3 is at the court's discretion. A day is generally defined as including an overnight period.

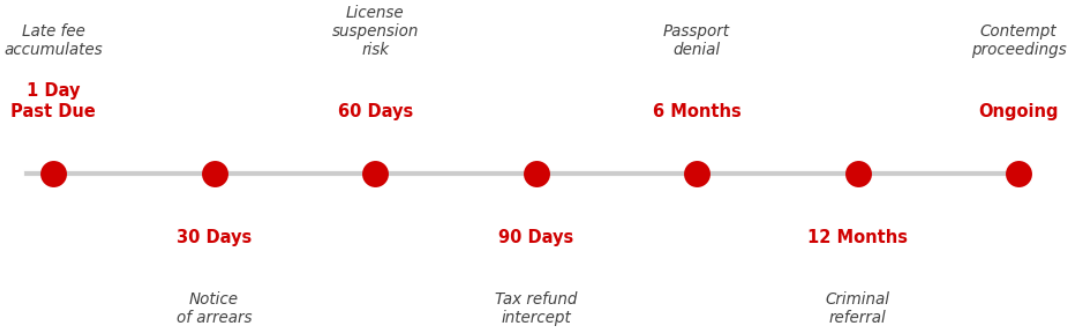
How the calculation works: Worksheet 3 computes each parent's obligation using both incomes and the time split, and the difference becomes the transfer payment, which typically lands well below a sole-custody calculation. Separately, when parenting time substantially exceeds alternating weekends and holidays and reaches 28 days or more in any 90-day period, the court may abate support by up to 80% during those extended periods (Neb. Ct. R. § 4-210).

Documenting overnights: Keep a detailed parenting time calendar. Courts expect documentary evidence of the actual parenting schedule. A parenting time log signed by both parties is ideal; failing that, keep text messages, school pickup records, or other contemporaneous evidence.

Equal custody situations: When parents share custody at or near 50/50 under a joint physical custody order, Worksheet 3 governs: each parent's obligation to the other is calculated and the higher-income parent pays the difference. This significantly reduces the payment compared to primary-custody calculations.

Adding new children: Court-ordered support for a child born after the original order is an allowable deduction from gross income. New children do not automatically reduce your obligation. You must file for modification.

Nebraska - Enforcement Escalation Timeline



Section 6 — Enforcement

Nebraska's enforcement arsenal includes income withholding, license suspension, credit reporting, passport denial, contempt, and criminal prosecution. DHHS CSE administers most enforcement actions for IV-D cases.

Income withholding: All Nebraska child support orders include a mandatory income withholding provision. The employer sends payments directly to the NCSPC. If you change jobs, notify the court and DHHS CSE immediately.

License suspension: Under Neb. Rev. Stat. § 43-3318, when more than three months of past-due support is owed, the state may move to suspend your driver's license (commercial licenses excepted), recreational licenses, and professional licenses. You will receive notice and roughly a month (31 days from issuance) to request review, come into compliance, or enter a payment plan before certification proceeds. A payment plan keeps your licenses active.

Credit reporting: Arrears of $1,000 or more are reported to the three major credit bureaus. This can affect your ability to get a mortgage, car loan, or apartment.

Tax intercept: State and federal tax refunds are intercepted for arrears balances. Both state income tax refunds and federal IRS refunds are subject to intercept through the Federal Tax Refund Offset Program.

Passport denial: Arrears of $2,500 or more trigger a passport denial flag through the federal child support system. You will not be able to obtain or renew a U.S. passport while this flag is active.

Contempt of court: Willful non-payment is punishable as contempt of court. The court may impose fines or jail time. Contempt requires showing that you had the ability to pay and refused.

Criminal prosecution: Under Neb. Rev. Stat. § 28-706, intentionally failing to provide support you know you owe is criminal nonsupport, a Class II misdemeanor as a baseline. It becomes a Class IV felony, carrying up to 2 years in prison, when the nonsupport violates a court order. There is no minimum dollar amount or month count; the order violation itself elevates the charge.

Interest on arrears: Delinquent Nebraska support draws simple interest at the judgment rate under Neb. Rev. Stat. § 42-358.02 and § 45-103, using the rate in effect on the date of the most recent order (roughly 6.4% per year as of late 2024; the rate floats). Interest does not begin until a payment is 30 days delinquent. Check with DHHS CSE for the rate applied to your account.

Section 7 — Emergency Protocols

Emergency Protocols — Nebraska

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File a Complaint for Modification with the District Court today. Do not wait.

Your modification generally reaches back no further than the first day of the month after you file, and never before the filing date; every day you delay costs you money.

Simultaneously contact DHHS CSE at (877) 631-9973 to report the income change.

If your case is a IV-D case and 36 months have passed, request an emergency administrative review.

Keep paying what you can. Partial payments reduce arrears accumulation and show good faith to the court.

Bring documentation of the job loss, termination letter, final pay stub, unemployment claim confirmation.

EMERGENCY PROTOCOL 2: YOUR LICENSE IS ABOUT TO BE SUSPENDED

Contact DHHS CSE immediately at (877) 631-9973.

You have roughly a month from the notice (31 days from issuance) to request review, pay the arrears, or enter a payment plan.

Negotiate a payment plan in writing. Get confirmation of the agreed amount and due dates.

If you cannot pay in full, document your current income and expenses and propose a realistic plan.

Once a plan is in place and confirmed, DHHS CSE will hold the suspension.

File for modification simultaneously if your income has changed, license relief alone does not reduce future obligations.

EMERGENCY PROTOCOL 3: A FELONY CHARGE IS THREATENED

Contact a family law attorney immediately, do not wait for charges to be filed.

Gather complete payment records from the NCSPC showing every payment you have made.

Document any periods when you were genuinely unable to pay due to job loss or medical emergency.

Willful non-payment is the key element, inability to pay is a defense, but you must prove it.

Neb. Rev. Stat. § 28-706 elevates nonsupport to a Class IV felony when it violates a court order; there is no minimum dollar threshold.

Entering a payment plan and making payments before charges are filed can prevent prosecution.

EMERGENCY PROTOCOL 4: THE OTHER PARENT MOVED OUT OF STATE

Nebraska courts retain jurisdiction if the child remains in Nebraska or if the order was entered here.

File a Motion to Modify in the Nebraska District Court where the order was entered.

DHHS CSE can pursue interstate enforcement under UIFSA (Neb. Rev. Stat. §§ 42-701 et seq.).

Contact DHHS CSE at (877) 631-9973 to initiate an interstate case.

Do not stop paying during jurisdiction disputes, arrears continue to accrue.

Keep records of all payments and communications during the interstate process.

EMERGENCY PROTOCOL 5: YOUR INCOME DROPPED MORE THAN 10%

If the recalculation moves the number by 10% or more (and at least $25) and the change has lasted three months with six more expected, the § 4-217 presumption means you likely qualify for modification now.

File the Complaint for Modification immediately; the new amount can generally start no earlier than the first of the month after filing.

Calculate the new guideline amount using the Nebraska Child Support Guidelines schedule.

Bring documentation of the income drop: pay stubs showing both old and new income, employer letter, or tax returns.

If 36+ months have passed since your last review, request an administrative review through DHHS CSE.

The court can set a temporary order pending the hearing if your situation is urgent.

EMERGENCY PROTOCOL 6: YOUR CHILD TURNED 18 AND SUPPORT CONTINUES

Nebraska's age of majority is 19, not 18. Support continues until the child turns 19.

If the original order specifies 18, file a motion to clarify. Do not stop paying unilaterally.

Support terminates automatically at 19 unless the order provides otherwise.

High school graduation before 19 does not automatically terminate support.

Contact DHHS CSE at (877) 631-9973 to confirm the termination date on your account.

Once support terminates, get a written confirmation from the court and DHHS CSE for your records.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Complaint for Modification and request formal financial discovery.

Subpoena bank records, tax returns, business records, and employer pay stubs through District Court.

If the other parent is self-employed, request three years of tax returns and a profit-and-loss statement.

DHHS CSE can assist in income verification for IV-D cases, contact (877) 631-9973.

Courts can impute income if they find deliberate underreporting.

Document any visible indicators of income, social media posts, property purchases, lifestyle evidence.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: calculation model, modification threshold, agency contact, financial form, court type, shared parenting trigger, age of majority, license suspension threshold, criminal penalty, and retroactivity rule.

Section 9 — Resources and Special Considerations

DHHS Child Support Enforcement (CSE):(877) 631-9973, statewide IV-D enforcement and administrative reviews

Nebraska Child Support Payment Center (NCSPC): Processes all payments, keep every receipt

Nebraska Judicial Branch:supremecourt.nebraska.gov, Financial Affidavit and Complaint for Modification forms

Nebraska Legal Aid:(877) 250-2016, free legal assistance for low-income parents

District Court filing fee: Typically $80–$100 (varies by county)

4-year guideline review cycle: Nebraska updates its guidelines every four years through the Child Support Advisory Commission, check whether a recent update affects your calculation

Step-parent income: Not included in the guideline calculation

Children's health care costs: The guideline amount already builds in the first $480 per child per year of out-of-pocket health care. Nonreimbursed, reasonable health care expenses above $480 per child per year are allocated between the parents, and in IV-D cases cash medical support may be ordered instead, subject to the § 4-218 subsistence floor (Neb. Ct. R. § 4-215). Keep receipts and request allocation promptly.

IV-D administrative review: Available after 36 months without a court filing, contact DHHS CSE to initiate

Neb. Rev. Stat. § 42-364 and Neb. Ct. R. §§ 4-201 to 4-220: Core authority for judicial modification and the guideline rules; IV-D administrative reviews run through DHHS CSE

Nebraska's 10%-or-$25 presumption (Neb. Ct. R. § 4-217) works in your favor when incomes shift durably. File early. Because the effective date ordinarily cannot reach back before the month after filing, delay is expensive.

Military families and interstate cases: Nebraska is home to Offutt Air Force Base near Bellevue, headquarters of U.S. Strategic Command, and servicemember cases bring military pay structures (BAH, BAS, special pays) and SCRA protections that change both the income calculation and hearing timelines. Chapter 51 — Military Service covers these rules in detail; Chapter 52 covers interstate enforcement and modification under UIFSA (adopted in Nebraska at Neb. Rev. Stat. §§ 42-701 et seq.).

End of Chapter 27 — Nebraska | Chapter 28 — Nevada follows.

Chapter 28 — Nevada

State	Nevada
Calculation Model	Percentage of Income, non-custodial parent's gross income only
Key Statute	NRS Chapter 125B (guidelines); NRS 125.510 (modification)
Modification Threshold	Substantial change in circumstances (no fixed percentage)
Agency	Child Support Enforcement Program (CSEP), DWSS, (800) 992-0900
Financial Form	Financial Disclosure Form (FDF)
Court	District Court
Retroactivity	Back to the filing date of the motion to modify
Shared Parenting	No automatic credit, court discretion for substantial parenting time

Age of Majority	18
License Suspension	$1,000 in arrears or 30 days past due
Criminal Penalty	Category C or D felony (NRS 201.020) $10,000+ or sustained non-payment
Interest on Arrears	10% per year
3-Year Review	Yes, 36-month review for IV-D cases

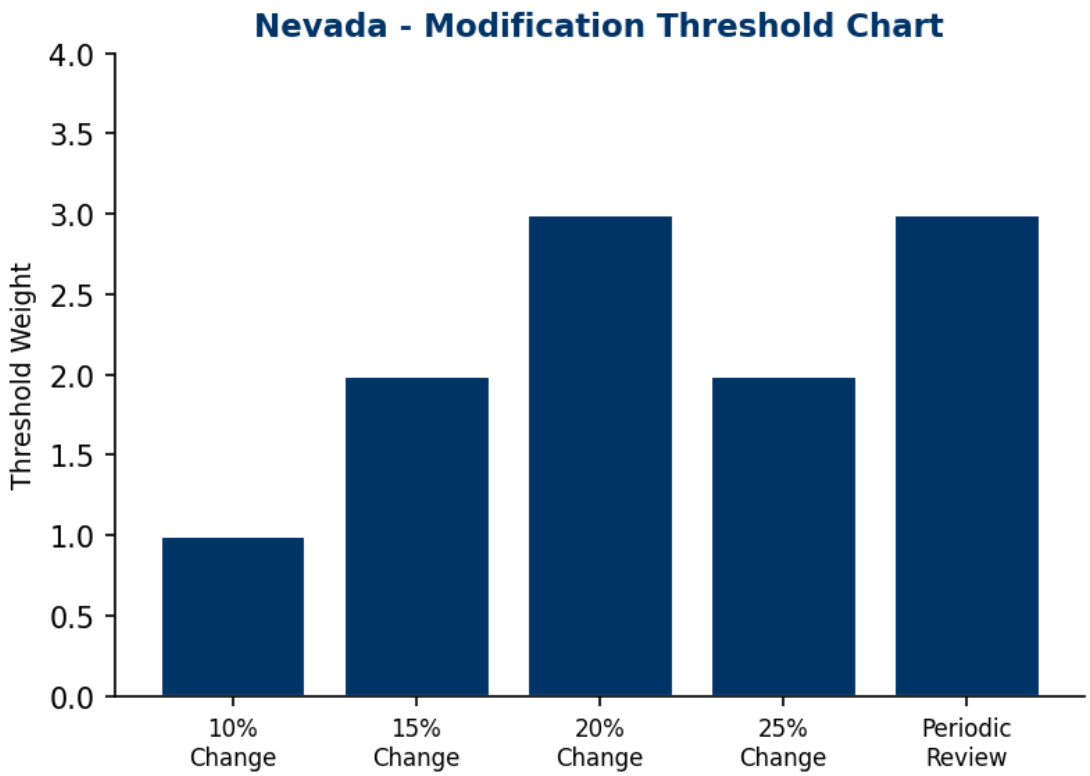
Section 1 — Overview

Nevada bases the guideline calculation on the obligor's gross monthly income alone. Since February 1, 2020, the governing rules live in the Nevada Administrative Code, Chapter 425, which replaced the old flat percentages of NRS Chapter 125B. The custodial parent's income does not enter the base formula, though it matters in two places: joint physical custody, where each parent's obligation is calculated and the two amounts are offset, and deviation requests under NAC 425.150.

Nevada's current schedule under NAC 425.140 uses marginal brackets rather than a single flat percentage. For one child, the obligation is 16% of the first $6,000 of the obligor's gross monthly income, plus 8% of any income between $6,000 and $10,000, plus 4% of income above $10,000. For two children the brackets are 22%/11%/6%; for three, 26%/13%/6%; for four, 28%/14%/7%; and each additional child adds 2% to the first bracket, 1% to the second, and 0.5% to the third. The pre-2020 percentages (18% for one child, 25% for two, and so on) no longer apply.

Nevada pairs a general standard with a bright-line trigger. Under NRS 125B.145, an order may be reviewed at least every three years on request, and a change of 20% or more in the obligor's gross monthly income is deemed a change of circumstances requiring review. Outside those triggers, courts look for a substantial change in circumstances, with a large income drop or a significant shift in the child's needs the most common qualifying events.

The Child Support Enforcement Program (CSEP), administered through the Division of Welfare and Supportive Services (DWSS), handles IV-D enforcement. All payments in IV-D cases flow through the State Disbursement Unit. Keep records of every payment.



Section 2 — Grounds for Modification

Nevada's modification rules are set out in NRS 125B.145. Two paths exist: any party may request a review of the order every three years without proving anything changed, and at any time a change of 20% or more in the obligor's gross monthly income is deemed changed circumstances requiring a review. Other substantial changes in circumstances also qualify, judged on the facts of your case.

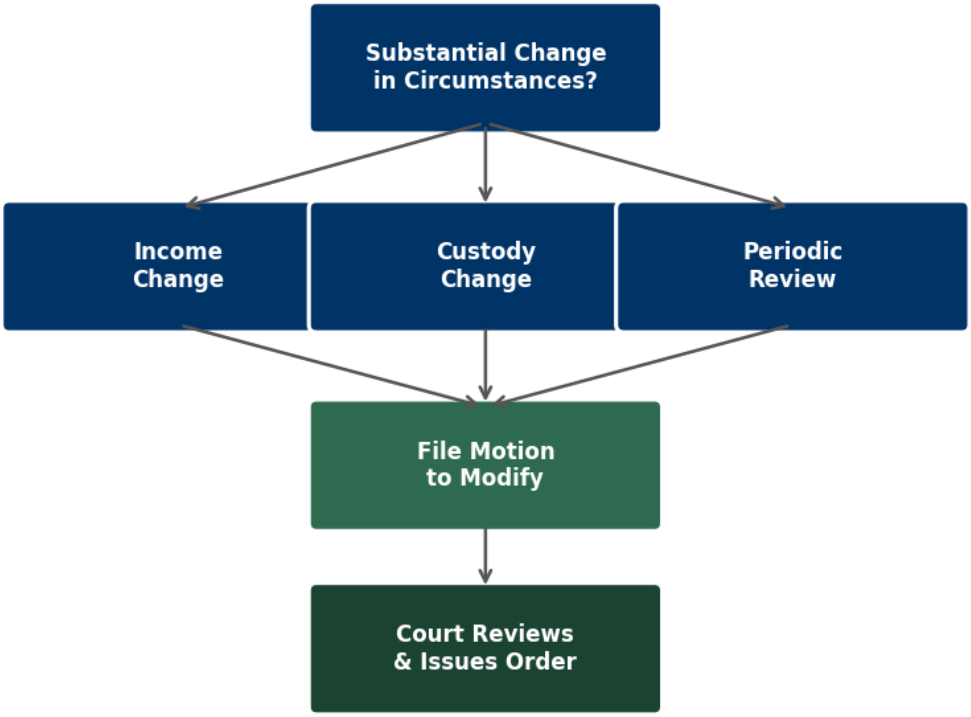
What qualifies: A change of 20% or more in the paying parent's gross monthly income, up or down (deemed changed circumstances under NRS 125B.145). A significant reduction in the paying parent's income, job loss, reduction in hours, disability, or medical condition. A significant increase in the paying parent's income (the receiving parent may seek upward modification). A substantial increase in the child's needs, medical expenses, educational costs, special care requirements. The child's custody arrangement has changed. The child has been emancipated or reaches 18 (19 if still enrolled in high school). A new child for whom you have a legal support obligation (courts treat this with discretion. It does not automatically reduce Nevada support). The three-year review window has opened.

What does not qualify: Voluntary income reduction without legitimate reason. Temporary fluctuations in income. Remarriage alone. Moving to a higher-cost city without a corresponding income change. Wanting a lower payment without a documented triggering event.

Income defined: Gross income under the Nevada Percentage of Income model means all income before deductions, wages, salary, tips, bonuses, commissions, overtime (if regular), self-employment net, rental income, investment income, disability, Social Security, workers' compensation, and unemployment.

Income cap and step-down: The percentages are marginal. The base rate applies to the first $6,000 of gross monthly income, a lower rate applies between $6,000 and $10,000, and a still lower rate applies above $10,000 (for one child: 16%, then 8%, then 4%). There is no income cap; the top bracket runs on all income above $10,000 per month. Courts may adjust the result up or down through the deviation factors in NAC 425.150 based on the child's needs and each party's circumstances.

Nevada - Modification Trigger Flowchart



Section 3 — Step-by-Step: How to File

In Nevada, modification is filed as a Motion to Modify Child Support in the District Court that issued the original order. Nevada also offers a three-year administrative review through CSEP for qualifying IV-D cases under NRS 125B.145.

Step 1 — Gather your financial documentation: Collect your last two pay stubs, your two most recent federal tax returns, and documentation of all income sources. If self-employed, prepare a profit-and-loss statement for the past 12 months and bring three years of tax returns to your hearing.

Step 2 — Complete the Financial Disclosure Form (FDF): Nevada requires both parties to file a Financial Disclosure Form. Download the current FDF from the Nevada Supreme Court Law Library or the Clark/Washoe County District Court self-help center. Complete every section, leave no blanks.

Step 3 — File the Motion to Modify: File a Motion to Modify Child Support in the District Court where the original order was entered. Pay the filing fee. Your modification can reach back only to the date notice is given that the motion was filed (NRS 125B.140), so file as soon as your circumstances change. Installments that accrued before then are fixed; Nevada courts will not backdate a modification to before you filed.

Step 4 — Serve the other parent: Serve the other party with the motion, supporting documents, and any required hearing notice. Service must comply with Nevada Rules of Civil Procedure. File your proof of service with the court before the hearing.

Step 5 — Exchange financial disclosures: Both parties must exchange Financial Disclosure Forms before the hearing. Review the other party's FDF carefully. Prepare a calculation showing what the guideline amount would be under the current income figures.

Step 6 — Attend the hearing: Appear in District Court with your FDF, all income documentation, and evidence of the change in circumstances. The judge will apply the NAC 425.140 brackets to your current gross income and issue a modified order if the 20% trigger or a substantial change is shown.

IV-D alternative: If your case is a IV-D case and three years have passed since the last review, or your gross monthly income has changed by 20% or more, contact CSEP at (800) 992-0900 to request an administrative review. CSEP will recalculate using current income and issue an administrative order.

Section 4 — Income Calculation

Nevada applies the NAC 425.140 brackets to the obligor's gross monthly income to produce the base support obligation. The custodial parent's income enters the math only in joint physical custody cases, where each parent's obligation is computed and offset.

Gross income includes: Wages, salary, tips, bonuses (regular), commissions, overtime (if regular and recurring), self-employment net income, rental income, interest and dividends, alimony received, workers' compensation, disability, Social Security (including SSDI), unemployment benefits, and pension payments.

Self-employment: Net income from self-employment after legitimate business expenses. Courts scrutinize Schedule C deductions. Bring three years of tax returns. Courts may add back excessive depreciation, personal expenses, and non-cash deductions.

Income bands: The brackets are marginal and set by NAC 425.140: for one child, 16% of the first $6,000 of gross monthly income, 8% of income between $6,000 and $10,000, and 4% above $10,000 (two children: 22%/11%/6%; three: 26%/13%/6%; four: 28%/14%/7%; each additional child adds 2%/1%/0.5%). A separate low-income schedule, published annually by the

Administrative Office of the Courts, applies when the obligor's economic circumstances limit ability to pay.

Low-income protection: If your economic circumstances limit your ability to pay the standard amount, NAC 425.145 requires the obligation to be set from a separate low-income schedule tied to the federal poverty guidelines and published by the Administrative Office of the Courts by March 31 each year. If your gross monthly income falls below the schedule's lowest level, the court sets an amount based on your total economic circumstances, balancing your need for self-support against the duty to support your child. A separate rule, NAC 425.155, allows review of the order if the obligor is incarcerated or involuntarily institutionalized for 180 consecutive days or more.

Imputed income: If the court finds you voluntarily underemployed or unemployed without good cause, it may impute income at the level you are capable of earning based on your work history, education, and local job market.

Custodial parent income: Not used in the base guideline calculation. It becomes relevant in joint physical custody, where both parents' obligations are calculated and offset, and courts may weigh each party's circumstances when considering a deviation under NAC 425.150.

Section 5 — Shared Parenting

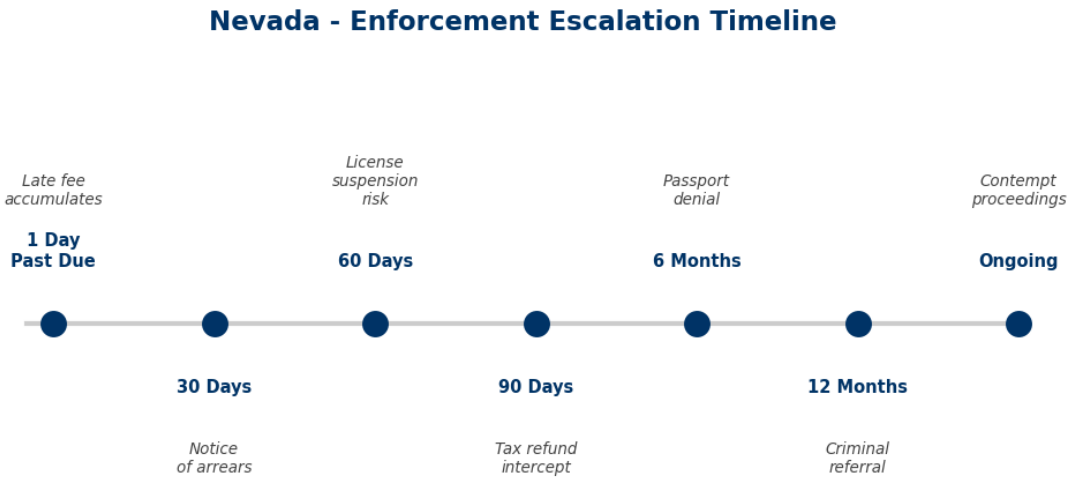
Nevada codified its shared-custody math in the 2020 guidelines. In joint physical custody, generally meaning each parent has the child at least 40% of the time (about 146 days a year, the line drawn by the Nevada Supreme Court in Rivero v. Rivero and refined in Bluestein v. Bluestein), each parent's guideline obligation is calculated under NAC 425.140 and the two amounts are offset: the parent with the higher obligation pays the other the difference. Below the joint-custody line there is no automatic parenting-time credit, though courts retain discretion to deviate.

How courts handle substantial parenting time: If your time falls short of joint physical custody, the offset does not apply automatically. The court may still deviate downward from the guideline under NAC 425.150 when you exercise substantial parenting time, but you must raise the deviation explicitly and document the time.

50/50 arrangements: True shared custody is the clearest case for the offset: each parent's obligation is computed under the schedule and the parent with the higher obligation pays the difference. The offset is built into NAC 425.115, there is no longer a judgment call about method. Document your actual parenting time and the direct expenses you incur during your time with the child.

Documenting parenting time: Keep a calendar of all overnights. Save receipts for expenses incurred during your parenting time, food, clothing, activities, school supplies, transportation. These are your evidence for a downward deviation request.

Primary vs. shared custody: If custody changes from primary to shared or shared to primary, that is a substantial change in circumstances supporting modification regardless of the income change.



Section 6 — Enforcement

Nevada has a full enforcement toolkit administered by CSEP and the District Courts. Non-payment triggers swift administrative action.

Income withholding: All Nevada child support orders include mandatory income withholding. Payments go to the State Disbursement Unit. If you change employers, notify CSEP immediately at (800) 992-0900.

License suspension: CSEP may move to suspend your driver's license and other licenses when your arrears equal two months of payments or $1,000, whichever is less (NRS 425.510). You receive written notice and roughly 30 days to pay the arrearage, enter a payment plan, or request a hearing before the agency reports you to the DMV.

Credit reporting: Child support arrears are reported to the credit bureaus under the federal reporting requirement (42 U.S.C. § 666(a)(7)). This affects your ability to borrow, rent housing, or maintain security clearances.

Tax intercept: State and federal tax refunds are intercepted for arrears through the tax offset program. Both Nevada state refunds and federal IRS refunds are subject to intercept.

Passport denial: Arrears of $2,500 or more trigger a U.S. passport denial through the Federal Child Support Enforcement program.

Contempt of court: Willful non-payment is punishable as contempt. Courts may impose fines or incarceration. You must show inability (not just difficulty) to avoid a contempt finding.

Criminal prosecution: Under NRS 201.020, willful failure to provide support is a misdemeanor at the baseline. It becomes a Category C felony (1 to 5 years, fine up to $10,000) when arrears total $10,000 or more, or on a second or subsequent violation with arrears of $5,000 or more.

Interest on arrears: Unpaid support draws interest at Nevada's judgment rate (the prime rate at the state's largest bank plus 2%, adjusted each January and July under NRS 99.040), and a separate penalty of 10% per year is added to any installment delinquent a month or more under NRS 125B.095. Together they make arrears grow fast, do not let balances sit unpaid.

Section 7 — Emergency Protocols

Emergency Protocols — Nevada

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File a Motion to Modify Child Support in the District Court today. Do not wait.

Your modification will only be retroactive to the filing date, every day of delay is money you will owe.

Contact CSEP at (800) 992-0900 to report the income change for your IV-D case.

Request an emergency motion for a temporary order if you can show immediate and severe hardship.

Keep paying what you can while the motion is pending, partial payments reduce arrears and show good faith.

Bring documentation: termination letter, final pay stub, unemployment claim confirmation.

EMERGENCY PROTOCOL 2: YOUR LICENSE IS ABOUT TO BE SUSPENDED

Contact CSEP immediately at (800) 992-0900, suspension is triggered when arrears reach two months of payments or $1,000, whichever is less.

You have a window to pay or enter a payment plan before suspension takes effect.

Negotiate a written payment plan with CSEP. Get confirmation of the agreed amount and schedule.

Once a plan is confirmed, CSEP will hold the suspension while you comply.

File for modification simultaneously if your income has changed, license relief alone does not reduce future obligations.

If your license is already suspended, do not drive. A driving-while-suspended conviction will complicate your case.

EMERGENCY PROTOCOL 3: A FELONY CHARGE IS THREATENED

Contact a Nevada family law attorney immediately, do not wait for charges to be filed.

Gather complete payment records from the State Disbursement Unit showing every payment made.

Document periods of genuine inability to pay, job loss records, medical records, bank statements.

NRS 201.020 makes willful non-support a misdemeanor; it becomes a Category C felony at $10,000 in arrears, or $5,000 on a repeat violation. "Willful" is the key element.

Inability to pay is a defense, involuntary unemployment or disability undercuts the willfulness element.

Entering a payment plan and making consistent payments before charges are filed can prevent prosecution.

EMERGENCY PROTOCOL 4: THE CUSTODIAL PARENT IS RELOCATING WITH YOUR CHILD

File an Emergency Motion to Prevent Relocation in the District Court immediately.

Nevada requires the relocating parent to provide notice and, in contested cases, seek court approval.

A relocation may significantly affect your parenting time and is a substantial change supporting modification.

Contact a family law attorney within 24 hours, relocation orders move quickly.

Continue paying support during any custody dispute. Non-payment will be used against you.

Request a hearing on both the relocation and any modification of the custody and support order.

EMERGENCY PROTOCOL 5: YOUR INCOME DROPPED SIGNIFICANTLY

Nevada gives you a bright-line trigger: a 20% or greater change in gross monthly income is deemed changed circumstances requiring review (NRS 125B.145). A large income drop is the clearest path to modification.

File the Motion to Modify immediately, retroactivity runs from the filing date.

Calculate what your new obligation would be under the NAC 425.140 brackets at your new income.

Bring documentation of the income drop: pay stubs, employer letter, medical records if disability-related.

If 36+ months have passed, you can also request an administrative review through CSEP at (800) 992-0900.

Ask the court to set a temporary order at the new level pending the full hearing.

EMERGENCY PROTOCOL 6: ARREARS ARE GROWING AND YOU CANNOT CATCH UP

Contact CSEP at (800) 992-0900 immediately to discuss a payment plan on the arrears.

File a motion for modification if your current income cannot support the existing order.

Between judgment interest under NRS 99.040 and the 10% annual penalty under NRS 125B.095, Nevada arrears grow fast, address them now.

Lump-sum payments significantly reduce the interest accrual, pay down arrears as fast as possible.

Ask CSEP about a compromise of arrears if you can make a substantial payment. This is rare but possible.

Keep records of every payment, the State Disbursement Unit is the official record, but your own records protect you.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Motion to Modify and request formal financial discovery through the District Court.

Subpoena the other parent's tax returns, bank records, business filings, and employer pay stubs.

If the other parent is self-employed, request three years of federal tax returns and business records.

Courts can impute income based on earning capacity if deliberate underreporting is shown.

Document visible indicators of income, social media, property purchases, lifestyle evidence.

CSEP can assist with income verification for IV-D cases, contact (800) 992-0900.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: calculation model, modification threshold, agency contact, financial form, court type, shared parenting approach, age of majority, license suspension threshold, criminal penalty, and retroactivity rule.

Section 9 — Resources and Special Considerations

Child Support Enforcement Program (CSEP), DWSS:(800) 992-0900, IV-D enforcement and administrative reviews

Clark County District Court Self-Help Center: familylawselfhelpcenter.org, forms and filing guidance

Washoe County District Court Self-Help Center: Available for northern Nevada residents

Nevada Legal Services:(800) 323-8666, free legal help for low-income parents

Guideline text and schedules: NAC Chapter 425 at leg.state.nv.us, plus the annual low-income schedule published by the Administrative Office of the Courts

State Disbursement Unit: Processes all IV-D payments, keep every receipt

Calculation model: The base obligation is driven by the obligor's gross monthly income under the NAC 425.140 brackets; the custodial parent's income matters only for the joint-custody offset and deviation factors

Income bands: Marginal rates step down above $6,000/month and again above $10,000/month (one child: 16%/8%/4%), confirm the current schedule and the annual low-income schedule

Unreimbursed medical expenses (the 30/30 rule): Nevada courts routinely order parents to split a child's unreimbursed medical costs equally. Under the standard "30/30" language, the parent who pays a bill must send proof to the other parent within 30 days of payment, and the other parent then has 30 days to reimburse half or dispute the charge. Miss your 30-day window to send proof and you may forfeit reimbursement; ignore a valid request and you risk contempt. The rule comes from standard order language rather than a statute, so check your own order's wording.

NRS Chapter 125B: Still the core statute for the duty of support, enforcement, interest, and penalties, but the calculation rules now live in NAC Chapter 425, read them together

36-month IV-D review: Available for qualifying cases, contact CSEP to initiate without going to court

Military and interstate cases: Nevada hosts Nellis Air Force Base, Creech Air Force Base, and Naval Air Station Fallon. If either parent is an active-duty servicemember, see Chapter 51 — Military Service for SCRA protections and military pay calculation. If the other parent lives outside Nevada, enforcement and modification run through UIFSA, adopted in Nevada as NRS Chapter 130; see Chapter 52.

Nevada now gives you both a bright-line trigger and a judgment call: a 20% change in gross monthly income compels a review, while anything short of that rests on "substantial change" and the strength of your documentation. File early, document everything, and do not wait for CSEP to act, the initiative is yours.

End of Chapter 28 — Nevada | Chapter 29 — New Hampshire follows.

Chapter 29 — New Hampshire

State	New Hampshire
Calculation Model	Income Shares, adjusted gross income
Key Statute	RSA 458-C (guidelines); RSA 458:17 (modification)
Modification Threshold	15% change in guideline amount OR 3-year review

Agency	Division of Child Support Services (DCSS), DHHS, (603) 271-4427
Financial Form	Financial Statement (NHJB-2070-F)
Court	Circuit Court, Family Division
Retroactivity	Back to the filing date of the motion to modify
Shared Parenting	Cross-credit formula at near-equal parenting time; no automatic credit below that threshold
Age of Majority	18, or upon high school graduation, not to exceed age 21
License Suspension	$1,000 in arrears or 60 days past due
Criminal Penalty	Class B misdemeanor at $500+ arrears; escalates to felony at higher amounts
Interest on Arrears	RSA 336:1 statutory judgment rate, approximately 6% per year
3-Year Review	Yes, 3-year review available without showing any change in circumstances

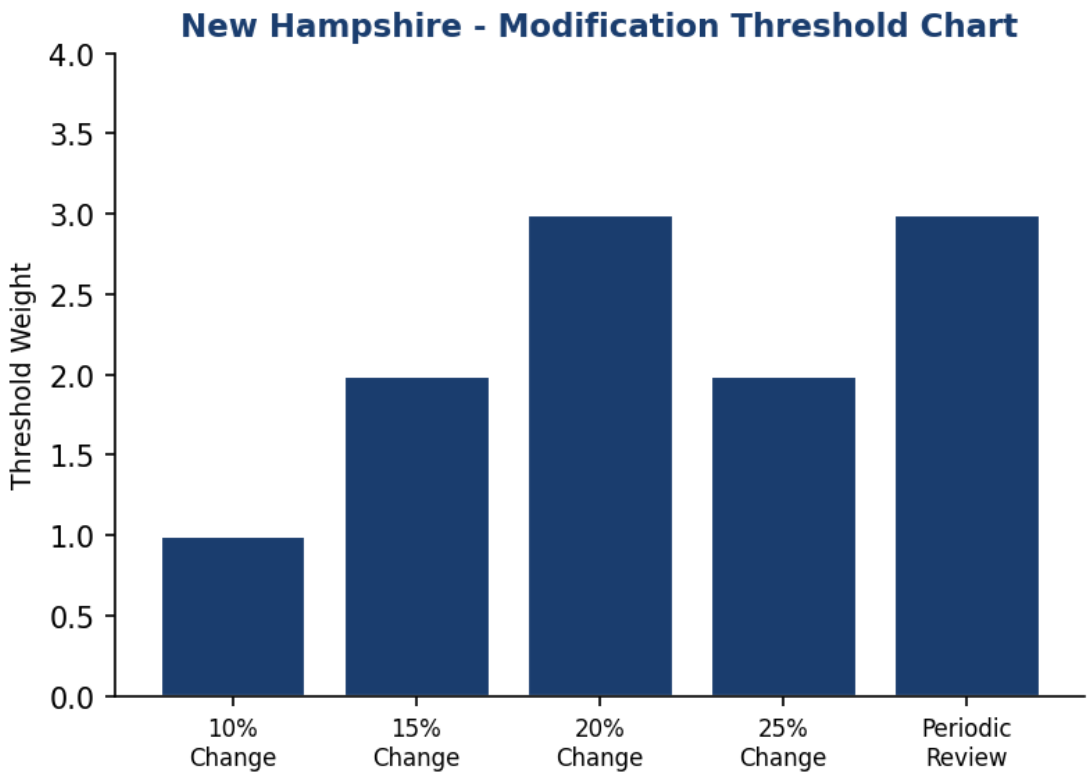
Section 1 — Overview

New Hampshire calculates support from both parents' combined net income under RSA 458-C. Each parent's adjusted gross income is converted to net income using standardized deductions, combined, and multiplied by a guideline percentage that varies with both income level and the number of children under the table adopted in 2022 (effective for orders issued on or after January 1, 2023). Each parent is then responsible for a share in proportion to income. Modification standards are set by RSA 458-C:7.

New Hampshire has no percentage trigger for modification. Within 3 years of the last order, the moving party must show a substantial change in circumstances that makes continuing the original order improper and unfair. A sustained pay cut, a new child support obligation, or the other parent's substantial income increase can each qualify, but the call belongs to the judge, so documentation matters.

New Hampshire also provides a separate 3-year review right under RSA 458-C:7: every 3 years, either party may apply for modification without showing any change in circumstances. If 3 years have passed since your last order, you can request a recalculation simply by asking, no threshold required.

The Division of Child Support Services (DCSS), within the Department of Health and Human Services, administers IV-D enforcement. All IV-D payments route through the State Disbursement Unit. If your case is not IV-D, you manage payment logistics through the court.



Section 2 — Grounds for Modification

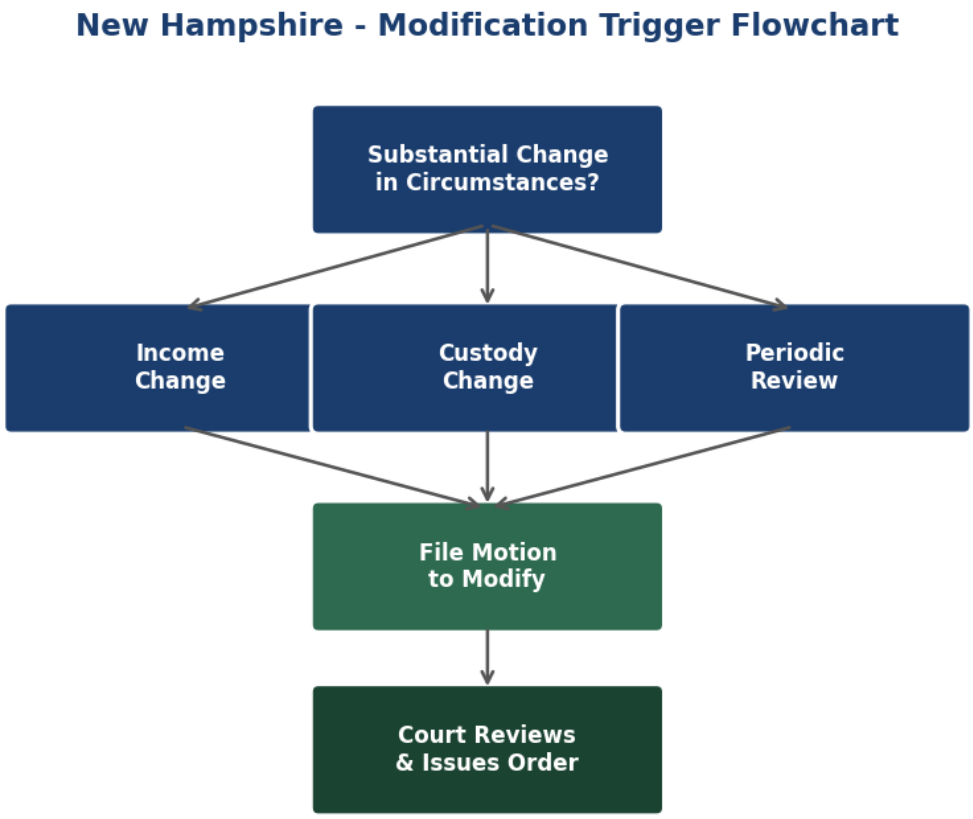
Modification requires a showing under RSA 458-C:7 that there has been a substantial change in circumstances making the existing order improper and unfair, or the passage of 3 years since the last order, in which case no change need be shown.

What qualifies: Significant job loss or reduction in income. A new legal child support obligation for another child. Substantial increase in the child's needs. A material change in the child's custody or parenting arrangement. The passage of 3 years since the last order (no change showing required). A medical condition or disability affecting income. The other parent's income has increased substantially, supporting upward modification.

What does not qualify: Voluntary income reduction without legitimate reason. Temporary or short-term fluctuations in income. Remarriage of either parent alone. Unhappiness with the current amount without a documented triggering event. Arrears already accrued, modification is prospective only from the filing date.

Net income, not gross: New Hampshire runs the guideline on net income. Each parent's adjusted gross income (gross income less items such as court-ordered support actually paid, 50% of self-employment tax, and mandatory, not discretionary, retirement contributions) is reduced to net income using standardized deductions under RSA 458-C:2 before entering the calculation.

Income sources included: Wages, salary, tips, bonuses, commissions, regular overtime, self-employment net income, rental income, investment income, workers' compensation, disability benefits, unemployment, Social Security (including SSDI), alimony received, and pension payments.



Section 3 — Step-by-Step: How to File

In New Hampshire, modification is filed in the Circuit Court, Family Division. Most New Hampshire modifications run 30 to 60 days from filing to order. For IV-D cases, DCSS can assist with the 3-year administrative review pathway.

Step 1 — Gather your financial documentation: Collect your last two pay stubs, your two most recent federal tax returns, W-2 forms, and records of all income sources. If self-employed, prepare a profit-and-loss statement for the current and prior two years. Gather documentation of any mandatory retirement contributions you make.

Step 2 — Complete the Financial Affidavit (NHJB-2065-F): New Hampshire requires the Financial Affidavit form NHJB-2065-F from both parties. Download it from the New Hampshire Judicial Branch website (courts.nh.gov). Complete every section accurately, the court uses this form to calculate the guideline amount.

Step 3 — File the Motion to Modify: File a Motion to Modify Child Support in the Circuit Court, Family Division that has jurisdiction over your case. Pay the filing fee. Your modification will be retroactive only to this filing date, so file as soon as your circumstances change.

Step 4 — Serve the other parent: Serve the other parent with the motion and notice of hearing pursuant to New Hampshire Rules of Civil Procedure. File your proof of service with the court before the hearing date.

Step 5 — Exchange financial disclosures: Both parties must exchange completed Financial Affidavits (NHJB-2065-F) before the hearing. Review the other party's form carefully. Prepare a comparison showing the current order versus the proposed new guideline amount using today's income figures.

Step 6 — Attend the hearing: Appear in the Family Division with your Financial Affidavit, all supporting documentation, and any evidence of changed circumstances. The judge will calculate the guideline using both parties' net incomes and enter a modified order if a substantial change is established (or recalculate as of right if 3 years have passed).

3-Year review alternative: If your case qualifies and 3 years have passed, contact DCSS at (603) 271-4427 to request an administrative review. DCSS will recalculate using current incomes. You may also file in court for a 3-year review without showing a specific change.

Section 4 — Income Calculation

New Hampshire combines both parents' net incomes. The combined total enters the RSA 458-C guideline table, which applies a percentage that varies by income level and number of children, to produce a total support obligation divided in proportion to each parent's share of the combined income.

Gross income includes: Wages, salary, tips, bonuses (regular), commissions, overtime (if regular and recurring), self-employment net income, rental income, interest and dividends, workers' compensation, disability payments, Social Security (SSDI), unemployment, pension distributions, and alimony received.

Allowable adjustments (deductions from gross): Court-ordered support for other children actually paid (documented by existing orders), mandatory retirement contributions required as a condition of employment (not elective contributions), 50% of self-employment tax, and court-ordered alimony payments. Federal income tax and FICA come out through the standardized net-income conversion.

Self-employment: Net income from business operations after legitimate, documented business expenses. Courts may disallow excessive depreciation, personal expenses, and non-cash deductions. Bring three years of federal tax returns and a current profit-and-loss statement.

Add-ons to the base obligation: Health insurance premiums for the child, work-related childcare costs, and extraordinary medical expenses are allocated proportionally between parents based on their income shares. These are added to the base calculation and are modifiable separately.

No high-income cap: The guideline table has no income ceiling. Instead, the percentage applied declines as combined net income rises (for one child, from 25.6% at the lowest bracket down to 19% at the top of the post-2023 table), and courts may adjust the presumptive amount under RSA 458-C:5 when special circumstances exist.

Imputed income: If a parent is voluntarily underemployed or unemployed without good cause, the court may impute income based on earning capacity, education, work history, and the local job market.

Low-income protection:RSA 458-C builds in a self-support reserve equal to 115% of the federal poverty guideline for a single person living alone. If the paying parent's income is at or below the reserve, the presumptive order is a minimum of $50 per month; close to the reserve, the court adjusts the obligation so it does not push the parent below it. Document your income precisely if you are near this line.

Section 5 — Shared Parenting

New Hampshire's shared parenting rules changed for orders issued on or after January 1, 2023. The statute now defines a substantially shared parenting schedule (each parent more than 35% of annual parenting time) and an approximately equal schedule (each parent more than 40%), and builds a formula adjustment into RSA 458-C:3 for qualifying schedules. Below those lines, the standard calculation applies without a parenting time credit.

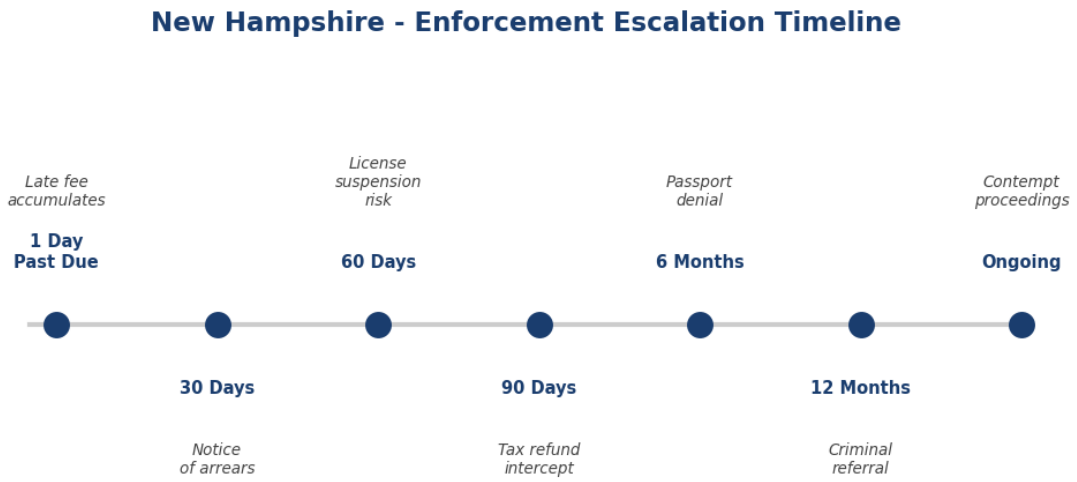
Below substantially shared time: When one parent has primary custody and the other exercises standard visitation (every other weekend plus one evening per week), no parenting time adjustment applies. The non-custodial parent pays their proportional share of the guideline obligation.

At or near equal parenting time: For orders issued on or after January 1, 2023, schedules above the 35% and 40% lines feed into the statutory adjustment formula in RSA 458-C:3, which reduces the net payment to reflect both households' duplicated costs; run the current DHHS guidelines calculator for your numbers. Older orders relied on case-by-case deviation under RSA 458-C:5, so the math may change when an older order is modified.

Documenting your parenting time: Keep a detailed parenting time calendar. Use a parenting app or shared calendar that creates a timestamped record. Courts expect documented evidence of the actual schedule, not just the order.

When parenting time changes substantially:A material change in the custody or parenting time arrangement is an independent ground for modification, regardless of whether income has changed. If custody shifts from primary to shared, file immediately.

Health insurance and childcare: These add-ons are separate from the parenting time calculation and are allocated proportionally based on each parent's income share.



Section 6 — Enforcement

New Hampshire's enforcement tools include income withholding, license suspension, credit reporting, tax intercept, passport denial, contempt, and criminal prosecution.

Income withholding: All orders include mandatory income withholding. Payments route through the State Disbursement Unit in IV-D cases. Notify DCSS immediately if you change employers.

License suspension: As of January 1, 2025, New Hampshire law no longer allows suspension of a driver's license for child support noncompliance (2024's HB 1425). DCSS may still certify noncompliance, being 60 or more days in arrears, to professional and other licensing boards under RSA 161-B:11. You receive notice and an opportunity to pay or enter a payment plan.

Credit reporting: Arrears are reported to credit bureaus, affecting your ability to obtain loans, housing, or security clearances.

Tax intercept: State and federal tax refunds are intercepted for arrears through the tax offset programs.

Passport denial: Arrears of $2,500 or more trigger a federal passport denial flag.

Contempt of court: Willful non-payment is punishable as contempt. Courts can impose fines or jail time. Document your inability to pay if you are facing a contempt motion.

Criminal penalty: Under RSA 639:4, knowingly failing to provide support you are able to provide is a Class A misdemeanor. It becomes a Class B felony if the arrearage has remained unpaid for a cumulative period of more than a year, if it exceeds $10,000, or on a repeat conviction. Contact a family law attorney immediately if criminal charges are threatened.

Interest: New Hampshire does not add interest to child support arrears. Each unpaid installment becomes a judgment by operation of law when due, and remains enforceable for 20 years.

Section 7 — Emergency Protocols

Emergency Protocols — New Hampshire

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File a Motion to Modify Child Support in the Family Division today. Do not wait.

Your modification will only be retroactive to the filing date, every day of delay adds to your arrears.

Contact DCSS at (603) 271-4427 to report the income change for your IV-D case.

Request a temporary emergency order reducing support while your motion is pending.

Keep paying what you can, partial payments show good faith and reduce arrears accumulation.

Bring documentation to court: termination letter, final pay stub, unemployment claim confirmation.

EMERGENCY PROTOCOL 2: YOUR LICENSE IS ABOUT TO BE SUSPENDED

Contact DCSS immediately at (603) 271-4427. Driver's licenses can no longer be suspended for support noncompliance (since January 1, 2025), but professional and other licenses remain at risk once you are 60 or more days in arrears.

You have a window to pay or enter a written payment plan before suspension takes effect.

Negotiate a realistic payment plan with DCSS, get confirmation of the terms in writing.

Once a plan is in place, DCSS will hold the suspension while you comply.

File for modification simultaneously if your income has changed, license relief alone does not reduce your ongoing obligation.

Document your income and expenses carefully before approaching DCSS, come with numbers.

EMERGENCY PROTOCOL 3: THE 3-YEAR REVIEW CLOCK HAS RUN

You do not need to show any change in circumstances to request a 3-year review.

Contact DCSS at (603) 271-4427 to initiate an administrative review if your case is IV-D.

Alternatively, file a Motion to Modify in Family Division citing the 3-year review right.

The review will recalculate the guideline using current incomes for both parents.

If the other parent's income has increased, this review may produce a higher obligation, confirm the math before filing.

If your income has decreased, the review should produce a lower obligation, file without delay.

EMERGENCY PROTOCOL 4: THE OTHER PARENT IS RELOCATING WITH YOUR CHILD

File an Emergency Motion to Prevent Relocation in the Family Division immediately.

New Hampshire requires notice before relocation and, in contested cases, court approval.

A relocation that significantly reduces your parenting time is an independent ground for modification.

Contact a family law attorney within 24 hours, relocation motions move quickly.

Do not stop paying support during any custody dispute. Non-payment will be used against you.

Request hearings on both the relocation and modification simultaneously.

EMERGENCY PROTOCOL 5: YOUR INCOME DROPPED SIGNIFICANTLY

New Hampshire has no fixed percentage trigger, but a large, sustained income drop is the classic substantial change in circumstances.

File the Motion to Modify without delay, retroactivity runs from the filing date.

Calculate the new guideline amount using both parties' current net incomes.

Bring documentation of the drop: pay stubs showing old and new income, employer letter, or medical records.

Ask the court for a temporary order at the new guideline level while the motion is pending.

If 3+ years have passed since the last order, you can request the recalculation without showing any change in circumstances.

EMERGENCY PROTOCOL 6: CHILD SUPPORT IS ORDERED PAST AGE 18

New Hampshire extends support past 18 only if the child is still a full-time student in secondary school: it then runs until graduation or 2 months after the child turns 19, whichever comes first (RSA 461-A:14).

Review the exact language of your order. Many orders track the statute: age 18, or if the child is still in high school, graduation or 2 months past the 19th birthday, whichever comes first.

Do not stop paying unilaterally. File a Motion to Terminate or seek a court confirmation of the end date.

Contact DCSS at (603) 271-4427 to confirm the termination date recorded on your account.

If the child is enrolled full-time in high school at 18, support continues until graduation or 2 months after the 19th birthday, whichever comes first. (Orders for a child with disabilities may run to 21.)

Once support terminates, get a written order confirming termination for your records.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Motion to Modify and request formal financial discovery through the Family Division.

Subpoena the other parent's tax returns, bank records, business filings, and employer pay stubs.

If self-employed, request three years of federal returns and a profit-and-loss statement.

Courts can impute income if deliberate underreporting or voluntary underemployment is shown.

Document lifestyle indicators of undisclosed income, property, vehicles, travel, business activity.

DCSS can assist with income verification for IV-D cases at (603) 271-4427.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: calculation model, modification threshold, agency contact, financial form, court type, shared parenting approach, age of majority, license suspension threshold, criminal penalty, interest rate, and retroactivity rule.

Section 9 — Resources and Special Considerations

DCSS, NH DHHS:(603) 271-4427, IV-D enforcement, administrative reviews, 3-year review requests

NH Judicial Branch (courts.nh.gov): Financial Affidavit NHJB-2065-F and motion forms

NH Legal Aid (nhla.org):(603) 224-3333, free legal help for qualifying low-income parents

NH Bar Association Referral:(603) 229-0002, referrals to family law attorneys

State Disbursement Unit: Routes all IV-D payments, keep every payment receipt

3-year review right: After 3 years, either party can request recalculation without showing a change, a powerful tool if the other parent's income has increased or yours has decreased

Net income calculation: New Hampshire deducts mandatory retirement contributions, court-ordered support actually paid, and 50% of self-employment tax from gross income, then converts to net income using standardized deductions before entering the guideline table, document these carefully

RSA 458-C: The statute and the current guideline table (percentages now vary by income level), with the DHHS child support guidelines book and calculator at dhhs.nh.gov

High school support extension: Support extends past 18 only while the child remains a full-time secondary school student, until graduation or 2 months after age 19, whichever comes first. Check your order's exact language.

Military and interstate cases: Pease Air National Guard Base in Portsmouth means military pay questions do arise in New Hampshire cases. If either parent is an active-duty servicemember or an activated Guard or Reserve member, see Chapter 51 — Military Service for SCRA protections and military pay calculation. If the other parent lives outside New Hampshire, enforcement and modification run through UIFSA, adopted in New Hampshire as RSA chapter 546-B; see Chapter 52.

New Hampshire's 3-year review right is one of the most valuable tools in this book. It gives you a recalculation right without any burden of proof beyond the passage of time. If your income has dropped or the other parent's has risen, use it.

End of Chapter 29 — New Hampshire | Chapter 30 — New Jersey follows.

Chapter 30 — New Jersey

State	New Jersey
Calculation Model	Income Shares, combined net weekly income
Key Statute	N.J.S.A. 2A:34-23; Court Rule 5:6A; Lepis v. Lepis, 83 N.J. 139 (1980)
Modification Threshold	Substantial and continuing change in circumstances (Lepis standard, no fixed %)
Agency	Office of Child Support Services (OCSS), DHS, (877) 655-4371
Financial Form	Case Information Statement (CIS)
Court	Superior Court, Family Part
Retroactivity	Back to the filing date of the motion to modify
Shared Parenting	28%+ overnights triggers shared parenting adjustment; 50/50 uses cross-credit
Age of Majority	19 (presumptive emancipation); courts may extend for college enrollment
License Suspension	Any arrears, no minimum dollar threshold in practice
Criminal Penalty	Third degree felony ($10,000+ or 24 consecutive months of non-payment) up to 5 years
Interest on Arrears	10% per year
3-Year Review	Not automatic, Lepis motion required showing substantial change

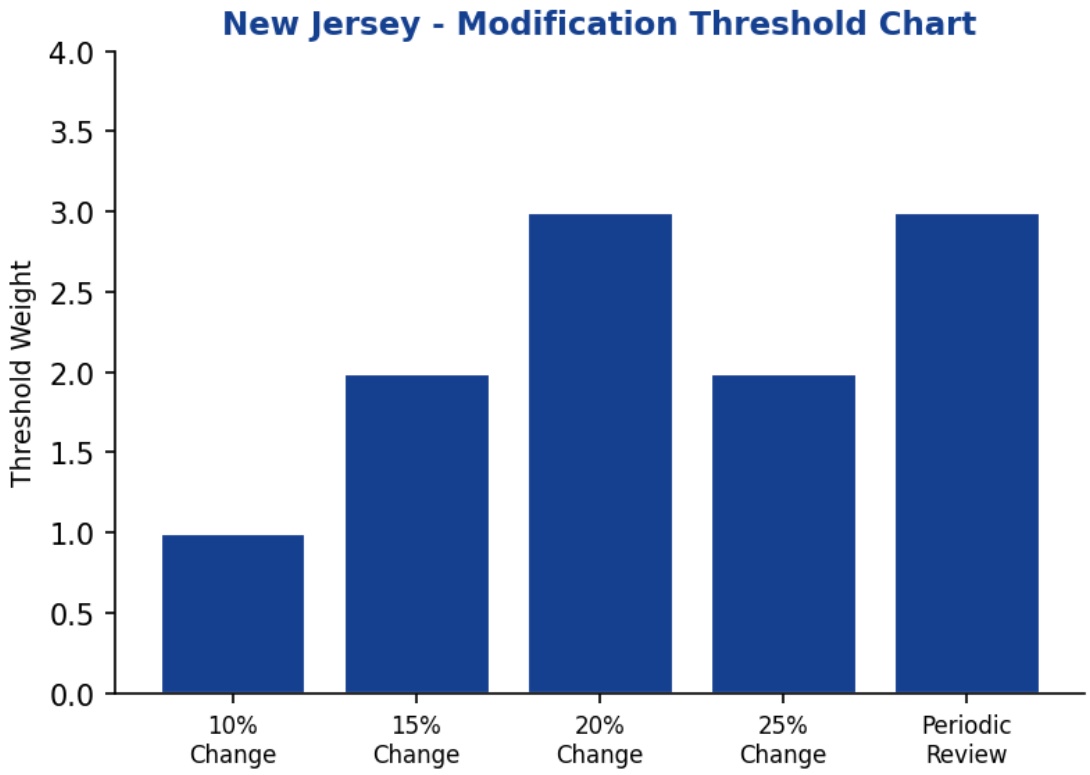
Section 1 — Overview

New Jersey uses the Income Shares model, but with a critical distinction: it calculates support on combined net weekly income, not gross income. Both parents' net incomes (after taxes and mandatory deductions) are combined, entered into the New Jersey Child Support Guidelines schedule under Court Rule 5:6A, and the resulting obligation is divided proportionally.

New Jersey's modification standard is the Lepis standard, the name comes from the landmark New Jersey Supreme Court case Lepis v. Lepis, 83 N.J. 139 (1980). To modify, you must show a "substantial and continuing" change in circumstances. There is no statutory percentage trigger; courts weigh the size and durability of the change, which gives judges significant discretion and puts a premium on documentation.

New Jersey's Case Information Statement (CIS) is one of the most detailed financial disclosure requirements in the country. It covers not just income but assets, liabilities, monthly expenses, and lifestyle information. Both parties must file a CIS. Courts use it not just for the guideline calculation but to assess each party's overall financial picture.

All child support payments in IV-D cases route through the New Jersey Family Support Payment Center (NJFSPC). Direct payments to the other parent do not count as paid and do not reduce your arrears unless the court order explicitly permits them. Every payment must go through NJFSPC.



Section 2 — Grounds for Modification

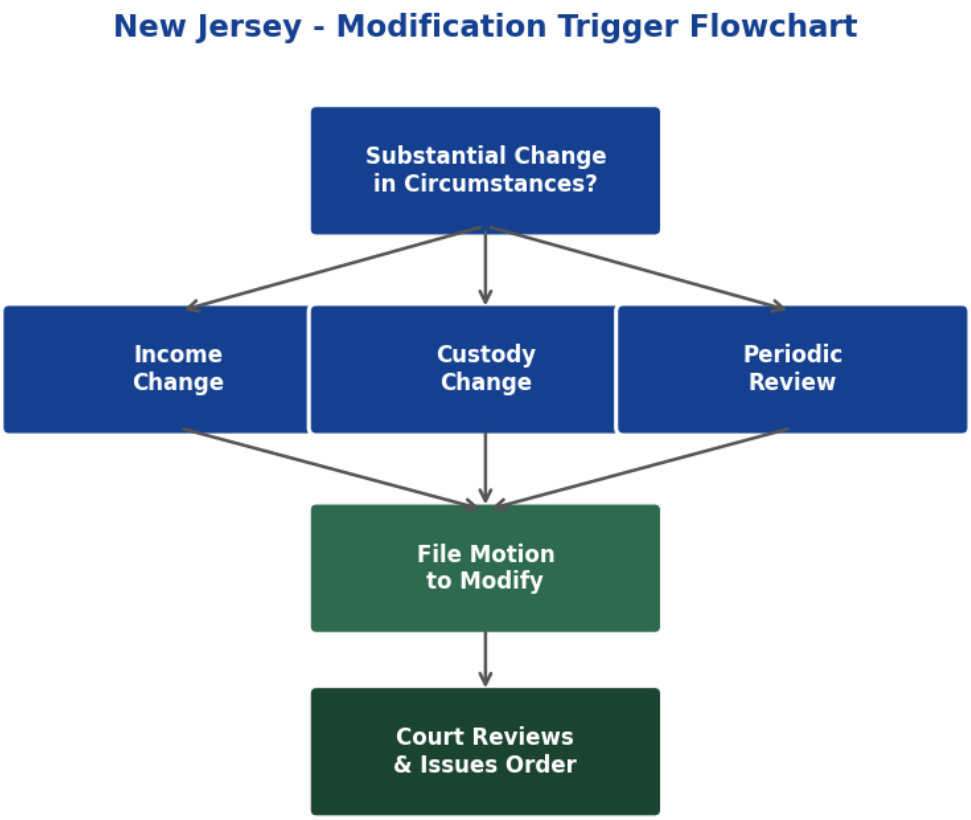
Modification in New Jersey requires meeting the Lepis standard under N.J.S.A. 2A:34-23: a substantial and continuing change in circumstances that makes the existing order inequitable. Courts weigh the nature and duration of the change.

What qualifies: A significant and lasting reduction in the paying parent's net income, job loss, pay cut, disability, or demotion. A substantial increase in the paying parent's income supporting upward modification. A material change in the child's needs, medical expenses, educational costs, or special care requirements. A change in the child's custody or parenting time arrangement. The child's emancipation or approach of age 19, when support terminates by operation of law unless continued (N.J.S.A. 2A:17-56.67). A new court-ordered support obligation for another child. The paying parent's income has recovered after a prior downward modification.

What does not qualify: Voluntary income reduction without legitimate reason. Temporary fluctuations that are likely to reverse. Remarriage of either parent alone. Unhappiness with the current amount without a Lepis-qualifying change. Arrears already owed, modification cannot eliminate past-due amounts.

Net income calculation: New Jersey deducts federal and state income taxes (estimated using IRS tables), Social Security and Medicare (FICA), mandatory union dues, mandatory retirement contributions required by law, and prior court-ordered support obligations for other children before entering the guideline schedule.

Income sources included: Wages, salary, tips, bonuses (regular and recurring), commissions, regular overtime, self-employment net income, rental income, investment income, workers' compensation, disability, Social Security (SSDI), unemployment, pension payments, and alimony received.



Section 3 — Step-by-Step: How to File

Modification in New Jersey is filed as a motion in the Superior Court, Family Part. The process involves mandatory financial disclosure through the Case Information Statement and may involve a conference before the hearing.

Step 1 — Gather your financial documentation: Collect your last two pay stubs, your two most recent federal and state tax returns, W-2 forms, and records of all income sources. If self-employed, prepare a current profit-and-loss statement and bring three years of tax returns. Gather documentation of mandatory deductions, union dues receipts, retirement account statements, and any prior support orders.

Step 2 — Complete the Case Information Statement (CIS): The CIS is New Jersey's comprehensive financial disclosure form. Download the current version from the New Jersey Courts website (njcourts.gov). Complete every section, income, expenses, assets, and liabilities. The CIS is not optional and must be filed with your motion. An incomplete CIS will delay your case.

Step 3 — File the Motion to Modify: File a Motion to Modify Child Support in the Superior Court, Family Part, in the county where the original order was entered or where the child lives. Pay the filing fee (typically $30–$75 for a motion). Your modification is retroactive only to this filing date, file as soon as your circumstances change.

Step 4 — Serve the other parent: Serve the other party with the motion, your CIS, and supporting documentation. New Jersey motion practice allows service by mail in most family law matters. File your proof of service with the court.

Step 5 — Exchange Case Information Statements: Both parties must serve and file their CIS. Review the other party's CIS carefully. Compare income figures against tax returns and pay stubs. Prepare a proposed guideline calculation showing what the new obligation should be based on current net incomes.

Step 6 — Attend the case management conference and hearing: Many New Jersey courts schedule a preliminary conference before the hearing. Be prepared to discuss settlement. At the hearing, present your CIS, income documentation, and argument that the Lepis standard is met. The judge will apply the guideline to current net incomes and issue a modified order.

New Jersey has no free-standing administrative recalculation, but two mechanisms work short of a full Lepis motion: orders payable through Probation receive a cost-of-living adjustment every two years under Court Rule 5:6B (CPI-based, applied automatically unless a party contests it within 30 days of the notice), and IV-D cases may request a review every three years. A true recalculation outside those channels requires a Lepis motion in the Superior Court, Family Part.

Section 4 — Income Calculation

New Jersey's guideline uses combined net weekly income, the sum of both parents' weekly income after mandatory deductions. This is the number that enters the guideline schedule to produce the basic child support obligation.

Deductions from gross to reach net weekly income: Federal income tax (using IRS withholding tables or actual liability divided by 52), New Jersey state income tax (same method), Social Security tax (6.2% of gross up to the annual wage base), Medicare tax (1.45% of gross), mandatory union dues, mandatory pension or retirement contributions required by law or employment condition, and prior court-ordered child support obligations.

Self-employment: Net income from the business after legitimate business expenses documented on Schedule C. Courts may add back excessive depreciation, personal expenses, and non-cash deductions. Self-employed parents should bring three years of federal tax returns and a current profit-and-loss statement.

Tax gross-up table: New Jersey uses an IRS-based table to convert after-tax income figures and ensure consistent treatment across different tax situations. Your family law attorney or the court will apply this table to your income.

High-income cases: The guideline schedule tops out at $187,200 of combined net annual income. Above that ceiling, courts apply the maximum schedule amount and add a discretionary supplement based on the statutory factors in N.J.S.A. 2A:34-23(a), so high-income support is part formula, part judgment call.

Add-ons to base support: Health insurance premiums for the child, work-related childcare costs, and extraordinary medical expenses are allocated proportionally between parents based on income shares and are added to the base guideline amount. These are modifiable separately from the base obligation.

Imputed income: Courts may impute income if a parent is found voluntarily underemployed or unemployed without good cause. Earning capacity is assessed based on education, work history, and local job market.

Low-income protection: The guidelines shield a self-support reserve for the paying parent: if the calculated order would leave the obligor's net income below 105% of the federal poverty guideline for one person, the award is adjusted so the obligor keeps that floor (unless the custodial parent's own income is below the reserve). The dollar figure updates annually with the guidelines appendices; check the current Appendix IX-A.

Section 5 — Shared Parenting

New Jersey's shared parenting adjustment can apply when the alternate parent (the PAR, in guidelines terminology) has the child for the substantial equivalent of two or more overnights per week, roughly 28% of overnights (about 104 a year), and maintains separate living quarters for the child. Below that level, the sole parenting worksheet applies without adjustment.

Below 28% overnights: The standard guideline schedule applies. The non-custodial parent pays their proportional share of the combined net income obligation. No parenting time credit reduces this amount.

At 28% or more overnights: The shared parenting worksheet applies. It adjusts the non-custodial parent's obligation downward to account for direct expenses incurred during parenting time. The adjustment formula accounts for both parents' incomes and the actual parenting time percentage.

50/50 arrangements: True equal time still runs through the shared parenting worksheet. The court designates a Parent of Primary Residence (typically the home that serves as the child's base for school) and the worksheet's split of fixed and variable expenses does the adjusting; where the guidelines fit an equal arrangement poorly, courts may deviate and must explain why. The net payment is significantly lower than a standard sole-parenting calculation.

Documenting overnights: Keep a detailed parenting time calendar. Courts expect documentary evidence. A shared calendar app or parenting coordination log is ideal. Text messages confirming pickups and drop-offs are useful backup evidence.

Change in parenting time as grounds for modification:A material change in custody or parenting time is an independent Lepis event regardless of income changes. If parenting time shifts significantly, file for modification immediately.

Section 6 — Enforcement

New Jersey's enforcement apparatus runs through the county Probation Division child support enforcement units, with OCSS as the state IV-D agency and the Superior Court behind both. The state has broad statutory authority to enforce child support obligations.

Income withholding: All New Jersey orders include mandatory income withholding. Payments route through NJFSPC. If you change employers, notify OCSS at (877) 655-4371 immediately.

License suspension: The Probation Division may initiate suspension of driver's, professional, and recreational licenses when arrears equal or exceed six months of support, when court-ordered health coverage goes unprovided for six months, or when you ignore a child-support subpoena or warrant (N.J.S.A. 2A:17-56.41). You get 30 days' written notice and a court hearing first, and a hardship path exists: pay 25% of the arrears and follow a payment schedule that clears the rest within a year.

Credit reporting: Arrears are reported to the major credit bureaus. This affects mortgages, auto loans, and apartment applications.

Tax intercept: Both state and federal tax refunds are intercepted for arrears. The federal intercept applies at $150 of arrears where the family has received public assistance, and at $500 otherwise.

Passport denial: Arrears of $2,500 or more trigger a federal passport denial flag.

Contempt of court: Willful non-payment is punishable as civil or criminal contempt. Courts may impose fines or incarceration. Document inability to pay if a contempt motion is filed against you.

Criminal prosecution: Under N.J.S.A. 2C:24-5, willful failure to provide support you are able to provide is a crime of the fourth degree, punishable by up to 18 months and a fine of up to $10,000. There is no dollar trigger in the state statute; the $10,000-or-2-years thresholds belong

to the federal Deadbeat Parents Punishment Act, which applies when the child lives in another state. Prosecutor referral typically occurs at OCSS recommendation.

Interest on arrears: New Jersey does not tack a flat rate onto arrears automatically. Each missed payment is docketed as a civil judgment on the first of the month after it comes due, and docketed judgments bear post-judgment interest at the Rule 4:42-11 rate (a variable rate, recalculated annually) when the judgment is satisfied or executed on. Address arrears quickly.

Section 7 — Emergency Protocols

Emergency Protocols — New Jersey

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File a Motion to Modify Child Support in the Family Part immediately. Do not wait.

Your modification will only be retroactive to the filing date, delay equals debt.

Contact OCSS at (877) 655-4371 to report the income change for your IV-D case.

Request emergent relief, a temporary order reducing support while your motion is pending.

Keep paying what you can. Partial payments reduce arrears accumulation and show good faith.

Bring complete documentation: termination letter, final pay stub, unemployment claim confirmation, bank statements.

EMERGENCY PROTOCOL 2: YOUR LICENSE IS ABOUT TO BE SUSPENDED

Contact OCSS immediately at (877) 655-4371. Suspension is initiated when arrears reach six months' worth of support, or when court-ordered health coverage lapses for six months.

You have a window to pay or enter a written payment plan before suspension takes effect.

Negotiate a written payment plan with OCSS, get confirmation of the agreed amount and schedule.

File for modification simultaneously if your income has changed.

Once a plan is in place and OCSS confirms it, the suspension will be held.

Do not drive on a suspended license, the consequences compound your legal situation significantly.

EMERGENCY PROTOCOL 3: COLLEGE SUPPORT IS BEING SOUGHT PAST AGE 19

New Jersey support terminates by operation of law at 19 (N.J.S.A. 2A:17-56.67), but continuation is available, by court order or by a custodial parent's written request before the 19th birthday, for a child still in high school, enrolled full-time in college or vocational school, or disabled. Outside severe-disability cases it never runs past 23.

Under Newburgh v. Arrigo, 88 N.J. 529 (1982), courts consider both parents' ability to contribute and the child's educational needs.

Review your order carefully, if it specifies age 19 without a college extension, seek clarification.

Factors the court weighs: whether the child is enrolled full-time, the parents' ability to pay, and the child's grades and effort.

You may file a motion objecting to a college support extension if the child is not making reasonable academic progress.

Contact a family law attorney immediately if a Newburgh motion has been filed against you.

EMERGENCY PROTOCOL 4: A CRIMINAL NONSUPPORT CHARGE IS THREATENED

Contact a New Jersey criminal defense attorney immediately, do not wait for charges to be filed.

Gather complete payment records from NJFSPC showing every payment made.

Document any periods of genuine inability to pay, job loss records, medical records, bank statements.

N.J.S.A. 2C:24-5 makes willful nonsupport a crime of the fourth degree with no dollar trigger; the $10,000-or-2-years thresholds belong to the federal Deadbeat Parents Punishment Act.

Entering a payment plan and making consistent payments before charges are filed can prevent prosecution.

Willful non-payment is the criminal element, documented inability to pay undercuts it.

EMERGENCY PROTOCOL 5: YOUR NET INCOME DROPPED SIGNIFICANTLY

A substantial and continuing drop in net income satisfies the Lepis standard.

File the Motion to Modify immediately, retroactivity runs from the filing date.

Calculate the new guideline amount using your current net income and the other parent's current net income.

Complete a new Case Information Statement reflecting current income and expenses.

Bring documentation of the drop: pay stubs, employer letter, tax returns, medical records.

Ask the court for a temporary order at the new level while the motion is pending.

EMERGENCY PROTOCOL 6: THE OTHER PARENT IS CLAIMING COLLEGE SUPPORT CONTINUES

Review whether your order includes any college support language beyond the basic support obligation.

College support under Newburgh is not automatic, the court must make a separate finding.

Termination at 19 happens by operation of law: Probation sends both parties advance notice, and the custodial parent must affirmatively request continuation with proof of college enrollment or another qualifying basis.

Factors that support emancipation: self-sufficiency, full-time employment, marriage, military service.

You may seek a cap on your college contribution based on the in-state tuition rate at a New Jersey public university.

Contact a family law attorney, Newburgh motions are complex and the stakes can be significant.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Motion to Modify and request formal financial discovery through the Family Part.

Subpoena the other parent's tax returns, bank records, business filings, and employer records.

Request production of the other party's full Case Information Statement with supporting documentation.

Courts can impute income if deliberate underreporting or voluntary underemployment is found.

Document lifestyle indicators of undisclosed income, social media, property, vehicles, travel.

OCSS can assist with income verification for IV-D cases at (877) 655-4371.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: calculation model, modification threshold, agency contact, financial form, court type, shared parenting trigger, age of majority, license suspension threshold, criminal penalty, interest rate, and retroactivity rule.

Section 9 — Resources and Special Considerations

OCSS, NJ Department of Human Services:(877) 655-4371, IV-D enforcement and case management

New Jersey Courts (njcourts.gov): Case Information Statement, motion forms, and guideline schedule

NJ Family Support Payment Center (NJFSPC): Routes all IV-D payments, direct payments to the other parent do not count

Legal Services of New Jersey:(888) 576-5529, free legal help for low-income parents

NJ State Bar Lawyer Referral:(800) 792-8315, referrals to family law attorneys

Lepis standard: Lepis v. Lepis, 83 N.J. 139 (1980), the controlling case for modification; "substantial and continuing change in circumstances"

Net income model: New Jersey deducts taxes and mandatory deductions before entering the guideline schedule, the base number is lower than in gross-income states

CIS requirement: The Case Information Statement must be filed with every modification motion. It is comprehensive and takes time to complete correctly

College support, Newburgh: Newburgh v. Arrigo, 88 N.J. 529 (1982). Courts may order contribution to college costs and continue support past 19 for a child enrolled full-time, but outside severe-disability cases never beyond age 23 (N.J.S.A. 2A:17-56.67)

Unreimbursed medical expenses: The guidelines assume the parent of primary residence covers the first $250 per child per year of unreimbursed health care. Costs above that line are shared in proportion to income, through the worksheet or by separate order. Save receipts and request reimbursement promptly; courts expect documentation.

28% shared parenting threshold: Below 28% overnights, no parenting time credit applies. At or above 28%, the shared parenting worksheet reduces the obligation.

Military and interstate cases: Joint Base McGuire-Dix-Lakehurst makes military pay and SCRA issues a regular feature of New Jersey support cases; see Chapter 51 — Military Service. If the other parent lives outside New Jersey, enforcement and modification run through UIFSA, adopted in New Jersey at N.J.S.A. 2A:4-30.124 et seq.; see Chapter 52.

New Jersey's net income model and the Lepis standard make modification more complex than in states with fixed thresholds. The Case Information Statement is your most important document, complete it fully and accurately. Courts use it to assess your entire financial picture.

End of Chapter 30 — New Jersey | Chapter 31 — New Mexico follows.

Chapter 31 — New Mexico

State	New Mexico
Calculation Model	Income Shares, gross monthly income
Key Statute	N.M. Stat. Ann. § 40-4-11.1 (guidelines and modification)
Modification Threshold	20% change in guideline amount (rebuttable presumption)
Agency	Child Support Enforcement Division (CSED), HSD, (800) 585-7631
Financial Form	Financial Information Form
Court	District Court
Retroactivity	Back to the filing date of the motion to modify

Shared Parenting	35%+ overnights annually triggers parenting time reduction in guidelines
Age of Majority	18, or high school graduation, not to exceed age 19
License Suspension	$1,000 in arrears or 30 days past due, N.M. Stat. Ann. § 40-4A-24
Criminal Penalty	Felony, N.M. Stat. Ann. § 30-6-2, $10,000+ or willful sustained non-payment
Interest on Arrears	8.75% per year (statutory judgment rate)
3-Year Review	Yes, 3-year administrative review for IV-D cases

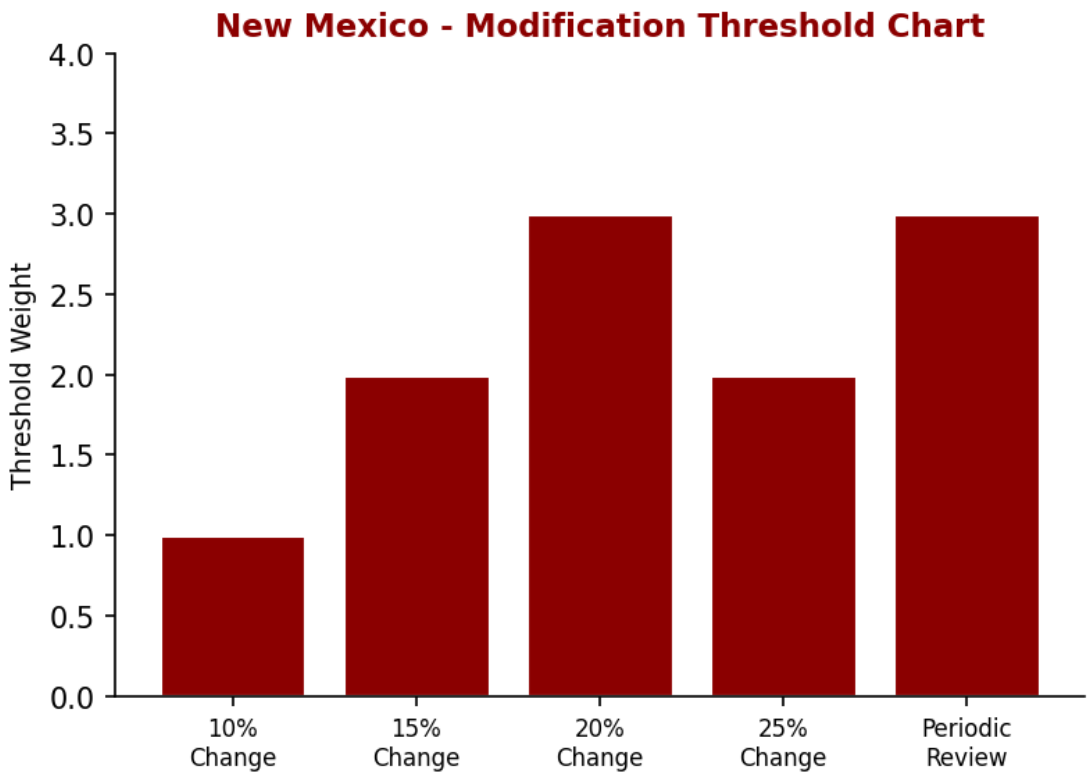
Section 1 — Overview

New Mexico uses the Income Shares model with gross monthly income from both parents. The combined gross income enters the New Mexico guideline schedule to produce a basic child support obligation, which is then divided proportionally based on each parent's share of the total.

New Mexico's 20% threshold creates a rebuttable presumption: if the new guideline amount (calculated using current incomes) differs from the existing order by more than 20%, and the petition is filed more than one year after the existing order, the court presumes modification is appropriate (NMSA 1978 § 40-4-11.4). The other party can rebut the presumption, but the burden shifts to them. Inside that first year you can still modify, you just have to prove a material and substantial change without the presumption. If your income has dropped enough to move the number past 20%, file immediately.

New Mexico also recognizes material and substantial change in circumstances as an independent modification ground. Even if the 20% threshold is not met, a significant change in the child's needs, a change in custody, or a medical condition affecting income can support modification.

The Child Support Services Division, still widely known as CSED, administers IV-D cases. It now sits within the New Mexico Health Care Authority (HCA), which replaced the Human Services Department in July 2024. CSED provides enforcement, administrative reviews, and assistance with interstate cases; reach it at (800) 288-7207 in New Mexico or (800) 585-7631 from out of state. Payments in IV-D cases route through the New Mexico State Disbursement Unit.



Section 2 — Grounds for Modification

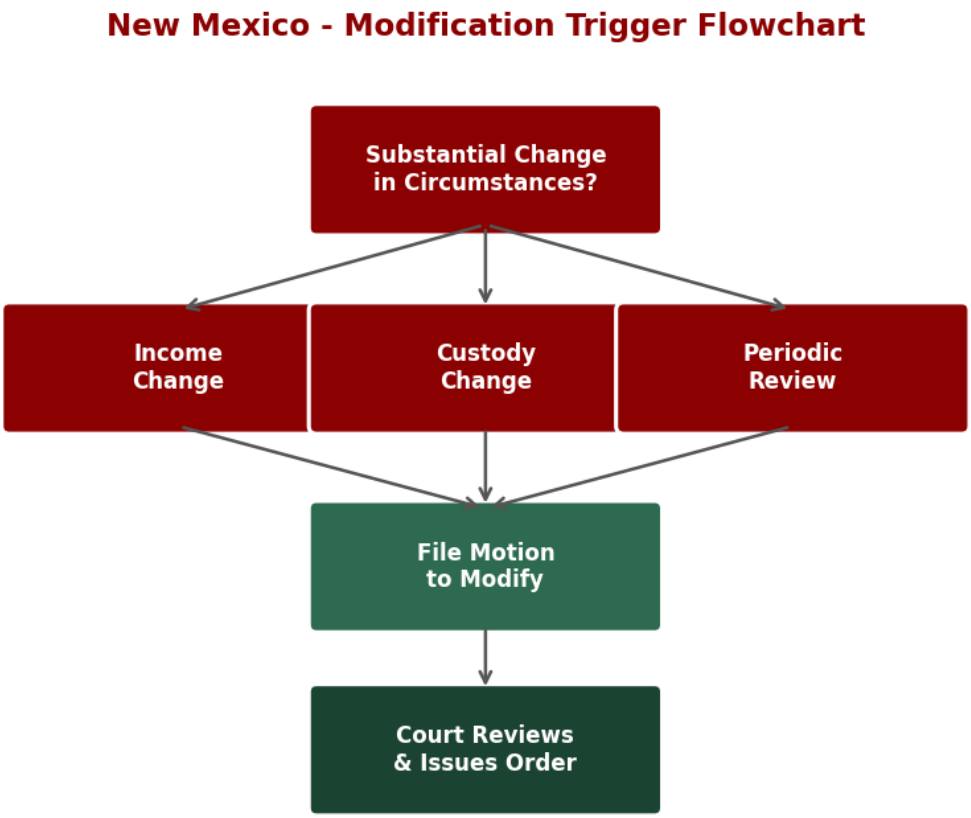
Modification in New Mexico requires meeting either the 20% rebuttable presumption threshold or showing a material and substantial change in circumstances under N.M. Stat. Ann. § 40-4-11.4, with the guideline calculation itself governed by § 40-4-11.1.

What qualifies: A change of more than 20% in the guideline amount based on current gross incomes, this triggers the rebuttable presumption when the petition comes more than one year after the existing order. A significant and lasting reduction in income, job loss, disability, pay cut, or demotion. A substantial increase in either parent's income. A material change in the child's needs, medical costs, special education, extraordinary expenses. A change in custody or parenting time arrangement. A new legal child support obligation for another child. Incarceration that eliminates income. The 3-year IV-D review window has opened.

What does not qualify: Voluntary income reduction without legitimate reason. Temporary income fluctuations. Remarriage of either party alone. Discontent with the current order without a documented triggering change. Retroactive modification, the court cannot modify arrears already owed.

Gross income defined: New Mexico uses gross monthly income, income before taxes and deductions. This includes wages, salary, tips, bonuses, commissions, regular overtime, self-employment net income, rental income, investment returns, workers' compensation, disability payments, Social Security (including SSDI), unemployment, and pension distributions.

Add-ons allocated proportionally: Health insurance premiums for the child, work-related childcare costs, and extraordinary medical expenses are added to the base support amount and divided between parents proportionally based on their income shares.



Section 3 — Step-by-Step: How to File

New Mexico modification is filed in District Court. For IV-D cases open with CSED, an administrative review is available every 3 years as an alternative to court. Both pathways are available depending on your situation.

Step 1 — Gather your financial documentation: Collect your last two pay stubs, your two most recent federal income tax returns, W-2 forms, and records of all income sources. If self-employed, prepare a profit-and-loss statement for the past 12 months and bring three years of tax returns. Gather documentation of childcare costs, health insurance premiums, and any extraordinary medical expenses.

Step 2 — Complete the Financial Information Form: New Mexico requires both parties to submit a Financial Information Form disclosing income and expenses. Download the current form from the New Mexico Courts website (nmcourts.gov) or from your District Court clerk. Complete every section, gaps delay your case.

Step 3 — File the Motion to Modify: File a Motion to Modify Child Support in the District Court that entered the original order or that has jurisdiction over your child. Pay the filing fee. Your modification will be retroactive only to this filing date, file as soon as your circumstances change. Every day you wait is a day you cannot recover.

Step 4 — Serve the other parent: Serve the other parent with the motion, Financial Information Form, and any supporting documentation pursuant to New Mexico Rules of Civil Procedure. File proof of service with the court before your hearing.

Step 5 — Exchange financial disclosures: Both parties must exchange Financial Information Forms before the hearing. Compare the other party's income figures to their tax returns and pay stubs. Calculate what the new guideline amount would be using current gross incomes and the New Mexico guideline schedule.

Step 6 — Attend the hearing: Appear in District Court with your Financial Information Form, income documentation, and evidence of changed circumstances. The judge will apply the guideline to current gross incomes and enter a modified order if the 20% threshold or material change is established.

CSED administrative review: If your case is open with CSED and 3 years have passed since the last review, contact CSED at (800) 585-7631 to request an administrative review without going to court. CSED will recalculate using current incomes and issue an administrative order, which either party can then challenge in District Court.

Section 4 — Income Calculation

New Mexico uses gross monthly income from both parents. The combined figure enters the New Mexico Child Support Guidelines schedule to produce the basic obligation, which is divided proportionally.

Gross income includes: Wages, salary, tips, bonuses (regular), commissions, regular overtime, self-employment gross receipts minus ordinary business expenses, rental income, interest and dividends, workers' compensation, disability payments, Social Security (SSDI), unemployment benefits, pension distributions, and alimony received.

Self-employment: Net income after legitimate, documented business expenses. Courts scrutinize Schedule C deductions. Excessive depreciation, personal expenses run through the business, and non-cash deductions may be added back. Bring three years of federal tax returns and a current profit-and-loss statement.

Allowable deductions from gross for the guideline: Court-ordered support for other children (documented by existing orders) and court-ordered alimony payments are subtracted from gross income before calculation.

Add-ons: Health insurance premiums attributable to the child, work-related childcare costs, and extraordinary medical expenses are calculated separately and divided between parents proportionally. Include documentation of these costs in your filing.

Uninsured medical expenses: Extraordinary medical, dental, and counseling expenses are the uninsured amounts that exceed $100 per child per year (NMSA 1978 § 40-4-11.1). Those excess amounts are divided in proportion to each parent's share of combined income, so keep receipts and request reimbursement promptly.

Imputed income: If a parent is found voluntarily underemployed or unemployed without good cause, the court may impute income based on earning capacity, education, training, work history, and local job market conditions.

Parenting time column: The New Mexico guideline worksheet includes a column for the non-custodial parent's parenting time percentage. This directly affects the base obligation calculation when the 35% threshold is met.

Low-income protection: The basic support schedule, modernized effective January 1, 2024, builds in a self-support reserve of $1,200 per month. When the paying parent's income falls in the shaded self-support-reserve area of the schedule, the obligation is computed from that parent's income alone, and amounts at the bottom of the schedule operate as minimum orders of roughly $100 to $150 per month. The reserve applies to Worksheet A (basic visitation) calculations, not to Worksheet B shared-responsibility cases.

Section 5 — Shared Parenting

New Mexico's guideline incorporates parenting time directly into the calculation. When the non-custodial parent exercises 35% or more of annual overnights (approximately 128 nights per year) the guideline applies a reduction to the base obligation.

How the reduction works: The New Mexico guideline worksheet includes parenting time as a variable. At 35%+ overnights, the worksheet reduces the non-custodial parent's obligation to reflect the direct expenses that parent incurs during their parenting time. The exact reduction depends on the income split and the parenting time percentage.

Below 35% overnights: The standard Income Shares calculation applies without a parenting time adjustment. The non-custodial parent pays their proportional share of the basic support obligation.

Documenting overnights: Keep a detailed parenting time calendar. Courts expect documentary evidence, a shared calendar app, school pickup logs, or a parenting coordination record. Count actual overnights, not scheduled overnights. Discrepancies between the schedule and actual time will affect your calculation.

50/50 arrangements: When parents share custody near 50/50, the guideline reduction is at its maximum. The net obligation approaches zero as parenting time approaches equal. Document your actual parenting time carefully to maximize the reduction.

Childcare and insurance add-ons: These add-ons are calculated separately from the parenting time adjustment and are allocated proportionally regardless of custody arrangement.

Section 6 — Enforcement

New Mexico's enforcement tools are administered by CSED and the District Courts. The state uses the full federal and state enforcement toolkit.

Income withholding: All New Mexico support orders include mandatory income withholding. Payments route through the State Disbursement Unit. Notify CSED at (800) 585-7631 immediately if you change employers.

License suspension: Under the Parental Responsibility Act, N.M. Stat. Ann. §§ 40-5A-1 through 40-5A-13, CSED certifies obligors who are more than 30 days in arrears to the boards and agencies that issue driver's, professional, occupational, and recreational licenses, which may then suspend or deny the license (§ 40-5A-6). There is no separate dollar trigger. You receive written notice and a right to a hearing first, and entering a payment plan restores compliance.

Credit reporting: Arrears are reported to the major credit bureaus, affecting loans, housing, and security clearances.

Tax intercept: State and federal tax refunds are intercepted for arrears through the tax offset program.

Passport denial: Arrears of $2,500 or more trigger a federal passport denial flag.

Contempt of court: Willful non-payment is punishable as civil or criminal contempt. Courts may impose fines or incarceration. Document your inability to pay if a contempt motion is filed against you.

Criminal prosecution: Under N.M. Stat. Ann. § 30-6-2 (abandonment of dependent), failing to support a minor child when you have the ability and means to do so is a fourth degree felony. The statute sets no dollar threshold; what draws prosecution is sustained, willful non-payment. Federal prosecution under the Deadbeat Parents Punishment Act is also possible once arrears top $10,000 or go unpaid more than two years across state lines. Inability to pay is a defense, document it.

Interest on arrears: 4% per year accrues on delinquent child support under N.M. Stat. Ann. § 40-4-7.3, the child-support-specific rate, running from the date each payment becomes delinquent until it is paid. The 8.75% figure sometimes quoted is the general judgment rate under § 56-8-4 and does not govern child support. Address arrears balances promptly, they still grow over time.

Section 7 — Emergency Protocols

Emergency Protocols — New Mexico

EMERGENCY PROTOCOL 1: YOU JUST LOST YOUR JOB

File a Motion to Modify Child Support in the District Court today. Do not wait.

Your modification will only be retroactive to the filing date, every day of delay is money you cannot recover.

Contact CSED at (800) 585-7631 to report the income change for your IV-D case.

Request a temporary emergency order reducing support while your motion is pending.

Keep paying what you can. Partial payments reduce arrears accumulation and demonstrate good faith.

Bring documentation to court: termination letter, final pay stub, unemployment claim confirmation.

EMERGENCY PROTOCOL 2: YOUR LICENSE IS ABOUT TO BE SUSPENDED

Contact CSED immediately at (800) 288-7207 in New Mexico or (800) 585-7631 from out of state. Certification for suspension can begin once you are more than 30 days in arrears, there is no dollar minimum.

You have a window to pay or enter a written payment plan before suspension takes effect.

Negotiate a realistic payment plan with CSED. Get confirmation of the agreed amount and schedule in writing.

Once a plan is confirmed, CSED will hold the suspension while you comply with the plan.

File for modification simultaneously if your income has changed, license relief alone does not reduce future obligations.

Do not drive on a suspended license. A conviction significantly complicates your legal situation.

EMERGENCY PROTOCOL 3: THE 20% THRESHOLD HAS BEEN MET

If your calculation shows a change of more than 20% from the current order, file immediately.

The 20% deviation creates a rebuttable presumption in your favor when your petition is filed more than a year after the existing order, the burden shifts to the other party.

File the Motion to Modify, your effective modification date runs from the filing date.

Bring documentation of both your current income and the calculation showing the 20% deviation.

Ask the court for a temporary order at the new level while the full modification is pending.

If 3+ years have passed since your last review, request a CSED administrative review as an alternative.

EMERGENCY PROTOCOL 4: THE OTHER PARENT IS RELOCATING WITH YOUR CHILD

File an Emergency Motion to Prevent Relocation in the District Court immediately.

New Mexico requires notice before relocation and court approval in contested cases.

A relocation that materially affects your parenting time is an independent ground for modification.

Contact a family law attorney within 24 hours, relocation motions are time-sensitive.

Continue paying support during any custody dispute. Non-payment will be used against you.

Request hearings on both the relocation and the modification of custody and support simultaneously.

EMERGENCY PROTOCOL 5: ARREARS ARE REACHING $10,000

Contact CSED at (800) 585-7631 and a family law attorney immediately.

New Mexico's criminal statute, N.M. Stat. Ann. § 30-6-2, sets no dollar trigger, but $10,000 in arrears is the federal felony threshold under the Deadbeat Parents Punishment Act, and balances at this level draw prosecutor attention under both.

Gather documentation of any periods when you were genuinely unable to pay.

Enter a payment plan with CSED before charges are filed, consistent plan compliance can prevent prosecution.

File for modification if your income has changed, address both the arrears and the ongoing obligation.

Interest accrues at 4% per year under § 40-4-7.3, every month of delay adds to the total balance.

EMERGENCY PROTOCOL 6: CHILD SUPPORT IS RUNNING PAST AGE 18

New Mexico support runs until the child turns 18, or, if the child is still in high school at 18, until graduation or age 19, whichever comes first (N.M. Stat. Ann. § 40-4-7).

Review the exact language of your order for any deviation from the statutory default.

Do not stop paying unilaterally. File a Motion to Terminate or seek a court confirmation of the end date.

Contact CSED at (800) 585-7631 to confirm the termination date recorded on your account.

Early graduation does not cut support short, the obligation still runs to the child's 18th birthday. Support can extend past 19 only for a child's disability or by the parents' written agreement, such as agreed college support.

Once support terminates, obtain a written court order confirming termination for your records.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Motion to Modify and request formal financial discovery through the District Court.

Subpoena the other parent's tax returns, bank records, business filings, and employer records.

If self-employed, request three years of federal returns and a current profit-and-loss statement.

Courts can impute income based on earning capacity if deliberate underreporting is shown.

Document lifestyle indicators of undisclosed income, social media, property records, vehicle registrations.

CSED can assist with income verification for IV-D cases at (800) 585-7631.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: calculation model, modification threshold, agency contact, financial form, court type, shared parenting trigger, age of majority, license suspension threshold, criminal penalty, interest rate, and retroactivity rule.

Section 9 — Resources and Special Considerations

CSED, NM Health Care Authority (hca.nm.gov): (800) 288-7207 in-state, (800) 585-7631 out-of-state, IV-D enforcement and administrative reviews

New Mexico Courts (nmcourts.gov): Financial Information Form, motion forms, and guideline schedule

Legal Aid NM (legalaidnm.org):(505) 243-7871, free legal help for low-income parents

NM State Bar Lawyer Referral:(505) 797-6066, referrals to family law attorneys

State Disbursement Unit: Routes all IV-D payments, keep every payment receipt

20% rebuttable presumption: A change of more than 20% shifts the burden of proof to the opposing party once the order is at least a year old, calculate the deviation before filing

35% overnight threshold: At 128+ overnights per year, the guideline worksheet automatically reduces the obligation, document your actual parenting time

High school graduation cap at 19: Support runs to 18; if the child is still in high school, to graduation or 19, whichever comes first (§ 40-4-7)

N.M. Stat. Ann. §§ 40-4-11.1 and 40-4-11.4: Guideline framework (11.1) and modification authority, including the 20%, more-than-one-year presumption (11.4)

High-income cases: The basic support schedule tops out at $30,000 per month in combined gross income. Above that level there is no automatic formula; courts set support case by case, treating the top of the schedule as a floor and weighing the children's actual needs and standard of living.

4% interest: Delinquent support accrues interest at 4% per year under § 40-4-7.3, well below New Mexico's general 8.75% judgment rate; address arrears early all the same

Military and interstate cases: New Mexico hosts Kirtland Air Force Base in Albuquerque, Holloman Air Force Base near Alamogordo, Cannon Air Force Base in Clovis, and White Sands

Missile Range. If either parent serves in the military, see Chapter 51 — Military Service for SCRA protections and military pay calculations. If the other parent lives in another state or country, New Mexico establishes, enforces, and modifies orders under the Uniform Interstate Family Support Act; see Chapter 52 for how UIFSA controls which state may modify an order.

New Mexico's 20% rebuttable presumption is one of the clearest modification triggers you will find. Run the calculation with today's incomes. If you clear 20% and your order is more than a year old, you have strong grounds to file. Do it the day your circumstances change, the filing date is your only protection.

End of Chapter 31 — New Mexico | Chapter 32 — New York follows.

Chapter 32 — New York

State	New York
Calculation Model	Percentage of Income, combined parental income up to $163,000 cap
Key Statute	DRL § 240(1-b); Family Court Act § 413; CPLR § 5004
Modification Threshold	15% income change (OR 3 years) OR substantial change (any one is enough)
Agency	Office of Child Support Services (OCSS) / county LCSU
Financial Form	Net Worth Statement (Supreme Court) or Financial Disclosure Affidavit (Family Court)

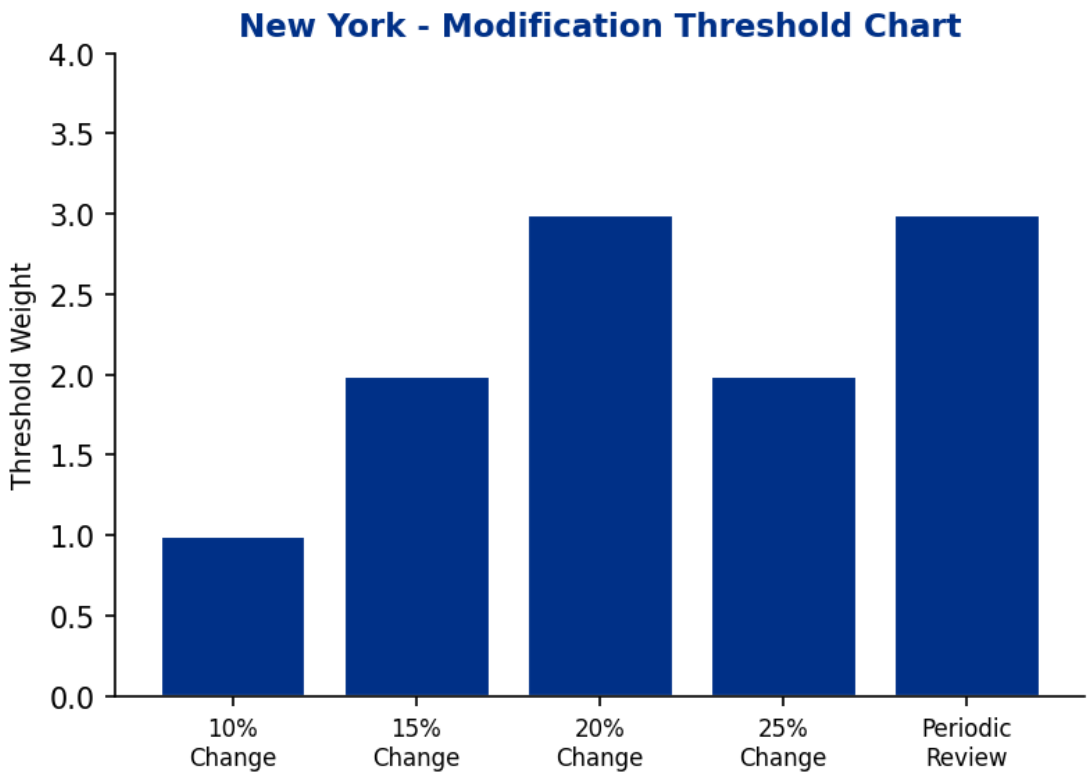
Court	Family Court (Family Court orders) or Supreme Court (divorce orders)
Retroactivity	Back to the filing date of the motion
Shared Parenting	No automatic formula credit, judicial deviation; 50/50 uses cross-credit
Age of Majority	21, highest in the country
License Suspension	Any significant arrears, no minimum dollar threshold for professional licenses
Criminal Penalty	Class A misdemeanor (Penal Law § 260.05); Class E felony (§ 260.06) for sustained willful non-payment
Interest on Arrears	9% per year (CPLR § 5004) one of the highest rates in the country
3-Year Review	Automatic right, cannot be waived by settlement agreement

Section 1 — Overview

Two numbers define New York child support for you: $193,000 and 21. The $193,000 is the combined parental income cap under the Child Support Standards Act (CSSA) as of March 1, 2026, the point where mandatory percentage support stops and the judge's discretion begins; the figure resets every two years with inflation, so check the current Child Support Standards Chart before you calculate. The 21 is New York's age of majority, two or three years longer than most states. If your child is 15 today, you could be paying until they are 21. Know both numbers before you walk into any courtroom.

New York calls itself a Percentage of Income state, but the math is less simple than that label suggests. Both parents' adjusted gross incomes are added together. The CSSA percentage (17% for one child, 25% for two, 29% for three, 31% for four, no less than 35% for five or more) applies to that combined figure, up to the $193,000 cap. The non-custodial parent then pays their proportional share of that result. Above the cap, the court decides what additional support is appropriate based on the child's actual needs and standard of living.

New York's child support program is run by the Division of Child Support Services (DCSS) within the state Office of Temporary and Disability Assistance, working through county-level child support enforcement and support collection units. New York City runs its piece through the Human Resources Administration's Office of Child Support Services (OCSS). The statewide Child Support Helpline is (888) 208-4485, and childsupport.ny.gov is the central portal. Payments route through the New York State Child Support Processing Center, direct payments to the other parent do not count as paid.



Section 2 — Grounds for Modification

New York gives you three independent paths to modification under Family Court Act § 451 and DRL § 236(B)(9)(b)(2). You only need one, but read your settlement agreement first: the first two can be opted out of by a validly executed agreement or stipulation.

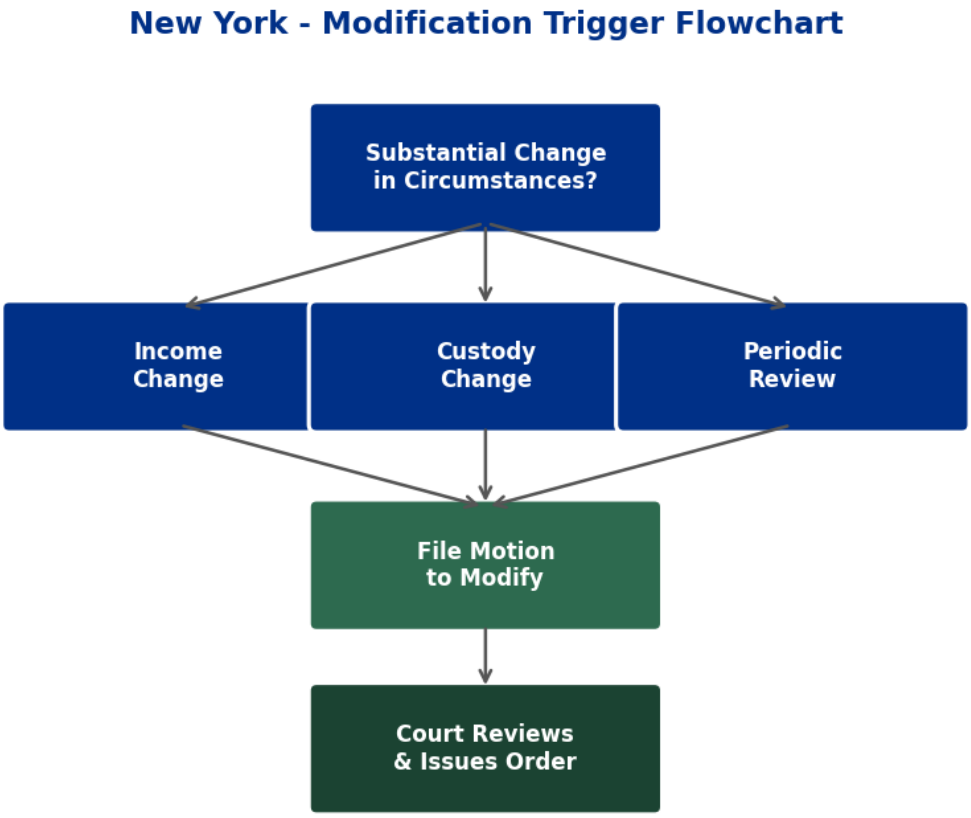
Your income changed 15% in either direction: This is the clearest trigger and the one to run first. If either parent's gross income has changed by 15% or more since the order was entered, last modified, or adjusted, that alone supports modification, you do not also need to show a "substantial change in circumstances." One catch: a drop in your own income counts only if it was involuntary and you have made diligent efforts to find work matching your education, ability, and experience. Pull your pay stubs and run the calculation, and if you clear 15%, file.

Three years have passed: If three years have passed since the order was entered, last modified, or adjusted, you can file for recalculation, no changed income required, no triggering event needed. One exception: parties can specifically opt out of this ground (and the 15% ground) in a validly executed agreement or stipulation, so check your paperwork before relying on it.

A substantial change in circumstances: Job loss, disability, a material change in the child's needs, a significant change in either parent's financial situation, any genuine, lasting change qualifies. This standard is broader than the 15% test but less precise. Use the 15% test first; if you get there, that is your cleanest argument.

The other parent's income went up and your order has not been updated: This is the one most people miss. Because New York applies the percentage to combined income, a raise for the custodial parent can reduce your proportional share of the obligation. Request their financial information through discovery. You are entitled to it.

Voluntary income reduction will not work: New York courts impute income aggressively. If you quit, cut hours, or moved to a lower-paying job without good cause, expect the court to set support based on what you are capable of earning, not what you currently earn.



Section 3 — Step-by-Step: How to File

New York modification goes to the court that issued the original order, Family Court if the order came from Family Court, Supreme Court if it came from a divorce proceeding. Do not file in the wrong court; it will delay your case by months.

Step 1 — Gather your financial documentation: Your last two pay stubs, two most recent federal tax returns, W-2s, documentation of all income sources, and evidence of the triggering change, termination letter, medical records, or income comparison showing the 15% shift. If you are self-employed, bring three years of returns and a current profit-and-loss statement.

Step 2 — Complete your financial disclosure form: In Supreme Court, you need a Net Worth Statement. It is comprehensive and covers assets, liabilities, and income. In Family Court, a Financial Disclosure Affidavit serves the same purpose. Download the current form from nycourts.gov. Complete every line. The court

uses this to verify the income calculation, and errors here are the most common reason modification hearings get adjourned.

Step 3 — File your petition or motion: In Family Court, file a Petition for Modification of Child Support. In Supreme Court, file a Motion to Modify. Pay the filing fee. Your modification runs back only to the filing date, file as soon as your circumstances change. Every week you wait is a week you cannot recover.

Step 4 — Serve the other parent: Service must comply with New York CPLR rules. Personal service by someone 18 or older who is not a party is standard for petitions. File proof of service with the court before your hearing date.

Step 5 — Exchange financial disclosures: Both parties must exchange financial forms before the hearing. Review the other party's disclosure against their tax returns. Prepare a CSSA calculation using current incomes for both parents. If the number differs from the order by 15% or more, you have met the threshold.

Step 6 — Appear at the hearing: Bring originals and copies of all financial documents and your CSSA calculation. If the court modifies support, the new order is retroactive to your filing date, not the hearing date. Make sure the written order reflects that.

Section 4 — Income Calculation

New York's income cap is the most important variable in the calculation if your combined income is near or above $193,000 per year. Below the cap, the CSSA percentage is mandatory. Above it, the court has discretion. It may order the same percentage, more, or less, based on the child's needs and lifestyle. If your combined income is above the cap, the number the court picks for above-cap income can vary significantly from judge to judge.

Adjusted gross income starts with gross income minus:FICA taxes paid, New York City and Yonkers income taxes if applicable, non-recurring income, and court-ordered support for other children. The resulting adjusted gross income from both parents is what enters the CSSA formula.

Add-ons come on top of the percentage: The CSSA basic obligation is not the whole bill. Reasonable child care costs tied to work or job training, the child's share of health insurance premiums, and unreimbursed medical expenses are added to the basic obligation and divided between the parents pro rata by income share (Family Court Act § 413(1)(c)(4)-(5)). Keep receipts and explanation-of-benefits paperwork; these add-ons are enforceable like the base order.

Self-employment income: Net business income after legitimate expenses. New York courts scrutinize inflated deductions, personal expenses run through the business, and non-cash deductions. Bring three years of federal returns. If your reported income seems inconsistent with your lifestyle, expect the court to dig deeper.

Imputed income: New York courts impute income based on earning capacity when they find voluntary underemployment. If you left a higher-paying job, reduced hours without a good reason, or are working below your demonstrated capability, the court will base support on what you can earn, not what you choose to earn. This is one of the most aggressively applied rules in the state.

Above-cap income: Combined parental income above $193,000 (the cap effective March 1, 2026) is subject to discretionary support. Courts look at the child's standard of living, each parent's ability to contribute, and the child's actual needs. If you are in this bracket, the court's discretion is the deciding factor, not a formula.

Low-income protection: The CSSA has a floor built in. If the basic obligation would push the paying parent's income below the federal poverty line for a single person, the order is set at $25 per month; if it would dip below the self-support reserve, set at 135% of the poverty line, the order is $50 per month or the difference between income and the reserve, whichever is greater (Family Court Act § 413(1)(d)). For 2026 the reserve is $21,546 per year, about $1,796 per month; both figures reset each year with the federal poverty guidelines.

Section 5 — Shared Parenting

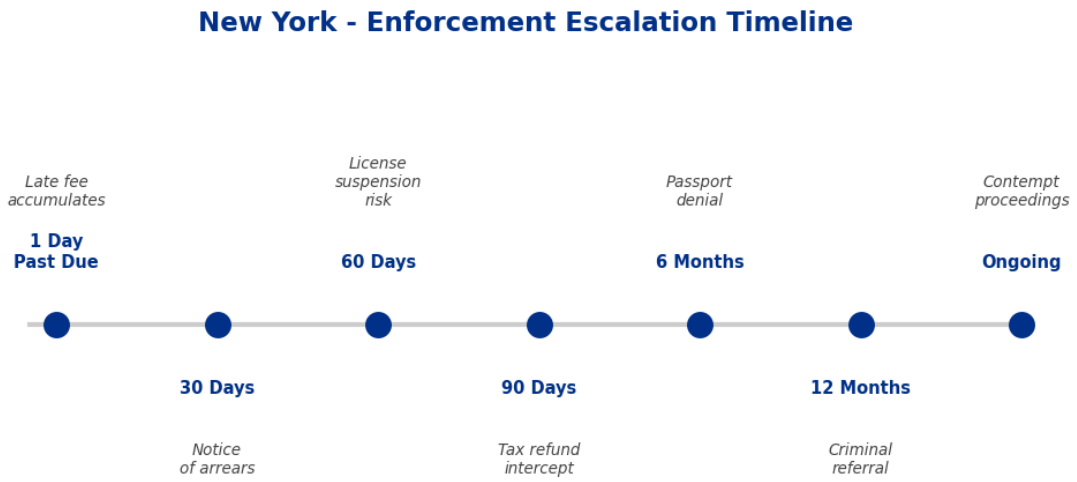
New York does not build a parenting time credit into the CSSA formula. The percentage applies to combined income without an automatic reduction for overnights. This is different from most states in this book. If you have substantial parenting time, your path to a lower obligation is a judicial deviation, not a formula adjustment.

Judicial deviation for substantial parenting time: If you are exercising significantly more parenting time than the order reflects (say, 40% of overnights on an order written for every-other-weekend) you can ask the court to deviate downward from the guideline. The court has discretion. Document your actual parenting time with a detailed calendar. The stronger and more consistent your record, the stronger your argument.

True 50/50 custody: New York does not net out two calculations. When parenting time is genuinely equal, courts treat the higher-earning parent as the non-custodial parent and apply the full CSSA formula (Bast v. Rossoff, 91 N.Y.2d 723 (1998); Baraby v. Baraby, 250 A.D.2d 201 (3d Dep't 1998)). Relief from the full formula amount comes only through a deviation finding that the guideline figure would be unjust or inappropriate. Run the numbers before your hearing, and if you are the higher earner in an equal split, ask for that deviation explicitly.

Your parenting time has increased but your order has not been updated: This happens constantly. Parents informally adjust schedules and never update the court order. The old schedule still drives the support calculation. If you are spending significantly more time with your child than the order says, file to update both the parenting plan and the support order together.

Documenting overnights: Keep a parenting calendar. A shared app with timestamps is ideal. School pickup logs, medical appointment records, and text message exchanges that confirm pickup and drop-off times all build your record. Courts count overnights, not hours, not days.



Section 6 — Enforcement

Two things about New York enforcement that you need to understand before anything else. First, interest: once arrears are reduced to a money judgment, they carry New York's 9% judgment rate under CPLR § 5004, one of the highest in the country, and courts add interest to willful defaults under DRL § 244. With age of majority at 21, you have more years for a balance to build than in almost any other state. Second, license suspension is keyed to time, not dollars: arrears equal to four months of your support obligation can put driver's, professional, and recreational licenses at risk. If your income depends on a professional license, that threat is immediate and real.

Income withholding: Mandatory on all orders. Payments route through the New York State Child Support Processing Center. Direct payments to the other parent do not count as paid unless the order explicitly allows them.

License suspension: Once arrears equal or exceed four months of current support, New York can move against driver's licenses (DRL § 244-b; Family Court Act § 458-a), professional and business licenses (§ 244-c; § 458-b), and recreational licenses (§ 244-d; § 458-c). You will receive notice, typically with 45 days to pay, enter a payment plan, or contest, and a restricted-use driver's license is available for work travel.

Tax intercept: State and federal tax refunds are intercepted for arrears. The federal intercept applies at $150 in IV-D cases.

Passport denial: Arrears of $2,500 or more trigger a federal passport denial. You cannot get or renew a passport while this flag is active.

Contempt of court: Willful non-payment can result in civil or criminal contempt, fines, and incarceration. Inability to pay is a defense, but you must prove it, not just assert it.

Criminal prosecution: Under Penal Law § 260.05, failing or refusing without lawful excuse to support a child when able to do so is a Class A misdemeanor. It becomes non-support of a child in the first degree under § 260.06, a Class E felony carrying up to four years, when there is a prior non-support conviction within the preceding five years.

Interest on arrears: The 9% rate under CPLR § 5004 attaches once arrears are reduced to a money judgment, and DRL § 244 adds interest where the default was willful; it does not pile up automatically on every missed payment. Enforcement still has a long reach: for orders entered after August 7, 1987, a 20-year statute of limitations runs from each default (CPLR 211(e)). Old debt does not disappear.

Section 7 — Emergency Protocols

Emergency Protocols — New York

EMERGENCY PROTOCOL 1: YOUR INCOME DROPPED

File your modification petition or motion today, wherever your order lives, Family Court or Supreme Court.

Modification in New York runs back only to the filing date. Every day you delay is a day you owe at the old rate and cannot recover.

You do not need to wait until you find a new job. File with documentation of the income drop (termination letter, final pay stub, unemployment claim) and let the court adjust from your filing date.

If you cannot afford the filing fee, ask the clerk about a fee waiver at the same window where you file.

Keep paying what you can while the motion is pending. Partial payments reduce arrears accumulation and demonstrate good faith.

EMERGENCY PROTOCOL 2: YOUR LICENSE IS AT RISK

Contact your county child support enforcement unit immediately, suspension is triggered once arrears equal four months of your support obligation, regardless of the dollar amount.

You have a window to pay or enter a payment plan before suspension takes effect. That window is shorter than you think.

If your income depends on a professional license, losing it creates a cascade: less income, more arrears, more enforcement. Get ahead of it today.

Negotiate a written payment plan with your county enforcement unit (in New York City, OCSS). Get confirmation in writing before you rely on any verbal agreement.

File for modification simultaneously if your income has changed, license relief alone does not reduce your ongoing obligation.

EMERGENCY PROTOCOL 3: THREE YEARS HAVE PASSED AND YOU HAVE NOT FILED

File a petition for a 3-year review right now. You do not need to show a single change in circumstances.

Check your settlement agreement first: the 3-year and 15% grounds apply unless the parties specifically opted out of them in a validly executed agreement or stipulation. With no opt-out, you need no change in circumstances at all.

If the other parent's income has increased substantially in three years, a recalculation under current incomes may reduce your proportional share.

If your income has decreased, the recalculation will reflect that. File before another year passes.

Run the CSSA formula with both parents' current incomes before you file. Know the number you are asking for.

EMERGENCY PROTOCOL 4: SUPPORT CONTINUES PAST YOUR CHILD'S 18TH BIRTHDAY

In New York, support continues until age 21 by default. This is not a mistake. It is the law.

Review your order's exact language. Some orders specify earlier termination based on specific events.

If your child has become self-supporting, married, or joined the military before 21, you may petition for emancipation. The door also swings the other way: since 2021, courts can order support to age 26 for a developmentally disabled adult child who lives with and is principally dependent on the parent seeking support (Family Court Act § 413-b; DRL § 240-d).

Do not stop paying unilaterally at 18. File a motion to terminate or confirm the end date, then stop when the court orders it.

Contact your county support collection unit to confirm the termination date recorded on your account.

EMERGENCY PROTOCOL 5: ARREARS ARE APPROACHING $2,500

Act before you hit $2,500. That is the federal passport denial threshold, and you cannot travel internationally while it is active.

Contact your county child support enforcement unit (in New York City, OCSS) immediately and ask about a payment plan on the arrears balance.

At 9% annual interest, every month of delay increases the debt. Pay down as aggressively as you can.

File for modification if your income has changed, address both the arrears and the ongoing obligation.

Once a payment plan is in place and confirmed in writing, the passport flag may be held pending compliance.

EMERGENCY PROTOCOL 6: YOUR INCOME IS ABOVE THE COMBINED CAP

Above the cap, the court has discretion. This means the outcome depends heavily on how you present your case.

Courts look at the child's standard of living, each parent's actual ability to pay, and the child's realistic needs.

Document the child's actual expenses precisely, education, healthcare, activities, travel. The court is calibrating to the child's needs, not a formula.

If the other parent is seeking above-cap support and the figures seem inflated, challenge them in discovery.

Get a family law attorney experienced with high-income CSSA cases, the discretionary zone is where courts vary most.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File your modification petition and request formal financial discovery through Family Court or Supreme Court.

Subpoena the other parent's tax returns, bank records, employer pay stubs, and business filings.

New York courts impute income based on earning capacity when deliberate underreporting is shown.

Document lifestyle evidence (property, vehicles, travel, visible business activity) that is inconsistent with reported income.

Contact your county child support enforcement unit if this is a IV-D case. They have access to income verification tools you do not.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: calculation model, income cap, modification thresholds, agency contact, financial form, court type, age of majority, license risk, criminal penalty, interest rate, and retroactivity rule.

Section 9 — Resources and Special Considerations

Child Support Helpline / childsupport.ny.gov: (888) 208-4485, find your county enforcement unit, payment information, and the current Child Support Standards Chart

NYC Human Resources Administration:nyc.gov/hra, separate system for New York City residents

New York Courts (nycourts.gov): Financial Disclosure Affidavit, Net Worth Statement, petition and motion forms

New York Legal Aid:lawhelp.org/ny, free legal help for qualifying low-income parents

New York City Bar Lawyer Referral:(212) 626-7373, referrals to family law attorneys

The 3-year review is New York's most underused tool. If three years have passed since your last order, you do not need a lawyer, a triggering event, or a threshold calculation to justify filing. You just need to file. If the other parent's income has risen or yours has fallen, that recalculation is your money, go get it.

The age-21 rule is New York's most underestimated trap. If you are building a financial plan around support ending at 18 or even 19, recalculate. Three extra years for a balance to build, with 9% judgment interest once arrears are reduced to judgment, is a real number. Stay current, file modifications promptly, and do not let arrears sit.

Above-cap income situations need a lawyer. Below the $193,000 combined cap (a figure that resets every two years), the CSSA formula is mechanical and predictable. Above the cap, the outcome depends on the judge's view of the child's needs and each parent's circumstances. This is the part of New York family law where having experienced counsel makes the biggest difference.

Military and interstate cases: New York hosts Fort Drum near Watertown, the U.S. Military Academy at West Point, and Fort Hamilton in Brooklyn. If either parent serves, see Chapter 51 — Military Service for SCRA protections and military pay calculations. If the other parent lives outside New York, the Uniform Interstate Family Support Act (Family Court Act Article 5-B) governs which state can enforce or modify the order; see Chapter 52 — Interstate and International Cases.

End of Chapter 32 — New York | Chapter 33 — North Carolina follows.

Chapter 33 — North Carolina

State	North Carolina
Calculation Model	Income Shares, gross income; three worksheets (A, B, C)
Key Statute	N.C. Gen. Stat. § 50-13.7; NC Child Support Guidelines
Modification Threshold	15% change in guideline amount (presumptive) or substantial change
Agency	NC Child Support Services (CSS), county-level offices

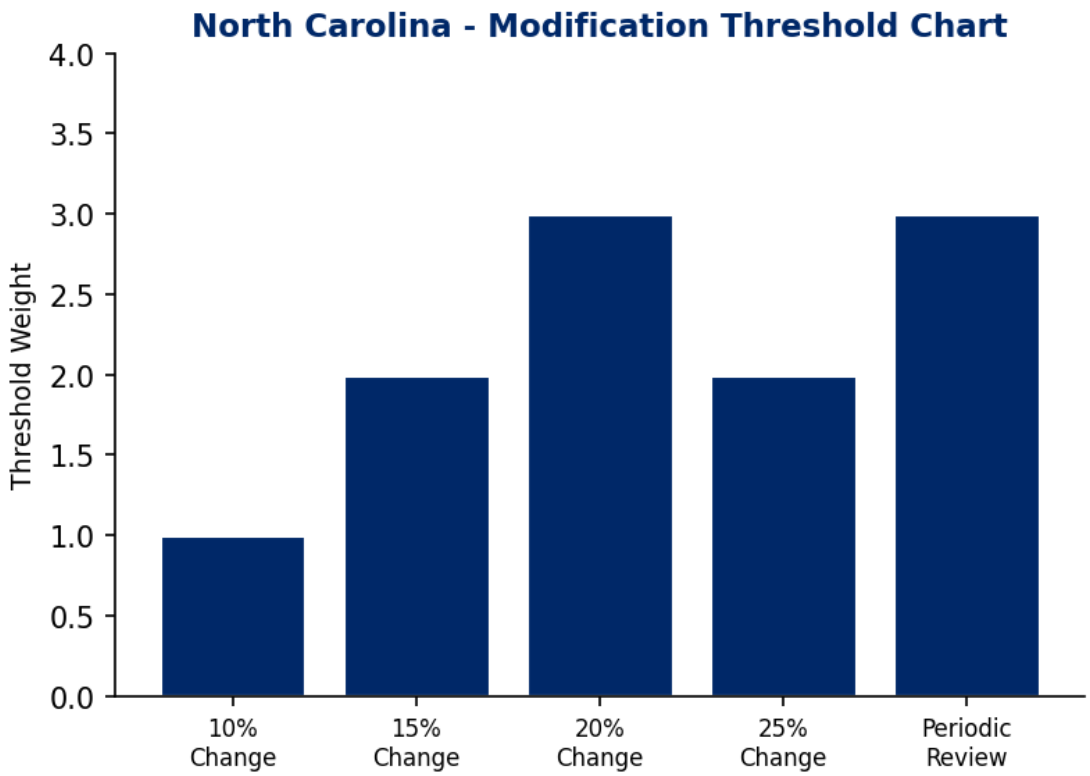
Financial Form	Financial Affidavit (AOC-CV-628)
Court	District Court
Retroactivity	Back to the filing date
Shared Parenting	123-overnight threshold, Worksheet A below, Worksheet B at or above
Age of Majority	18 or high school graduation, not to exceed age 20
License Suspension	$50 or 30 days past due, N.C. Gen. Stat. § 110-142, lowest in region
Criminal Penalty	Class A1 misdemeanor; Class I felony for willful failure, § 14-322.1
Interest on Arrears	8% per year, N.C. Gen. Stat. § 24-1
3-Year Review	Yes, CSS can initiate or either parent can request every 3 years

Section 1 — Overview

North Carolina runs one of the most clearly structured child support systems in the South, and the 123-overnight threshold is the number that matters most to you. Cross it and a different worksheet applies, one that can dramatically reduce what you pay. Miss it by a few nights and you stay on the standard calculation with no credit for your parenting time at all. That hard line makes parenting time documentation more important here than in most states.

North Carolina uses Income Shares, both parents' gross incomes combine into a total obligation, which is then split proportionally. The guidelines use three worksheets. Worksheet A applies when the non-custodial parent has fewer than 123 overnights per year. Worksheet B applies when both parents each have 123 or more overnights. Worksheet C applies in split custody situations where each parent has primary custody of at least one child. Which worksheet applies to your situation is often the most important question to answer before you calculate anything else.

Child Support Services (CSS) administers IV-D cases through county-level offices statewide. Contact your county CSS office to find out whether your case is enrolled and what review options are available to you.



Section 2 — Grounds for Modification

Modification requires a showing of a substantial change in circumstances under N.C. Gen. Stat. § 50-13.7. If your order is at least three years old, a 15% difference between the current order and what the guidelines would produce today is presumed to be that substantial change. Inside three years, you must prove the change directly, job loss, disability, a custody shift, without the benefit of the presumption.

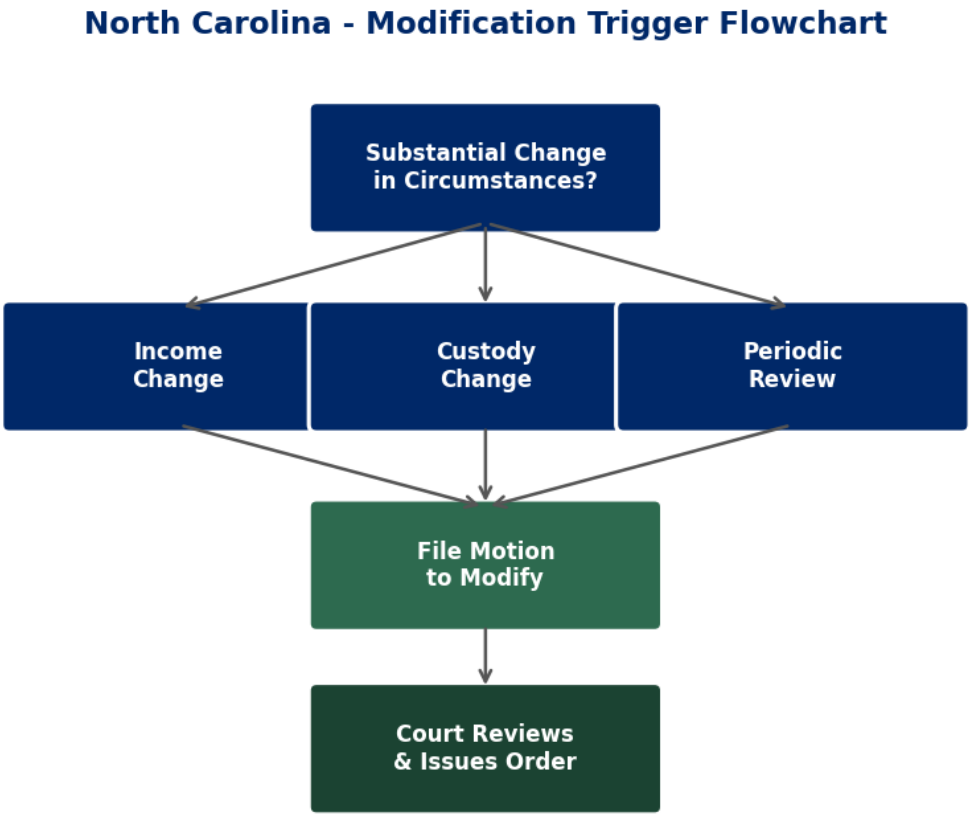
Your guideline amount has shifted 15% or more: Run the calculation using both parents' current gross incomes. If the order is at least three years old and the result differs from it by 15% or more, you have a presumptive case for modification, you do not need to separately prove a substantial change, the math does it for you. If the order is younger than three years, the same 15% shift is strong evidence, but you still have to prove the underlying change. File as soon as you confirm the number.

Your parenting time crossed the 123-overnight line: This is North Carolina's most powerful modification trigger and the one most parents underuse. If you have moved from Worksheet A territory to Worksheet B territory (because your actual parenting time has increased) the new calculation can reduce your obligation significantly. But the court uses court-ordered overnights, not what you are actually doing informally. If your informal time has increased, file to update the parenting plan and the support order together.

Your income dropped materially: Job loss, disability, reduction in hours, or a medical condition that limits your ability to work. File immediately, modification runs back only to the filing date, and every day you wait locks in another day at the old rate.

The other parent's income increased substantially: Because North Carolina uses Income Shares, a raise for the custodial parent changes the proportional split in your favor. If they got a significant promotion since your order was set, run the numbers. You may be overpaying.

A new legal child support obligation:A court order requiring you to support a child from another relationship is a substantial change supporting modification. Document it with the existing order.



Section 3 — Step-by-Step: How to File

North Carolina modifications go through District Court. For IV-D cases, CSS offers a 3-year administrative review as an alternative. Both options are available depending on your situation.

Step 1 — Gather your financial documentation: Your last two pay stubs, two most recent federal tax returns, W-2s, and documentation of the change, termination letter, medical records, updated parenting schedule, or income comparison showing the 15% shift. If you are self-employed, bring three years of tax returns and a current profit-and-loss statement.

Step 2 — Complete your financial disclosure and the right worksheet: North Carolina's guideline worksheets are AOC-CV-627 (Worksheet A), AOC-CV-628 (Worksheet B), and AOC-CV-629 (Worksheet C), all available at nccourts.gov, and many judicial districts also require a

financial affidavit under their local rules. Complete every section, the court calculates the guideline directly from the income figures you disclose.

Step 3 — Determine which worksheet applies: Before you file anything, count overnights. If the new arrangement puts either parent above or below the 123-overnight line compared to the existing order, the applicable worksheet changes, and so does the entire calculation. Knowing which worksheet you are arguing for is the most important step in preparation.

Step 4 — File the motion in District Court: File a Motion to Modify Child Support in the District Court in the county where the original order was entered. Pay the filing fee. Your modification is retroactive only to the filing date, file the day your circumstances change.

Step 5 — Serve the other parent: Serve the motion and financial affidavit on the other party according to North Carolina Rules of Civil Procedure. File proof of service with the court before the hearing.

Step 6 — Attend the hearing: Bring all income documentation and your completed worksheet (AOC-CV-627, -628, or -629, whichever applies). If you are arguing for a worksheet change based on overnights, bring your parenting calendar and any corroborating records. The judge will enter a modified order if the presumption or a substantial change is established.

3-year alternative: If your case is IV-D and 3 years have passed since the last review, contact your county CSS office. CSS can initiate or either party can request a recalculation without going to court.

Section 4 — Income Calculation

North Carolina uses gross income, before taxes and deductions. Getting your income figure right is the first thing to do, because everything else in the calculation flows from it.

Gross income includes: Wages, salary, tips, bonuses and commissions (if regular), overtime (if regular and recurring), self-employment net income, rental income, investment returns, disability, Social Security, workers' compensation, unemployment, and pension distributions.

Self-employment income: Net income after legitimate business expenses, documented on Schedule C. Courts examine three years of returns. Add back depreciation in excess of actual decline, personal expenses run through the business, and non-cash deductions. If the numbers on your return do not match your lifestyle, expect scrutiny.

Imputed income: If you voluntarily reduced your income (quit a higher-paying job, reduced hours without a compelling reason) the court can calculate support based on what you are capable of earning. Bring documentation of any involuntary income reduction to show it was not a choice.

Low-income protection: The 2023 guidelines build in a self-support reserve pegged to the federal poverty level for one person ($1,133 per month in the current schedule), shown as the shaded area of the schedule. An obligor with adjusted gross income below $1,150 per month gets a minimum order of $50 absent a deviation, and within the shaded area the obligation is calculated against the obligor's income alone so the reserve is preserved.

Add-on expenses: Health insurance premiums for the child, work-related childcare, and extraordinary medical expenses are calculated separately and divided proportionally. Include documentation of current costs in your filing.

Uninsured medical expenses: The basic guideline obligation already includes the first $250 per child per year of uninsured medical and dental costs, so the custodial parent absorbs routine co-pays up to that line. Uninsured medical or dental expenses beyond $250 per child per year are divided between the parents in proportion to their incomes. Keep receipts and request reimbursement promptly.

Section 5 — Shared Parenting

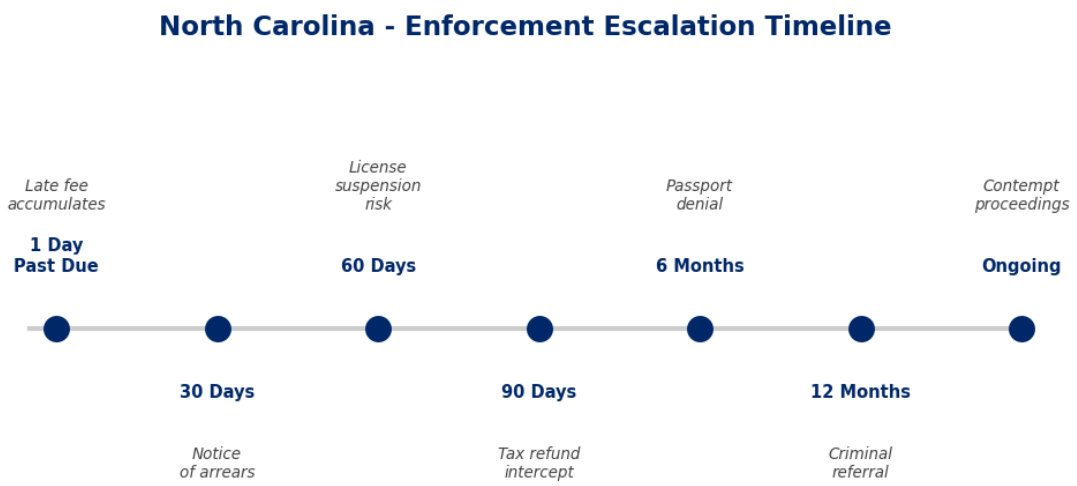
The 123-overnight threshold is the hinge point of North Carolina's entire shared parenting system. Below it: Worksheet A, standard calculation, no parenting time credit. At or above it: Worksheet B, which credits each parent for direct expenses incurred during parenting time and produces a significantly lower net payment.

How Worksheet B works: When both parents each have 123 or more overnights per year, the calculation accounts for the direct costs each parent incurs during their time with the child. The net obligation under Worksheet B is typically substantially lower than under Worksheet A at the same income levels. Run both worksheets before your hearing so you know the difference.

123 overnights is 33.7% of the year: You do not need 50/50 custody to reach Worksheet B. Roughly every-other-weekend plus one overnight per week plus extended summer time gets you close. Count your actual overnights and compare to what the order says. If you are at or near the threshold informally, file to formalize it.

Split custody, Worksheet C: When each parent has primary custody of at least one child from the relationship, Worksheet C applies. Each parent's obligation to the other is calculated separately and the difference is paid by the parent with the higher obligation. If your custody arrangement changed and no one updated the worksheet, you may be on the wrong calculation entirely.

Parenting time documentation: Keep a parenting calendar with a record of every overnight. Texts, school pickup logs, and activity receipts corroborate your count. Courts use court-ordered overnights unless you can show your actual time differs and seek to update the order.



Section 6 — Enforcement

North Carolina suspends licenses through the courts, not automatically. In IV-D cases, once you are at least 90 days in arrears, the child support agency can apply to the court for an order revoking your driver's, hunting, fishing, or trapping licenses and blocking vehicle registration, and a parallel track reaches occupational, professional, and business licenses. The court must find the failure to pay willful, and it can stay the revocation if you enter a payment plan, typically with an immediate initial payment of 5% of the delinquency or $500, whichever is less. If you have a growing arrears balance, the risk is real.

Income withholding: Mandatory on all orders. Payments route through the State Disbursement Unit. Notify CSS immediately if you change employers.

License suspension (§§ 110-142 to 110-142.2): When a IV-D obligor is at least 90 days in arrears, CSS can apply to the court to revoke occupational, professional, or business licenses (§ 110-142.1) and driver's, hunting, fishing, or trapping licenses, or to block DMV registration (§ 110-142.2). You receive notice and a chance to contest or to enter a payment plan, and the court can stay the revocation while you comply. Do not assume a balance a few months old is safe.

Tax intercept: State and federal tax refunds are intercepted for arrears through the tax offset program.

Passport denial:$2,500 in arrears triggers the federal passport denial flag.

Contempt of court: Willful non-payment is punishable as contempt. Inability to pay is a defense, document it with bank records, medical records, and termination letters.

Criminal prosecution: Under N.C. Gen. Stat. § 14-322, willfully neglecting or refusing to provide adequate support for your child is a misdemeanor, and it is a continuing offense, the statute of limitations does not run until the youngest child turns 18. The felony version, § 14-322.1, requires more: willful abandonment for six months, failure to support during that period, and

concealing your whereabouts to escape the obligation, a Class I felony. Do not let arrears build on the assumption that criminal charges are unlikely.

Interest on arrears:8% per year under N.C. Gen. Stat. § 24-1. Address arrears balances promptly.

Section 7 — Emergency Protocols

Emergency Protocols — North Carolina

EMERGENCY PROTOCOL 1: YOUR INCOME DROPPED

File a Motion to Modify Child Support in District Court today. Retroactivity runs from the filing date, not from when your income fell.

Every day you wait is another day locked in at the old rate. File first, gather additional documentation after.

If your case is IV-D and 3 years have passed, contact county CSS to request an administrative review simultaneously.

Keep paying what you can while the motion is pending, partial payments reduce arrears and demonstrate good faith.

Bring your termination letter, final pay stub, and unemployment claim to the hearing.

EMERGENCY PROTOCOL 2: YOUR LICENSE IS AT RISK

License revocation in North Carolina requires at least 90 days of arrears and a court order, but the process moves once it starts. Do not ignore a notice.

Contact your county CSS office immediately. You have a short window to pay the arrears or enter a payment plan.

Get the payment plan in writing with the agreed amount and schedule before you rely on it.

File for modification simultaneously if your income has changed, license relief does not reduce your ongoing obligation.

If your professional license is at risk, losing it compounds the problem: less income, more arrears, faster escalation.

EMERGENCY PROTOCOL 3: YOU ARE NEAR THE 123-OVERNIGHT LINE

Count your actual overnights for the past 12 months. If you are at or above 123, you may qualify for Worksheet B.

Worksheet B can reduce your obligation significantly compared to Worksheet A at the same income levels.

If your informal time exceeds what the order says, file to update the parenting plan and support order together.

Courts use court-ordered overnights for the worksheet calculation, the informal schedule does not count until the order reflects it.

Run both worksheets before you file so you know the dollar difference you are arguing for.

EMERGENCY PROTOCOL 4: THE OTHER PARENT IS SEEKING UPWARD MODIFICATION

Run the North Carolina guideline calculation using your current gross income and the other parent's current gross income.

If the result is within 15% of your current order, or the order is less than three years old, the presumption has not been met, the other parent must prove a substantial change directly. Object on that ground.

Request the other parent's financial affidavit and compare it to their tax returns and pay stubs.

If their income figure appears inflated, challenge it in discovery before the hearing.

If the 15% threshold is met, focus your argument on the accuracy of the income figures and the applicable worksheet.

EMERGENCY PROTOCOL 5: SUPPORT IS RUNNING PAST AGE 18

North Carolina support continues past 18 if the child has not graduated high school, up to age 20.

Review the exact language of your order. Check whether it specifies age 18, graduation, or the statutory cap.

Do not stop paying unilaterally. File a Motion to Terminate or get written confirmation from the court and CSS.

Contact your county CSS office to confirm the termination date recorded on your account.

Once support terminates, get a written order or letter confirming the end date for your records.

EMERGENCY PROTOCOL 6: ARREARS ARE GROWING AND INTEREST IS ACCRUING

Contact your county CSS office and negotiate a payment plan on the arrears balance immediately.

At 8% annual interest, arrears grow steadily. Address them before the balance reaches enforcement thresholds.

File for modification if your current income cannot support the existing obligation, the order must change before your payment can change.

Making lump-sum payments reduces the interest base. Pay down the principal as fast as your situation allows.

Keep every payment receipt from the State Disbursement Unit. That is the authoritative record.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Motion to Modify and request formal discovery through District Court.

Subpoena the other parent's tax returns, bank records, employer pay stubs, and business filings.

Courts can impute income based on earning capacity when deliberate underreporting is shown.

Document lifestyle evidence inconsistent with reported income, property, vehicles, business activity.

County CSS can assist with income verification for IV-D cases, contact your local office.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: modification threshold, 123-overnight line, agency contact, form name, court type, age of majority, license suspension threshold, criminal penalty, interest rate, and retroactivity rule.

Section 9 — Resources and Special Considerations

NC Child Support Services (CSS): ncchildsupport.ncdhhs.gov, online case services, county office locator, and IV-D services

NC Courts (nccourts.gov): Child support worksheets AOC-CV-627, AOC-CV-628, and AOC-CV-629, plus motion forms

NC Legal Aid:(919) 856-2121, free legal help for qualifying low-income parents

State Disbursement Unit: Routes all payments, keep every receipt

High-income cases: The guideline schedule tops out at $40,000 per month in combined gross income ($480,000 per year), raised from $30,000 effective January 1, 2023. Above that level the guidelines do not apply; the court sets support based on the children's reasonable needs and the parents' relative abilities to pay.

License revocation is North Carolina's most dangerous enforcement feature once arrears reach 90 days, because it runs through a court order with a willfulness finding and does not require a large dollar balance. If you are in a tight month, pay the child support before anything else. Losing a driver's or professional license creates a cascade that is far harder to recover from than a temporary cash shortfall.

The 123-overnight line is North Carolina's most valuable tool for paying parents who are actively parenting. If you are close to that line (even at 115 or 118 nights informally) formalize your schedule, update the parenting plan, and file for a worksheet change. The dollar difference between Worksheet A and Worksheet B at the same income levels is significant. Do not leave it unclaimed.

Military and interstate cases: North Carolina has one of the largest military populations in the country, Fort Bragg in Fayetteville, Camp Lejeune and New River in Jacksonville, Cherry Point in Havelock, and Seymour Johnson Air Force Base in Goldsboro. If either parent serves, see Chapter 51 — Military Service for SCRA protections and military pay calculations. If the other parent lives outside North Carolina, the Uniform Interstate Family Support Act (N.C. Gen. Stat. Chapter 52C) controls enforcement and modification across state lines; see Chapter 52.

Chapter 34 — North Dakota

State	North Dakota
Calculation Model	Percentage of obligor's net income; the schedule applies to the paying parent's monthly net income only (no combining)
Key Statute	N.D. Cent. Code § 14-09-08.4; N.D. Admin. Code ch. 75-02-04.1
Modification Threshold	None once the order is 1 year old, the court conforms it to the guidelines on motion; material change required within the first year (§ 14-09-08.4)
Agency	Child Support Division (CSD), ND Health and Human Services, (800) 231-4255
Financial Form	Financial Statement
Court	District Court (or CSD administrative track for IV-D)
Retroactivity	Effective from the date of the motion, absent good reason for a later date (Geinert v. Geinert, 2002 ND 135)
Shared Parenting	Extended parenting time formula above 100 court-ordered overnights (§ 75-02-04.1-08.1); equal residential responsibility = offset of dual calculations (§ 75-02-04.1-08.2)
Age of Majority	18; if enrolled and attending high school and living with the obligee, end of the month of graduation or age 19, whichever first (§ 14-09-08.2)

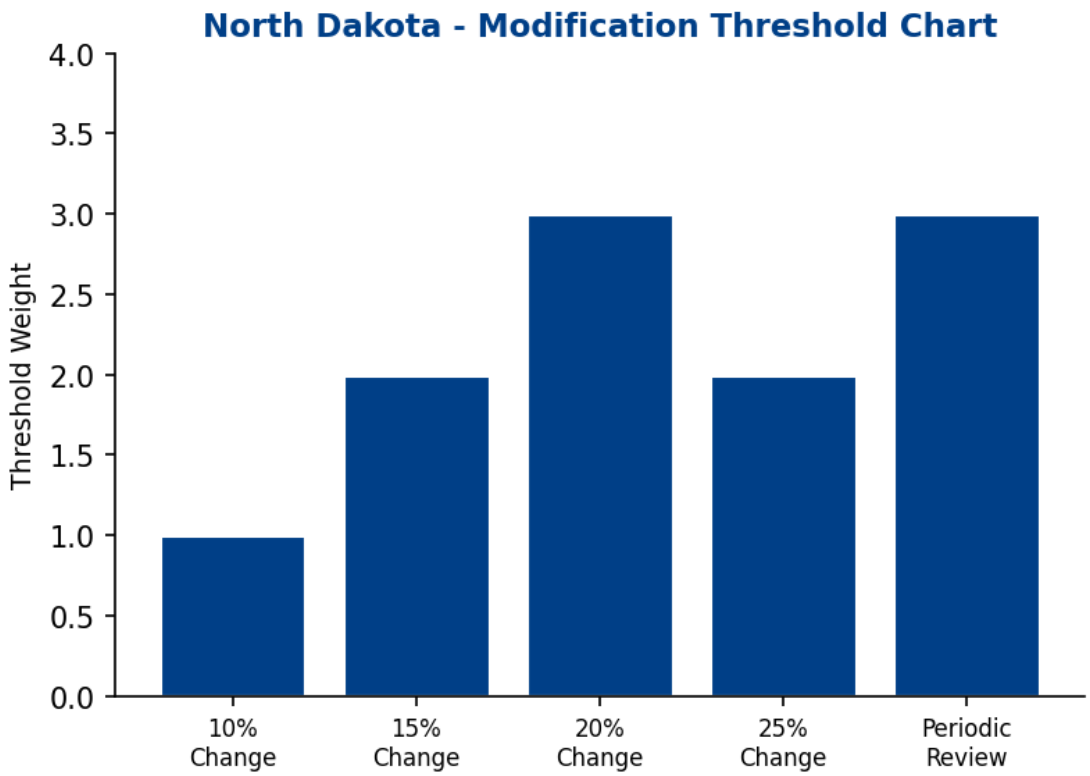
License Suspension	Past-due support exceeding the lesser of two months' obligation or $2,000, or payment-plan breach (§§ 14-08.1-06, 50-09-08.6)
Criminal Penalty	Class C felony, abandonment or willful nonsupport (§ 14-07-15), up to 5 years; no dollar trigger
Interest on Arrears	Simple interest at the annual judgment rate (10% for 2026), § 14-09-08.19; a payment plan can suspend accrual
3-Year Review	Yes, CSD can initiate or either parent can request without showing any change

Section 1 — Overview

North Dakota is one of the easiest states in the country to modify in, and not because of a percentage trigger. Once your order is at least one year old, N.D.C.C. § 14-09-08.4 directs the court to conform the support amount to the current guideline calculation on motion, whether or not anything else has changed. If today's calculation produces a different number than your order, that is your case. You do not have to wait for a major income event to justify filing.

The state also runs a strong review track through the Child Support Division (CSD). For IV-D cases, CSD reviews the order and pursues the amendment through the court itself, which costs you nothing in filing fees and rarely involves a contested hearing. The 3-year review right requires no proof of any change in circumstances. If three years have passed, ask for the review.

North Dakota does not use the Income Shares model that dominates the rest of the country. It is one of a handful of percentage-of-obligor-income states: the guideline schedule in N.D. Admin. Code ch. 75-02-04.1 is applied to the paying parent's monthly net income and the number of children, and the receiving parent's income does not enter the standard calculation at all. CSD administers IV-D cases statewide from Bismarck. Reach them at (800) 231-4255.



Section 2 — Grounds for Modification

Modification in North Dakota turns on the age of your order under N.D. Cent. Code § 14-09-08.4. If the order is at least one year old, the court amends it to match the current guideline calculation, with no percentage threshold and no proof of changed circumstances required. If the order is less than a year old, you must also show a material change in circumstances. On the agency side, a 3-year review is yours for the asking in IV-D cases.

Your guideline amount shifted: Run the calculation using your current monthly net income. If your order is at least one year old and the result differs from the ordered amount, that is your ground, a motion to amend carries no percentage floor. On a CSD review, the agency must seek an amendment when the order falls below 85% or above 115% of the current guideline amount, and it may seek one for smaller differences. A modest pay cut or a new support obligation for another child can get you there.

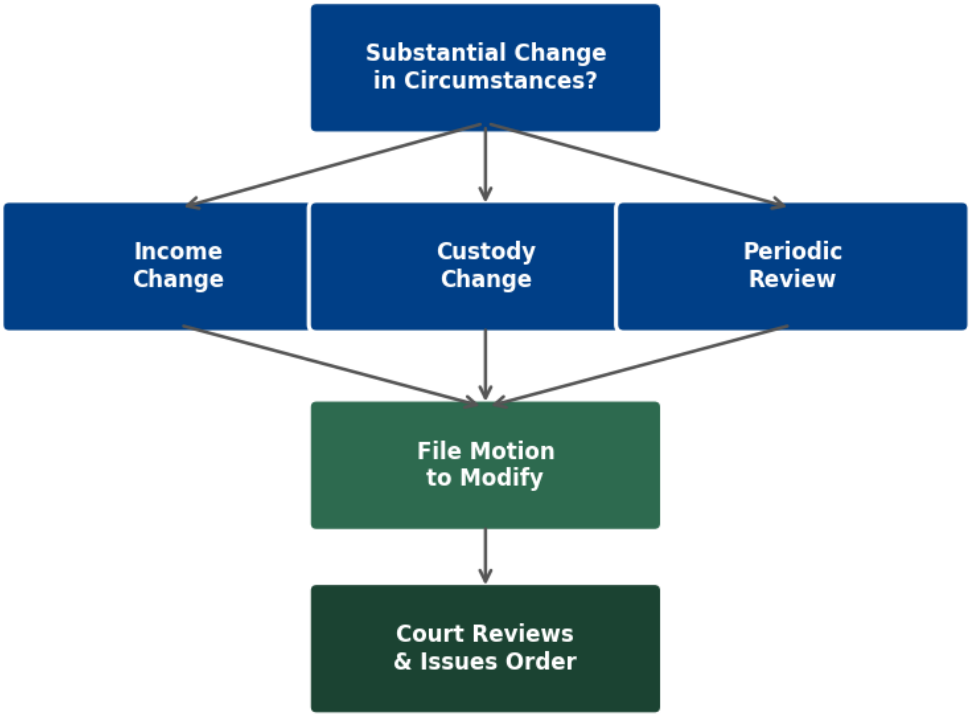
Three years have passed: Request a 3-year review through CSD. You do not need to show that anything changed. The review runs the obligor's current net income through the schedule and produces a new guideline amount. If that number is below 85% or above 115% of the existing order, CSD must pursue an amendment; for smaller shifts it has discretion, and you can always file your own motion.

Your income dropped materially: Job loss, pay cut, disability, medical condition. File or request a CSD review immediately. The modification clock starts on your filing date.

You work in the energy sector: North Dakota courts hold energy workers to realistic sector wages when imputing income. If you worked in oil and gas at peak wages and are now earning less due to industry downturns, document the sector wage history carefully. Courts here understand the cyclical nature of the industry better than most.

The other parent's income increased: Be careful with this one. North Dakota is not an Income Shares state, and the custodial parent's income does not enter the standard guideline calculation, so a raise on their side does not automatically lower your number. Their finances matter only in narrow rebuttal circumstances under N.D. Admin. Code § 75-02-04.1-09, where you carry the burden of proving the guideline amount should not apply.

North Dakota - Modification Trigger Flowchart



Section 3 — Step-by-Step: How to File

North Dakota offers two tracks. The administrative CSD track is faster and free for IV-D cases. The District Court judicial track is available to anyone and is necessary when CSD's administrative process is not an option or when the parties cannot agree.

Step 1 — Check your IV-D status and the 3-year clock: Call CSD at (800) 231-4255. Ask whether your case is enrolled and when the last review or modification occurred. If 3 years have passed and your case is IV-D, you can request a review by phone right now, no paperwork, no court, no filing fee.

Step 2 — Gather financial documentation: Your last two pay stubs, two most recent federal tax returns, W-2s, and documentation of the triggering change. If you are self-employed, bring up to five years of returns and a current profit-and-loss statement, the guidelines average self-employment income over the most recent five years when the records are available. For the administrative track, CSD will ask for this documentation to run the calculation.

Step 3 — Complete the Financial Statement: For the court track, both parties must file a Financial Statement disclosing income and expenses. Download the current form from the North Dakota Courts website (ndcourts.gov).

Step 4 — File a motion in District Court or submit your CSD review request: For the court track, file a Motion to Modify Child Support in District Court in the county where the original order was entered. Pay the filing fee. Your modification runs back to the filing date. For the CSD track, submit your review request and documentation to CSD, they handle the rest.

Step 5 — Serve the other parent (court track): Serve the motion and Financial Statement on the other parent pursuant to North Dakota Rules of Civil Procedure. File proof of service before the hearing.

Step 6 — Attend the hearing or accept the CSD order: For the court track, appear in District Court with your Financial Statement, income documentation, and supporting evidence. For the CSD track, review the administrative order CSD issues. You can accept it or challenge it in District Court if you disagree.

Section 4 — Income Calculation

North Dakota calculates support from the obligor's monthly net income: gross income from all sources minus the deductions the guidelines allow, chiefly income taxes computed under standardized assumptions, Social Security and Medicare, and the children's portion of health insurance premiums. Only the paying parent's income goes into the schedule. There is no combining of incomes and no proportional split.

Gross income includes: Wages, salary, tips, regular bonuses, commissions, regular overtime, self-employment net income, rental income, investment returns, disability benefits, Social Security, workers' compensation, unemployment, and pension distributions.

Energy sector and agriculture: Courts impute income based on realistic sector wages for workers in cyclical industries. If your income fluctuates significantly year to year, document the full earnings history and bring three years of tax returns. Courts average income across years for parents with non-steady earnings.

Self-employment income: Net income after documented business expenses. Excessive depreciation, personal expenses, and non-cash deductions may be added back by the court. The guidelines average self-employment income over up to the five most recent years when the information is reasonably available, so bring five years of tax returns and a current profit-and-loss statement.

Imputed income: If you voluntarily reduced your income without good cause, the court can base support on earning capacity. Document any involuntary income reduction, layoff records, medical records, documented industry conditions.

Low-income protection: The schedule itself is the low-income protection: an obligor with monthly net income of $800 or less has a presumptive obligation of $0, and the amounts ramp up gradually from there ($90 per month for one child at $900 net). There is no separate self-support reserve calculation. Be aware that the imputation rules can set a floor, courts may treat an obligor as capable of earning at least 167 times the federal hourly minimum wage per month unless a documented disability or similar limitation applies.

High-income cases: The guideline schedule tops out at $25,000 in monthly net income, where the presumptive obligation is $3,500 for one child, rising to $6,500 for six or more. The presumptive amounts stop increasing above that level; a higher award requires rebutting the guideline amount under N.D. Admin. Code § 75-02-04.1-09.

Uninsured medical expenses: Standard North Dakota orders make the parent receiving support responsible for the first $250 per child per year in unreimbursed medical costs, co-pays, deductibles, dental, optical, and orthodontia included. Costs beyond that line are divided between the parents in the percentages stated in the order. Keep receipts, and present the prior year's expenses by the deadline in your order, commonly March 31.

Section 5 — Shared Parenting

North Dakota's parenting time adjustment is a formula, not a judgment call. Once a court order schedules more than 100 overnights a year with you, the extended parenting time adjustment under N.D. Admin. Code § 75-02-04.1-08.1 applies presumptively and reduces the obligation overnight by overnight. When the court orders equal residential responsibility, a different mechanism takes over entirely: dual calculations with an offset under § 75-02-04.1-08.2.

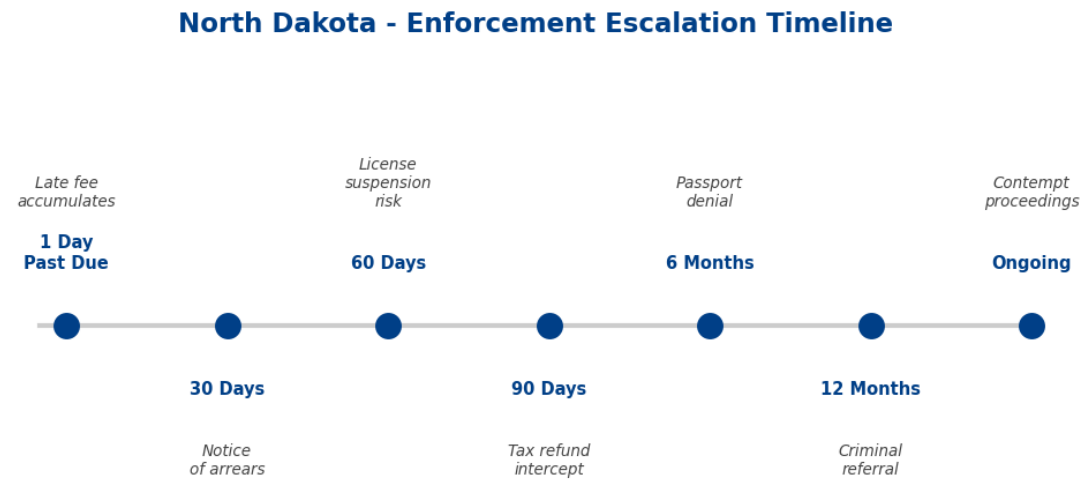
Equal residential responsibility: When a court orders equal time, each parent's obligation is calculated under the full guidelines as if the other parent had primary residential responsibility. The lesser obligation is subtracted from the greater, and the parent with the larger number pays only the difference. The net payment is typically far lower than a standard calculation. Document your actual overnight schedule carefully.

More than 100 overnights: The extended parenting time formula multiplies each child's annual overnights by .32, subtracts the result from 365, and divides by 365 to produce the fraction of the base obligation still owed. More scheduled overnights mean a lower obligation, automatically. The order must specify the number of parenting time overnights for the adjustment to apply, so make sure your parenting plan states the count explicitly.

100 overnights or fewer: The standard schedule amount applies with no parenting time adjustment. The credit does not phase in gradually below the line, it simply is not available.

Your informal time exceeds what the order says: Courts use the court-ordered schedule for the calculation, not what is actually happening. If you are exercising more time than the order reflects, file to update both the parenting plan and the support calculation.

Parenting time documentation: Keep a detailed calendar. Use a parenting app or shared calendar that timestamps exchanges. Texts and school pickup records corroborate your count. Count actual overnights, not days.



Section 6 — Enforcement

North Dakota's enforcement tools are standard but the administrative track through CSD makes them faster to deploy than in purely court-based states. CSD can initiate most enforcement actions without a separate court filing.

Income withholding: Mandatory on all orders. Payments route through the State Disbursement Unit. Notify CSD immediately if you change employers.

License suspension (N.D.C.C. §§ 14-08.1-06, 50-09-08.6): Once past-due support exceeds two months' worth of payments or $2,000, whichever is less, or you breach a payment plan, CSD can move against driver's licenses, vehicle registrations, professional and occupational licenses, and hunting and fishing licenses. You receive notice, and payment in full or entering a payment plan lifts the suspension.

Tax intercept: State and federal tax refunds are intercepted for arrears. The federal intercept applies automatically for certified IV-D cases.

Passport denial:$2,500 in arrears triggers the federal passport denial flag.

Bank levy:CSD can levy financial accounts for unpaid arrears without a separate court action in IV-D cases.

Criminal prosecution: Under N.D.C.C. § 14-07-15, wholly abandoning a child or willfully failing to furnish necessary food, shelter, clothing, and medical attention is a Class C felony, carrying up to

five years in prison. The statute has no dollar trigger, prosecution turns on willful failure to provide for the child, not on reaching a specific arrears balance.

Interest on arrears: Simple interest accrues on past-due principal under N.D.C.C. § 14-09-08.19 at the state judgment rate, set annually (10% for 2026). Entering a payment plan with CSD can suspend the accrual, and remaining interest may be waived after you comply with the plan. Address balances promptly.

Section 7 — Emergency Protocols

Emergency Protocols — North Dakota

EMERGENCY PROTOCOL 1: YOUR INCOME DROPPED

If your case is IV-D, call CSD at (800) 231-4255 today and report the income change. Ask for an emergency review.

Simultaneously file a Motion to Modify in District Court to preserve the earliest possible retroactive date.

CSD's administrative track can sometimes act faster than the court calendar, use both paths in parallel.

Keep paying what you can. Partial payments show good faith and reduce arrears accumulation.

Bring your termination letter, final pay stub, and documentation of the income drop to any hearing.

EMERGENCY PROTOCOL 2: THREE YEARS HAVE PASSED

Call CSD at (800) 231-4255 right now and request a 3-year review. You do not need to show any change.

CSD will request current income information from both parents and run a new guideline calculation.

If the new number is below 85% or above 115% of your current order, CSD must seek the amendment; smaller differences are discretionary. Either way, you will be notified and can respond.

This is a free process for IV-D cases. There is no reason to wait if three years have elapsed.

If your case is not IV-D, file a Motion to Modify in District Court citing the 3-year review right.

EMERGENCY PROTOCOL 3: YOUR LICENSE IS AT RISK

Contact CSD at (800) 231-4255 immediately, suspension becomes available once past-due support exceeds two months' worth of payments or $2,000, whichever is less.

You have a window to pay the balance or enter a written payment plan before suspension takes effect.

Get the payment plan confirmed in writing with the specific amount and schedule.

File for modification simultaneously if your income has changed, license relief does not reduce future obligations.

Once a plan is in place, CSD will hold the suspension while you comply.

EMERGENCY PROTOCOL 4: YOUR ENERGY SECTOR INCOME FLUCTUATED

Document the full wage history for your industry over the past three years, not just your current earnings.

North Dakota courts understand energy sector cycles, but you have to show them the data.

If your income dropped because of a sector downturn, file for modification immediately.

If your income was temporarily high due to overtime or bonuses and the order was set at that peak, a 3-year review using a multi-year average may produce a lower obligation.

Bring up to five years of federal tax returns and W-2s to any hearing, the guidelines average fluctuating and self-employment income over as many as five recent years.

EMERGENCY PROTOCOL 5: ARREARS ARE MOUNTING

Contact CSD at (800) 231-4255 and a family law attorney immediately, willful nonsupport is a Class C felony under N.D.C.C. § 14-07-15 with no fixed dollar trigger.

Gather documentation of any periods when you were genuinely unable to pay due to job loss or medical emergency.

Enter a payment plan with CSD before charges are evaluated. Consistent compliance is the strongest defense.

File for modification if your current income cannot support the existing obligation.

Interest accrues on past-due principal at the annual judgment rate (10% for 2026), and a payment plan can stop the accrual. Every month of delay adds to the total.

EMERGENCY PROTOCOL 6: THE OTHER PARENT RELOCATED OUT OF STATE

North Dakota retains jurisdiction to modify if the order was entered here and you remain in North Dakota.

File your modification motion in the North Dakota District Court that issued the original order.

CSD can coordinate with the other state's child support agency under UIFSA (N.D.C.C. § 14-12.2).

Contact CSD at (800) 231-4255 to initiate an interstate case if enforcement is needed across state lines.

Do not stop paying during any jurisdiction dispute, arrears continue to accrue regardless.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Motion to Modify and request formal discovery through District Court.

Subpoena the other parent's tax returns, bank records, employer records, and business filings.

Courts can impute income based on earning capacity when deliberate underreporting is found.

CSD can assist with income verification for IV-D cases, contact (800) 231-4255.

Document lifestyle indicators of undisclosed income, property, vehicles, business activity.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: modification threshold, agency contact, financial form, court type, shared parenting trigger, age of majority, license suspension threshold, criminal penalty, interest rate, and retroactivity rule.

Section 9 — Resources and Special Considerations

Child Support Division (CSD):(800) 231-4255, IV-D enforcement, administrative reviews, 3-year review requests

North Dakota Courts (ndcourts.gov): Financial Statement and motion forms

Legal Services of North Dakota: (800) 634-5263 or lsnd.org, free legal help for qualifying low-income parents

North Dakota's conform-to-the-guidelines rule combined with a strong agency review track makes it easier to modify here than in most states. Once an order is a year old, the court matches it to the current calculation on motion, and a CSD review can produce a new order with little or no courtroom time, at no cost in IV-D cases. If your net income has moved since your last order, run the calculation today and call CSD tomorrow.

The 3-year review right in North Dakota is broad and requires no proof of anything. If three years have passed since your last modification, the only question is whether the recalculation produces a better number for you. Run it before you call CSD so you know what you are walking into.

Military and interstate cases: North Dakota hosts two major Air Force installations, Minot Air Force Base and Grand Forks Air Force Base. If either parent serves, see Chapter 51 — Military Service for SCRA protections and the treatment of military pay and allowances. If the other parent lives outside North Dakota, the Uniform Interstate Family Support Act (N.D.C.C. ch. 14-12.2) governs enforcement and modification across state lines; see Chapter 52.

End of Chapter 34 — North Dakota | Chapter 35 — Ohio follows.

Chapter 35 — Ohio

State	Ohio
Calculation Model	Income Shares, gross income
Key Statute	ORC §§ 3119.79–3119.84 (modification); ORC § 3119.021 (guidelines)
Modification Threshold	10% change in guideline amount = substantial change of circumstances by statute, ORC § 3119.79
Agency	County Child Support Enforcement Agency (CSEA), one per county, 88 counties
Financial Form	Financial Disclosure Affidavit (county-specific)
Court	Common Pleas Court, Domestic Relations Division (or CSEA administrative track)
Retroactivity	Court track: back to notice of the motion; CSEA track: first of the month after the review begins
Shared Parenting	Automatic 10% reduction at 90+ court-ordered overnights (§ 3119.051); at 147+ the court must consider a further deviation (§ 3119.231)
Age of Majority	18 and high school graduation, or age 19, ORC § 3119.86
License Suspension	90 days after a final default determination with less than 50% of the monthly obligation paid (§§ 3123.41–3123.63)
Criminal Penalty	First-degree misdemeanor (ORC § 2919.21); fifth-degree felony after a prior conviction or 26 of 104 weeks unpaid

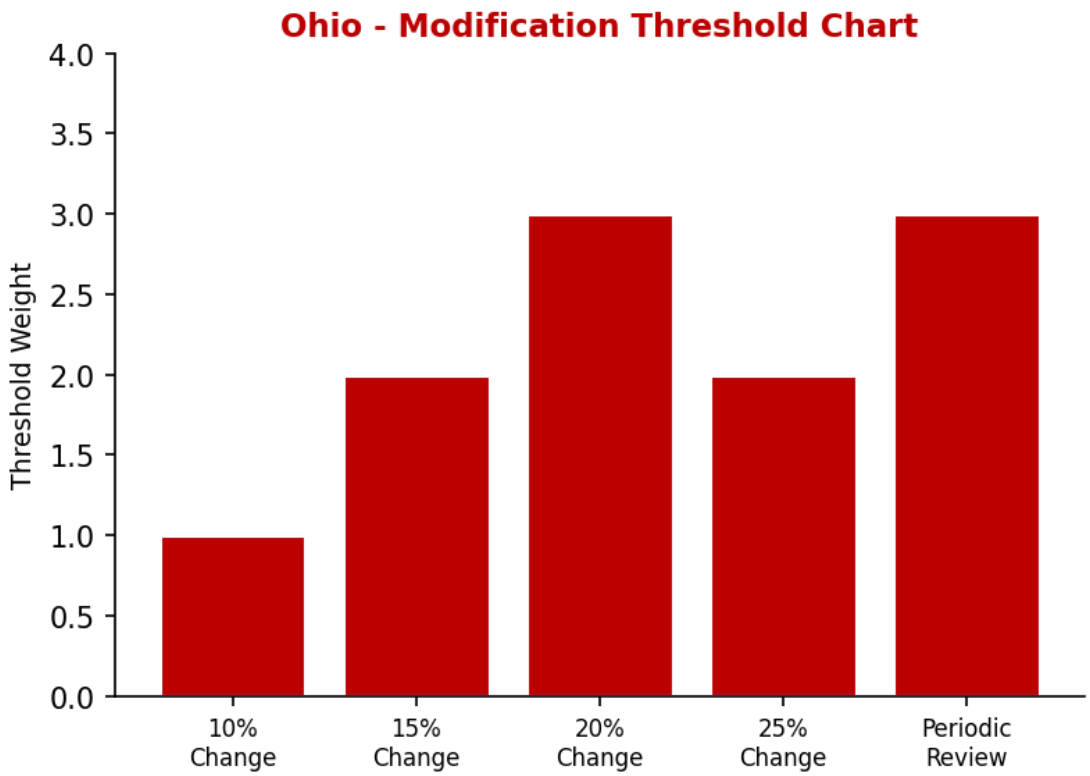
Interest on Arrears	Not automatic; assessed on willful default, typically when arrears are reduced to judgment (§ 3123.17), at the annual § 1343.03 rate
3-Year Review	Yes, 36-month review for IV-D; CSEA administrative track common

Section 1 — Overview

Ohio does two things that most states do not. First, its 10% rule is written directly into statute: under ORC § 3119.79, a recalculation that lands 10% or more above or below the existing order is, by itself, a change of circumstances substantial enough to require modification. It is definitive, consistently applied across all 88 counties, and you can cite it directly. Second, Ohio builds a parenting time reduction into the calculation itself. Once a court order reaches 90 overnights a year, a 10% reduction applies automatically, and more time opens the door to a further deviation. You do not have to invent the argument. It is in the statute.

Ohio runs child support through county-level Child Support Enforcement Agencies, one per county across all 88 counties. Your CSEA is your primary contact for IV-D cases, enforcement, administrative reviews, and income verification. The administrative track through your county CSEA is often faster and cheaper than filing in Domestic Relations Court. All payments route through the Ohio Child Support Payment Central (CSPC). Direct payments to the other parent do not count as paid.

Retroactivity in Ohio depends on the track. A court modification can reach back at most to the date the other party receives notice of your motion (ORC §§ 3119.83 and 3119.84), so your filing date is effectively your start date. A CSEA administrative adjustment relates back to the first day of the month after the review formally begins. Either way, the clock starts when you act, not when your circumstances changed.



Section 2 — Grounds for Modification

Modification in Ohio is governed by ORC § 3119.79. If the current guideline calculation produces an obligation 10% or more higher or lower than your existing order, that deviation is itself treated as a change of circumstances substantial enough to require modification. Marker v. Grimm, the Ohio Supreme Court's guidelines decision, adds a separate protection: the worksheet must actually be completed and followed, and any deviation from it must be justified with findings on the record.

Your guideline amount shifted 10%: Run the Ohio guideline calculation using both parents' current gross incomes. If the result differs from your existing order by 10% or more, ORC § 3119.79 treats that as a substantial change of circumstances on its own. This is a low threshold and a well-established one. Your attorney or the CSEA can run this calculation if you cannot.

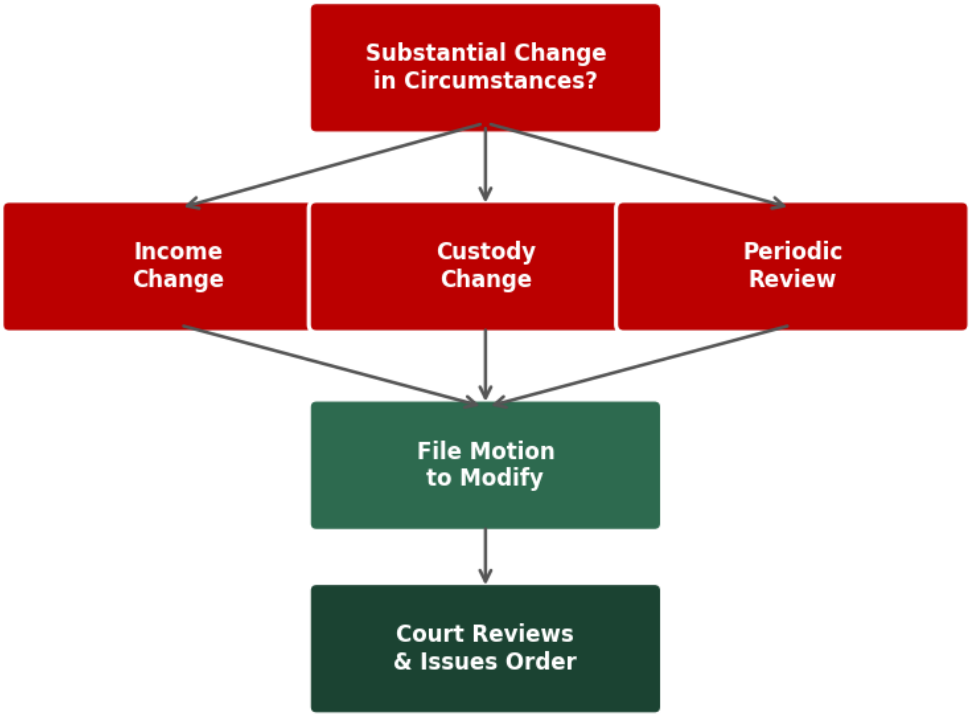
Your parenting time reached 90 or more overnights: Ohio's automatic 10% reduction under ORC § 3119.051 turns on the court-ordered overnight count. Crossing 90 ordered overnights is a modification event in itself, and at 147 or more the court must consider an additional deviation and explain itself on the record if it declines (ORC § 3119.231). If your actual parenting time has increased but your order has not been updated, the calculation is still using the old number. File to update both the parenting schedule and the support order.

Your income dropped materially: Job loss, reduction in hours, disability, medical condition. File a motion or request a CSEA review immediately. A court modification reaches back only to the notice of your motion, and an administrative adjustment relates back to the first of the month after the review begins, so every month of delay is another month at the old rate.

Your income was temporarily elevated when the order was set: If your order was based on a high-bonus year, an unusually high overtime period, or peak earnings that are not sustainable, a recalculation using your actual regular income can produce a meaningful reduction.

A new court-ordered support obligation: An existing court order for support of another child is an allowable deduction from gross income. Document it with the order and your payment records.

Ohio - Modification Trigger Flowchart



Section 3 — Step-by-Step: How to File

Ohio offers two tracks: the CSEA administrative track for IV-D cases, and the Domestic Relations Court judicial track for all cases. The CSEA track is often faster and free. Both lead to a binding order.

Step 1 — Contact your county CSEA: Call your county CSEA first. Ask whether your case is enrolled, when the last review occurred, and whether you qualify for a CSEA administrative review. If 36 months have passed and your case is IV-D, you may be able to trigger a review by phone. Find your county CSEA through jfs.ohio.gov/child-support or call (800) 686-1556.

Step 2 — Gather financial documentation: Your last two pay stubs, two most recent federal tax returns, W-2s, and documentation of the change. Count your actual overnights for the past 12 months and compare to what the court order says. If you are above a credit threshold, document it. If self-employed, bring three years of returns and a current profit-and-loss statement.

Step 3 — Complete your Financial Disclosure Affidavit: Each county uses its own version of the financial disclosure form. Get the current form from your county Domestic Relations Court or CSEA. Complete every section accurately, the court runs the guideline directly from your income disclosures.

Step 4 — File a motion in Domestic Relations Court or submit your CSEA review request: For the court track, file a Motion to Modify Child Support in the Common Pleas Court, Domestic Relations Division, in the county where the original order was entered. Pay the filing fee. The new amount can reach back to the date notice of the motion is given, so file promptly. For the CSEA track, submit your request and documentation to your county CSEA; an adjustment relates back to the first of the month after the review begins.

Step 5 — Serve the other parent (court track): Serve the motion and financial affidavit on the other parent pursuant to Ohio Rules of Civil Procedure. File proof of service before the hearing.

Step 6 — Attend the hearing or accept the CSEA administrative order: For the court track, appear in Domestic Relations Court with your financial documentation, Ohio guideline worksheet, and parenting time records. For the CSEA track, review the administrative order. If you disagree, you have the right to a court hearing to contest it.

Section 4 — Income Calculation

Ohio uses gross income, before taxes. Both parents' gross monthly incomes enter the ORC § 3119.021 guideline schedule, producing a combined support obligation that is divided proportionally. Getting the income number right matters more than anything else in the calculation.

Gross income includes: Wages, salary, tips, bonuses (regular and recurring), commissions, regular overtime, self-employment net income, rental income, investment returns, workers' compensation, disability, Social Security, unemployment, and pension distributions.

Allowable deductions before the guideline: Court-ordered support payments for other children (documented by existing orders) and court-ordered spousal support payments are deducted from gross income before calculating. Other deductions are not recognized by the guideline.

Self-employment income: Net income after documented business expenses. Courts scrutinize Schedule C. Bring three years of federal returns. Inflated deductions, personal expenses, and non-cash items may be added back. If your lifestyle appears inconsistent with your reported income, expect questions.

Imputed income: Ohio courts impute income based on earning capacity when a parent is found voluntarily underemployed or unemployed without good cause. Bring documentation of any involuntary income reduction, termination letters, medical records, or documented industry conditions.

Low-income protection: Ohio's 2019 schedule builds in a self-sufficiency reserve pegged to 116% of the federal poverty level for one person, so obligations phase in on a sliding scale for

parents below that line. For parents earning $8,400 a year or less, ORC § 3119.06 sets a presumptive minimum order of $80 per month for all children covered by the order, and courts retain discretion to go lower in appropriate circumstances.

High-income cases: The basic support schedule runs through $336,467 in combined annual income. Above that ceiling, ORC § 3119.04 leaves the amount to the court's case-by-case discretion, with the obligation at the top of the schedule ordinarily serving as the floor. Expect the dispute to be about the children's actual standard of living, not a table lookup.

Cash medical support and uninsured costs: Every Ohio order includes a cash medical support amount, $388.70 per child per year in the current tables, apportioned between the parents by income share to cover ordinary out-of-pocket costs like co-pays and deductibles. Uninsured costs beyond that ordinary layer are extraordinary medical expenses, divided in proportion to income as the order directs. Keep receipts and request reimbursement through the channel your order specifies.

Section 5 — Shared Parenting

Ohio's parenting time reduction is built directly into the calculation. At 90 or more court-ordered overnights a year, the worksheet applies an automatic 10% reduction, no argument required. Above 90, and especially at 147 or more, an additional discretionary deviation is on the table. You have to count your overnights and document them.

90 overnights, automatic 10% reduction: Under ORC § 3119.051, if the court order provides 90 or more overnights per year, the court or agency reduces the annual obligation by 10%. This is the only fixed, automatic tier in Ohio law.

147 overnights, mandatory consideration of a further deviation:There is no automatic second credit at 147 overnights. What ORC § 3119.231 gives you is leverage: at 147 or more ordered overnights, if the court does not grant an additional deviation for extended parenting time, it must state on the record the facts behind that refusal. Ask for the deviation explicitly and make the court engage with it.

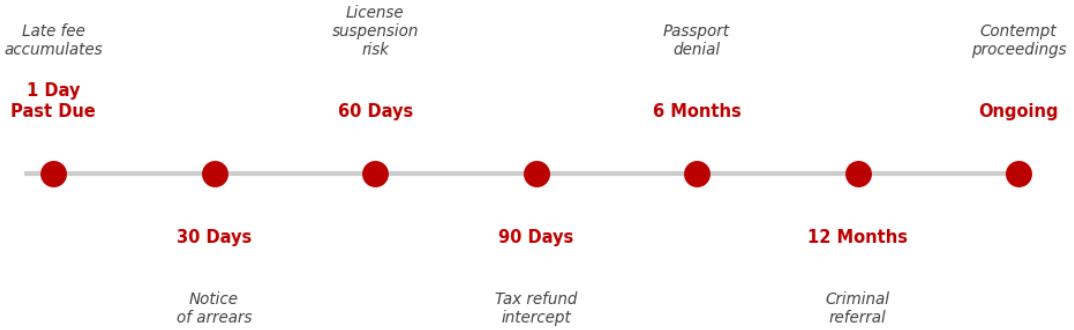
182 overnights, near-equal custody: Even at half the year there is no automatic formula beyond the 10% reduction; everything else runs through the deviation factors in ORC §§ 3119.22 and 3119.23, including extended parenting time and the duplicated household costs that near-equal time creates. Run the worksheet with and without a proposed deviation so you know what the request is worth, and itemize the duplicated expenses, housing, food, transportation, for the judge.

Court-ordered vs. actual overnights: Ohio's credit system runs on court-ordered overnights, the number in your order, not the number you are actually exercising. If you are spending more time with your child than the

order reflects, the extra time does not count until the order is updated. File to update the parenting schedule before you argue for a higher credit.

Parenting time documentation: Keep a calendar. A shared app with timestamps is ideal. School pickup logs, activity receipts, and texts confirming exchanges all corroborate your count. Courts use the order, but if you are contesting what the order says you are entitled to, documented actual time strengthens your position.

Ohio - Enforcement Escalation Timeline



Section 6 — Enforcement

Ohio's county CSEA structure means enforcement is local, fast, and administratively powerful. CSEAs can levy bank accounts and initiate most enforcement actions without a separate court filing, a tool that most states reserve for court.

Income withholding: Mandatory on all orders. Payments route through Ohio CSPC. If you change jobs, notify your county CSEA immediately (directory at jfs.ohio.gov/child-support).

License suspension (ORC §§ 3123.41 to 3123.50 and 3123.53 to 3123.63):Suspension runs off a formal default determination, not a dollar threshold. If at least 90 days have passed since a final default determination and you have paid less than 50% of your monthly obligation during that period, the CSEA can issue a pre-suspension notice and then move against driver's, professional, occupational, and recreational licenses. Respond immediately, entering a payment plan stops the process.

Bank levy:CSEAs can levy your checking, savings, and investment accounts directly for arrears without going to court first. This is a faster and harder-to-stop enforcement tool than most paying parents realize.

Tax intercept: State and federal tax refunds are intercepted. The federal intercept applies at $150 in arrears for cases involving public assistance and at $500 for other IV-D cases.

Passport denial:$2,500 in arrears triggers the federal passport denial flag.

Contempt of court: Willful non-payment is punishable as contempt. Inability to pay is a defense but you must document it, bank records, termination letters, medical records.

Criminal prosecution: Under ORC § 2919.21, non-support is a first-degree misdemeanor. It becomes a fifth-degree felony if the obligor has a prior non-support conviction or has failed to provide support for 26 out of 104 consecutive weeks. Ohio counties vary significantly in how aggressively they prosecute, contact a local attorney if criminal charges are threatened.

Interest on arrears: Not automatic in Ohio. Under ORC § 3123.17, a court assesses interest on arrears only on finding the failure to pay was willful, typically when arrears are reduced to a money judgment, at the statutory judgment rate set annually under ORC § 1343.03. Do not bank on that protection, address arrears before a willfulness finding becomes plausible.

Section 7 — Emergency Protocols

Emergency Protocols — Ohio

EMERGENCY PROTOCOL 1: YOUR INCOME DROPPED

Contact your county CSEA immediately and request an emergency administrative review if your case is IV-D.

Simultaneously file a Motion to Modify in Domestic Relations Court, the new amount can reach back only to the date notice of the motion is given, so every day matters.

Every month of delay is another month at the old rate. File now, gather additional documentation after.

Keep paying what you can. Partial payments reduce arrears and demonstrate good faith.

Bring your termination letter, final pay stub, and unemployment documentation to any hearing.

EMERGENCY PROTOCOL 2: YOUR PARENTING TIME CROSSED AN OHIO CREDIT THRESHOLD

Count your court-ordered overnights. The lines that matter: 90 (automatic 10% reduction under ORC § 3119.051) and 147 (the court must consider a further deviation and explain any refusal, ORC § 3119.231).

If you are above a threshold in practice but the order does not reflect it, file to update the parenting schedule first.

Once the parenting schedule reflects the higher overnight count, file to modify support to capture the credit.

Run the Ohio worksheet with the 10% reduction and again with a proposed additional deviation, know the dollar difference before you file.

Courts use ordered overnights, not actual time, until the order is updated.

EMERGENCY PROTOCOL 3: YOUR CSEA ISSUED AN ADMINISTRATIVE ORDER YOU DISAGREE WITH

You have the right to request a court hearing to contest a CSEA administrative order.

Act quickly, there is a deadline for requesting a hearing after the administrative order is issued.

Contact a family law attorney within 24 hours of receiving a CSEA order you intend to contest.

Gather your financial documentation and your own guideline calculation before the hearing.

The court will review the CSEA calculation de novo. You can present your own numbers.

EMERGENCY PROTOCOL 4: THE BANK LEVY NOTICE ARRIVED

A CSEA bank levy can clear your account. Contact your county CSEA immediately when you receive the notice.

Negotiate a payment plan on the arrears balance before the levy executes if possible.

If the levy would cause genuine hardship (preventing payment of rent, utilities, or other essentials) document that and present it to CSEA.

File for modification if your current income cannot support the existing order, address both the arrears and the ongoing obligation.

Find your county CSEA through jfs.ohio.gov/child-support or call (800) 686-1556.

EMERGENCY PROTOCOL 5: SUPPORT IS RUNNING PAST AGE 18

Ohio support continues past 18 while the child continuously attends high school full time, ending at graduation or age 19, whichever comes first (ORC § 3119.86), unless the order provides otherwise or the child's disability extends the duty.

Review your order's exact termination language. Some orders specify conditions for extension.

Do not stop paying unilaterally at 18. File a Motion to Terminate or get written confirmation from CSEA.

Contact your county CSEA to confirm the termination date recorded on your account.

Once support terminates, get written confirmation for your records.

EMERGENCY PROTOCOL 6: ARREARS ARE BUILDING ON A HIGH-INCOME ORDER

If your order was based on peak earnings that are no longer representative, file for modification now.

Ohio's 10% threshold is low, even a modest income reduction may satisfy ORC § 3119.79.

Contact your county CSEA about the administrative review option. It may be faster than court.

Interest is not automatic in Ohio, but a court can assess it on a willful default (ORC § 3123.17). Address arrears before they harden into a judgment.

Document your current income carefully and run the Ohio guideline calculation with today's numbers before filing.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Motion to Modify in Domestic Relations Court and request formal financial discovery.

Subpoena tax returns, bank records, employer pay stubs, and business filings.

Your county CSEA can assist with income verification for IV-D cases.

Courts will impute income based on earning capacity when deliberate underreporting is shown.

Document lifestyle evidence inconsistent with reported income, property, vehicles, business activity.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: modification threshold, agency contact, financial form, court type, parenting time reduction threshold, age of majority, license suspension standard, and retroactivity rule.

Section 9 — Resources and Special Considerations

County CSEA locator: jfs.ohio.gov/child-support or (800) 686-1556, find your county CSEA for IV-D enrollment, administrative reviews, and enforcement

Ohio Child Support Payment Central (CSPC): Routes all payments, manage your case at childsupport.ohio.gov, direct parent-to-parent payments do not count as paid

Ohio Courts (supremecourt.ohio.gov): Financial Disclosure Affidavit and motion forms for your county

Ohio Legal Help (ohiolegalhelp.org): Free legal information and referrals for pro se litigants

The 10% rule in ORC § 3119.79 is one of the most straightforward modification standards in this book. It is not a soft standard, the statute declares a 10% swing to be a substantial change of circumstances, and Ohio courts apply it consistently across all 88 counties. Run the calculation with current incomes. If you are 10% off, you have a case. File promptly, a court modification reaches back to the notice of your motion, not to the day your circumstances changed.

Ohio's parenting time reduction is genuinely unusual in being automatic: 90 court-ordered overnights triggers a flat 10% cut in the worksheet itself, no argument required, and 147 overnights forces the court to engage on the record with a request for more. If you are parenting at a level close to either line but the order does not reflect it, updating the parenting schedule is the first step, and it is worth doing.

Military and interstate cases: Wright-Patterson Air Force Base outside Dayton is one of the largest installations in the country, and Ohio hosts substantial Guard and Reserve populations. If either parent serves, see Chapter 51 — Military Service for SCRA protections and the treatment of military pay and allowances. If the other parent lives outside Ohio, the Uniform Interstate Family Support Act (ORC Chapter 3115) governs enforcement and modification across state lines; see Chapter 52.

End of Chapter 35 — Ohio | Chapter 36 — Oklahoma follows.

Chapter 36 — Oklahoma

State	Oklahoma
Calculation Model	Income Shares, gross monthly income
Key Statute	43 O.S. § 118I (modification); 43 O.S. § 119 (guideline schedule)
Modification Threshold	Material change in circumstances (43 O.S. § 118I); CSS initiates at a 20% and $30/month recalculation change
Agency	Oklahoma DHS Child Support Services (CSS), (800) 522-2922
Financial Form	Financial Disclosure Affidavit
Court	District Court (or OKDHS CSS administrative track for IV-D)
Retroactivity	Back to the filing date
Shared Parenting	Parenting time adjustment at 121+ overnights (43 O.S. § 118E): tiered factor (2.0 / 1.75 / 1.5) with deeper net reductions at 132 and 144 overnights
Age of Majority	18; if regularly enrolled in and attending high school full time, graduation or age 20, whichever first (43 O.S. § 112)
License Suspension	90 days of noncompliance (missed payments, plan breach, or lapsed health coverage), no dollar floor, 43 O.S. § 139.1
Criminal Penalty	Misdemeanor (21 O.S. § 852); felony once the delinquency is unpaid one year or exceeds $5,000, up to 4 years
Interest on Arrears	2% per year, simple (43 O.S. § 114); no interest on cash medical; court-approved waiver possible

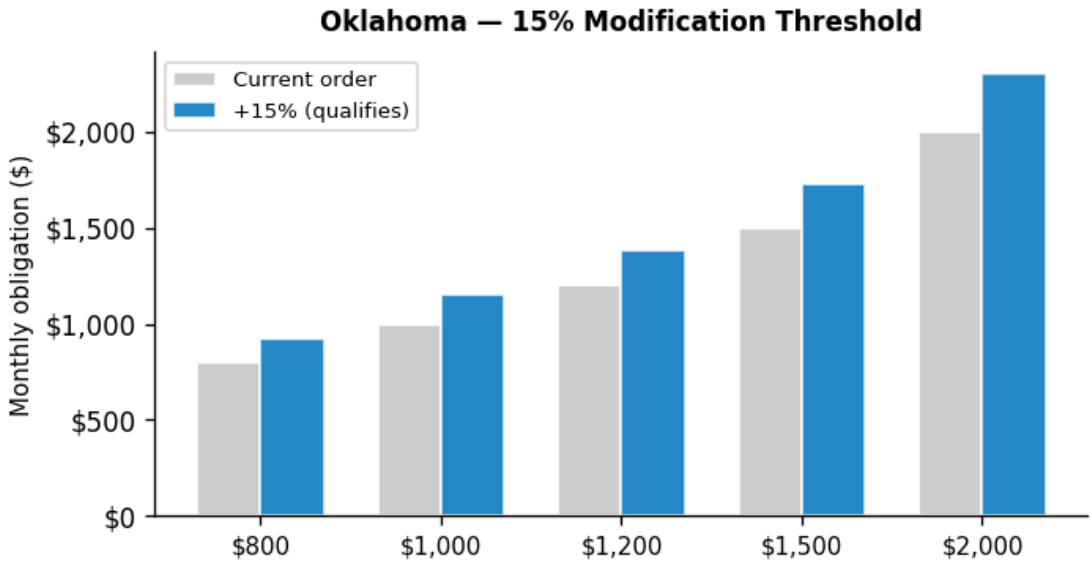
3-Year Review	Yes, OKDHS CSS can initiate or either parent can request without showing any change

Section 1 — Overview

Oklahoma's interest picture has changed: past-due child support now draws simple interest at 2% per year under 43 O.S. § 114, a fraction of the 10% rate that older arrears accrued for years. Do not let the lower rate lull you. Interest still attaches once you fall more than a month behind, older balances may carry years of interest accrued at the old rate, and the principal never goes away on its own. If your order is currently too high for what you earn, the cost of waiting to file is real. File as soon as your circumstances change.

Oklahoma uses Income Shares, both parents' gross monthly incomes combined, entered into the guideline schedule at 43 O.S. § 119, with each parent paying their proportional share. Modification turns on a material change in circumstances under 43 O.S. § 118I, an income change in either direction, changes in childcare or insurance costs, a child aging out, or a parent's incarceration for more than 180 consecutive days. When CSS initiates the change itself, it looks for a recalculation that moves the obligation by at least 20% and $30 per month. Run the guideline with today's incomes before you file so you know where you stand.

Oklahoma DHS Child Support Services (CSS) administers IV-D cases through regional offices statewide. For IV-D cases, CSS offers an administrative review track that can produce a new order without going to District Court. The 3-year review right requires no proof of changed circumstances. Reach CSS at (800) 522-2922. All payments in IV-D cases route through the State Disbursement Unit.



Section 2 — Grounds for Modification

Modification in Oklahoma requires a material change in circumstances under 43 O.S. § 118I. The statute names the usual suspects: income changes in either direction, changes in the child's needs, childcare and insurance cost changes, incarceration beyond 180 consecutive days, a child reaching majority. There is no fixed percentage threshold in the statute itself; the cleanest case is a documented income change that moves the guideline number meaningfully.

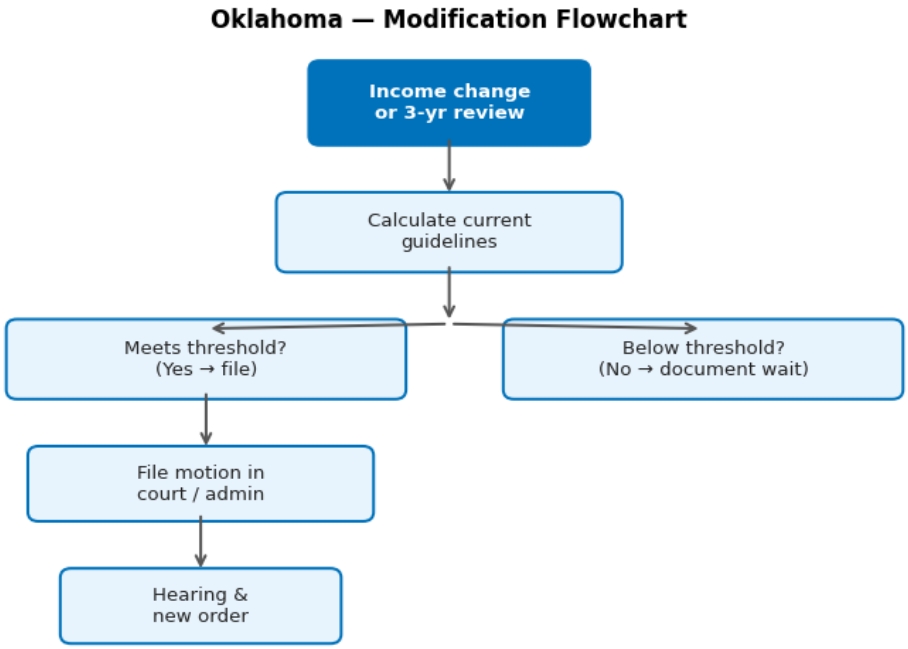
Your guideline amount shifted: Run the calculation using current gross monthly incomes for both parents. A recalculation that moves the obligation by 20% or more and at least $30 per month is the standard CSS itself uses to open a modification, and a shift of that size makes a strong material-change showing in court as well. Calculate this before you file so you walk in knowing the number.

Three years have passed: Contact CSS at (800) 522-2922 and request a 3-year review. No triggering event required. CSS will run current incomes and issue a new calculation. If the number improved, the order changes.

Your income dropped materially: Job loss, disability, reduction in hours. File or request a CSS review immediately, the modification clock starts on your filing date, and unpaid balances start drawing interest once you are more than a month behind. Every month of delay costs real money.

Your parenting time crossed 121 overnights: Oklahoma's guideline reduces the obligation when the non-custodial parent reaches 121 or more overnights per year. If your actual parenting time has crossed that line but the order has not been updated, the credit is not being applied. File to update both the parenting schedule and the support calculation.

The other parent's income increased: Income Shares means a raise for the custodial parent shifts the proportional calculation in your favor. If they are earning significantly more than when your order was set, a recalculation may reduce what you pay.



Section 3 — Step-by-Step: How to File

Oklahoma offers two tracks: the District Court judicial track, and the CSS administrative track for IV-D cases. The administrative track is free and often faster. Both produce binding orders.

Step 1 — Check your IV-D status and the 3-year clock: Call CSS at (800) 522-2922. Ask whether your case is enrolled and when the last review occurred. If 3 years have passed and your case is IV-D, request a review by phone. This is the cheapest and often fastest path to a new order.

Step 2 — Gather your financial documentation: Your last two pay stubs, two most recent federal tax returns, W-2s, and documentation of the triggering change. If self-employed, bring three years of returns and a current profit-and-loss statement. Count your actual overnights and compare to what the court order says.

Step 3 — Complete the Financial Disclosure Affidavit: Oklahoma requires both parties to file a Financial Disclosure Affidavit. Get the current form from your District Court clerk or from the Oklahoma Supreme Court Network (oscn.net). Complete every line, the court calculates the guideline from your income disclosures.

Step 4 — File your motion in District Court or submit a CSS review request: For the court track, file a Motion to Modify Child Support in the District Court where the original order was entered. Pay the filing fee. Your modification is retroactive only to the filing date, file early. For the CSS track, submit your request and financial documentation to CSS.

Step 5 — Serve the other parent (court track): Serve the motion and Financial Disclosure Affidavit on the other party pursuant to Oklahoma Rules of Civil Procedure. File proof of service before the hearing.

Step 6 — Attend the hearing or accept the CSS administrative order: For the court track, appear in District Court with your Affidavit, income documentation, and parenting time records. For the CSS track, review the administrative order. You have the right to a District Court hearing to contest a CSS administrative order.

Section 4 — Income Calculation

Oklahoma uses gross monthly income from both parents. Getting this number right is the foundation of the entire calculation. An error in income (for either parent) compounds through everything else.

Gross income includes: Wages, salary, tips, regular bonuses, commissions, regular overtime, self-employment net income, rental income, investment returns, workers' compensation, disability, Social Security, unemployment, and pension distributions.

Energy sector and agriculture workers: Oklahoma courts understand variable income from oil and gas and agricultural work. If your income fluctuates significantly across seasons or commodity cycles, document three years of returns. Courts may use a multi-year average rather than your current-year income for the calculation.

Self-employment income: Net income after legitimate, documented business expenses. Courts scrutinize Schedule C for inflated deductions, personal expenses, and non-cash items. Three years of returns and a current profit-and-loss statement are expected.

Imputed income: Oklahoma courts impute income based on earning capacity for parents found voluntarily underemployed. If you left a higher-paying position without good cause, expect the court to use the income you are capable of earning.

Financial institution data match:CSS runs regular matches against bank account data and can levy accounts for arrears without separate court action. This is not a slow process, address arrears before CSS acts on them.

Low-income cases: The guideline schedule reaches down to very low combined incomes, and when even the presumptive number is unworkable, 43 O.S. § 118H allows deviation where the guideline amount would be unjust, inequitable, unreasonable, or inappropriate, with findings on the record. Two protections worth knowing: incarceration for more than 180 consecutive days is itself a material change supporting modification under 43 O.S. § 118I, and CSS does not charge interest on unpaid cash medical support.

High-income cases: The guideline schedule tops out at $15,000 in combined monthly gross income ($180,000 a year). Above that, the court starts from the $15,000 guideline amount and may add more in its discretion based on the children's needs and the family's resources. The table stops; the obligation does not.

Health coverage and uninsured costs: Health insurance is treated as available at reasonable cost when the children's share of the premium runs no more than 5% of the providing parent's gross income, and the premium is apportioned between the parents by income share. Uninsured and out-of-pocket medical costs are likewise divided in proportion to income. Where

coverage is not available at reasonable cost, orders set a fixed cash medical contribution instead (currently $115 per child per month under DHS guidance). Keep receipts and follow the reimbursement procedure in your order.

Section 5 — Shared Parenting

Oklahoma builds the parenting time credit directly into the guideline worksheet. When the non-custodial parent exercises 121 or more overnights per year (roughly 33% of the year) the worksheet applies a reduction that accounts for the direct expenses each parent incurs during their parenting time.

121 overnights is the first credit trigger: Below 121 overnights, standard schedule parenting time generates little or no credit in Oklahoma. Above 121, the guideline worksheet reduces the obligation. Know where you stand before you file.

At or near 50/50 overnights: When parenting time approaches equal, the net obligation drops significantly. At 182 overnights (half the year) the calculation produces a substantially lower payment than the standard schedule. If you are at or near equal time, run the worksheet at your current ordered overnights and at 182 to see the difference.

Court-ordered overnights control the calculation: Oklahoma's worksheet uses the overnights specified in your order, not what you are actually exercising. If your informal schedule has increased, the extra time is invisible to the calculation until the order is updated. File to update the parenting schedule before arguing for a higher credit.

Parenting time documentation: Keep a calendar of every overnight. Use a shared app or a written log. Texts confirming pickups and drop-offs, school records, and activity receipts all build your record. Count actual overnights and compare to your court order.

Oklahoma — Enforcement Escalation Timeline

Section 6 — Enforcement

Oklahoma's enforcement toolkit is what most paying parents underestimate. Arrears still grow while they sit, past-due support draws 2% simple annual interest under 43 O.S. § 114 after a one-month grace, and older balances may carry interest accrued at the old 10% rate, but the levies, suspensions, and felony exposure below are the real danger. Address arrears now.

Income withholding: Mandatory on all orders. Payments route through the State Disbursement Unit. Notify CSS immediately if you change employers.

License suspension (43 O.S. § 139.1): Noncompliance means missing the equivalent of 90 days of payments, breaching a payment plan for 90 days, or failing to maintain ordered health coverage for 90 days, there is no dollar threshold. Courts, and CSS through its administrative process, can then suspend driver's, professional, occupational, and recreational licenses. Reinstatement generally requires three consecutive months of full current support and arrearage payments, so respond immediately with a payment or a plan.

Financial institution data match:CSS runs regular matches against bank records and can levy accounts directly for arrears. This can happen faster than most paying parents expect. Keep your arrears current.

Tax intercept: State and federal tax refunds are intercepted for arrears through the offset program.

Passport denial:$2,500 in arrears triggers the federal passport denial flag.

Contempt of court: Willful non-payment is punishable as contempt. Inability to pay is a defense, document it.

Criminal prosecution: Under 21 O.S. § 852, willful failure to provide court-ordered support is a misdemeanor, and it becomes a felony when the delinquency goes unpaid for a year or exceeds $5,000, or when a parent leaves the state to avoid the obligation. Felony exposure runs up to four years. The triggers are written into the statute, not left to prosecutorial habit.

Interest on arrears: 2% per year, simple, under 43 O.S. § 114, accruing once you are more than a month behind. Older arrears may include interest accrued at the prior 10% rate before the law changed. CSS does not charge interest on unpaid cash medical support, and the parents can ask the court to approve a negotiated waiver of accrued interest. Act early anyway, the principal never shrinks on its own.

Section 7 — Emergency Protocols

Emergency Protocols — Oklahoma

EMERGENCY PROTOCOL 1: YOUR INCOME DROPPED

File a Motion to Modify in District Court today, or request a CSS administrative review if your case is IV-D.

Retroactivity runs from the filing date. Arrears that build while you wait draw interest and, worse, harden into a balance no court can retroactively erase.

Call CSS at (800) 522-2922 the day your income drops and report the change.

Keep paying what you can. Partial payments reduce arrears accumulation and show good faith.

Bring your termination letter, final pay stub, and unemployment documentation to any hearing.

EMERGENCY PROTOCOL 2: YOUR LICENSE IS AT RISK

Oklahoma's trigger is 90 days of noncompliance, the equivalent of three months of missed payments, a 90-day payment-plan breach, or a 90-day lapse in ordered health coverage, there is no dollar floor.

Contact CSS at (800) 522-2922 immediately when you receive a suspension notice.

You have a window to pay the arrears or enter a written payment plan before suspension takes effect.

Get the plan confirmed in writing with the agreed amount and schedule before you rely on it.

File for modification simultaneously if your income has changed, license relief does not reduce your ongoing obligation.

EMERGENCY PROTOCOL 3: ARREARS ARE APPROACHING $5,000

Contact CSS and a family law attorney immediately, a delinquency that exceeds $5,000 or goes unpaid for a full year is felony territory under 21 O.S. § 852.

Gather documentation of any periods when you were genuinely unable to pay due to job loss or medical emergency.

Enter a payment plan with CSS before a referral is made. Consistent compliance can prevent prosecution.

File for modification if your current income cannot support the existing obligation.

Interest keeps accruing at 2% per year while the balance sits, and the felony line does not reset, address it before it is crossed.

EMERGENCY PROTOCOL 4: THE BANK ACCOUNT LEVY NOTICE ARRIVED

CSS in Oklahoma can levy your bank accounts without a separate court order through the financial institution data match program.

Contact CSS at (800) 522-2922 immediately when you receive a levy notice.

Negotiate a payment plan on the arrears before the levy executes if at all possible.

If the levy would cause genuine hardship (preventing essential payments) document that and present it to CSS.

File for modification if your income cannot support the existing order, the order must change before your payment can change.

EMERGENCY PROTOCOL 5: THREE YEARS HAVE PASSED

Call CSS at (800) 522-2922 and request a 3-year review. No proof of change required.

CSS will request current income information from both parents and run a new guideline calculation.

If the new number is lower, the order changes. Run the calculation with current incomes before calling so you know what to expect.

If your case is not IV-D, file a Motion to Modify in District Court citing the 3-year review right.

The 3-year review is a free tool in IV-D cases. Use it.

EMERGENCY PROTOCOL 6: YOUR PARENTING TIME CROSSED 121 OVERNIGHTS

Count your court-ordered overnights. If you are at or above 121, you may qualify for the guideline reduction.

If your actual time exceeds 121 overnights but the order does not reflect it, file to update the parenting schedule first.

Once the parenting schedule reflects the correct overnight count, file to modify support to apply the credit.

Run the Oklahoma worksheet with your current ordered overnights and with 121, know the dollar difference before you file.

Courts use ordered overnights, not actual time, until the order is updated.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Motion to Modify in District Court and request formal financial discovery.

Subpoena tax returns, bank records, employer pay stubs, and business filings.

CSS can assist with income verification for IV-D cases, contact (800) 522-2922.

Courts impute income based on earning capacity when deliberate underreporting is shown.

Document lifestyle evidence inconsistent with reported income, property, vehicles, business activity.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: modification threshold, agency contact, financial form, court type, parenting time credit trigger, age of majority, license suspension threshold, criminal penalty, interest rate, and retroactivity rule.

Section 9 — Resources and Special Considerations

Oklahoma DHS Child Support Services (CSS):(800) 522-2922, IV-D enforcement, administrative reviews, 3-year review requests

Oklahoma Supreme Court Network (oscn.net): Financial Disclosure Affidavit and motion forms

Legal Aid Services of Oklahoma:(405) 557-0020, free legal help for qualifying low-income parents

State Disbursement Unit: Routes all IV-D payments, keep every receipt

Oklahoma's most consequential enforcement numbers are no longer about interest, current law charges just 2% simple interest under 43 O.S. § 114, they are the 90-day noncompliance trigger for license suspension and the felony line at one year or $5,000 of unpaid support. The standard

parenting schedule in Oklahoma, every other weekend, one weeknight, does not cross the 121-overnight threshold. If you want the parenting time credit, you have to actively build a schedule that crosses that line and update the court order to reflect it.

Oklahoma's financial institution data match is a tool that catches people off guard. CSS can reach your bank account without warning and without a separate court hearing. If you have an arrears balance and a bank account in Oklahoma, that risk is real. A payment plan with CSS eliminates the threat and buys time to file for modification.

Military and interstate cases: Oklahoma has one of the country's denser military footprints, Tinker Air Force Base, Fort Sill, Vance and Altus Air Force Bases, and the McAlester Army Ammunition Plant. If either parent serves, see Chapter 51 — Military Service for SCRA protections and the treatment of military pay and allowances. If the other parent lives outside Oklahoma, the Uniform Interstate Family Support Act (43 O.S. § 601-100 et seq.) governs enforcement and modification across state lines; see Chapter 52.

End of Chapter 36 — Oklahoma | Chapter 37 — Oregon follows.

Chapter 37 — Oregon

State	Oregon
Calculation Model	Income Shares, gross monthly income
Key Statute	ORS 107.135 (modification); OAR Ch. 137, Div. 50 (guidelines)

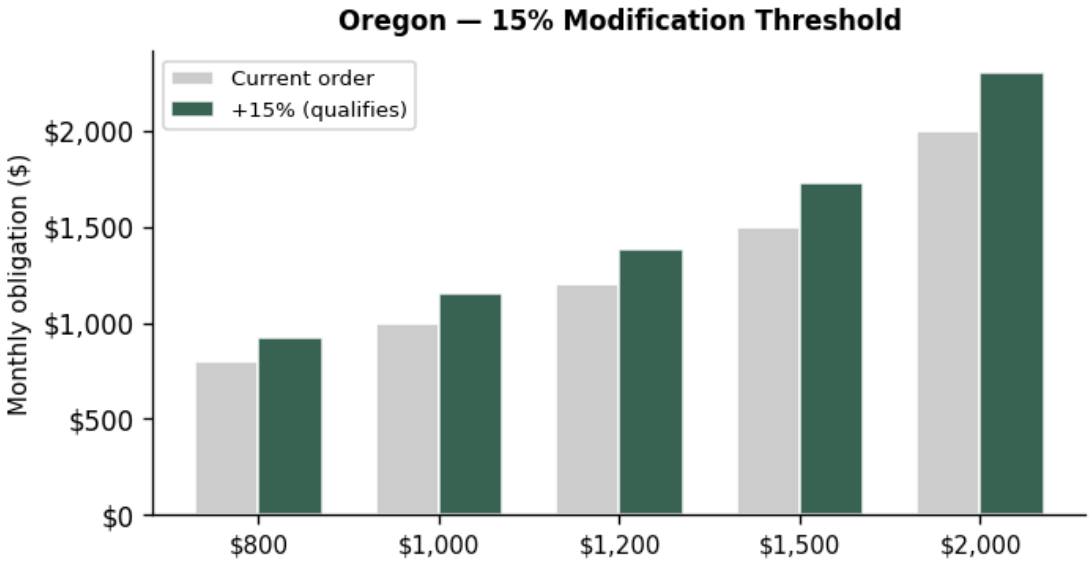
Modification Threshold	Substantial change in circumstances (ORS 107.135); CSP benchmark: recalculation differs by more than the lesser of $50 or 15% (OAR 137-055-3430)
Agency	DOJ Child Support Program (CSP), (800) 850-0228
Financial Form	Financial Affidavit
Court	Circuit Court (36 counties) or DOJ CSP administrative track
Retroactivity	Back to the date the motion is served, or any later date (ORS 107.135)
Shared Parenting	No threshold; continuous-formula parenting time credit from court-ordered overnights (OAR 137-050-0730)
Age of Majority	18; to 21 as a Child Attending School (half-time enrollment, satisfactory progress, ORS 107.108), paid directly to the child
License Suspension	Arrears at least the greater of 3 months of support or $2,500 (ORS 25.750); 30 days to respond after notice
Criminal Penalty	Class C felony (ORS 163.555) willful non-support, up to 5 years
Interest on Arrears	9% simple (ORS 82.010) only if established by court judgment; CSP does not add interest on its own (OAR 137-055-5080)
3-Year Review	Yes, DOJ CSP can initiate or either parent can request without showing any change

Section 1 — Overview

Oregon stands apart on two fronts. Its parenting time credit is not a cliff: under OAR 137-050-0730, the credit is computed by a continuous formula from the overnights in your written parenting plan or court order, so every additional overnight moves the number instead of nothing happening until you cross a magic line. And support can extend to age 21 when the child qualifies as a Child Attending School under ORS 107.108, with the support for that 18-to-21 stretch generally paid directly to the child rather than to the other parent. If your child is in college or a vocational program, the obligation does not necessarily end at 18 or at high school graduation.

Oregon uses Income Shares, both parents' gross monthly incomes combined, entered into the OAR Chapter 137 guideline scale, with the obligation divided proportionally. Modification in court rests on a substantial change in economic circumstances under ORS 107.135. For cases in the Child Support Program, the working benchmark comes from OAR 137-055-3430: if a fresh guideline calculation differs from your current order by more than $50 or 15%, whichever is less, the order is out of substantial compliance and a modification can move forward.

The Oregon Department of Justice Child Support Program (CSP) administers IV-D cases statewide. For enrolled cases, CSP offers an administrative review track every 3 years, no proof of change required, no filing fee. All payments in IV-D cases route through the Oregon Child Support Payment Center. Reach CSP at (800) 850-0228.



Section 2 — Grounds for Modification

Modification requires a substantial change in circumstances under ORS 107.135 or, for CSP cases, a recalculation showing the current order is off by more than the lesser of $50 or 15% (OAR 137-055-3430). Run the calculation first. If the new number clears that benchmark, that is your cleanest argument.

Your guideline amount shifted: Pull both parents' current gross monthly incomes and run the Oregon guideline calculator at oregonchildsupport.gov. If the result differs from your existing order by more than $50 or 15%, whichever is less, you meet the substantial-change benchmark CSP applies under OAR 137-055-3430. File promptly. A modification can reach back only to the date the motion is served, so every month of delay is a month locked in at the old number.

Three years have passed: Request a CSP administrative review. No triggering event required, no filing fee for IV-D cases. CSP runs current incomes and issues a new calculation. If the number moved, the order changes.

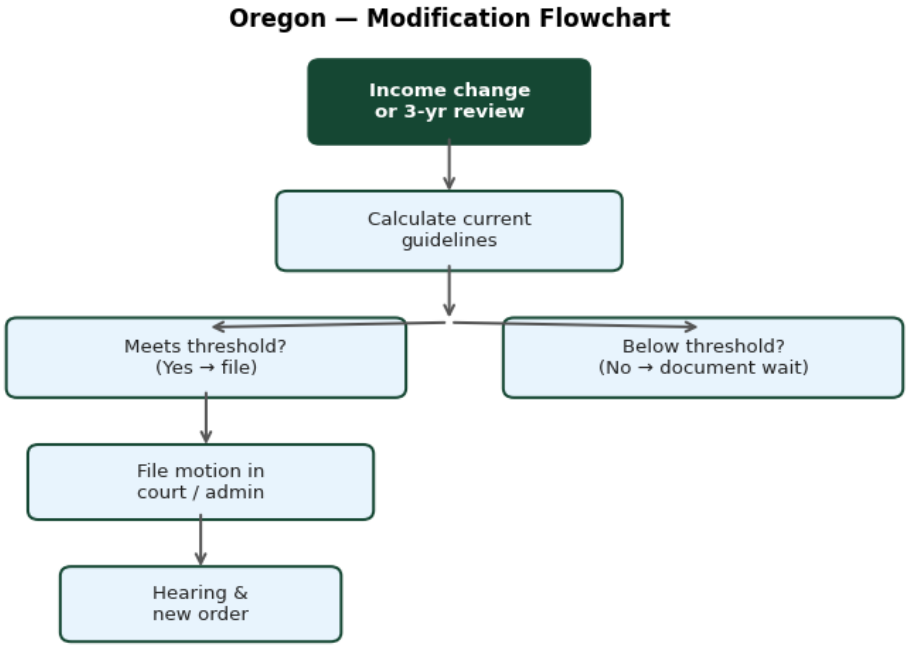
Your income dropped materially: Job loss, disability, reduction in hours. File or request a CSP review the day it happens. A court can make the change effective no earlier than the date the motion to modify is served on the other party (ORS 107.135).

Your parenting time increased: Oregon's parenting time credit has no cliff. OAR 137-050-0730 computes it on a continuous formula from the overnights in your written plan or court order, so any real increase in your overnights changes the guideline number. If your actual schedule has

grown past what the order says, you are likely overpaying. File to update the parenting plan and support order together. The calculation uses the court-ordered schedule, not what you are doing informally.

Support is continuing past high school for a college-enrolled child:Oregon support can run to age 21 under ORS 107.108 when the child qualifies as a Child Attending School: enrolled at least half-time, making satisfactory academic progress, and keeping the Child Support Program and the paying parent notified. For that window, support is generally paid directly to the child. If your order does not address the extension and the other parent is seeking one, get legal advice immediately. If an extension is already in place and circumstances have changed, file to modify or terminate.

Voluntary income reduction will not help: Oregon courts impute income based on earning capacity. Quitting, reducing hours without cause, or deliberately taking a lower-paying job will result in support being calculated on what you are capable of earning.



Section 3 — Step-by-Step: How to File

Oregon offers two tracks: the Circuit Court judicial track available to all, and the DOJ CSP administrative track for IV-D cases. Try the administrative track first if your case is enrolled. It is free and often faster.

Step 1 — Check your IV-D status and the 3-year clock: Call CSP at (800) 850-0228. Ask whether your case is enrolled and when the last review occurred. If 3 years have passed and your case is IV-D, request the administrative review by phone right now. No forms required to initiate.

Step 2 — Gather financial documentation: Your last two pay stubs, two most recent federal tax returns, W-2s, and documentation of the triggering change. If self-employed, bring three years of returns and a current profit-and-loss statement. Count your actual overnights and compare to what the order says.

Step 3 — Complete the Financial Affidavit: Oregon Circuit Courts require a Financial Affidavit at any modification hearing. Download the current form from the Oregon Judicial Department website (courts.oregon.gov). Complete every line, income errors here drive incorrect guideline results that follow you for years.

Step 4 — File your motion in Circuit Court or submit a CSP review request: For the court track, file a Motion to Modify Support in the Circuit Court in the county where the original order was entered. Pay the filing fee. For the CSP track, submit your financial documentation to CSP. A modification reaches back no further than the date the motion is served on the other party, so file and serve promptly when circumstances change.

Step 5 — Serve the other parent: Serve the motion and Financial Affidavit on the other party pursuant to Oregon Rules of Civil Procedure. File proof of service with the court before the hearing.

Step 6 — Attend the hearing or accept the CSP order: Appear in Circuit Court with your affidavit, income documentation, and parenting time records. For the CSP track, review the administrative order. You can request a Circuit Court hearing to contest a CSP order if you disagree with it.

Section 4 — Income Calculation

Oregon uses gross monthly income, before taxes. The combined total from both parents enters the OAR Chapter 137 guideline scale and produces the base obligation, divided proportionally. Support installments harden into judgments as they accrue and cannot be rewritten after the fact, so getting the income figure right from the start is worth the time it takes.

Gross income includes: Wages, salary, tips, regular bonuses, commissions, regular overtime, self-employment net income, rental income, investment returns, disability, Social Security, workers' compensation, unemployment, and pension distributions.

Self-employment income: Net income after legitimate, documented business expenses. Courts examine three years of returns and may add back excessive depreciation, personal expenses, and non-cash deductions. If your lifestyle looks different from your Schedule C, bring documentation explaining the gap.

Variable income, seasonal or commission-based: Oregon courts may average income over one to three years for workers with variable earnings, seasonal workers, commission-based salespeople, agricultural workers. Bring three years of returns and calculate a monthly average before filing.

Imputed income: If you voluntarily reduced your income without good cause, Oregon courts will base support on your earning capacity. Document any involuntary income reduction carefully.

Low-income protection and the minimum order: Before support is calculated, OAR 137-050-0745 sets aside a self-support reserve from each parent’s adjusted income, an amount pegged to the federal poverty guideline and updated annually, so the formula does not calculate a low earner into the ground. Even then, OAR 137-050-0755 presumes an obligated parent can pay at

least $100 per month in total support; that presumption can be rebutted with evidence of true inability to pay.

High combined incomes: The Oregon scale stops at $30,000 in combined adjusted monthly income. Parents above that line are presumed to owe the amount shown at the $30,000 level (OAR 137-050-0725), and anything beyond it is a matter for agreement or judicial discretion rather than the chart.

Medical costs and how they divide: The basic support number already includes ordinary unreimbursed medical costs of $250 per child per year, the co-pays and pharmacy runs of everyday life. Extraordinary unreimbursed expenses beyond that can be divided between the parents from the first dollar (OAR 137-050-0750). Health insurance for the child counts as reasonable in cost when it runs no more than 4% of a parent's adjusted income, and when neither parent provides appropriate private coverage, the order can include cash medical support, capped at the lesser of 4% of the parent's adjusted income or what remains after basic support and child care, and set at zero for a parent earning at or below full-time Oregon minimum wage.

Section 5 — Shared Parenting

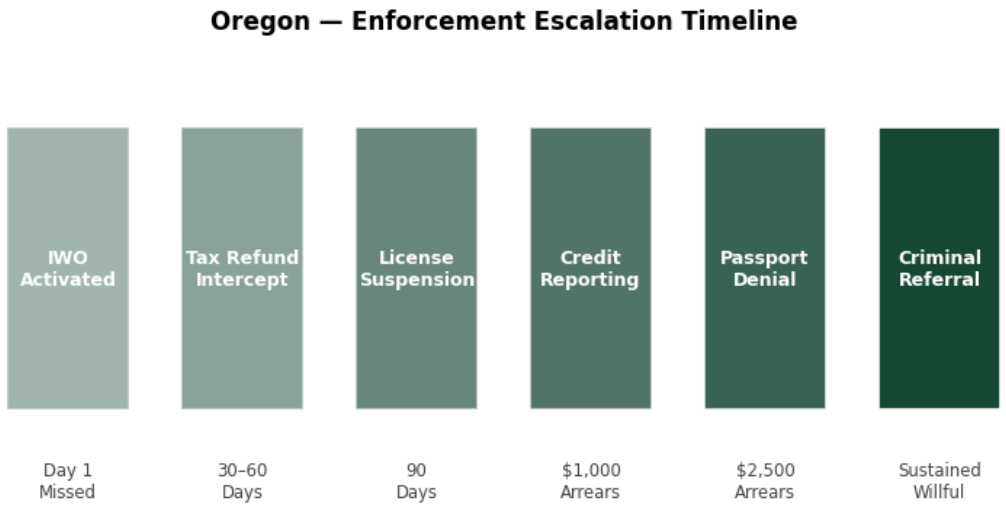
Oregon's parenting time credit works differently from the cliff-style thresholds many states use. There is no minimum overnight count to qualify: OAR 137-050-0730 runs every case through a continuous formula based on each parent's share of annual overnights, and the credit grows steadily as overnights increase. What matters is whether your order reflects your real schedule, because the formula counts the overnights in the written plan or order, not the informal ones.

How the credit works: The formula in OAR 137-050-0730 converts each parent's share of annual overnights into a credit percentage that accounts for the direct expenses a parent incurs during parenting time. The credit is modest at low overnight counts, scales upward steadily as parenting time increases, and accelerates as schedules approach equal time.

At or near 50% overnights: When parents share time equally, the credit percentages on both sides converge and the net payment drops significantly compared to a standard every-other-weekend schedule. Run the guideline at your current ordered overnights and again at equal time, and know the dollar difference before filing.

Court-ordered schedule controls the calculation: Oregon uses the court-ordered overnight count, not what you are actually doing. If your informal time has increased beyond what the order says, the extra overnights are invisible to the calculation until the order is updated. File to update the parenting plan, then file to modify support.

College-age support and parenting time: When support extends to age 21 under ORS 107.108, parenting time credits may still apply if the young adult lives part-time with the paying parent. Get specific legal advice on your situation.



Section 6 — Enforcement

Oregon's license suspension trigger is arrears equal to the greater of three months of support or $2,500 (ORS 25.750; OAR 137-055-4420), and CSP must have been providing services on the case for at least three months before it starts the process. That is more breathing room than a single missed payment, but once the notice issues you have 30 days to respond, and the reach is broad: driver's, professional, occupational, and recreational licenses alike.

Income withholding: Mandatory on all orders. Payments route through the Oregon Child Support Payment Center. Notify CSP immediately if you change employers.

License suspension (ORS 25.750): When arrears reach the greater of three months of support or $2,500, CSP can initiate suspension of driver's licenses, professional licenses, and recreational licenses. You get written notice and 30 days to contest the action, comply, or enter a written payment agreement before the suspension goes to the issuing agency.

Tax intercept: State and federal tax refunds are intercepted for arrears through the offset program.

Passport denial:$2,500 in arrears triggers the federal passport denial flag.

Bank levy and asset seizure:CSP can levy financial accounts and seize assets for IV-D arrears.

Contempt of court: Willful non-payment is punishable as contempt. Inability to pay is a defense, document it with bank statements, termination letters, and medical records.

Criminal prosecution: Under ORS 163.555, willful non-support when capable of paying is a Class C felony carrying up to five years in prison. Prosecution typically follows sustained, willful non-payment.

Interest on arrears: Oregon's judgment interest rate is 9% per year, simple, under ORS 82.010, but the Child Support Program does not calculate or add interest on its own (OAR 137-055-5080). Interest lands on a CSP case balance only when a court judgment establishes the amount or a certified calculation arrives with an out-of-state order. A custodial parent can pursue that judgment, so treat the 9% as a real risk rather than an automatic running meter.

Section 7 — Emergency Protocols

Emergency Protocols — Oregon

EMERGENCY PROTOCOL 1: YOUR INCOME DROPPED

If your case is IV-D, call CSP at (800) 850-0228 today and request an emergency administrative review.

File a Motion to Modify in Circuit Court simultaneously to protect the earliest possible retroactive date.

Modification reaches back only to the date the motion is served, every day of delay is a day you cannot recover.

Keep paying what you can. Partial payments shrink the arrears balance and show good faith at any later hearing.

Bring your termination letter, final pay stub, and unemployment documentation to any hearing.

EMERGENCY PROTOCOL 2: YOUR LICENSE IS AT RISK

Oregon's trigger is arrears equal to the greater of three months of support or $2,500 (ORS 25.750). A suspension notice means the balance has already crossed that line.

Contact CSP at (800) 850-0228 immediately when you receive a suspension notice.

You have 30 days from the notice to contest the action, pay, or enter a written payment agreement before suspension takes effect.

Get the payment plan confirmed in writing, amount, schedule, and CSP's commitment to hold the suspension.

File for modification simultaneously if your income has changed. License relief does not reduce your obligation.

EMERGENCY PROTOCOL 3: SUPPORT IS BEING SOUGHT PAST AGE 18 FOR A COLLEGE STUDENT

Oregon can extend support to age 21 under ORS 107.108 if the child is enrolled in school at least half-time and making satisfactory academic progress. Support for that period is generally paid directly to the child.

Review your current order carefully, does it contain any language about post-secondary support or an age-21 extension?

If the other parent is seeking a college extension and your order does not provide for one, get legal advice immediately.

If a college extension is already ordered and the child has left school or stopped attending, file to terminate.

Document the child's enrollment status, school records, transcript, registration confirmation.

EMERGENCY PROTOCOL 4: YOUR PARENTING TIME GREW BUT YOUR ORDER DID NOT

Count your court-ordered overnights. The credit formula in OAR 137-050-0730 has no minimum, every overnight in your written plan counts toward it.

If your actual time has grown beyond what the order says, the extra overnights are not being credited.

File to update the parenting schedule first, then file to modify support to capture the credit.

Run the Oregon guideline at your current ordered overnights and again at your actual overnights to see the dollar difference.

Courts use ordered overnights, not actual time, until the order is updated.

EMERGENCY PROTOCOL 5: ARREARS ARE BUILDING

Contact CSP at (800) 850-0228 and discuss a payment plan on the arrears immediately.

Interest is not automatic in Oregon. CSP adds it only when a court judgment establishes the amount (OAR 137-055-5080), but the other parent can seek that judgment, and at the statutory 9% simple rate a $5,000 balance picks up $450 a year once interest is imposed.

File for modification if your current income cannot support the existing obligation.

Lump-sum payments cut the balance fastest. Pay down principal as aggressively as your situation allows.

Keep every payment receipt from the Oregon Child Support Payment Center.

EMERGENCY PROTOCOL 6: THE OTHER PARENT RELOCATED WITH YOUR CHILD

File an Emergency Motion to Prevent Relocation in the Oregon Circuit Court immediately.

Oregon requires notice before relocation and, in contested cases, court approval.

A relocation that substantially reduces your parenting time is an independent ground for modification.

Contact a family law attorney within 24 hours, relocation motions move fast.

Continue paying support during any custody dispute. Non-payment is used against you.

EMERGENCY PROTOCOL 7: THE OTHER PARENT IS HIDING INCOME

File a Motion to Modify in Circuit Court and request formal financial discovery.

Subpoena tax returns, bank records, employer pay stubs, and business filings.

Oregon courts impute income when deliberate underreporting or voluntary underemployment is shown.

Document lifestyle evidence inconsistent with reported income.

CSP can assist with income verification for IV-D cases, contact (800) 850-0228.

Section 8 — Quick Reference

See the State at a Glance profile card at the top of this chapter for the key numbers: modification benchmark, agency contact, financial form, court type, parenting time credit rule, age of majority, license suspension threshold, criminal penalty, interest rule, and retroactivity rule.

Section 9 — Resources and Special Considerations

DOJ Child Support Program (CSP):(800) 850-0228, IV-D enforcement, administrative reviews, 3-year review requests

Oregon Courts (courts.oregon.gov): Financial Affidavit and motion forms by county

Oregon Law Help (oregonlawhelp.org): Free legal information and referrals for pro se litigants

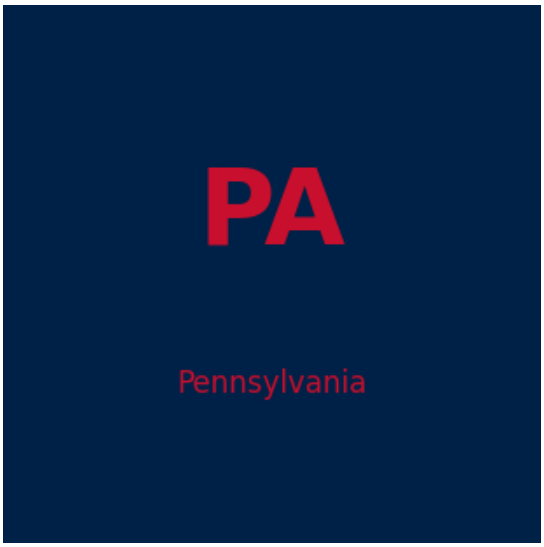
Oregon State Bar Referral:(503) 684-3763, family law attorney referrals

Interstate and military situations: If the other parent lives outside Oregon, enforcement and modification run through the Uniform Interstate Family Support Act, adopted in Oregon as ORS Chapter 110; Chapter 52 of this book walks through which state controls the order and how registration works. If either parent is an active-duty servicemember or an activated Guard or Reserve member, Chapter 51 covers the Servicemembers Civil Relief Act protections and how military pay and allowances enter the calculation.

Oregon's parenting time credit rewards accuracy more than any particular threshold. Because OAR 137-050-0730 uses a continuous formula, there is no magic overnight count to chase; what matters is that the order reflects the schedule you actually keep. If you have been exercising more time with your child than the order shows, count the overnights, compare them to the written plan, and file to update both the plan and the support order. The credit only applies once the order reflects the correct parenting time.

The age-21 Child Attending School provision under ORS 107.108 is Oregon's most frequently misunderstood rule. It is not automatic, and it is not just for four-year universities; vocational programs and community college enrollment can qualify. The child must be enrolled at least half-time, maintain satisfactory academic progress, and consent to sharing enrollment information with the paying parent, and the support for that 18-to-21 stretch is generally paid directly to the child rather than to the other parent. If your child is approaching 18 and enrolled in any qualifying program, get legal advice before support terminates.

Chapter 38 — Pennsylvania



Pennsylvania	State at a Glance
Calculation Model	Income Shares, NET income (taxes and mandatory deductions subtracted first)
Key Statutes	23 Pa.C.S. § 4352 (modification); Pa.R.C.P. 1910.16 (guidelines)
Modification Threshold	Material and substantial change in circumstances (Pa.R.C.P. 1910.19); 3-year DRS review available with no change required
Agency	Bureau of Child Support Enforcement (BCSE), (800) 932-0211
Financial Form	Income Statement and Expense Statement (Pa.R.C.P. 1910.27(c))
Court	Court of Common Pleas, Domestic Relations Section, county of original order
Retroactivity	Back to the filing date
Shared Parenting	40% of overnights (146+ nights/year) activates shared custody formula
Age of Majority	18 or high school graduation, whichever is later; no court-ordered college extension
License Suspension	Arrears of at least 3 months of the monthly obligation when income attachment fails (23 Pa.C.S. § 4355); 30 days' notice

Criminal Penalty	Summary offense (23 Pa.C.S. § 4354); 3rd-degree misdemeanor for out-of-state evasion; federal felony for interstate arrears (18 U.S.C. § 228)
Interest on Arrears	None; arrears carried at face value, and each missed payment is a judgment by operation of law (23 Pa.C.S. § 4352(d))

Section 1 — Overview

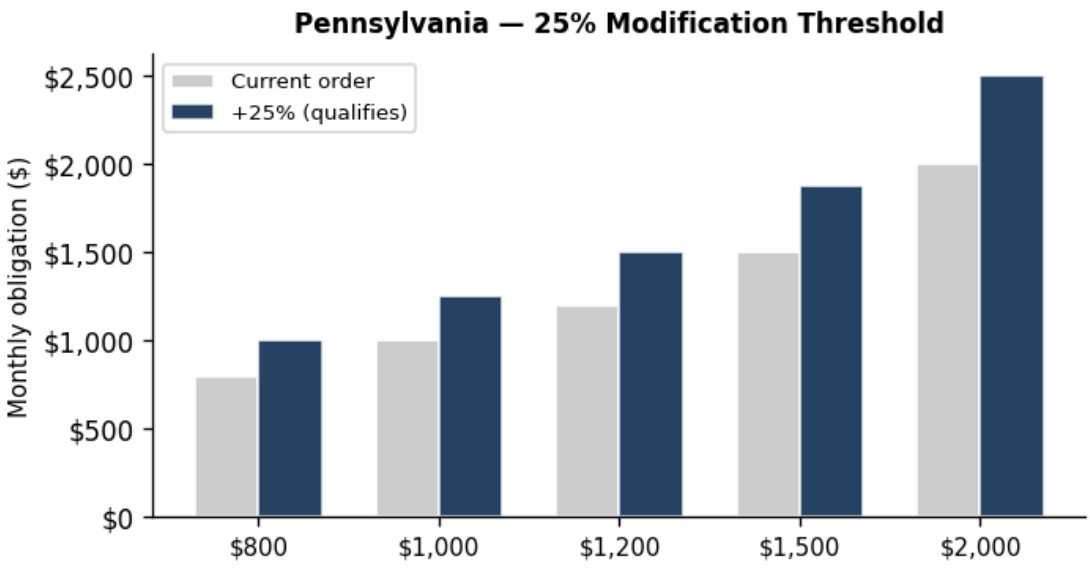
Pennsylvania calculates your child support obligation on net income, not gross. Before the Income Shares formula runs, the state subtracts your federal, state, and local income taxes, your FICA contributions, your mandatory union dues, non-voluntary retirement contributions required by your employer, and alimony you pay under court order; Pa.R.C.P. 1910.16-2(c) makes that list exclusive. Health insurance premiums are handled separately, allocated between the parents in proportion to net income under Pa.R.C.P. 1910.16-6 rather than deducted from your pay. Most states in this book use gross income, the number before any deductions. Pennsylvania does not. If you are the paying parent, that difference usually works in your favor.

The agency managing Pennsylvania child support is the Bureau of Child Support Enforcement, operating through the Domestic Relations Section in each county's Court of Common Pleas. Pennsylvania has 67 counties and 67 Domestic Relations Sections. Your case lives in the county that entered your original order, not necessarily where you live now. If you moved across the state, you still file motions in that originating county unless you formally petition for a venue transfer.

You moved counties after your order was entered: Your order stays in the originating county's Domestic Relations Section. File all petitions there. Ignoring notices from the originating county because you no longer live there is a mistake courts see regularly, they proceed without you, and the result does not favor you.

Your employer changed your benefits package and your deductions shifted:Changes to taxes, non-voluntary retirement contributions, and mandatory dues directly affect the support calculation because the formula runs on net income, and a change in the health insurance premium for the child changes the premium allocation under Pa.R.C.P. 1910.16-6. A significant benefit change (your employer dropping coverage, or you gaining a new dependent on the company plan) is worth documenting, because a material and substantial change in circumstances is a modification ground.

You are self-employed with fluctuating income: Pennsylvania averages your net profit over the most recent tax years. Keep three years of Schedule C or Schedule F filings current and organized. If you had an unusually high year followed by a significant drop, the averaging works in your favor, but only if you can document both the high year and the decline.



Section 2 — Grounds for Modification

Pennsylvania authorizes modification under two practical tracks. The first: a material and substantial change in circumstances under Pa.R.C.P. 1910.19(a), an income change, a custody change, a change in the child's needs. The second: the review-and-adjust process, where a case enrolled with the Domestic Relations Section can get a guideline review every three years on request without proving any change at all (23 Pa.C.S. § 4352(a.1)), and a new guideline amount resulting from revised guidelines can itself qualify as a material and substantial change. Either track, standing alone, is sufficient to open the process.

The standard looks at the support amount, not just your raw income change. A 30% income drop might produce only a modest change in the calculated amount if the other parent's income also moved. Run the guideline calculation with current figures for both parties before filing, under 23 Pa.C.S. § 4352 and Pa.R.C.P. 1910.16-1 through 1910.16-7. Know the number before you file. It is your argument.

Your income dropped significantly and you are not sure it is enough:Pull both parties' current income figures, run the net-income calculation, and compare the new guideline amount to your existing order. A meaningful difference is the heart of a material and substantial change showing. If the difference is small, check whether three years have elapsed since the last order, the DRS review track requires no showing of change at all.

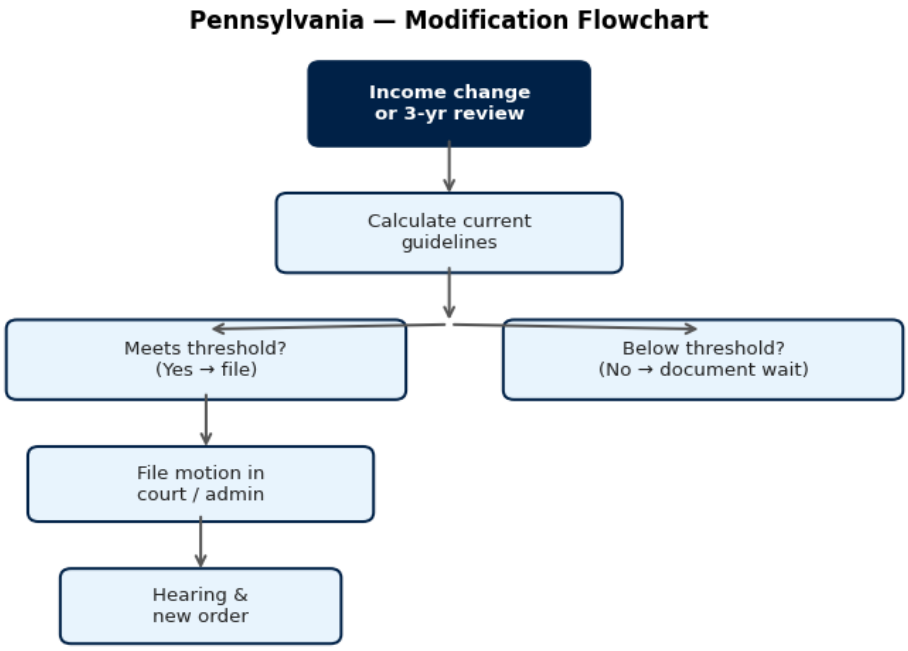
Three years have passed since your last modification: Request a guideline review through your county DRS regardless of how much your income changed. The order is recalculated using current income for both parents. If the new amount is lower, you benefit. If circumstances are largely

the same, the result will be close to your current order. Either way, you have the right to ask and the review must be done.

You lost your job and cannot wait to gather all documentation: Pennsylvania will not backdate a modification to before you filed. The filing date is the earliest date the court can reduce your obligation. File the petition today with what you have, the termination notice and your last pay stub. You can supplement the record at the conciliation conference. Every day you delay is a day the old order keeps running.

Your custody schedule changed informally but the order was not updated: Parenting time in Pennsylvania directly affects the calculation once you cross 40% of overnights. If you increased parenting time without updating the court order, your obligation is calculated on the wrong baseline. A support modification requires a court order reflecting actual parenting time, an informal arrangement is invisible to the formula.

You received a three-year review notice from your county DRS: Respond to it. Pennsylvania Domestic Relations Sections send these proactively. If you do not respond, the court may proceed without your input, and the result will not reflect your current income or circumstances.



Section 3 — Step-by-Step: How to File

Pennsylvania uses a single judicial track: the Court of Common Pleas, Domestic Relations Section, in the county where the original order was entered. Most counties route modifications through a conciliation conference before any full hearing.

Step 1 — Gather income and deduction documentation: Collect your two most recent federal and state tax returns, your three most recent pay stubs, and documentation of everything that affects the calculation: records of mandatory union dues and non-voluntary retirement

contributions (which reduce net income) and health insurance premium statements showing the child's share of coverage (which is allocated between the parents under Pa.R.C.P. 1910.16-6). Pennsylvania's formula runs on net income, and incomplete documentation costs you money at every step that follows.

Step 2 — Complete the Income Statement and, if needed, the Expense Statement: Pennsylvania's official forms under Pa.R.C.P. 1910.27(c) are the Income Statement and the Expense Statement; the Expense Statement is used when you claim unusual needs or fixed expenses that may support a deviation. Download them from your county Court of Common Pleas website or the Pennsylvania Unified Judicial System portal at ujsportal.pacourts.us. These forms drive the net income calculation. Fill them out completely, income errors here drive incorrect guideline results that follow you for years.

Step 3 — File a Petition for Modification at your county Domestic Relations Section: Bring your completed Income Statement, income documentation, and the petition (Pa.R.C.P. 1910.27 provides the official form petition) to the DRS in the county where the original order was entered. Filing fees vary by county, call ahead. The date you file becomes the earliest possible effective date of any new order. File before you have everything perfectly assembled; you can supplement later.

Step 4 — Let DRS handle service: Pennsylvania DRS offices serve the other parent on your behalf. You do not serve them directly. Confirm with your DRS intake staff that service has been completed before your conference date. If the other parent cannot be located, ask DRS staff about substitute service procedures available under Pennsylvania rules.

Step 5 — Attend the conciliation conference: Most counties schedule a conciliation conference before any full hearing. A conference officer reviews both parties' Income and Expense Statements and attempts to reach a voluntary agreement. Bring updated income documentation and any custody schedule changes. If you reach an agreement, it goes to the judge for approval. If not, a hearing is scheduled, and your preparation here determines how that hearing goes.

Step 6 — Present your case at the hearing if no agreement is reached: Before the judge, present your updated Income Statement, current pay stubs, and documentation of every material change, termination notice, medical records, new custody order. The judge applies the Income Shares schedule to the verified net income figures. Organized, specific evidence moves the hearing in your favor.

Section 4 — Income Calculation

Pennsylvania starts with a broad definition of income (wages, salary, self-employment profit, rental income, investment income, bonuses, commissions, unemployment compensation, workers' compensation, disability payments, pension and retirement distributions) then

subtracts the exclusive list of deductions in Pa.R.C.P. 1910.16-2(c) before the formula runs: federal, state, and local income taxes; FICA and self-employment taxes; mandatory union or professional dues; non-voluntary retirement contributions required as a condition of employment; and alimony paid under court order. What remains is your net income for support purposes. Health insurance premiums for the child are not part of this subtraction; they are allocated separately between the parents in proportion to net income (Pa.R.C.P. 1910.16-6).

If you are self-employed, Pennsylvania averages your net profit from the most recent tax years. Ordinary and necessary business expenses are deductible; personal expenses run through the business are not. If your Schedule C shows a loss, the court will scrutinize the deductions. Courts treat claimed losses with skepticism if your lifestyle does not reflect them, be prepared to defend every deduction as legitimate.

Your employer deducts health insurance for the child from your paycheck:That premium does not reduce your net income for the formula. Instead, the child's share of the premium is allocated between the parents in proportion to their net incomes under Pa.R.C.P. 1910.16-6, showing up as a credit or charge against the support amount. Document it with a payroll stub showing the child's coverage cost separately. The allocation gets missed when nobody flags it, and the obligation to document is yours.

You received a one-time bonus and the other parent immediately filed for modification: Pennsylvania courts have discretion on non-recurring income. A signing bonus, lawsuit settlement, or one-time severance is not guaranteed to be treated as recurring income. Document the non-recurring nature of the payment (offer tax returns showing this was unusual) and be prepared to explain it at the conciliation conference.

You are supporting children from another household under a court order: Pennsylvania allows a credit for legal support obligations paid to other households. The credit requires a prior court order, not an informal payment agreement. Bring each order to the conciliation conference.

Low-income protection: The guidelines protect a Self-Support Reserve of $1,063 in monthly net income for the paying parent (Pa.R.C.P. 1910.16-2(e), pegged to the federal poverty guideline for one person). When the obligor's income sits at or near the reserve, the schedule tapers the obligation sharply rather than calculating a low earner into the ground, and the court keeps discretion over a nominal order. The reserve only works if your real net income is in the record, so document everything.

High combined incomes: The basic schedule runs to $30,000 in combined monthly net income. Above that, Pa.R.C.P. 1910.16-3.1 controls: the obligation starts from the highest schedule amount and adds a fixed percentage of the income above the schedule's top, subject to deviation. The chart stops; the obligation does not.

Unreimbursed medical expenses: The first $250 per child per year in unreimbursed medical costs belongs to the parent receiving support; it is built into the basic obligation. Annual expenses beyond $250 per child are allocated between the parents in proportion to their net incomes (Pa.R.C.P. 1910.16-6(c)), either as a monthly add-on or by after-the-fact

reimbursement. Keep receipts and submit them on the schedule your order sets. Courts enforce documentation habits, not intentions.

Section 5 — Shared Parenting

Pennsylvania's shared parenting adjustment applies when your parenting time reaches 40% of annual overnights, approximately 146 nights per year. At that threshold, the court applies the shared custody formula under Pa.R.C.P. 1910.16-4(c), which reduces the support obligation to reflect the direct costs you incur during your parenting time. The formula does not produce a simple percentage reduction, it recalculates based on what both parents spend during their respective custodial periods.

The adjustment does not apply automatically. You must present a signed custody order reflecting the current schedule. Courts will not apply the shared custody formula based on informal arrangements or your verbal description of what is actually happening. A parenting agreement that was never entered as a court order is not enough.

Your custody order gives you 40% parenting time but support was set before that order existed: File for support modification the day the new custody order is in hand. The shared parenting formula change is significant. Do not wait for the next scheduled review, file immediately. The modification is retroactive to your filing date.

You and the other parent have been splitting time equally for months but never updated the order: Your obligation is calculated on the old schedule. The shared parenting reduction requires a court order reflecting actual time. File to modify both the custody and support orders at the same time, combining them presents a cleaner picture to the court and moves the case through one proceeding instead of two.

Pennsylvania — Enforcement Escalation Timeline

Section 6 — Enforcement

Pennsylvania’s criminal exposure for nonpayment is narrower than the felony regimes some states run, but it is real. Under 23 Pa.C.S. § 4354, willfully failing to comply with a support order

when you have the ability to pay is a summary offense, and it grades up to a third-degree misdemeanor when a parent establishes residence outside Pennsylvania intending to dodge the order. Cross state lines owing more than $10,000 or with support unpaid over two years, and federal prosecutors can charge a felony under 18 U.S.C. § 228. The tool counties actually reach for first is civil contempt, which carries up to six months of jail under 23 Pa.C.S. § 4345. Do not let arrears accumulate without taking action.

Your arrears equal three months of your obligation and withholding is not reaching you:When the DRS cannot attach your income and you owe at least three months' worth of your monthly support obligation, your driver's license, professional license, and recreational licenses are all subject to suspension under 23 Pa.C.S. § 4355. Pennsylvania gives you 30 days' notice before suspending, respond to that notice immediately. Contact your county DRS and request a payment plan. DRS offices have authority to enter installment agreements and hold the suspension in exchange for consistent payments. Acting before the suspension is entered is always easier than reinstating after the fact.

Your arrears crossed $2,500 and your passport is at risk: Federal law triggers passport denial at $2,500 in arrears. Pennsylvania reports to federal authorities automatically once that threshold is reached. If you need to travel internationally for work or family, address arrears before they hit $2,500. Once you are on the federal denial list, reinstatement takes weeks even after you pay.

Income withholding is in place but you changed jobs: The withholding order does not transfer automatically to your new employer. Notify your county DRS in writing immediately when you start the new job, name, address, and payroll contact. Keep a copy of that notification. If arrears develop before the new withholding is established, your written notice demonstrates good faith.

You were charged criminally for nonpayment: Contact a criminal defense attorney today. Criminal proceedings move faster than civil modification proceedings. Simultaneously file a Petition for Modification at your DRS if you have not already done so, a pending modification establishes on the record that you are taking action. Document every payment you make with money orders or wire transfers from this point forward.

Pennsylvania does not add interest to past-due child support. PACSES, the statewide collection system, carries arrears at face value, and each payment that comes due and goes unpaid becomes a judgment against you by operation of law under 23 Pa.C.S. § 4352(d). Do not let the absence of an interest meter become a reason to let arrears grow. A judgment balance still triggers every enforcement tool in this section, and it never goes away on its own.

Section 7 — Emergency Protocols

Emergency Protocols — Pennsylvania

EMERGENCY PROTOCOL 1: JOB LOSS: FILE WITHIN 48 HOURS

Pennsylvania will not backdate your modification to before you file.

Every day you wait is a day the old order keeps running at the old amount.

Go to your county Domestic Relations Section within 48 hours and file a Petition for Modification based on involuntary job loss.

Bring your termination notice and your last pay stub. You do not need a lawyer to file.

The filing date is what matters. Go now.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE RECEIVED: RESPOND BEFORE THE WINDOW CLOSES

You have a window (typically 30 days) to respond before the suspension takes effect.

Contact your county DRS immediately and request a payment plan.

Pennsylvania DRS offices have authority to enter installment agreements and hold the suspension in exchange for consistent payments.

Acting before the deadline is the difference between keeping your license and going through the reinstatement process.

Do not ignore the notice and hope it resolves. It will not.

EMERGENCY PROTOCOL 3: NEW CUSTODY ORDER GIVES YOU 40%+ OVERNIGHTS: FILE IMMEDIATELY

Your new custody order just gave you 40% or more of annual overnights, Pennsylvania's shared parenting threshold.

That order changes your support calculation significantly in your favor.

File a support modification petition today, using the new custody order as your sole basis.

The modification is retroactive to your filing date, not to when the custody order was entered.

Every week you wait is money you cannot recover.

EMERGENCY PROTOCOL 4: CRIMINAL NONPAYMENT CHARGE FILED: TWO STEPS TODAY

Step one: contact a criminal defense attorney today.

Step two: simultaneously file a Petition for Modification at your DRS if you have not already.

A pending modification does not stop the criminal process, but it establishes on the record that you are taking action.

Make every payment you can from this point forward, document each one with a money order or wire transfer, and keep every receipt.

What you do in the next 72 hours matters more than what happened before.

EMERGENCY PROTOCOL 5: INCOME WITHHOLDING GAP AFTER JOB CHANGE: NOTIFY DRS IN WRITING TODAY

You started a new job and the income withholding from your previous employer stopped.

The withholding order did not follow you automatically.

Contact your county DRS today (in writing, by email or certified mail) with your new employer's name, address, and payroll contact.

Keep a copy of that notification.

If arrears develop before the new withholding is established, your written notice demonstrates you acted immediately and in good faith.

EMERGENCY PROTOCOL 6: MEDICAL EMERGENCY REDUCED YOUR INCOME: DOCUMENT AND FILE NOW

A medical emergency has materially reduced your income or created extraordinary expenses.

Document everything, medical records, bills, employer communication about leave or reduced hours.

File a modification petition immediately.

Pennsylvania courts can consider extraordinary medical expenses as a basis for deviation from the guideline amount, but only if you file and present the evidence.

Do not wait until you are recovered to file, the filing date controls retroactivity.

EMERGENCY PROTOCOL 7: OTHER PARENT RELOCATING WITH CHILD: ACT BEFORE THE MOVE HAPPENS

Pennsylvania law under 23 Pa.C.S. § 5337 requires the relocating parent to give you 60 days' advance notice in most circumstances.

If you did not receive proper notice, file immediately to enforce that requirement.

Seek a court order preventing the move pending a relocation hearing.

Relocation reduces your parenting time, which reduces or eliminates your shared parenting credit in the support calculation.

Protecting your parenting time now protects your support position going forward.

Section 8 — Quick Reference

Your key Pennsylvania numbers: material and substantial change in circumstances OR a three-year DRS review with no change required; net income calculation (taxes, FICA, non-voluntary retirement, mandatory dues, and court-ordered alimony deducted first, the exclusive list in Pa.R.C.P. 1910.16-2(c)); 40% of overnights (146+ nights) for the shared parenting adjustment; license suspension at three months' unpaid support when income attachment fails (23 Pa.C.S. § 4355); no interest added to arrears, but every missed payment is a judgment by operation of law; retroactivity to the filing date. Key authorities: 23 Pa.C.S. § 4352 and Pa.R.C.P. 1910.16-1 through 1910.16-7. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

BCSE statewide helpline: (800) 932-0211, enforcement, payment inquiries, case status

Pennsylvania Unified Judicial System (ujsportal.pacourts.us):Income Statement and Expense Statement forms, modification petition forms, county court directories

County DRS offices: Directory at pacourts.us, find the DRS in the county where your order was entered

Pennsylvania Legal Aid Network (palegalaid.net): Free civil legal services for qualifying low-income residents, regional providers include MidPenn Legal Services, Community Legal Services of Philadelphia, and Southwestern Pennsylvania Legal Aid Society

Interstate and military situations: If the other parent lives outside Pennsylvania, the Uniform Interstate Family Support Act (23 Pa.C.S. § 7101 et seq.) decides which state's order controls and where modification happens; Chapter 52 of this book walks through registration and jurisdiction. If either parent serves in the military, including at Carlisle Barracks or Tobyhanna Army Depot or with the Pennsylvania National Guard, Chapter 51 covers the Servicemembers Civil Relief Act protections and how military pay and allowances enter the calculation.

Special consideration for paying parents who moved from neighboring states: Pennsylvania's net income model can produce a meaningfully different obligation than the models in surrounding states. New York and Ohio calculate on gross income, while New Jersey and Delaware run their own distinct net-income adjustments. If you have a support obligation set in one of those states and you are now a Pennsylvania resident with a new triggering event, it may be worth consulting a Pennsylvania family law attorney about whether a modification, calculated under the Pennsylvania model, changes the outcome. UIFSA governs which state's law applies, but when modification jurisdiction shifts to Pennsylvania, the Pennsylvania formula controls.

Special consideration for self-employed parents: Pennsylvania courts scrutinize Schedule C deductions aggressively. The standard is ordinary and necessary business expenses, not expenses that benefit you personally. If your reported net profit looks inconsistent with your lifestyle, expect the court to examine your tax returns, bank statements, and business records in detail. Keep your deductions defensible, documented, and consistent year over year. Agricultural income reported on Schedule F is averaged across the most recent three tax years under Pennsylvania guidelines.

End of Chapter 38 — Pennsylvania | Chapter 39 — Rhode Island follows.

Chapter 39 — Rhode Island

Rhode Island	State at a Glance
Calculation Model	Income Shares, gross monthly income
Key Statute	R.I. Gen. Laws § 15-5-16.2 (support and modification); Admin. Order 23-02 (guideline schedule)
Modification Threshold	10% change in guideline amount, one of the lowest bars in this book
Agency	Office of Child Support Services (OCSS), RI Dept. of Human Services, (401) 458-4400
Financial Form	Financial Statement
Court	Rhode Island Family Court, unified statewide system (5 counties)
Retroactivity	Discretionary; at most to the date the other party receives notice of the petition (§ 15-5-16.2)
Shared Parenting	No automatic overnight threshold; substantially shared placement handled through deviation
Age of Majority	18; if still in high school, to graduation + 90 days, no later than 19 (§ 15-5-16.2(b)); no college extension
License Suspension	Arrears equal to 90 days of support; notice of intent with 20 days to respond
Criminal Penalty	Felony under § 11-2-1.1: $10,000+ arrears plus 3+ further willful missed installments; up to 5 years

Interest on Arrears	12% per year, simple; the Family Court can relieve interest for good cause

Section 1 — Overview

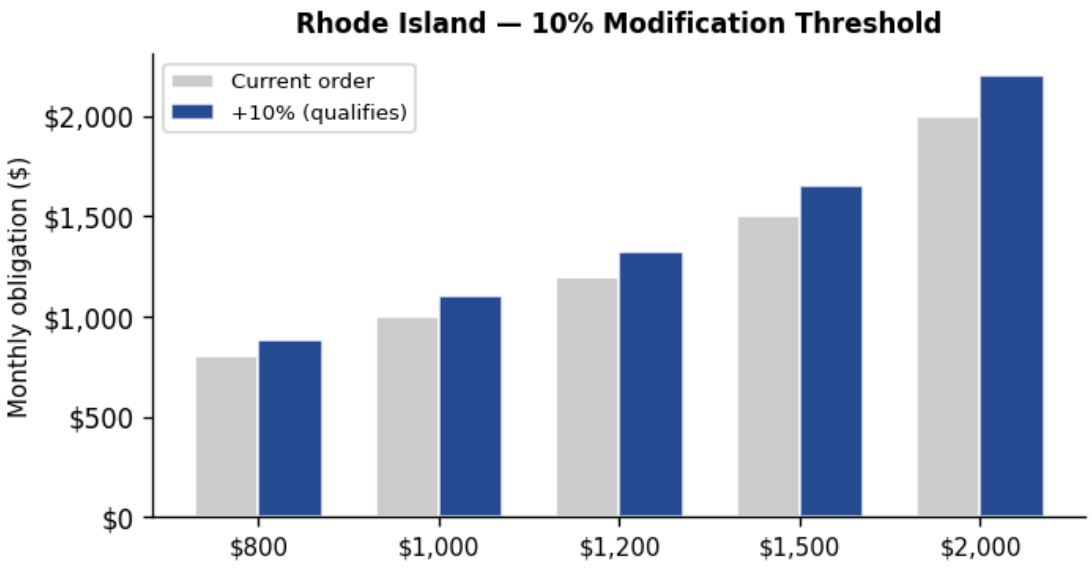
Rhode Island's modification benchmark is 10%, the lowest in this session. If the guideline amount calculated with today's income figures differs from your current order by 10% or more, Rhode Island treats that as a substantial change of circumstances, and you have a viable modification case. Most states in this book require 15% or 25%. Rhode Island asks for less, which means you can file sooner after a material change in income, and with arrears drawing 12% annual interest, filing sooner matters.

The state uses Income Shares based on both parents' gross monthly income. Rhode Island's Family Court is a unified statewide system, five counties, one court. If you move within Rhode Island, you are still in the same court system. Reach the Office of Child Support Services at (401) 458-4400. All IV-D enforcement runs through OCSS, and the court that entered your original order retains jurisdiction for modifications.

You moved to a different county within Rhode Island: You are still in the same unified Family Court system. Your case does not transfer because the county changed. You file in the Family Court in the county where the original order was entered, or through OCSS if your case is IV-D enrolled. The statewide unified structure means paperwork is consistent, but the originating court location still controls where you file.

Your income changed and you have been waiting to see if it is big enough:With a 10% benchmark, it is almost certainly big enough. Stop waiting. Run the current income figures through the Rhode Island guidelines and compare the result to your existing order. If the difference is 10% or more, you meet the substantial-change bar applied under R.I. Gen. Laws § 15-5-16.2 and the OCSS program rules. File today. Retroactivity is discretionary and reaches back only to the date the other parent receives notice of the petition, and at 12% annual interest on arrears, every month of delay costs real money.

Your support order is more than three years old: Rhode Island allows a three-year review request independent of any percentage threshold. Either parent can initiate. OCSS can also initiate for IV-D cases. You do not need to demonstrate a percentage change, the passage of time alone is sufficient.



Section 2 — Grounds for Modification

Rhode Island authorizes modification when a substantial change in circumstances has occurred, and in practice a 10% shift in the guideline amount is treated as that substantial change. Either the 10% calculation test or a showing of material change (job loss, disability, change in parenting time, significant new expense) can support a petition. The three-year administrative review is a separate, no-threshold track.

The 10% benchmark, applied under R.I. Gen. Laws § 15-5-16.2 and the OCSS program rules (218-RICR-30-00-1.22), looks at the difference between the current order and the guideline amount you would get if the formula were run today. Run the calculation first. At 10%, the bar is low, most income changes of any meaningful size will get you there. The question is usually not whether you qualify but how quickly you file.

Your income dropped significantly due to job loss or reduced hours:File or request an OCSS review the day the change takes effect. Rhode Island's modification reaches back, at the court's discretion, only to the date the other parent receives notice of the petition, not to the date your income dropped. Every day between the change and the filing is a day the old order keeps running, with 12% annual interest on any arrears you carry.

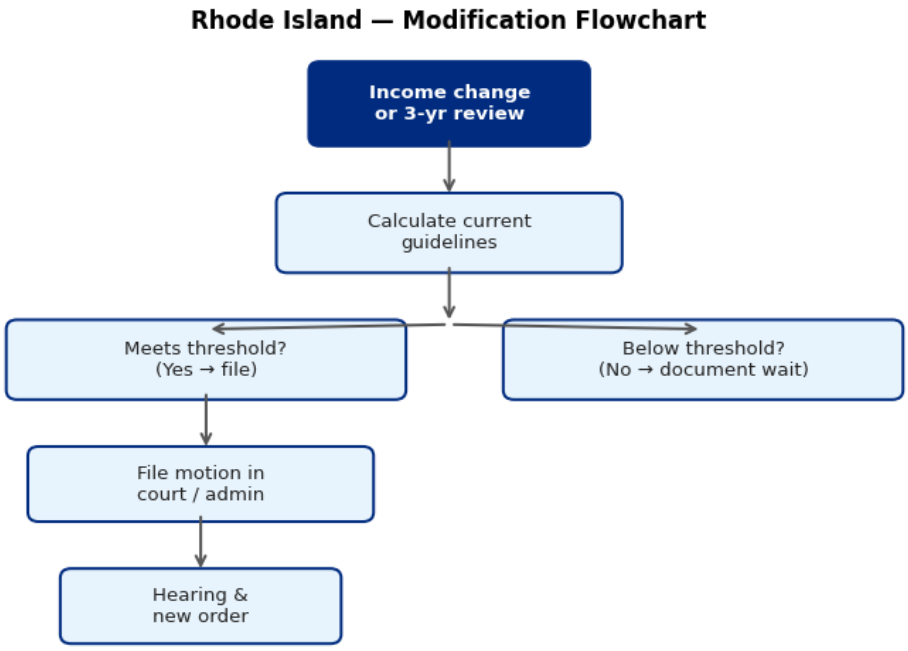
Your income increased and the other parent may file: Rhode Island's 10% threshold works both ways. If your income went up meaningfully, the other parent can file a modification to increase your obligation. If you received a significant raise, bonus, or promotion, you may want to run the calculation yourself before the other parent does, knowing the exposure helps you plan.

Your parenting time has grown well past the order: Rhode Island's guidelines contain no fixed overnight threshold that automatically adjusts support. Substantial shared physical placement is addressed through the court's deviation power under § 15-5-16.2, and the court works from the

schedule in the order, not your informal arrangement. If your actual parenting time has increased substantially but the order has not been updated, you are paying on the wrong schedule. File to update both the parenting plan and the support order simultaneously.

Your child is approaching 18: Rhode Island support ordinarily runs to age 18, but if the child is still in high school at 18, the court can continue support until graduation plus 90 days, capped at the child's 19th birthday (§ 15-5-16.2(b)). There is no automatic college extension. Note the termination terms in your order, payments past the proper date may create an overpayment claim, and if the other parent seeks a continuation beyond the statutory window, get legal advice before agreeing to anything.

You have been voluntarily paying more than the order requires: Informal agreements to pay more than the court order requires are not enforceable, and they do not create a credit against future obligations under Rhode Island law. If you want to modify the amount going up or down, do it through the court. Informal side agreements can leave you without recourse.



Section 3 — Step-by-Step: How to File

Rhode Island offers two tracks: the Family Court judicial track for all parents, and the OCSS administrative track for IV-D-enrolled cases. Try OCSS first if your case is enrolled. It is free and does not require filing court papers to initiate a review.

Step 1 — Check your IV-D enrollment and the three-year clock: Call OCSS at (401) 458-4400. Ask whether your case is IV-D enrolled and when the last review occurred. If three years have passed and your case is

enrolled, request the administrative review by phone right now. OCSS will send income information requests to both parties and recalculate the guideline amount without a court filing fee.

Step 2 — Gather your financial documentation: Collect your two most recent federal tax returns, your three most recent pay stubs, and documentation of any material change, termination letter, medical records, new custody order. If self-employed, prepare three years of returns and a current profit-and-loss statement. Count your actual overnights per year and compare to what the court order specifies.

Step 3 — Complete the Financial Statement: Rhode Island Family Court requires a Financial Statement at any modification hearing. Download the current form from the Rhode Island Family Court website or from OCSS. Complete every section, income errors here drive incorrect guideline calculations that can follow you for years.

Step 4 — File a Motion to Modify in Family Court or submit your OCSS review request: For the court track, file your Motion to Modify Child Support in the Rhode Island Family Court in the county where the original order was entered. Pay the filing fee. For the OCSS track, submit your financial documentation to OCSS directly. Your modification reaches back, in the court's discretion, no earlier than the date the other parent is given notice of the petition, so file and serve the day your circumstances change, not when you have assembled everything perfectly.

Step 5 — Serve the other parent: Serve your motion and Financial Statement on the other parent pursuant to Rhode Island Rules of Family Court Procedure. File proof of service with the court before your hearing date.

Step 6 — Attend the hearing: Appear in Family Court with your Financial Statement, income documentation, and parenting time records. If the court used OCSS's administrative order, you have the right to request a de novo Family Court hearing if you disagree with the OCSS result. At the hearing, present your evidence clearly, the judge applies the Rhode Island guideline schedule to the gross income figures both parties verified.

Section 4 — Income Calculation

Rhode Island uses gross monthly income, before taxes. Both parents' gross income is combined and entered into the Rhode Island guideline schedule, with the obligation divided proportionally by each parent's share of the total. With arrears drawing 12% annual interest, getting the income figure right from the start matters.

Gross income includes: Wages, salary, tips, regular bonuses, commissions, regular overtime, self-employment net income, rental income, investment returns, disability payments, Social Security, workers' compensation, unemployment compensation, and pension distributions.

Self-employment income: Net income after legitimate, documented business expenses under Rhode Island guidelines. Courts examine multiple years of returns and may add back excessive depreciation, personal expenses run through the business, and non-cash deductions. If your lifestyle appears inconsistent with your reported net income, bring documentation explaining the discrepancy.

Variable or seasonal income: Rhode Island courts average income over time for workers with variable earnings, seasonal workers, commission-based employees, agricultural workers. Bring three years of returns and calculate a monthly average. Courts want a representative number, not your best or worst month.

Imputed income for voluntary underemployment: If you deliberately reduced your income (quit a job without cause, reduced hours, took a lower-paying position without justification) Rhode Island courts will impute income based on your earning capacity. The voluntary/involuntary distinction is the line courts draw. Document any involuntary income reduction carefully.

Low-income protection: The Rhode Island guideline worksheet sets aside a self-support reserve for the paying parent, an amount pegged to the federal poverty level (roughly $1,325 per month under current guidelines; verify the figure on the current worksheet) before the support obligation is fixed, and the Family Court retains discretion to deviate downward where the guideline amount would leave a low earner unable to meet basic needs. If you are near that line, complete the Financial Statement carefully; the protection only works if your real income is in the record.

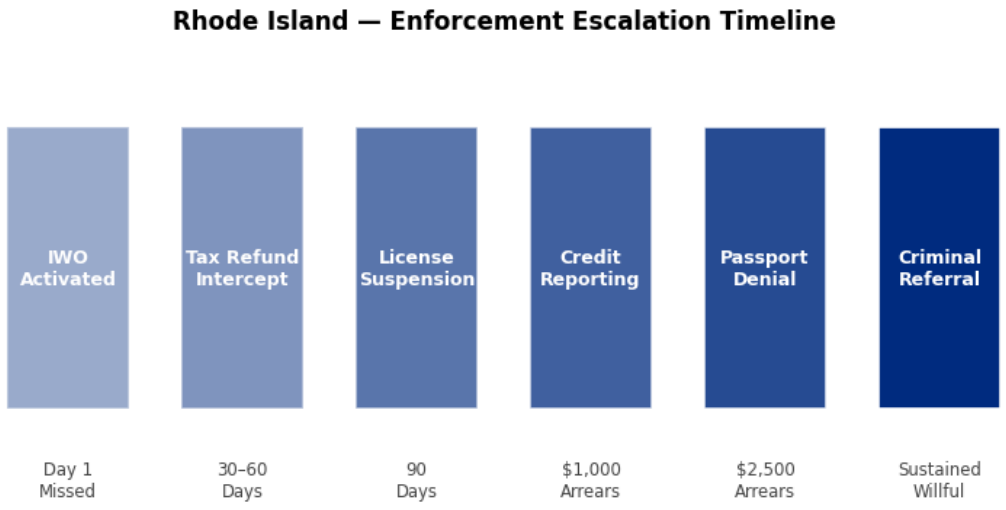
Section 5 — Shared Parenting

Rhode Island handles shared parenting differently from the formula states: the guidelines contain no fixed overnight threshold and no automatic parenting-time credit. When physical placement is substantially shared, the Family Court can deviate from the guideline amount under § 15-5-16.2, weighing the direct costs each household carries during its time with the child. The relief grows with how much of the year the child actually spends in your home.

Any adjustment requires a court order reflecting the actual parenting schedule. Rhode Island Family Court will not adjust based on what you describe. It works from what the order says. If your informal parenting time has increased substantially but the order still reflects an older schedule, nothing about your obligation changes until the order does.

Your real schedule has outgrown the order: Count your actual overnights against what the court order specifies. If you are carrying a substantially shared schedule the order does not reflect, file to update the order and the support amount simultaneously, and ask the court to consider a deviation based on the shared placement.

You and the other parent share time roughly equally but the order is outdated:At or near equal placement, the case for deviation is at its strongest and the net payment can drop significantly compared to the standard calculation. File to update both the parenting plan and support order. Rhode Island Family Court processes these together efficiently in most counties.



Section 6 — Enforcement

Rhode Island's 12% annual interest on arrears is the enforcement mechanism that works most quietly and most relentlessly. Interest may be assessed on support debts by operation of law at 12% per year, simple, though the Family Court can relieve a parent of the interest for good cause shown. At 12%, a $10,000 arrearage grows by $1,200 per year without any additional nonpayment. The criminal exposure is real too: under R.I. Gen. Laws § 11-2-1.1, a parent who owes $10,000 or more in past-due support and willfully misses three or more further installments while able to pay commits a felony carrying up to five years for each missed installment. Address arrears before they harden.

Your unpaid balance equals 90 days of support: Your driver's license and your professional, business, and occupational licenses are subject to suspension once you owe 90 days' worth of payments. OCSS serves a notice of intent first, and you have 20 days to request a Family Court hearing, pay the arrears in full, or enter a written payment agreement. Contact OCSS at (401) 458-4400 and request a payment plan. Acting inside that 20-day window is always less painful than reinstating after the fact.

Your arrears crossed $2,500: Federal passport denial kicks in at $2,500. Rhode Island reports to federal authorities automatically. If you need to travel internationally (for work, for a family emergency, for any reason) address arrears before they reach $2,500. Passport reinstatement after crossing that threshold takes weeks even after payment in full.

The 12% interest rate is working against you month over month:If you have a significant arrearage balance, calculate the monthly cost. At 12% annually, that is 1% per month in simple interest, $100 per month on a $10,000 balance, before any additional nonpayment. A payment plan that covers current support plus a portion of the arrearage stops the bleeding, and the

Family Court can relieve interest for good cause shown. Contact OCSS and ask about payment plan options before the balance reaches a level that feels unmanageable.

Income withholding is in place but you changed employers: Notify OCSS immediately when you start a new job. The withholding order does not transfer automatically. A gap creates arrears, and at 12% annual interest, even a two-month gap on a $1,500 monthly obligation costs you in interest you cannot recover.

You are facing criminal proceedings for nonpayment: Contact a criminal defense attorney today. Rhode Island's felony provision under R.I. Gen. Laws § 11-2-1.1 is not a bluff: $10,000 in arrears plus three or more further willful missed installments is a felony, and prosecutions happen. Simultaneously file a modification petition if you have not already. Make every payment you can going forward, document each one, and keep every receipt.

Section 7 — Emergency Protocols

Emergency Protocols — Rhode Island

EMERGENCY PROTOCOL 1: INCOME DROP: FILE IMMEDIATELY — 12% INTEREST IS UNFORGIVING

Rhode Island's 12% annual interest rate on arrears is the highest interest risk in this chapter.

If your income dropped today, file a modification petition today, retroactivity reaches back only to the date the other parent receives notice.

Go to Rhode Island Family Court in the county where your order was entered, or call OCSS at (401) 458-4400 to initiate an administrative review.

Bring your termination letter, last pay stub, and whatever financial documentation you have.

The 10% threshold makes you eligible faster than most states. File fast.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE RECEIVED: CALL OCSS BEFORE THE DEADLINE

You have 20 days from OCSS's notice of intent to request a Family Court hearing, pay in full, or enter a written payment agreement.

Call OCSS at (401) 458-4400 immediately and ask for a payment plan negotiation.

Rhode Island's OCSS has authority to enter installment agreements and hold enforcement actions while you pay.

Do not let the notice sit, the window is short, and reinstatement after the fact is harder and costs more.

Get a payment plan in writing and keep every payment receipt.

EMERGENCY PROTOCOL 3: YOUR PARENTING TIME OUTGREW THE ORDER: FILE TO UPDATE BOTH ORDERS

Rhode Island has no automatic overnight threshold. Substantially shared placement supports a deviation, but only the ordered schedule counts.

If your real schedule has grown well past what the order reflects, you are likely overpaying.

File a motion to modify both the custody schedule and the support amount simultaneously.

The modification is retroactive, at most, to the date the other parent receives notice, not to when you started exercising more time.

Every month you wait at the old support amount is money you cannot recover.

EMERGENCY PROTOCOL 4: ARREARS BUILDING AT 12% INTEREST: NEGOTIATE A PAYMENT PLAN NOW

Calculate your current arrearage balance and multiply by 1%. That is roughly the simple interest accruing each month.

Contact OCSS at (401) 458-4400 and request a payment plan that covers current support plus a portion of the arrears.

A formal payment plan stops enforcement escalation while you work down the balance.

If the arrears are approaching $2,500, address them immediately, federal passport denial is automatic at that threshold.

Do not wait until the balance feels unmanageable. The time to act is before enforcement escalates, not after.

EMERGENCY PROTOCOL 5: CRIMINAL NONSUPPORT CHARGE FILED: TWO STEPS TODAY

Contact a criminal defense attorney today, Rhode Island's felony provision under R.I. Gen. Laws § 11-2-1.1 carries up to 5 years per willfully missed installment once arrears reach $10,000.

Simultaneously file a Petition for Modification at Rhode Island Family Court or through OCSS if you have not already.

A pending modification establishes on the record that you are taking action.

Make every payment you can from this point forward, document each with a money order or wire transfer.

Keep every receipt. What you do in the next 72 hours matters more than what happened before.

EMERGENCY PROTOCOL 6: EMPLOYER CHANGED AND INCOME WITHHOLDING STOPPED: NOTIFY OCSS IN WRITING TODAY

The income withholding order from your previous employer does not transfer automatically to your new employer.

Contact OCSS at (401) 458-4400 today and notify them of your new employer's name, address, and payroll contact.

Do this in writing (email or certified mail) and keep a copy.

At 12% annual interest, even a two-month gap in withholding creates arrears and interest you cannot recover.

Your written notification demonstrates you acted immediately and in good faith if arrears develop before the new withholding is established.

EMERGENCY PROTOCOL 7: THREE-YEAR REVIEW NOTICE FROM OCSS: RESPOND AND PREPARE YOUR DOCUMENTATION

Rhode Island OCSS sends three-year review notices proactively for IV-D cases.

Respond immediately. If you do not respond, OCSS will proceed on the information they have, and it may not reflect your current income.

Gather your two most recent federal tax returns, your three most recent pay stubs, and documentation of any material change.

If your income decreased since the last order, the review may lower your obligation.

If your income increased, the review may raise it. Know your number before OCSS does their calculation, run it yourself with a Family Court financial calculator first.

Section 8 — Quick Reference

Your key Rhode Island numbers: a 10% change in the guideline amount is treated as a substantial change (the lowest bar in this session); gross income calculation for both parents; no automatic overnight threshold, shared placement is handled through deviation; license suspension once you owe 90 days' worth of support, with a 20-day window to respond; 12% simple annual interest on arrears, relievable for good cause; retroactivity, in the court's discretion, to the date of notice; support to 18, or to high school graduation plus 90 days (no later than 19) if still enrolled. Key statute: R.I. Gen. Laws § 15-5-16.2. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

OCSS statewide line:(401) 458-4400, enforcement, IV-D reviews, payment plan requests

Rhode Island Family Court (courts.ri.gov): Financial Statement forms, motion forms, court locations by county

Rhode Island Legal Services (rils.org): Free civil legal services for qualifying low-income residents in family law matters

Rhode Island Bar Association Lawyer Referral Service:(401) 421-7799, family law attorney referrals

Interstate and military situations: If the other parent lives outside Rhode Island, the Uniform Interstate Family Support Act (R.I. Gen. Laws ch. 15-23.1) decides which state's order controls

and where modification happens; Chapter 52 of this book walks through registration and jurisdiction. If either parent serves in the military, including at Naval Station Newport, Chapter 51 covers the Servicemembers Civil Relief Act protections and how military pay and allowances enter the calculation.

Special consideration for the 12% interest rate: Rhode Island's 12% annual interest on arrears is one of the highest rates in this book. If you are carrying any arrearage balance, calculate the monthly cost in interest and treat it as a burning emergency. A $20,000 arrearage generates $2,400 per year in interest alone. Payment plans that cover current support but make no dent in the arrearage principal are not solutions. They are slow-motion defaults. Ask OCSS about payment plans that address the principal, and remember the Family Court can relieve accrued interest for good cause shown.

Special consideration for the 10% threshold: The low modification bar is a genuine advantage for paying parents in Rhode Island. You can file sooner after a material change in income than you could in states with 15% or 25% thresholds. Use it. If your circumstances changed three months ago and you have been waiting to see if the change is "big enough," run the calculation. At 10%, it almost certainly is. File today.

End of Chapter 39 — Rhode Island | Chapter 40 — South Carolina follows.

Chapter 40 — South Carolina

South Carolina	State at a Glance
Calculation Model	Income Shares, gross monthly income

Key Statute	S.C. Code Ann. § 20-3-160 (modification); S.C. Code Regs. 114-4710 et seq. (guidelines, 2024 ed.)
Modification Threshold	Substantial change in circumstances (no fixed %); DSS review benchmark ~20% recalculation difference; 3-year review for IV-D cases
Agency	DSS Child Support Services (CSS), (800) 768-5858
Financial Form	Financial Declaration
Court	Family Court, 46 counties across 16 judicial circuits
Retroactivity	Back to the filing date
Shared Parenting	Worksheet C shared-custody calculation when each parent has more than 109 court-ordered overnights (graduated 110–128)
Age of Majority	18; extended while enrolled and attending high school, to graduation or end of the school year after age 19, whichever is later (§ 63-3-530(A)(17))
License Suspension	Out of compliance past $500 in arrears or two consecutive months of missed full payments; 45 days' notice (§§ 63-17-1010 et seq.)
Criminal Penalty	Misdemeanor under S.C. Code Ann. § 63-5-20, willful failure to support
Interest on Arrears	Floating legal rate, WSJ prime + 4 points, compounded annually (11.5% for 2025); each missed payment accrues from its due date (Thornton)
Military Income	BAH and BAS counted as income for active duty parents

Section 1 — Overview

Two things about South Carolina child support law you need to know before anything else. The first is that interest runs on overdue support: under South Carolina case law, each missed payment becomes a judgment on the date it falls due and draws interest at the legal rate from that day forward (Thornton v. Thornton, 328 S.C. 96 (1997)). The rate floats, Wall Street Journal prime plus four percentage points, compounded annually, confirmed by Supreme Court order each January, 11.5% for 2025 (S.C. Code Ann. § 34-31-20(B)). The second is $500, the arrearage figure South Carolina uses to define license noncompliance. Fall more than $500 behind, or miss your full payment for two consecutive months, and DSS can begin the license revocation process.

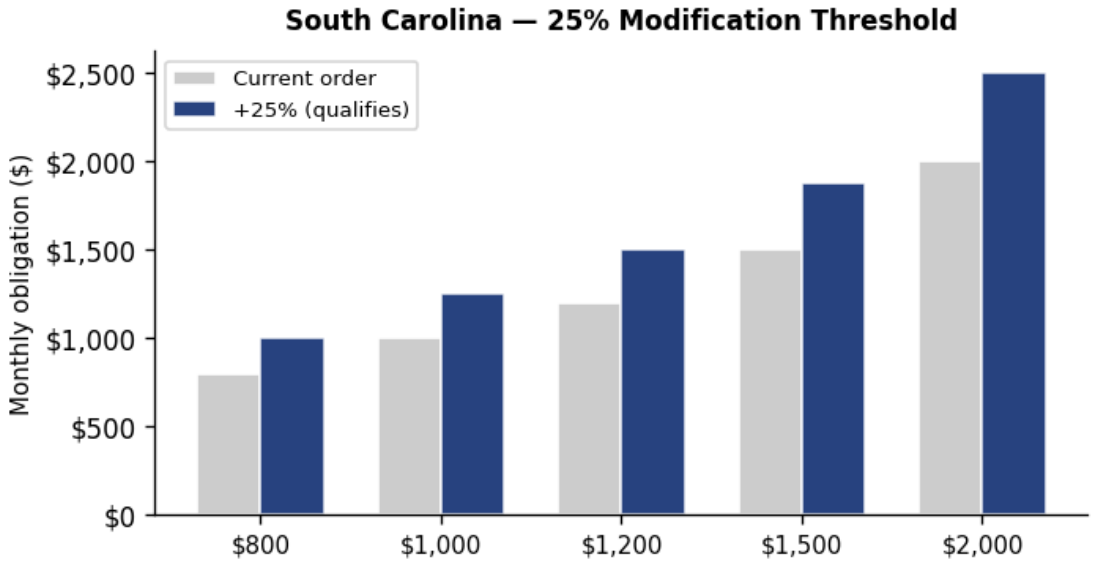
South Carolina uses Income Shares, combining both parents' gross monthly income and dividing the obligation proportionally. Modification requires a substantial change in circumstances; for its administrative reviews, DSS treats a recalculation roughly 20% different from the existing order as substantial, and IV-D cases can be reviewed every three years on request. The Family Court system spans 46 counties across 16 judicial circuits, your case is in the circuit where the

original order was entered. DSS Child Support Services handles IV-D enforcement statewide at (800) 768-5858.

You are a military parent stationed in South Carolina or paying from out of state: South Carolina treats your Basic Allowance for Housing (BAH) and Basic Allowance for Subsistence (BAS) as income for support calculation purposes. These are not excluded from gross income the way they are in some states. If you are on active duty and your housing and subsistence allowances are significant, they factor directly into the calculation. Know this before your first hearing.

Your arrearage just crossed $500: That matters because South Carolina's license statutes define compliance as being no more than $500 in arrears and having paid the full obligation for the last two consecutive months (S.C. Code Ann. § 63-17-1020). Past that line, DSS can pursue revocation of your driver's license, professional license, and recreational licenses. You get 45 days' written notice, and you can stop the revocation by paying the arrearage or signing a consent agreement with a payment schedule. Respond to any DSS notice immediately.

You received a three-year review notice from DSS CSS: South Carolina's three-year review is a right attached to IV-D cases, no percentage showing is required to get the review itself. Respond with your current income documentation. If your income decreased, the review can lower your obligation; DSS's working standard for recommending a change is a recalculation roughly 20% different from the existing order. If you do not respond, the review proceeds on available information.



Section 2 — Grounds for Modification

South Carolina authorizes modification on a showing of a substantial change in circumstances, a real shift in either parent's income, the child's needs, or the custody arrangement since the last order. The statute sets no fixed percentage gate. Two practical benchmarks shape how cases

move: DSS treats a recalculation roughly 20% different from the current order as substantial for its administrative reviews, and any IV-D case can be reviewed every three years on request without proving a change at all.

The substantial-change analysis looks at the calculated support amount, not your income change in isolation. A significant income drop may or may not move the calculated amount, depending on what the other parent's income is doing. Run the South Carolina Income Shares calculation with current figures for both parents before filing, the DSS calculator and worksheets at dss.sc.gov will show you whether the new number differs enough from your order to make the case worth bringing. The Family Court's power to revise support comes from S.C. Code Ann. § 20-3-160 and the substantial-change case law built on it.

Your income dropped significantly and you need to know if it is enough:Pull both parents' current gross monthly income figures. Run the South Carolina Income Shares calculation using the DSS Child Support Worksheet, available at dss.sc.gov. Compare the new calculated amount to your existing order. A difference of roughly 20% or more meets DSS's own benchmark for a substantial change; smaller differences can still support a motion if the underlying circumstances genuinely shifted. And check whether three years have elapsed since the last order, the review track has no percentage requirement.

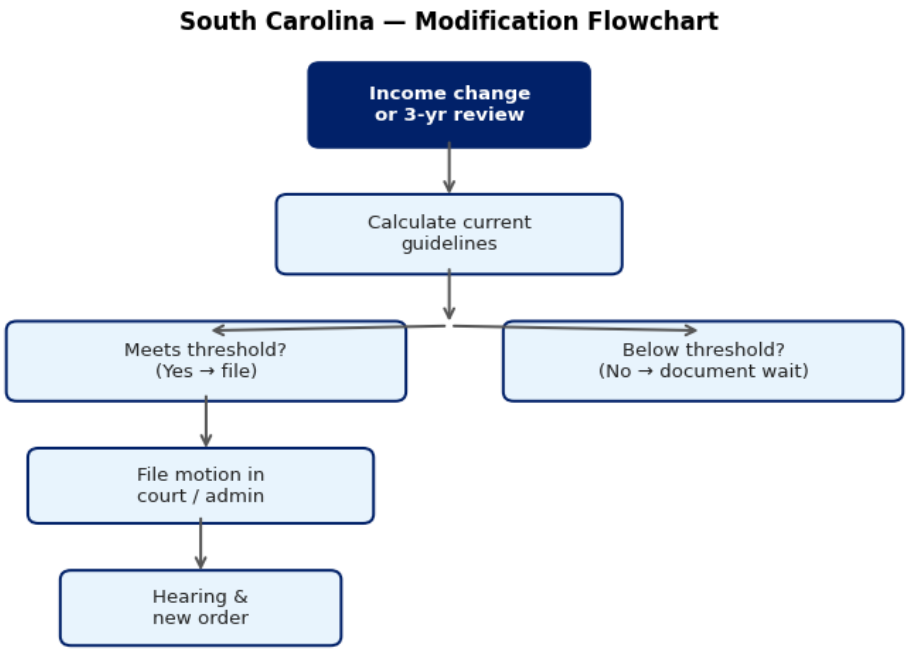
Three years have passed since your last order: Request a DSS review, or file, regardless of how much your income changed. The recalculation uses current figures for both parents under the 2024 guidelines, the first revision since 2014, which moved the schedule substantially. Every month an outdated order overstates what a current calculation would produce is a month you are effectively paying extra with no recovery mechanism.

You lost your job: File a modification petition the same day. South Carolina will not backdate a modification to before you filed. The filing date is the only date that matters for retroactivity. Go to your local Family Court clerk's office or contact DSS CSS to initiate a review. File with what you have. You can supplement later.

Your parenting time increased past 109 overnights per year: South Carolina's shared-custody calculation (Worksheet C) applies when each parent has the children for more than 109 court-ordered overnights a year, roughly 30% of annual nights. If your actual parenting time crossed that line but the order has not been updated, you are paying based on the wrong worksheet. File to update both the custody order and the support amount at the same time.

The other parent moved out of South Carolina with your child:UIFSA governs which state's court has continuing jurisdiction. If South Carolina issued the original order and still has the strongest connection to the case, South Carolina retains jurisdiction for modification. Contact DSS CSS and consult a family law attorney before assuming jurisdiction has shifted.

> *→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.*



Section 3 — Step-by-Step: How to File

South Carolina offers the Family Court judicial track for all parents, and DSS CSS administrative reviews for IV-D-enrolled cases. Contact DSS first if your case is enrolled, the administrative track is free and can move faster than a court filing for straightforward income-change situations.

Step 1 — Check your IV-D enrollment and request a DSS review if applicable: Call DSS Child Support Services at (800) 768-5858. Ask whether your case is IV-D enrolled and when the last review occurred. If three years have passed, request an administrative review over the phone. DSS will send income information requests to both parties and produce a new guideline calculation without requiring you to file in Family Court.

Step 2 — Gather your financial documentation: Collect your two most recent federal tax returns, your three most recent pay stubs, and documentation of every material change, termination letter, medical records, new custody order. If you are military, pull your LES showing all pay components including BAH and BAS. Count your actual overnights per year and compare against the court order.

Step 3 — Complete the Financial Declaration: South Carolina Family Court requires a Financial Declaration at any modification hearing. Download the current form from the South Carolina Judicial Department website at sccourts.org or from DSS CSS. Complete every section accurately, income figures here drive the guideline calculation, and errors follow you.

Step 4 — File a Motion to Modify Child Support in Family Court: File in the Family Court in the judicial circuit where the original order was entered. Pay the filing fee. Bring your completed Financial Declaration and income documentation. The date of filing controls retroactivity, file the day your circumstances changed, not when you have finished preparing.

Step 5 — Serve the other parent: Serve your motion and Financial Declaration on the other parent pursuant to South Carolina Rules of Family Court Procedure. File proof of service with the court before your hearing date. If the other parent lives out of state, service rules vary, confirm with the court clerk.

Step 6 — Attend the Family Court hearing: Appear with your Financial Declaration, income documentation, parenting time records, and any evidence of the triggering change. The judge applies the South Carolina Income Shares guideline to the gross income figures both parties submitted. Organized, specific documentation moves the hearing efficiently.

Section 4 — Income Calculation

South Carolina uses gross monthly income for both parents, before taxes and deductions. Both figures are combined and entered into the South Carolina Income Shares schedule, with the total obligation divided proportionally. For military parents specifically, gross income under South Carolina guidelines includes BAH and BAS in addition to base pay. Those allowances are significant. They can add several hundred dollars per month to the income figure that drives the calculation.

Gross income includes: Wages, salary, regular bonuses, commissions, overtime, self-employment net income, rental income, investment income, disability payments, Social Security, workers' compensation, unemployment, pension distributions, and (for military parents) BAH, BAS, and any special pays received regularly.

High-income cases — the $40,000 schedule cap: The 2024 guidelines extended the Schedule of Basic Child Support Obligations to a combined gross income of $40,000 per month, up from the $30,000 ceiling that had stood since 2014. Above $40,000 combined, the schedule no longer controls and the court sets support case by case, with the top-of-schedule amount as the practical starting point and the children's actual needs and standard of living as the guide.

Military BAH and BAS are counted as income: South Carolina's inclusion of military housing and subsistence allowances as income is one of the state's most significant provisions for military families. If you are on active duty and receive BAH and BAS, those amounts add directly to your gross income figure. A Fort Jackson E-7 with dependents receiving full BAH can have a meaningfully higher income figure in the South Carolina calculation than in a state that excludes those allowances.

Self-employment income: Net profit after legitimate business expenses. South Carolina courts examine multiple years of returns and may add back excessive depreciation, personal expenses, and non-cash deductions. If your Schedule C shows inconsistencies with your lifestyle, bring documentation explaining the discrepancy.

Uninsured medical expenses — the built-in $250: The Schedule of Basic Child Support Obligations already assumes the parent receiving support covers the first $250 per child per year in uninsured medical costs, co-pays, over-the-counter medicine, and similar routine expenses. Unreimbursed costs beyond that line are treated as extraordinary medical expenses, allocated between the parents in proportion to income, either in the order itself or by later petition. Keep receipts; the $250 threshold is per child, per year.

Imputed income for voluntary underemployment: South Carolina courts will impute income based on earning capacity if you voluntarily reduced your income without good cause. Document any involuntary income change carefully, the voluntary/involuntary distinction determines whether the court accepts your reported income or imputes a higher figure.

Low-income protection — the self-support reserve: The 2024 guidelines build a self-support reserve of $1,010.50 per month into the schedule, an amount shielded so a parent at the bottom of the income range keeps enough for basic subsistence before support is set. If your gross income sits near that line, the low-income area of the schedule controls and produces a reduced obligation. The reserve protects subsistence income, not voluntary underemployment, so if you cannot meet even that figure, document why.

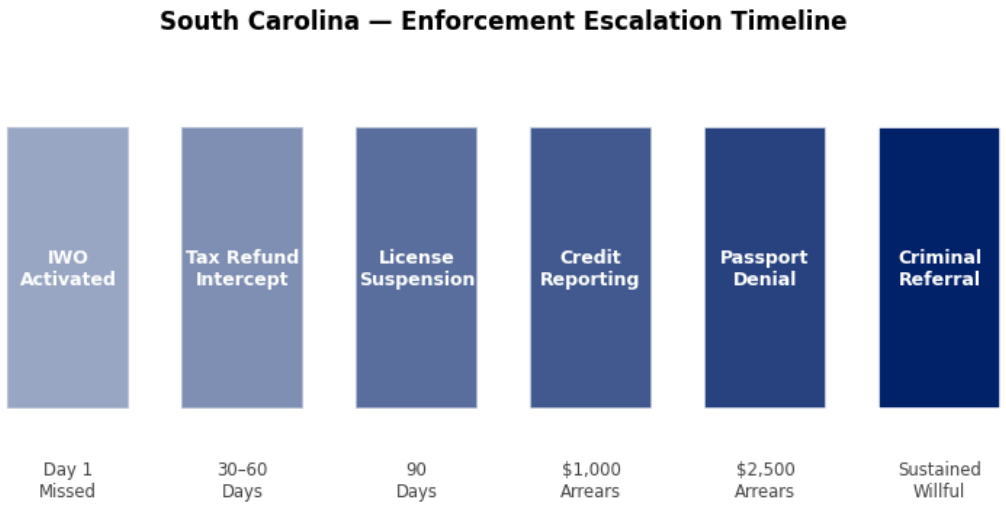
Section 5 — Shared Parenting

South Carolina's guidelines treat shared physical custody as its own calculation, not a discretionary deviation. When each parent has the children for more than 109 court-ordered overnights per year (roughly 30%) and both parents contribute to the children's expenses beyond the support payment itself, Worksheet C applies: the basic obligation is multiplied by 1.5, then allocated between the parents based on income shares and the time the children spend in each home. Between 110 and 128 overnights, the guidelines phase the adjustment in, a graduated amount between the standard Worksheet A figure and the full shared-custody figure, so crossing the line does not produce a cliff.

South Carolina applies the shared-custody worksheet based on the court-ordered schedule, not your informal description of what actually happens. If the order says you have every other weekend but you are actually exercising weekday time plus extended holidays that push you above 109 overnights, that informal time is invisible to the calculation until the order is updated.

Your parenting time is close to but not yet past 109 overnights:Count precisely. Extended school breaks, summer parenting time, and holiday schedules often push parents past 109 overnights when they look at the full annual picture. Pull last year's calendar and count. If the court-ordered schedule puts you above 109 and Worksheet C has not been applied, file to correct it.

You have been exercising more than 109 overnights informally but the order is outdated:File to modify both the custody order and the support amount simultaneously. Informal parenting time does not trigger the shared-custody calculation. The court order has to reflect the actual schedule before Worksheet C applies. Courts see this situation regularly, parents who have been sharing more time than the order reflects, paying the wrong amount for months or years.



Section 6 — Enforcement

Two enforcement mechanisms drive South Carolina arrears cases. The first is interest: under Thornton v. Thornton, each missed payment becomes a judgment when it falls due and draws interest at the legal rate from that date, Wall Street Journal prime plus four points, compounded annually, 11.5% for 2025 (S.C. Code Ann. § 34-31-20(B)). On a $15,000 arrearage, that is well over $1,500 a year in interest before you make a single additional payment. The second is license revocation: fall more than $500 behind, or miss two consecutive months of full payments, and you are out of compliance under the license statutes, and DSS can begin the revocation process on 45 days' notice.

Your arrears crossed $500: You are inside the license statutes' definition of noncompliance once arrears exceed $500. Contact DSS CSS at (800) 768-5858 immediately and request a payment plan. A signed consent agreement establishing a payment schedule stops the revocation, and acting during the 45-day notice window is always less complicated than reinstatement after.

Your arrears crossed $2,500: Federal passport denial is automatic at $2,500. South Carolina reports to federal authorities. If you need to travel internationally for any reason, address arrears before they cross this line. Passport reinstatement after payment can take weeks.

Interest is compounding against you: South Carolina's legal rate floats, prime plus four points, compounded annually, 11.5% for 2025, and under Thornton each missed payment accrues interest from its own due date. On a $10,000 balance, that is roughly $1,150 a year at recent rates. A payment plan that covers current support but leaves the arrearage balance untouched is not reducing your debt; it is letting interest accumulate. Contact DSS CSS and negotiate a plan that puts something toward the principal.

Income withholding stopped because you changed employers: Notify DSS CSS immediately with your new employer's name, address, and payroll contact. A two-month gap in withholding does double damage in South Carolina: the missed amounts accrue interest from each due date, and two consecutive months of missed full payments puts you out of compliance for license purposes. Written notification to DSS demonstrates good faith if a gap develops before the new withholding is established.

Section 7 — Emergency Protocols

Emergency Protocols — South Carolina

EMERGENCY PROTOCOL 1: INCOME DROP: FILE TODAY — NO RETROACTIVITY BEFORE FILING MAKES DELAY COSTLY

South Carolina will not backdate a modification to before the day you file.

Every day between your income drop and the filing date is a day the old order keeps accruing at the old amount, with interest on anything you miss.

File a Motion to Modify in Family Court today, or call DSS CSS at (800) 768-5858 to initiate an administrative review.

Bring your termination letter and last pay stub. You can supplement documentation later.

The filing date is the only date that controls retroactivity. File now.

EMERGENCY PROTOCOL 2: $500 ARREARS — LICENSE SUSPENSION IMMINENT: CALL DSS TODAY

South Carolina's license statutes define compliance as no more than $500 in arrears and full payment for the last two consecutive months.

If your arrears are past $500, DSS CSS can issue a notice of revocation; you have 45 days from receiving it before DSS notifies the licensing entities.

Call DSS CSS at (800) 768-5858 today and request a payment plan before any suspension order is entered.

Negotiating a plan before the suspension is far easier than reinstating your license after.

Get the payment plan in writing and make every scheduled payment.

EMERGENCY PROTOCOL 3: INTEREST COMPOUNDING ON ARREARAGE: NEGOTIATE A PRINCIPAL-REDUCTION PLAN

Find the current legal rate, set each January at Wall Street Journal prime plus four points, and multiply your arrearage balance by it. At the 2025 rate of 11.5%, a $10,000 balance costs roughly $1,150 a year in interest.

A payment plan that only covers current support leaves the arrearage principal untouched and lets interest compound annually.

Contact DSS CSS at (800) 768-5858 and request a plan that covers current support plus a defined amount toward principal.

Even a modest monthly contribution toward principal stops the compounding growth on that portion of the balance.

Act before the balance reaches a level where the interest alone exceeds what you can pay.

EMERGENCY PROTOCOL 4: PARENTING TIME CROSSED 109 OVERNIGHTS: FILE IMMEDIATELY

South Carolina's shared-custody worksheet (Worksheet C) applies when each parent has more than 109 court-ordered overnights per year.

If your actual parenting time crossed that threshold but the order has not been updated, you are overpaying.

File to modify both the custody order and the support amount at the same time.

The modification is retroactive to the filing date, not to when you started exercising more time.

With interest accruing on any eventual arrearage from each missed payment's due date, getting the support amount right as fast as possible matters in South Carolina.

EMERGENCY PROTOCOL 5: MILITARY PARENT: BAH AND BAS WILL FACTOR INTO YOUR CALCULATION

South Carolina treats BAH and BAS as income for support calculation purposes.

If you are on active duty and your LES shows significant housing and subsistence allowances, those amounts increase your gross income figure in the guideline.

Pull your LES and calculate what your gross income figure will look like with all allowances included before your first hearing.

If your duty station or pay grade changes and BAH changes with it, run the numbers; a recalculation roughly 20% different from the current order meets DSS's working benchmark for a substantial change.

Document every pay change with your LES and report material income changes to DSS CSS promptly.

EMERGENCY PROTOCOL 6: INCOME WITHHOLDING STOPPED AFTER JOB CHANGE: NOTIFY DSS IN WRITING TODAY

The withholding order from your previous employer does not transfer to your new employer automatically.

Contact DSS CSS at (800) 768-5858 today and notify them of your new employer's name, address, and payroll department contact.

Do this in writing (email or certified mail) and keep a copy.

Interest accrues on each missed payment from its due date, and two consecutive missed months puts you out of license compliance, so even a brief gap in withholding is expensive in South Carolina.

Written notification protects you if arrears develop before the new withholding is established.

EMERGENCY PROTOCOL 7: ARREARS APPROACHING $2,500 — PASSPORT AT RISK: ACT BEFORE THE THRESHOLD

Federal law triggers automatic passport denial at $2,500 in arrears.

South Carolina reports to federal authorities automatically when that threshold is crossed.

If you need to travel internationally (for work, a family emergency, any reason) address arrears before they reach $2,500.

Call DSS CSS at (800) 768-5858 and ask about immediate payment arrangements.

Passport reinstatement after crossing the federal threshold takes weeks even after you pay the full balance.

Section 8 — Quick Reference

Your key South Carolina numbers: substantial change in circumstances for modification (DSS's working benchmark: a recalculation roughly 20% different from the order) OR an administrative review every 3 years for IV-D cases; gross income calculation for both parents (military BAH/BAS included); more than 109 court-ordered overnights per year for each parent triggers the shared-custody Worksheet C; license noncompliance past $500 in arrears or two consecutive months of missed full payments; interest on arrears at the floating legal rate (prime plus 4, compounded annually; 11.5% for 2025); retroactivity to filing date; age 18, extended while the child is enrolled in and attending high school, to graduation or the end of the school year after the child turns 19, whichever is later. Key statutes: S.C. Code Ann. §§ 63-3-530(A)(17), 20-3-160, 63-17-1020. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

DSS Child Support Services (CSS):(800) 768-5858, enforcement, IV-D reviews, payment plans, employer withholding

South Carolina Judicial Department (sccourts.org): Financial Declaration forms, motion forms, circuit court locations

South Carolina Legal Services (sclegal.org): Free civil legal services for qualifying low-income residents in family court matters

South Carolina Bar Lawyer Referral Service:(803) 799-7100, family law attorney referrals by county

Special consideration, interest and the license trigger together: South Carolina pairs interest that accrues on every missed payment from the day it falls due with a license-compliance line of just $500 in arrears or two missed months. Enforcement here escalates early, while the dollar amounts still look small. If you are even slightly behind, you are closer to license revocation proceedings than the balance suggests. The time to act is before the compliance line, not after.

If you are at $400 in arrears and think you have a buffer. You do not have as much buffer as you think.

Special consideration for military families: South Carolina has a significant active duty military population at Fort Jackson, Shaw Air Force Base, Joint Base Charleston, and Marine Corps Recruit Depot Parris Island. BAH and BAS inclusion as income affects calculations for a large portion of the state's child support obligors. If you are PCS'ing out of South Carolina, consult a family law attorney about jurisdiction implications under UIFSA before your move, especially if the other parent remains in South Carolina.

→ See Chapter 51, Military Service & Child Support for the complete military framework: SCRA protections in support proceedings, how BAH and BAS are treated state to state, modification during deployment and PCS moves, and enforcement against military pay.

End of Chapter 40 — South Carolina | Chapter 41 — South Dakota follows.

Chapter 41 — South Dakota

South Dakota	State at a Glance
Calculation Model	Income Shares, combined monthly NET income (gross minus SDCL § 25-7-6.7 deductions)
Key Statutes	SDCL § 25-7A-22 (modification); SDCL §§ 25-7-6.1 to 25-7-6.27 (guidelines)
Modification Threshold	Order 3+ years old: no change showing required; under 3 years: substantial change in circumstances (SDCL § 25-7A-22)

Agency	DSS Division of Child Support (DCS), (605) 773-3641; automated account line (800) 286-9145
Financial Form	Financial Affidavit
Court	7-circuit unified system, circuit court in originating county
Retroactivity	Back to the filing date
Shared Parenting	Discretionary cross credit when the child resides 180+ nights per year in EACH parent's home under a detailed plan (§ 25-7-6.27)
Age of Majority	18, or 19 if a full-time student in a secondary school
License Suspension	Arrears of $1,000 or more; driver, professional, recreational (§ 25-7A-56)
Criminal Penalty	Class 1 misdemeanor (SDCL § 25-7-16); Class 6 felony if the parent leaves the state 30+ days during the violation
Interest on Arrears	1% per month simple (Category D rate, § 25-7A-14); generally must be reduced to judgment
State Income Tax	None, one less deduction line in the gross-to-net calculation the guideline requires

Section 1 — Overview

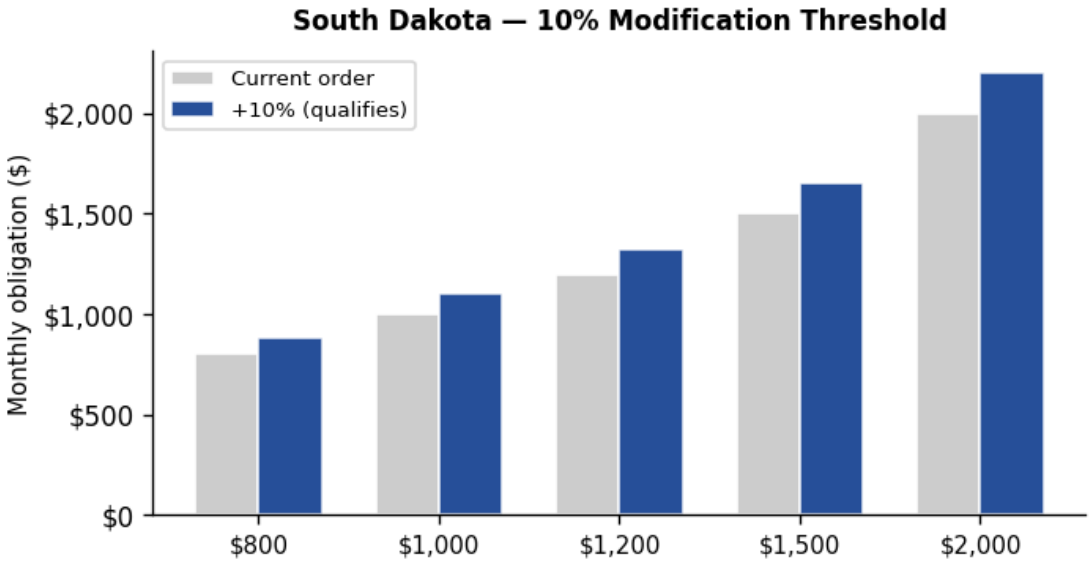
South Dakota has no state income tax. That helps child support in one specific way: when you work from gross income down to the net figure the guideline actually uses, there is no state tax line to compute or argue about. South Dakota is an Income Shares state that runs on combined monthly NET income (SDCL § 25-7-6.2): each parent's gross income is reduced by the deductions listed in SDCL § 25-7-6.7, federal income tax, Social Security and Medicare contributions, qualifying retirement contributions, and certain support paid for other children, and the schedule is applied to the combined net figure. For parents with straightforward W-2 income, the calculation is still among the more transparent in this book; it just runs on net, not gross.

Modification has two tracks under SDCL § 25-7A-22: an order three years old or more can be modified without proving any change in circumstances, while a younger order requires a substantial change. With support debts accruing simple interest at 1% per month once reduced to judgment, filing promptly after a material change matters. South Dakota's seven judicial circuits span the state through unified circuit courts. Your case is in the circuit where the original order was entered. DSS Division of Child Support handles IV-D services statewide at (605) 773-3641.

You farm or ranch and your income is seasonal: South Dakota courts average agricultural income across multiple tax years for Schedule F filers. Bring three years of Schedule F returns. Courts understand that a dry year or a commodity price drop can dramatically change your net farm profit, but they want to see the pattern, not just the worst year. Document the averaging basis before the hearing.

Your income changed and you are not sure it is enough: South Dakota does not use a percentage gate. If your order is three years old or more, you can petition for modification without showing any change at all (SDCL § 25-7A-22). If the order is younger than three years, you need a substantial change in circumstances, a real, ongoing shift in income or the child's needs. Run the South Dakota guideline with both parents' current net income figures and compare the result to your existing order; a meaningful difference is the practical heart of a substantial-change showing. The petition goes through DCS on form DSS-SE-415 with a $50 filing fee and is typically heard by a child support referee.

Your support order is more than three years old: Under SDCL § 25-7A-22, an order entered three years or more before the petition can be modified without proving any change in circumstances. Submit a Petition for Modification (DSS-SE-415) through DCS with the $50 filing fee, or file through circuit court. Call DCS at (605) 773-3641 with questions about your case.



Section 2 — Grounds for Modification

South Dakota authorizes modification on two independent tracks under SDCL § 25-7A-22. Track one: a substantial change in circumstances since the order was entered, required when the order is less than three years old. Track two: the order is three years old or more, in which case no change in circumstances needs to be shown at all. The three-year rule is one of the most accessible modification doors in the country, it opens on the calendar alone.

Whichever track applies, the practical question is the difference between your current order amount and what the guideline would produce with today's net income figures for both parents. A 15% income drop might produce a modest change in the calculated amount if the other parent's income also changed. Run the calculation first. Know the outcome before you file.

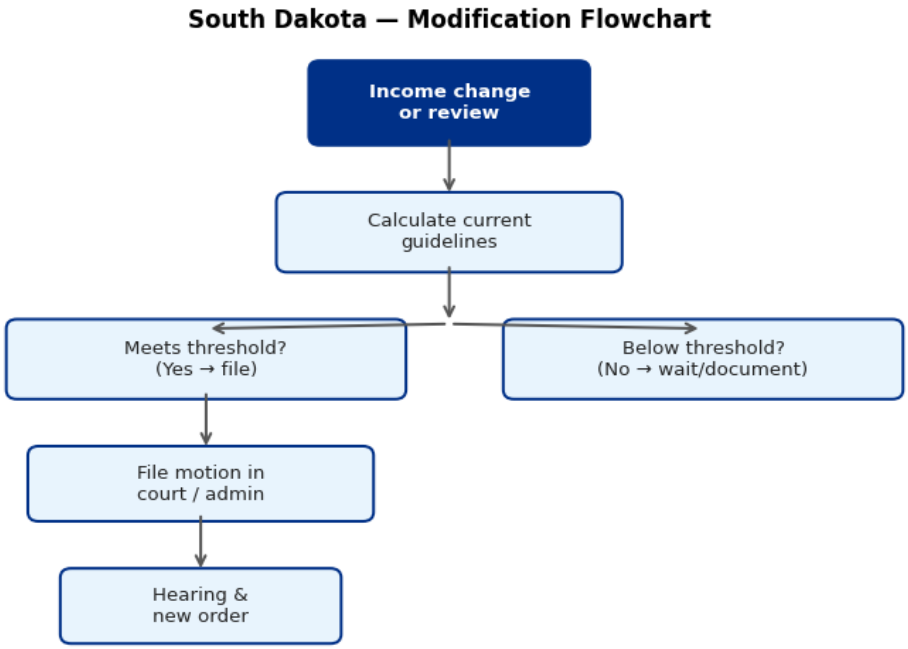
Your income dropped due to job loss or reduced hours: File the day it happens. South Dakota will not backdate a modification to before you filed. At 12% annual interest, every day between the income drop and the filing date is a day the old order keeps running and potential arrears keep building. Go to the circuit court clerk's office or call DCS.

Your income increased and the other parent may be monitoring: The modification tracks cut both ways. A meaningful raise, a new job at higher pay, or a bonus that gets reported on your taxes can support a petition that increases your obligation, and once the order is three years old the other parent does not even need to show a change. If you know your income went up materially, running the calculation before the other parent files gives you the information you need.

Three years have passed since your last order: File under the three-year track regardless of whether income changed, no substantial-change showing is required (SDCL § 25-7A-22). The recalculation uses current net income for both parents. If the new amount is lower, you benefit. If it is higher, you will know before filing. Either way, the three-year clock is your right to use.

Your parenting time reached roughly half the year: South Dakota's shared parenting cross credit (SDCL § 25-7-6.27) is available when a detailed shared parenting plan has the child residing at least 180 nights per calendar year in EACH parent's home and the parents share the child's expenses in proportion to income. The credit is discretionary, the court grants it if deemed appropriate, and it works by prorating each parent's obligation by the nights the child spends in each home and offsetting the two. If your actual schedule reaches that level but the support order was not updated, file to update both the parenting plan and the support amount at the same time.

You moved from South Dakota and the other parent remained:UIFSA governs which state's court retains jurisdiction to modify. If South Dakota issued the original order and the other parent and child remain in South Dakota, South Dakota typically retains continuing exclusive jurisdiction. File in the South Dakota circuit court where the original order was entered, or, if modification jurisdiction has shifted to your new state, consult an attorney before filing in either forum.



Section 3 — Step-by-Step: How to File

South Dakota offers the circuit court judicial track for all parents, and a DCS petition track in which a Petition for Modification (form DSS-SE-415, $50 filing fee payable to the Clerk of Courts) is referred to a child support referee. Call DCS first if your case is IV-D enrolled, the petition route is simpler than drafting a court motion for straightforward income-change situations.

Step 1 — Check your IV-D enrollment and the three-year clock: Call DCS at (605) 773-3641. Ask whether your case is IV-D enrolled and when the order was last reviewed or modified. If the order is three years old or more, you can petition without showing any change in circumstances. Request the Petition for Modification packet (DSS-SE-415); the petition is referred to a referee, who takes income information from both parties and recalculates the guideline.

Step 2 — Gather your financial documentation: Collect your two most recent federal tax returns, your three most recent pay stubs, and documentation of the triggering change, termination letter, medical records, new custody order. If you are a farmer or rancher, bring three years of Schedule F returns and calculate the multi-year average net farm income. Count your actual overnights against what the current court order specifies.

Step 3 — Complete the Financial Affidavit: South Dakota circuit courts require a Financial Affidavit at modification hearings. Download the current form from the South Dakota Unified Judicial System website at ujs.sd.gov. Complete every section, income figures here drive the guideline calculation, and errors in the affidavit follow you through the hearing.

Step 4 — File your motion in circuit court or submit a DCS review request: For the court track, file a Motion to Modify Child Support in the circuit court in the county where the original order was entered. Pay the filing fee. For the DCS track, submit your financial documentation to DCS directly. In either case, the filing date controls retroactivity, file the day your circumstances change.

Step 5 — Serve the other parent: Serve your motion and Financial Affidavit on the other parent pursuant to South Dakota Rules of Civil Procedure. File proof of service with the circuit court before your hearing date.

Step 6 — Attend the hearing or accept the DCS order: Appear in circuit court with your Financial Affidavit, income documentation, and parenting time records. If DCS issued an administrative order and you disagree with it, you have the right to request a circuit court hearing for de novo review. At the hearing, the judge applies the South Dakota guideline schedule to the gross income figures both parties verified.

Section 4 — Income Calculation

South Dakota runs its Income Shares calculation on net monthly income for both parents. Each parent starts from gross income, then subtracts the deductions allowed by SDCL § 25-7-6.7: federal income tax, Social Security and Medicare contributions, qualifying retirement contributions, and certain support obligations for other children. Because South Dakota has no state income tax, there is no state tax line in that march from gross to net, one less variable than in most states. The combined net figure goes into the SDCL § 25-7-6.2 schedule, and the obligation is divided between the parents in proportion to their shares of it.

Gross income includes: Wages, salary, tips, regular bonuses, commissions, regular overtime, self-employment net income, rental income, investment income, disability payments, Social Security, workers' compensation, unemployment compensation, and pension distributions.

High-income cases — the schedule top: The SDCL § 25-7-6.2 schedule runs to a combined monthly net income of $30,000. Above that figure, SDCL § 25-7-6.9 directs the court to set support at an appropriate level in light of the child's needs and standard of living, the schedule's top line functions as the starting point rather than a cap on what the court can order.

Agricultural income, Schedule F: South Dakota courts average net farm profit over the most recent three tax years for Schedule F filers. A single drought year or commodity price collapse does not define your support obligation, the three-year average does. Bring all three years of Schedule F returns to every proceeding. Courts have seen aggressive use of agricultural losses; documented, consistent expense records are your protection.

Self-employment income outside agriculture: Net profit after legitimate, documented business expenses. South Dakota courts may add back excessive depreciation, personal expenses run through the business, and non-cash deductions. If your reported net income looks inconsistent with your lifestyle, bring documentation explaining the discrepancy.

Unreimbursed medical expenses: The custodial parent is responsible for the first $250 of a child's unreimbursed medical costs each year; amounts beyond that are apportioned between

the parents in proportion to income (SDCL § 25-7-6.16). Keep receipts and submit them promptly, the apportionment only works if the costs are documented.

Imputed income for voluntary underemployment: South Dakota courts impute income based on earning capacity when a parent voluntarily reduced income without good cause. Involuntary income changes (layoffs, documented medical limitations, business closures) are treated differently. Document the involuntary nature of any income change from the moment it occurs.

Low-income calculations: South Dakota's schedule starts at a combined monthly net income of $1,200, and the guidelines contain no self-support reserve of the kind many states build in. What low-income parents do have is the deviation statute: SDCL § 25-7-6.10 lets the court depart from the schedule with entry of specific findings, including based on the financial condition of either parent where strict application of the schedule would be inequitable. If the guideline amount is genuinely unpayable, raise the deviation and document everything.

Section 5 — Shared Parenting

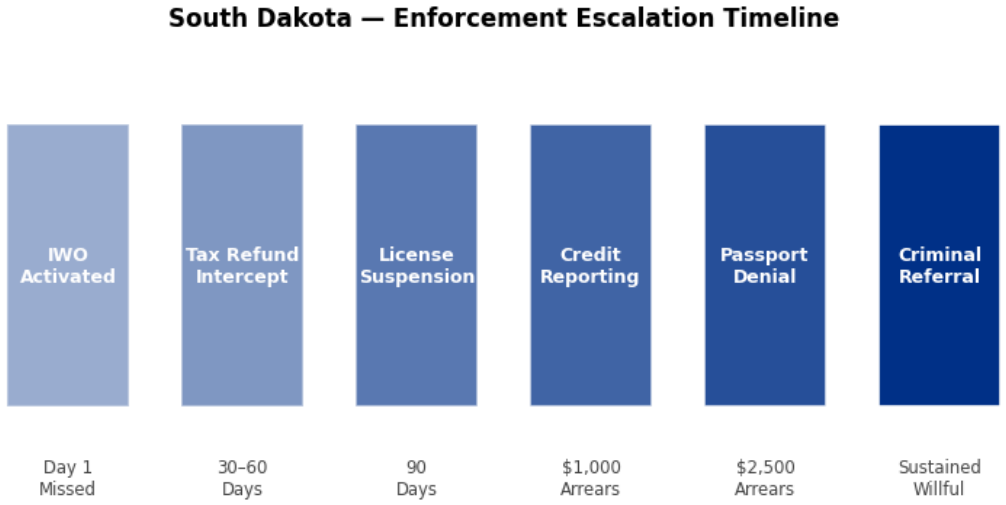
South Dakota sets a high bar for its shared parenting cross credit: SDCL § 25-7-6.27 requires a detailed shared parenting plan in the custody order providing that the child resides no less than 180 nights per calendar year in each parent's home, with the parents sharing parenting duties and the child's expenses in proportion to their incomes. That is a near-equal arrangement, roughly 49% of the year, a far higher threshold than the 30%-range triggers in states like South Carolina. The credit is discretionary even when the threshold is met. The court prorates each parent's obligation by the nights the child spends in each home, offsets the two figures, and the parent with the larger prorated obligation pays the difference. You must document the overnights and request it.

South Dakota courts apply the cross credit based on the court-ordered parenting plan. If your actual parenting time reaches 180 nights in each home but the order still reflects an older schedule, the credit is not applied. Informal arrangements do not trigger it. The order has to reflect the actual schedule.

Your parenting time is close to but not yet at 180 nights: Count precisely. Extended summer parenting time, school breaks, holiday schedules, and regular midweek overnights that have accumulated informally can bring a near-equal schedule across 180 nights when you look at the full year. If the court-ordered plan puts the child in your home at least 180 nights and the cross credit has not been applied, file to correct it.

You recently received a new custody order with a near-equal schedule:File for support modification the day the custody order is in hand. The cross credit at 180+ nights in each home can substantially reduce your monthly obligation, particularly when incomes are comparable.

The modification is retroactive to the filing date. Every week you wait between the custody order and the support modification filing is money you cannot recover.



Section 6 — Enforcement

South Dakota's enforcement sequence runs from license suspension at $1,000 in arrears (SDCL § 25-7A-56) through criminal exposure under SDCL § 25-7-16: willful failure to support is a Class 1 misdemeanor, and it becomes a Class 6 felony, up to two years, if the parent leaves the state for more than thirty days during the violation. Interest on support debts accrues at the Category D rate, 1% per month simple (SDCL § 25-7A-14), though DCS does not add interest to the running balance on its own; it generally must be reduced to judgment. Address arrears before the escalation sequence begins.

You are $1,000 in arrears: Your driver's license, professional license, and recreational licenses are subject to suspension once arrears reach $1,000 (SDCL § 25-7A-56). DCS notifies you before suspending, respond to that notice immediately. Call DCS at (605) 773-3641 and request a payment plan. South Dakota DCS has authority to enter installment agreements and hold enforcement actions while you make consistent payments.

Your arrears crossed $2,500: Federal passport denial is automatic at $2,500. South Dakota reports to federal authorities when the threshold is crossed. If you need to travel internationally (for work or any other reason) address arrears before they reach $2,500. Passport reinstatement after crossing the federal threshold takes weeks even after you pay in full.

Interest is accruing against you: South Dakota's Category D rate is 1% per month, simple, on support debts (SDCL § 25-7A-14). On a $10,000 arrearage, that is $100 per month before any additional nonpayment, though the interest typically has to be reduced to judgment before it is

collected. A payment plan that covers only current support and ignores the arrearage principal leaves the balance, and the exposure, in place. Negotiate a plan that addresses both.

Income withholding stopped because you changed employers: The withholding order does not transfer automatically to your new employer. Notify DCS in writing immediately with your new employer's contact information. At 1% per month on anything that hardens into judgment, even a short gap in withholding is expensive. Keep a copy of your written notification.

You were charged criminally for nonsupport: Contact a criminal defense attorney today. Under SDCL § 25-7-16, nonsupport is a Class 1 misdemeanor, and becomes a Class 6 felony, up to two years, if the parent leaves the state for more than thirty days during the violation; interstate cases can also draw federal charges under 18 U.S.C. § 228. Simultaneously file a Petition for Modification if you have not already. A pending modification establishes on the record that you are taking action to address the underlying obligation. Make every payment you can going forward, document each one, and keep every receipt.

Section 7 — Emergency Protocols

Emergency Protocols — South Dakota

EMERGENCY PROTOCOL 1: INCOME DROP: FILE TODAY — THE FILING DATE CONTROLS WHAT YOU CAN RECOVER

If your order is three years old or more, you can petition without proving any change in circumstances (SDCL § 25-7A-22).

If the order is younger than three years, a job loss, reduced hours, or a significant pay cut is the substantial change the statute requires.

South Dakota will not backdate your modification to before you filed.

Go to the circuit court clerk's office in the county where your order was entered, or call DCS at (605) 773-3641.

File today with your termination letter and last pay stub. Supplement the record later. The filing date is what matters.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE: CALL DCS BEFORE THE DEADLINE

You have a window to respond before the suspension takes effect.

Call DCS at (605) 773-3641 today and request a payment plan.

South Dakota DCS has authority to enter installment agreements and hold the suspension while you make consistent payments.

Get the agreement in writing and make every payment on time.

Reinstatement after a suspension has been entered is harder and more costly than negotiating a plan before it happens.

EMERGENCY PROTOCOL 3: NEAR-EQUAL PARENTING SCHEDULE: FILE IMMEDIATELY

South Dakota's shared parenting cross credit requires at least 180 nights per calendar year in each parent's home under a detailed court-ordered plan (SDCL § 25-7-6.27).

If your custody order reaches that level but support was never recalculated, you may be overpaying significantly.

File to modify both the parenting plan (if it needs updating) and the support amount at the same time.

The modification is retroactive to the filing date, not to when you started exercising more time.

Every week between the custody change and the filing date is money you cannot recover.

EMERGENCY PROTOCOL 4: AGRICULTURAL INCOME DISPUTE: BRING THREE YEARS OF SCHEDULE F

South Dakota courts average net farm income over the most recent three tax years.

A single bad year (drought, commodity price collapse, equipment failure) does not define your support obligation.

Bring all three years of Schedule F returns to every proceeding, along with current-year profit and loss documentation.

If the other parent claims your reported farm income understates your actual income, be prepared to explain every major expense category with documentation.

Consistent, documented expense records across multiple years are your strongest defense against income imputation arguments.

EMERGENCY PROTOCOL 5: INTEREST BUILDING ON ARREARS: NEGOTIATE A PRINCIPAL-REDUCTION PLAN

Calculate your arrearage balance and multiply by 0.01. That is the monthly exposure at South Dakota's Category D rate of 1% per month, simple (SDCL § 25-7A-14).

A payment plan that covers only current support and ignores the arrearage leaves the principal, and the growing interest exposure, in place.

Contact DCS at (605) 773-3641 and request a plan that covers current support plus a defined monthly amount toward principal.

Even a modest contribution toward principal shrinks the base the interest runs on.

Act before the balance reaches a level where interest alone becomes unmanageable.

EMERGENCY PROTOCOL 6: CRIMINAL NONSUPPORT CHARGE: TWO STEPS TODAY

Contact a criminal defense attorney today. Nonsupport is a Class 1 misdemeanor under SDCL § 25-7-16, and a Class 6 felony, up to two years, if the parent left the state for more than thirty days during the violation.

Simultaneously file a Petition for Modification in circuit court if you have not already.

A pending modification establishes on the record that you are addressing the obligation.

Make every payment you can from this point forward, document each one with a money order or wire transfer, and keep every receipt.

Voluntary, documented payments between now and any hearing demonstrate good faith to the court.

EMERGENCY PROTOCOL 7: THREE-YEAR REVIEW NOTICE FROM DCS: RESPOND AND PREPARE YOUR NUMBERS

South Dakota DCS reviews IV-D support orders on a three-year cycle; you may receive a review notice, and either parent can request one.

If you do not respond, DCS will proceed on available information, which may not reflect your current income accurately.

Gather your two most recent federal tax returns and three most recent pay stubs immediately.

Run the South Dakota guideline with current net income figures for both parents before DCS does, know your number first.

If your income decreased since the last order, the review should lower your obligation. If it increased, the review may raise it. Either way, being prepared protects you.

Section 8 — Quick Reference

Your key South Dakota numbers: modification without any change showing once the order is 3 years old, substantial change required before that (SDCL § 25-7A-22); Income Shares on combined monthly NET income, gross minus the § 25-7-6.7 deductions (no state income tax line, South Dakota has none); shared parenting cross credit available at 180+ nights per year in each parent's home, at the court's discretion (§ 25-7-6.27); license suspension exposure at $1,000 in arrears (§ 25-7A-56); 1% per month simple interest on support debts (Category D rate, § 25-7A-14), generally added when arrears are reduced to judgment; retroactivity to filing date; age 18, or 19 if the child is a full-time student in a secondary school; agricultural income averaged over multiple years for Schedule F filers. Key statutes: SDCL §§ 25-7-6.2, 25-7A-22. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

DCS statewide line: (605) 773-3641, IV-D services, modification petitions, payment plans, employer withholding; (800) 286-9145, automated 24/7 account and payment line

South Dakota Unified Judicial System (ujs.sd.gov): Financial Affidavit forms, modification motion forms, circuit court locations by county

East River Legal Services (erlservices.org): Free civil legal services for qualifying low-income residents in 33 eastern South Dakota counties

Dakota Plains Legal Services: Free civil legal services for qualifying residents in western South Dakota and the reservation areas

Special consideration for agricultural parents: South Dakota's farm and ranch economy means the Schedule F income averaging rule is applied regularly and understood by circuit court judges in agricultural counties. The three-year average can work significantly in your favor after a bad year, or against you after an unusually good one. Timing matters. If you are thinking about filing a modification petition, look at your three-year income average before the filing date. Courts will see the same number. If last year was unusually strong, waiting a year for the average to normalize may be worth considering if your income is trending down.

Special consideration for the no-income-tax calculation: South Dakota's absence of state income tax simplifies the march from gross to net income that the guideline requires, federal income tax, Social Security, and Medicare come off under SDCL § 25-7-6.7, but there is no state tax line to compute or argue about. Parents who move from a high-state-tax jurisdiction sometimes expect a state-tax deduction to reduce the net figure the schedule runs on; in South Dakota there is none, so the net income figure, and with it the obligation, can come out higher than the same paycheck produced in the prior state. Know this going in.

→ See Chapter 51, Military Service & Child Support if either parent serves at Ellsworth Air Force Base or in the South Dakota National Guard: SCRA protections, how BAH and BAS enter the income calculation, and modification during deployment. For interstate cases, UIFSA governs which state can modify the order, Chapter 52 walks through registration and continuing exclusive jurisdiction.

End of Chapter 41 — South Dakota | Chapter 42 — Tennessee follows.

Chapter 42 — Tennessee

Tennessee	State at a Glance
Calculation Model	Income Shares, gross monthly income, both parents
Key Statutes	T.C.A. § 36-5-101 (support & modification); Tenn. Comp. R. & Regs. 1240-02-04 (guidelines)
Modification Threshold	Significant variance: 15% difference between current order and recalculated guideline amount (7.5% for low-income providers)
Agency	DHS Child Support Services, (800) 838-6911
Financial Form	Child Support Worksheet
Court	Juvenile Court, Circuit Court, or Chancery Court depending on county
Retroactivity	Back to the filing date
Shared Parenting	92+ days per year with child triggers parenting time adjustment
Age of Majority	18, or graduation of the child's high school class, whichever is later
License Suspension	$500 in arrears AND 90 days past due; 20-day window after DHS notice of intent (T.C.A. § 36-5-701 et seq.)
Criminal Penalty	Nonsupport: Class A misdemeanor; flagrant nonsupport (left state to avoid duty, or prior conviction): Class E felony, 1–6 yrs (§ 39-15-101)
Interest on Arrears	None accrues automatically on new arrears (2017–2018 amendments); pre-2017 arrears carried 12%; court may order up to 6%

Section 1 — Overview

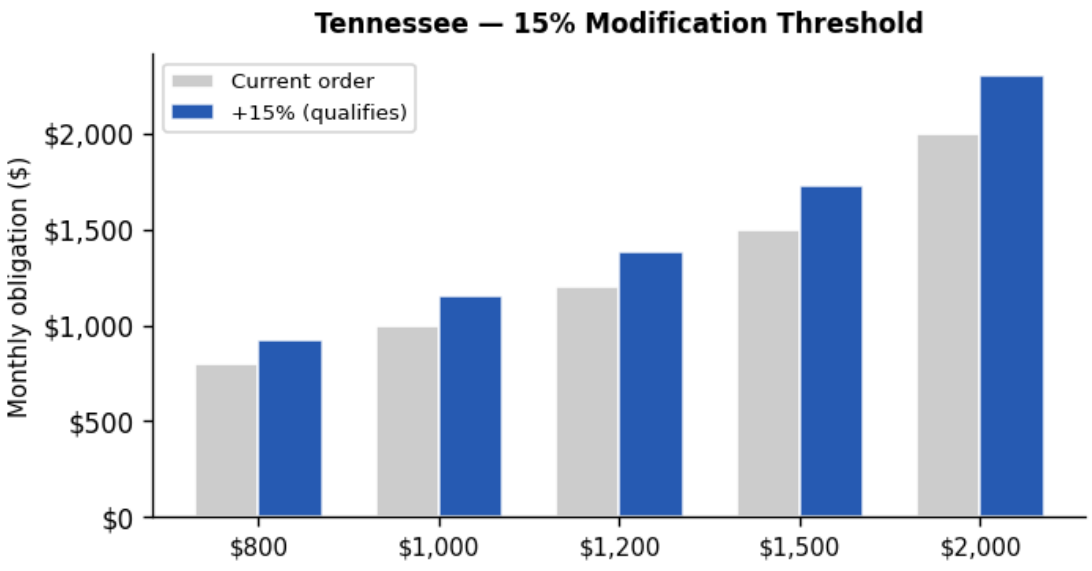
Tennessee's modification standard is called "significant variance," and the state defines it precisely so you do not have to guess. If today's guideline amount, calculated with current income figures for both parents, differs from your existing order by 15% or more, 7.5% if you qualify as a low-income provider, you meet the threshold under T.C.A. § 36-5-101 and the guidelines rule (Tenn. Comp. R. & Regs. 1240-02-04-.05). There is no discretionary test to clear. Run the numbers. If the difference is there, you have a case.

Tennessee uses Income Shares, combining both parents' gross monthly income into a guideline schedule. The state's parenting time adjustment is calculated in days (not just overnights) meaning time you spend with your child during the day, on school pickups, and on extended visits can count toward your parenting time total. Reach Tennessee DHS Child Support Services at (800) 838-6911 for IV-D case inquiries and administrative reviews.

Your income dropped and you are not sure if 15% has been crossed:Pull both parents' current gross income, run the Tennessee Child Support Worksheet (available at tn.gov/humanservices), and compare the result to your current order. If the difference is 15% or greater, 7.5% if you qualify as a low-income provider under the guidelines, you meet the significant variance standard. File the day you run this calculation and confirm the threshold is met.

You share days with your child but the order was set before your time increased: Tennessee calculates parenting time in days. Days you spend with your child (not just overnights) count toward your total. If your actual parenting schedule increased significantly but the court order still reflects an older arrangement, you are paying based on the wrong time split. Count your days accurately and file to update the order.

Your order is more than three years old: Tennessee DHS reviews IV-D support orders on a three-year cycle, and either parent can request a review. The review itself requires no showing, but an adjustment still has to clear the significant variance test, the recalculated amount must differ from the order by 15% (7.5% for low-income providers). Call DHS and ask whether your case qualifies for a review.



Section 2 — Grounds for Modification

Tennessee authorizes modification when there is a "significant variance" between the current order and the guideline amount that would result from applying the Tennessee Child Support Guidelines to current income figures. For orders set under the Income Shares guidelines, significant variance means at least a 15% difference, 7.5% for a low-income provider. The test is straightforward, run the calculation and compare.

Beyond the significant variance standard, the guidelines recognize limited situations where an order can be revisited without the percentage showing, such as adding or modifying the health insurance and medical support provisions. For a medical emergency, a major disability, or an extraordinary change in the child's expenses, ask whether one of those paths, or a deviation, applies before assuming the 15% gate blocks you.

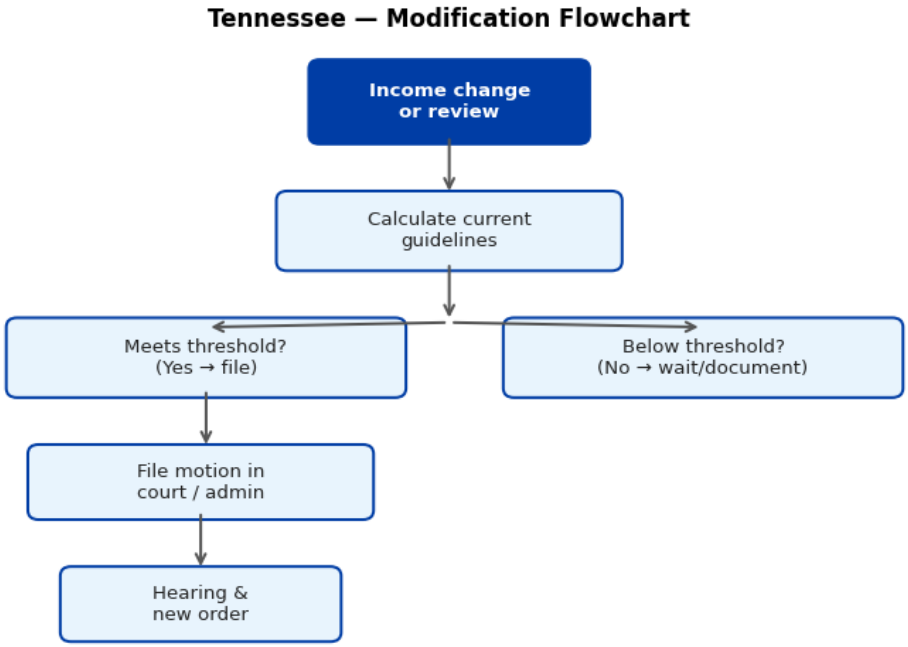
Your income dropped substantially due to job loss: File immediately. Tennessee modification is effective back to the filing date, not to when your income changed. Every day between the income change and the filing date is a day the old order keeps running. Go to the clerk of the court that entered your original order with your termination documentation and file a petition.

The other parent's income increased significantly: Tennessee's Income Shares model is sensitive to both parents' income. If the custodial parent received a major raise, the calculation shifts. The new combined income changes both the guideline total and how it is apportioned. Run the worksheet with both current incomes, even if your income did not change, a 15% shift in the calculated amount qualifies.

Your child's health insurance situation changed: Tennessee guidelines include health insurance costs in the calculation. If coverage changed (the child lost insurance, one parent added or dropped coverage, or premiums changed substantially) that change can affect the guideline amount. Document the change and run the worksheet with updated insurance figures.

Your parenting time crossed 92 days per year: Tennessee's parenting time adjustment becomes most significant at 92+ days per year. If your actual days with the child crossed that threshold but the order has not been updated, you are paying based on the wrong time split. File to update the parenting time credit simultaneously with the support modification.

A new child was born in your household: Tennessee allows a credit for additional legal dependents (children born after the original order) when calculating gross income for guideline purposes. A new child you are legally supporting can reduce your adjusted income figure in the worksheet. Bring documentation of the new dependent at your modification hearing.



Section 3 — Step-by-Step: How to File

Tennessee modifications are filed in the court that entered the original support order, Juvenile Court, Circuit Court, or Chancery Court, depending on the county and the circumstances of the original case. DHS also offers an administrative review track for IV-D-enrolled cases.

Step 1 — Check your IV-D enrollment and request a DHS review if eligible: Call DHS Child Support Services at (800) 838-6911. If your case is IV-D enrolled and three years have passed since the last review, request an administrative review. DHS will gather income information from both parties and recalculate the guideline amount, no court filing required to initiate.

Step 2 — Gather your financial documentation: Collect your two most recent federal tax returns, your three most recent pay stubs, documentation of health insurance costs, and any documentation of the triggering change, termination letter, medical records, or updated custody order. Count your actual days with the child per year and compare against the court order.

Step 3 — Complete the Tennessee Child Support Worksheet: Download the current worksheet from the Tennessee DHS website at tn.gov/humanservices. Enter both parents' current gross monthly income, the health insurance costs, any child care costs, and the parenting time split. The worksheet produces the guideline amount, compare it to your current order. If the difference is 15% or more, you are ready to file.

Step 4 — File a Petition to Modify Child Support: File in the court that entered the original order. Bring your completed worksheet, income documentation, and the petition. Filing fees vary by county, call the clerk's office ahead of time. The date you file controls retroactivity.

Step 5 — Serve the other parent: Serve the petition on the other parent pursuant to Tennessee Rules of Civil Procedure. File proof of service with the court before your hearing date. If the other parent is difficult to locate, ask the court clerk about service by publication or through DHS.

Step 6 — Attend the hearing: Present your Child Support Worksheet, current income documentation, parenting time records, and documentation of the triggering change. The magistrate or judge applies the Tennessee guidelines to the verified income and time figures. If both parties agree on the new amount, the court typically approves without a contested hearing.

Section 4 — Income Calculation

Tennessee uses both parents' gross monthly income. Gross income in Tennessee includes wages, salary, self-employment income, rental income, investment income, bonuses, commissions, unemployment compensation, workers' compensation, disability payments, Social Security, and pension distributions. The combined total is entered into the guideline schedule and the obligation is divided proportionally by each parent's share of the combined income.

High-income cases — the schedule top: The Tennessee schedule runs to a combined adjusted gross income of $28,250 per month. Above that, the basic obligation is set at the highest schedule amount, and a parent seeking more must show that the additional support is reasonably necessary for the child, the burden sits on the parent asking for it.

Health insurance premiums are added to the calculation: Tennessee's guideline adds the cost of health insurance for the child to the basic obligation. The parent paying that insurance premium gets credit for it in the worksheet. Make sure the premium cost is accurately entered. It reduces the net obligation for the parent who pays it.

Uninsured medical expenses: The premium is only part of the picture. Recurring uninsured medical expenses, co-pays, deductibles, orthodontia, and similar predictable costs, are entered on the worksheet and pro-rated between the parents by income share, and uninsured costs outside the worksheet are likewise divided pro rata unless the order provides otherwise. Keep receipts; the split only works if the costs are documented.

Child care costs for work or school are included: Reasonable work-related child care costs are added to the guideline obligation and apportioned between parents based on their income shares. If child care costs changed significantly (a new provider, a child aging out of daycare, or a change in work schedule) update the worksheet with current figures.

Self-employment income: Net profit after legitimate business expenses. Tennessee courts examine returns carefully and may add back depreciation, personal expenses, and non-cash deductions that do not reflect actual cash flow. If your Schedule C looks inconsistent with your lifestyle, bring documentation explaining every material deduction.

Imputed income for underemployment: Tennessee courts impute income based on earning capacity when a parent voluntarily reduced income without good cause. Involuntary changes (layoffs, documented medical limitations, business closures) are treated differently. Document the involuntary nature of any income drop carefully.

Low-income protection — the self-support reserve: Tennessee builds a self-support reserve into the shaded area of the Basic Child Support Obligation schedule, computed on the paying parent's income alone, so a low-income parent keeps a subsistence floor before the obligation is set. If your income falls in the shaded area, the worksheet produces a reduced obligation, and the significant-variance threshold for modification drops to 7.5%. The reserve protects real, documented low income, not voluntary underemployment.

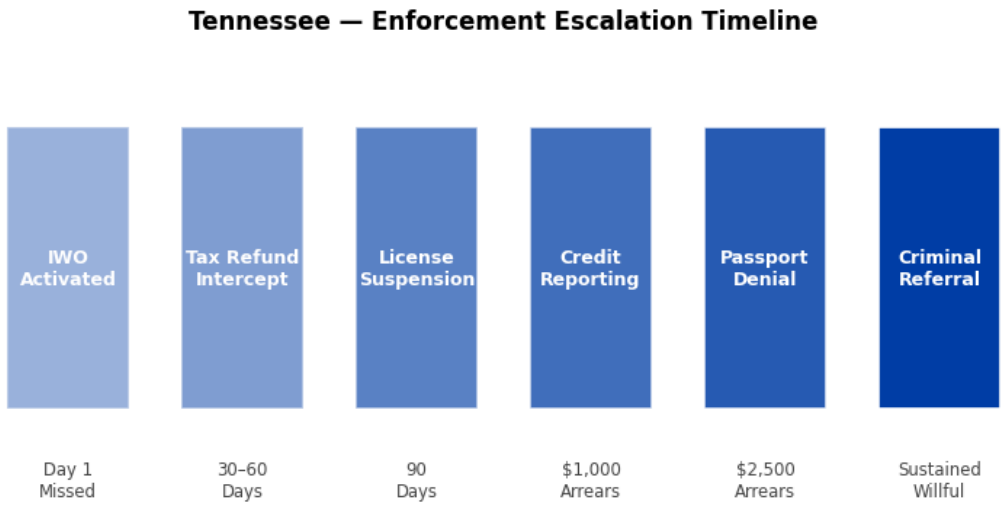
Section 5 — Shared Parenting

Tennessee's child support guidelines calculate a parenting time adjustment (PTA) based on the number of days per year each parent spends with the child. Days (not only overnights) count in Tennessee. A day is counted when the child is with the parent for more than 12 consecutive hours. At 92 or more days per year, the alternative residential parent's adjustment becomes significant and can meaningfully reduce the child support obligation.

The guideline worksheet applies the parenting time adjustment automatically once you enter the correct day count. Courts apply the adjustment based on the court-ordered parenting schedule, not informal arrangements. If your actual time with the child increased past 92 days but the order still reflects the old schedule, the adjustment is not applied until the order is updated.

You are close to 92 days per year and want to verify your count: Count every day your child was with you for more than 12 consecutive hours, weekdays, weekends, school breaks, summer, holidays. Extended school breaks and summer parenting time routinely push parents above 92 days when they count accurately. If you are above 92 days under the current court order and the PTA has not been applied, file to correct it.

You and the other parent exercise roughly equal time informally but the order is outdated: The worksheet uses the court-ordered schedule, not what is actually happening. If your informal arrangement has shifted significantly toward equal time, file to update both the parenting plan and the support obligation simultaneously. The modification is retroactive to the filing date.



Section 6 — Enforcement

Tennessee's criminal exposure has two distinct levels, and the difference matters. Willful failure to support is nonsupport, a Class A misdemeanor (T.C.A. § 39-15-101). Flagrant nonsupport, the Class E felony carrying one to six years, requires more than a pattern of missed payments: it applies to a parent who leaves or remains outside the state to avoid the support duty, or who has a prior nonsupport conviction and commits a subsequent offense. Before either criminal track, DHS and the courts use license revocation, income withholding, asset seizure, and contempt. Do not let arrears accumulate without taking action.

You are $500 in arrears and 90 days past due: That combination, at least $500 in arrears AND 90 or more days past due, is Tennessee's statutory definition of noncompliance for license purposes (T.C.A. § 36-5-701 et seq.). Your driver's license, professional license, and recreational licenses are all subject to denial or revocation. DHS serves a notice of intent first, and you have 20 days to come into compliance or reach an agreement. Contact DHS at (800) 838-6911 immediately and request a payment plan. Acting inside that window is always easier than reinstating after.

Your arrears crossed $2,500: Federal passport denial is automatic at $2,500. Tennessee reports to federal authorities when that threshold is crossed. If you need to travel internationally for work or family, address arrears before they reach $2,500. Reinstatement after the federal threshold is crossed takes weeks even after you pay in full.

Income withholding stopped because you changed employers: The withholding order does not transfer automatically to your new employer. Notify DHS immediately in writing with your new employer's name, address, and payroll contact. Keep a copy. A gap in withholding builds arrears fast, and while Tennessee no longer adds interest to most new arrears automatically, the missed principal is fully enforceable, act the day you start a new job.

You are facing a flagrant nonsupport charge: Contact a criminal defense attorney today, the Class E felony applies where a parent left the state to avoid support or has a prior nonsupport conviction, and carries one to six years. Simultaneously file a Petition for Modification at the originating court if you have not already. Make every payment you can going forward, document each one, and keep every receipt. A pending modification and documented payments demonstrate good faith.

Section 7 — Emergency Protocols

Emergency Protocols — Tennessee

EMERGENCY PROTOCOL 1: INCOME DROP: RUN THE WORKSHEET, THEN FILE THE SAME DAY

Tennessee's 15% significant variance standard is mechanical, run the Child Support Worksheet with both parents' current income.

If the difference is 15% or more from your current order, you meet the statutory threshold.

File a Petition to Modify the same day you confirm the threshold is met.

Tennessee modification is effective back to the filing date, every day of delay costs you.

Download the worksheet at tn.gov/humanservices. Bring the completed worksheet and your termination documentation to the clerk's office.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE: RESPOND WITHIN THE 20-DAY WINDOW

Tennessee treats you as out of compliance once you are at least $500 in arrears and 90 or more days past due (T.C.A. § 36-5-701).

DHS serves a notice of intent before certifying you to licensing authorities; you have 20 days to respond.

Call DHS at (800) 838-6911 today and request a payment plan before the suspension order is entered.

Tennessee DHS has authority to negotiate installment agreements and hold enforcement actions while you pay.

Get the agreement in writing. Make every payment on time. Reinstatement after suspension is harder than prevention.

EMERGENCY PROTOCOL 3: PARENTING TIME CROSSED 92 DAYS: FILE TO UPDATE BOTH ORDERS

Tennessee counts days, not just overnights. Count every day your child was with you for 12+ consecutive hours.

At 92+ days per year, the parenting time adjustment in the worksheet changes significantly in your favor.

File to update both the parenting plan (if it needs correcting) and the support amount at the same time.

The modification is retroactive to the filing date, not to when your parenting time actually changed.

Every month you wait at the old support amount is money you cannot recover.

EMERGENCY PROTOCOL 4: FLAGRANT NONSUPPORT CHARGE FILED: TWO STEPS TODAY

Contact a criminal defense attorney today, flagrant nonsupport is a Class E felony carrying one to six years; it requires leaving the state to avoid support or a prior nonsupport conviction.

Simultaneously file a Petition to Modify Child Support at the originating court if you have not already.

A pending modification establishes on the record that you are taking action.

Make every payment you can going forward, document each with a money order or wire transfer.

Keep every receipt. The next 72 hours matter more than what happened before.

EMERGENCY PROTOCOL 5: EMPLOYER CHANGE STOPPED WITHHOLDING: NOTIFY DHS IN WRITING TODAY

Income withholding does not transfer automatically when you change employers.

Contact DHS at (800) 838-6911 today and provide your new employer's name, address, and payroll contact.

Do this in writing (email or certified mail) and keep a copy.

Tennessee no longer adds interest automatically to most new arrears (since the 2017–2018 amendments, IV-D arrears accrue no interest unless a court orders it), but the missed principal is fully enforceable and a gap is hard to unwind.

Your written notification demonstrates good faith if arrears develop before the new withholding is established.

EMERGENCY PROTOCOL 6: MEDICAL EMERGENCY REDUCED YOUR INCOME: DOCUMENT AND FILE NOW

A medical event (yours or a dependent's) that materially reduced your income or created extraordinary expenses is grounds for modification.

Document everything immediately: medical records, employer notification of leave, bills, income reduction letters.

File a Petition to Modify the same day. Tennessee courts can consider extraordinary medical expenses as grounds for deviation.

Do not wait until you have recovered to file, retroactivity runs only to the filing date.

Tennessee courts take documented medical hardship seriously when the evidence is organized and presented at the hearing.

EMERGENCY PROTOCOL 7: THREE-YEAR REVIEW NOTICE FROM DHS: RESPOND AND RUN YOUR NUMBERS FIRST

Tennessee DHS reviews IV-D support orders on a three-year cycle; you may receive a review notice, and either parent can request one.

If you do not respond, DHS will proceed on available information, which may not reflect your current income accurately.

Before responding, run the Child Support Worksheet with both parents' current income figures.

Know your number before DHS calculates it, if the guideline amount would decrease, make sure your income documentation is accurate and complete.

Gather your two most recent tax returns and three most recent pay stubs and have them ready for the review.

Section 8 — Quick Reference

Your key Tennessee numbers: 15% significant variance threshold (7.5% for low-income providers); gross income for both parents; parenting time measured in days (more than 12 consecutive hours = one day); 92+ days per year triggers the parenting time adjustment; license noncompliance at $500 in arrears AND 90 days past due, with a 20-day response window; interest on arrears no longer accrues automatically (pre-2017 arrears carried 12%; courts may order up to 6% in limited cases); retroactivity to filing date; age 18 or graduation of the child's high school class, whichever is later. Key statute: T.C.A. § 36-5-101; guidelines at Tenn. Comp. R. & Regs. 1240-02-04. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

DHS Child Support Services:(800) 838-6911, enforcement, IV-D reviews, payment plans, employer withholding

Tennessee Child Support Worksheet (tn.gov/humanservices): Current guidelines calculator, downloadable worksheets, county DHS office directory

Tennessee Alliance for Legal Services (tals.org): Legal aid referrals for qualifying low-income residents, includes family court matters

Tennessee Bar Association Lawyer Referral Service:(800) 899-9994, family law attorney referrals by county

Special consideration for the day-counting rule: Tennessee's use of days rather than overnights is one of the most parent-friendly provisions in this book for noncustodial parents who spend significant daytime hours with their children. A parent who has the child on a regular school pickup schedule, who takes the child for full-day weekend visits, or who has extended breaks structured as full days rather than overnight stays may have a higher day count than they realize. Count carefully before filing. If your accurate day count pushes you above 92 days per year, the parenting time adjustment in the worksheet can produce a meaningfully lower obligation.

Special consideration for the two-track criminal exposure: Tennessee's misdemeanor/felony structure is narrower than it sounds. Nonsupport itself is a Class A misdemeanor. The Class E

felony, flagrant nonsupport, requires either leaving or remaining outside the state to avoid the support duty, or a prior nonsupport conviction followed by a subsequent offense (T.C.A. § 39-15-101). If you have accumulated arrears across multiple periods, or you are living out of state, consult an attorney before the felony elements come into play. Documented good-faith attempts to pay, a pending modification petition, and a payment plan negotiated through DHS are all relevant to how courts assess willfulness.

→ See Chapter 51, Military Service & Child Support if either parent serves at Fort Campbell or in the Tennessee National Guard: SCRA protections, how BAH and BAS enter the gross-income calculation, and modification during deployment. For interstate cases, UIFSA (T.C.A. § 36-5-2001 et seq.) governs which state can modify the order, Chapter 52 walks through registration and continuing exclusive jurisdiction.

End of Chapter 42 — Tennessee | Chapter 43 — Texas follows.

Chapter 43 — Texas

Texas	State at a Glance
Calculation Model	Percentage of Income, net resources of the obligor only
Key Statutes	T.F.C. § 156.401 (modification); T.F.C. § 154.125 (guidelines/net resources)
Modification Threshold	Material and substantial change OR 3 years + 20% difference or $100/month change

Percentages	1 child: 20% | 2: 25% | 3: 30% | 4: 35% | 5+: 40% of monthly net resources (15%-35% if net resources under $1,000/mo)
Net Resources Cap	$11,700/month (raised from $9,200 effective Sept. 1, 2025); percentage applies only up to this ceiling
Agency	Office of the Attorney General (OAG) Child Support Division, (800) 252-8014
Financial Form	Financial Information Statement
Court	District Court or Title IV-D court, county of original order
Retroactivity	To the earlier of service of citation or an appearance in the suit (§ 156.401(b))
Shared Parenting	Standard Possession Order (~100 overnights), extended order at 35%+
Age of Majority	18 and graduation from high school, whichever is later
License Suspension	Arrears equal to 3+ months of support PLUS failure to comply with a repayment schedule (§ 232.003)
Criminal Penalty	State jail felony (Texas Penal Code § 25.05) criminal nonsupport, up to 2 years
Interest on Arrears	6% per year simple, Texas Family Code § 157.265
State Income Tax	None, simplifies net resources calculation

Section 1 — Overview

Texas does not use both parents' incomes to set child support. Texas uses only the obligor's income, specifically, a percentage of your net resources. One child: 20%. Two children: 25%. Three: 30%. Four: 35%. Five or more: 40%. That is the Texas model. It is among the most straightforward in this book, and it means that changes in the custodial parent's income do not affect your obligation the way they do in Income Shares states.

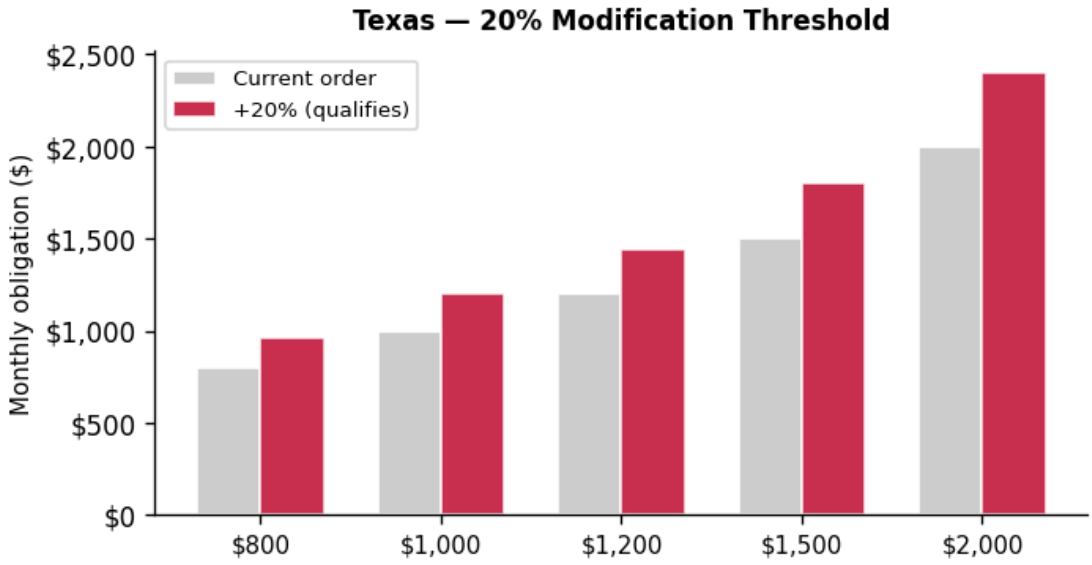
Net resources in Texas is a specific calculation: your gross income minus federal income tax (figured from the OAG's annual tax charts at the rate for a single person claiming one personal exemption and the standard deduction, Tex. Fam. Code § 154.061), FICA, union dues, and health and dental insurance premiums actually paid for the child. Texas has no state income tax, which simplifies one part of that deduction. The percentage then applies to the net resources figure, up to a cap of $11,700 per month, raised from $9,200 effective September 1, 2025. For net resources above that cap, the court has discretion to set additional support based on the child's proven needs. Reach the Texas OAG Child Support Division at (800) 252-8014.

Your income dropped significantly and you want to know if you can modify: Texas modification under T.F.C. § 156.401 requires either a material and substantial change in circumstances, or (if three years have passed

since the last order) a 20% difference or $100/month difference in the calculated amount. Calculate your current net resources. Apply the percentage for your number of children. If the result differs from your current order by $100/month or 20%, and three years have passed, you meet the second track without needing to prove a material change.

You have children in multiple households: Texas allows a credit for other children you are legally supporting. For each additional child you support under a court order, your percentage for the current case is reduced. The reductions are set by statute, know your total count of children across all households before any modification hearing.

Your net resources exceeded the cap at some point and are now lower:If your income was above the cap when the order was set and has since dropped below it, the percentage calculation changes materially. At the current $11,700 cap, a 20% obligation is $2,340/month. Below the cap, the percentage applies to your actual net resources. File for modification promptly if your income dropped below the cap level, and keep in mind that the cap itself moved from $9,200 to $11,700 on September 1, 2025, which can change the math in either direction.



Section 2 — Grounds for Modification

Texas provides two independent modification tracks. Track one: a material and substantial change in the circumstances of either party or the child since the last order was rendered. Track two: three years have passed since the last order AND the amount calculated under the guidelines would differ from the existing order by either 20% or $100 per month. Track two has a mechanical test. If both conditions are met, you qualify without proving a material change. One caution: if your existing order was an agreed order setting support at an amount that

departs from the guidelines, § 156.401(a-1) closes the three-year track, and you must show a material and substantial change.

A "material and substantial change" under track one includes job loss, disability, significant income change, change in health insurance, or a significant change in the child's needs. Courts do not require a 20% shift on the material change track, any significant change that affects the calculation can qualify. The practical distinction: if three years have not passed, you need track one. If three years have passed, run the numbers and see if you clear the 20%/$100 test.

You lost your job and three years have not passed: File immediately under the material and substantial change standard. You do not need to wait three years. Involuntary job loss is one of the clearest examples of material change. File the day you lose your job and get the other parent served quickly: under § 156.401(b), the modified amount reaches back only to the earlier of the date of service of citation or the other party's appearance in the suit, not to the filing date itself. Every day of delay is a day the old obligation keeps running.

Three years have passed since your last order: Run the current calculation. Apply your percentage to your current net resources. Compare to the existing order amount. If the difference is $100/month or 20%, you meet track two without proving anything changed, unless your current order was an agreed order that departed from the guidelines, in which case § 156.401(a-1) still requires a material and substantial change. Otherwise this is the simplest path: time plus a calculation.

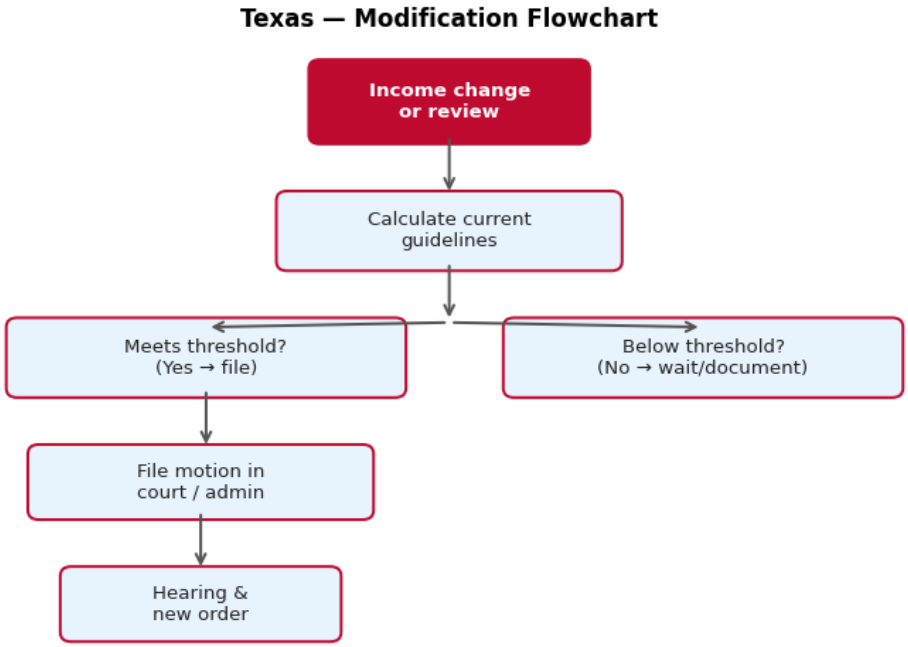
The other parent asks the court to increase your obligation after your income grew:Texas's percentage model means income growth above the cap does not automatically increase the base obligation, the cap at $11,700 net resources limits the percentage calculation. If your income exceeds the cap, any increase above the cap requires the other parent to prove the child has specific additional needs. Below the cap, a material change in your income is fair game for either direction of modification.

You have a new child in your household under a court order: Texas statutes provide specific percentage adjustments for obligors with multiple children across households. A new court-ordered child support obligation in another case can reduce the percentage applied in your current case. Bring that order to any modification hearing.

Your child's health insurance situation changed: Health insurance premiums paid for the child are deducted from gross income before the percentage applies. A major change in premiums (gaining coverage, losing it, or a significant premium increase) changes your net resources figure and therefore the calculated obligation. Document the change and include it in your modification petition.

Medical and dental support are separate, additional obligations. On top of guideline child support, Texas courts must order medical support and dental support for the child (Tex. Fam. Code §§ 154.182, 154.1825). If health insurance is available to you at reasonable cost, defined as no more than 9% of your annual resources for health coverage and 1.5% for dental coverage,

you will typically be ordered to provide it; if coverage is not available, the court orders cash medical support, capped at the same 9% and 1.5% figures. Unreimbursed expenses are handled separately again: § 154.183 directs the order to allocate reasonable and necessary uninsured health-care costs between the parents, and standard Texas orders commonly split them 50/50. Include all of these amounts when you estimate the true monthly impact of any modification.



Section 3 — Step-by-Step: How to File

Texas modifications are filed in the district court or Title IV-D court that entered the original order, in the county of the original order. The OAG Child Support Division handles IV-D enforcement and can assist with the review process for enrolled cases.

Step 1 — Call OAG to check your IV-D status and the three-year clock: Contact the Texas OAG Child Support Division at (800) 252-8014. Ask whether your case is IV-D enrolled, when the last order was entered, and whether you qualify for an OAG-initiated review. If three years have passed, OAG may be able to initiate a review directly. If your case is not OAG-enrolled, you will file in district court.

Step 2 — Calculate your current net resources: Start with your current gross monthly income. Subtract: federal income tax (using the OAG's annual tax charts, which assume a single person claiming one personal exemption and the standard deduction); FICA (Social Security and Medicare); health and dental insurance premiums paid for the child; and union dues if applicable. The result is your monthly net resources. Apply your percentage. Compare to your current order.

Step 3 — Complete the Financial Information Statement: Texas courts require a Financial Information Statement at modification hearings. Download the current form from the Texas OAG website at texasattorneygeneral.gov or from the district court clerk. Complete every section accurately, net resources errors drive incorrect guideline results.

Step 4 — File a Motion to Modify in the originating district court: File in the district court or Title IV-D court that entered the original order. Bring your completed Financial Information Statement, current income documentation, and the motion. Pay the filing fee. Then get service done quickly: the new amount can apply only to obligations accruing after the earlier of service of citation or an appearance in the modification suit (§ 156.401(b)).

Step 5 — Serve the other parent: Serve the motion and Financial Information Statement on the other parent pursuant to Texas Rules of Civil Procedure. File proof of service before your hearing date.

Step 6 — Attend the hearing or mediation: Many Texas courts encourage mediation before a contested hearing. Come with your net resources calculation, current pay stubs, documentation of every material change, and the number of children you are supporting across all households. The judge applies the percentage to your verified net resources and enters the new order.

Section 4 — Income Calculation

Texas net resources are calculated starting from gross income (wages, salary, self-employment income, rental income, investment income, bonuses, commissions, disability payments, Social Security, workers' compensation, pension distributions, and any other income) then subtracting the specific statutory deductions: federal income tax (at the single-person, one-exemption, standard-deduction rate in the OAG's annual tax charts), FICA contributions, health and dental insurance premiums paid for the child, and union dues. Texas has no state income tax, so that deduction does not exist. The result is net resources, capped at $11,700 per month for guideline purposes.

Self-employment income: Net profit after ordinary and necessary business expenses. Texas courts look at multiple years of returns and may add back depreciation, personal expenses run through the business, and non-cash deductions. If your Schedule C looks inconsistent with your lifestyle, bring documentation. Texas courts have seen aggressive income reduction through business expense manipulation.

Gross income includes irregular payments: Bonuses, commissions, and variable income are included in net resources. Texas courts may average variable income over time rather than using a single month's figure. If your income is commission-based or you receive large annual bonuses, bring several years of tax returns and a monthly breakdown.

Credit for additional children: Texas law provides percentage reductions for obligors supporting multiple children across households. These reductions are set out in T.F.C. § 154.129. Know your total number of children across all households and which are under court-ordered support before your hearing.

Income above the cap: For net resources above $11,700 per month, the guideline percentages do not apply automatically. The court sets support for above-cap income based on the child's

proven needs and the circumstances. If you are in above-cap territory, expect the other parent to present evidence of the child's specific expenses and needs.

Low-income guidelines (net resources under $1,000/month). For suits filed on or after September 1, 2021, Texas applies a reduced percentage schedule when the obligor's monthly net resources are less than $1,000: 15% for one child, 20% for two, 25% for three, 30% for four, 35% for five, and not less than the five-child amount for six or more (Tex. Fam. Code § 154.125(c)). Texas has no separate self-support reserve or statutory minimum order; these lower percentages are the low-income protection.

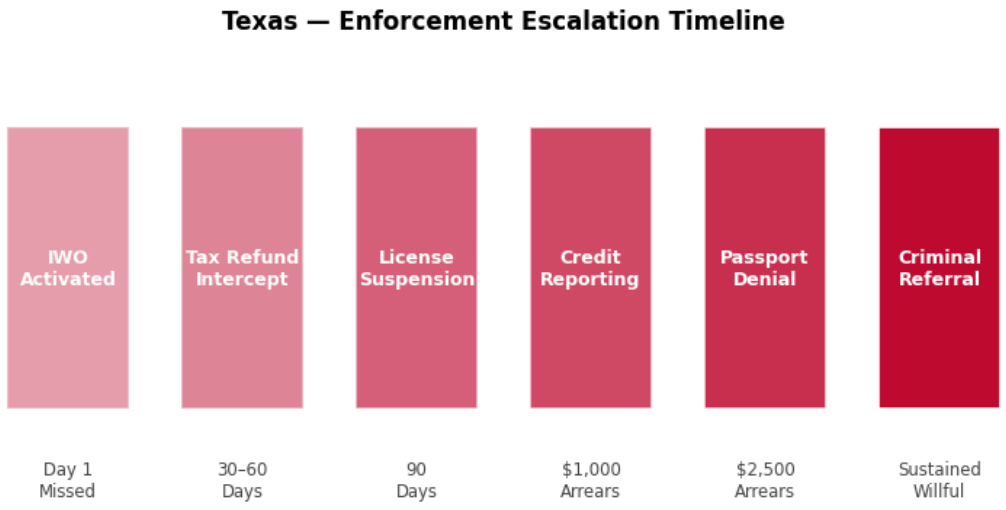
Section 5 — Shared Parenting

Texas uses a Standard Possession Order (SPO) as the baseline for noncustodial parenting time. Under the SPO, the noncustodial parent has the child on the first, third, and fifth weekends of each month, Thursday evenings during the school year, extended summer time, and alternating holidays, producing roughly 100 overnights per year. The SPO does not change the percentage-based support calculation by itself. Texas support is set by the obligor's net resources and number of children, not by a formula that scales with parenting time the way Income Shares states do.

For parents exercising significantly more than the SPO (at or near 50/50 parenting time) Texas courts have discretion to deviate from the guideline percentage when equal or substantially equal possession is in place. That deviation is not automatic and requires a finding that equal possession is in the child's best interest. If you have an Extended Standard Possession Order or a true 50/50 arrangement, present that at your modification hearing and ask the court to consider deviation.

You have an SPO and want to know if more parenting time would reduce your support: Under the standard model, increasing from the SPO to a somewhat higher parenting time does not automatically reduce the guideline amount. Texas does not use a continuous parenting credit formula. A significant deviation from the percentage approach requires an equal possession arrangement and a court finding. Know this before assuming more overnights means less support.

You and the other parent agreed to a 50/50 arrangement and want to formalize it: File to update the custody order to reflect the actual arrangement. Once a court enters an equal possession order, you can ask the court to consider deviation from the guideline percentage at the same hearing. Courts are not required to deviate, but they have discretion to do so when equal possession is documented.



Section 6 — Enforcement

Texas criminal nonsupport under Texas Penal Code § 25.05 is a state jail felony, carrying between 180 days and two years in a state jail facility. It applies when a parent intentionally or knowingly fails to provide support for a child under 18. At 6% simple annual interest (§ 157.265), Texas arrears grow more slowly than in many states in this book, but the criminal penalty for persistent nonpayment is real and actively prosecuted through OAG. The OAG Child Support Division is one of the largest and most active enforcement operations in the country.

You are three months behind or owe three months of support: License suspension under Tex. Fam. Code § 232.003 takes more than a missed quarter. The arrearage must equal or exceed the total support due for three months, and you must have been given an opportunity to pay under a court-ordered or agreed repayment schedule and failed to comply. You receive notice before any suspension takes effect, and a suspension order can be stayed while you comply with a reasonable repayment schedule (§ 232.008). Contact OAG at (800) 252-8014 and request a payment plan. Texas OAG has authority to enter payment agreements and delay or lift enforcement while you pay.

Your arrears crossed $2,500: Federal passport denial is automatic at $2,500. OAG reports to federal authorities. Address arrears before crossing this threshold if you have any international travel needs. Reinstatement after the federal threshold takes weeks even after full payment.

Income withholding stopped because you changed jobs: Texas income withholding orders must be served on each new employer separately. They do not transfer automatically. Notify OAG immediately when you start a new job. Provide the employer's name, address, and payroll contact. At 6% simple annual interest on arrears, the gap is less costly than in high-interest states, but arrears still accumulate and drive enforcement escalation.

OAG filed contempt proceedings against you: Contact a family law attorney today. Texas courts take OAG contempt proceedings seriously, the consequences can include incarceration. Simultaneously file a motion to modify if you have not already. Make every payment you can going forward and document each with a money order, cashier's check, or electronic payment through the Texas Child Support Disbursement Unit.

Section 7 — Emergency Protocols

Emergency Protocols — Texas

EMERGENCY PROTOCOL 1: INCOME DROP: CALCULATE NET RESOURCES, THEN FILE TODAY

Texas modification requires a material and substantial change, or three years + 20%/$100 difference.

Job loss is the clearest example of material and substantial change. You do not need to wait three years.

Calculate your current net resources: gross income minus federal tax, FICA, health insurance for child, union dues.

Apply your percentage (20% for 1 child, 25% for 2, etc.) and compare to your current order.

File a Motion to Modify in the originating district court the same day, and have the other parent served promptly. Retroactivity runs only to the earlier of service of citation or an appearance (§ 156.401(b)).

EMERGENCY PROTOCOL 2: THREE MONTHS PAST DUE — LICENSE SUSPENSION INITIATED: CALL OAG TODAY

License suspension under § 232.003 requires arrears equal to at least three months of support PLUS a failure to comply with an offered court-ordered or agreed repayment schedule.

OAG notifies you before the suspension takes effect.

Call OAG at (800) 252-8014 today and request a payment plan.

Texas OAG has authority to negotiate installment agreements and hold enforcement actions while you pay.

Get the agreement in writing. Make every payment on time. Suspension reinstatement is more painful than prevention.

EMERGENCY PROTOCOL 3: THREE YEARS PASSED + INCOME CHANGED: FILE UNDER THE MECHANICAL TEST

If three years have passed since your last order, you do not need to prove a material change.

Calculate your current net resources and apply your percentage.

If the result differs from your current order by $100/month or by 20%, either one, you meet the threshold (unless your existing order was an agreed order departing from the guidelines, § 156.401(a-1)).

File a Motion to Modify with your Financial Information Statement showing the current calculation.

This track is straightforward, time plus a calculation. File today.

EMERGENCY PROTOCOL 4: CRIMINAL NONSUPPORT CHARGE FILED: TWO STEPS TODAY

Texas Penal Code § 25.05 (criminal nonsupport) is a state jail felony carrying up to 2 years.

Contact a criminal defense attorney today.

Simultaneously file a Motion to Modify Child Support if you have not already done so.

Make every payment you can going forward, document each through the Texas Child Support Disbursement Unit.

Keep every receipt. Your documented payment history after the charge is filed is critical evidence.

EMERGENCY PROTOCOL 5: NEW CHILD UNDER COURT ORDER IN ANOTHER HOUSEHOLD: UPDATE YOUR CALCULATION

Texas law provides percentage reductions for obligors supporting multiple children in different households.

A new court-ordered child support obligation in a separate case may reduce the percentage in your current case.

Bring the new court order to your next modification hearing and ask the court to apply the statutory adjustment.

This is not automatic. You must present the order and invoke the statutory credit.

Calculate your adjusted percentage under T.F.C. § 154.129 before the hearing so you know the expected outcome.

EMERGENCY PROTOCOL 6: NET RESOURCES DROPPED BELOW THE $11,700 CAP: FILE IMMEDIATELY

If your income was above the net resources cap when your order was set and has since dropped below it, the calculation changes materially. The cap is currently $11,700 per month, raised from $9,200 on September 1, 2025.

Above-cap orders are set on needs-based evidence, not the standard percentage.

Below-cap orders use the percentage directly, and that often produces a lower amount.

File a Motion to Modify the day your net resources drop below the cap.

Run the calculation and document the income drop with pay stubs, tax returns, and any relevant employer communications.

EMERGENCY PROTOCOL 7: OAG ENFORCEMENT ACTION INITIATED: RESPOND BEFORE THE DEADLINE

OAG is one of the most active child support enforcement operations in the country.

If OAG has initiated an enforcement action (license suspension, contempt, or criminal referral) respond to the notice before any deadline.

Call OAG at (800) 252-8014 and ask what payment arrangement options are available.

If contempt proceedings have been filed, contact a family law attorney immediately.

Make every payment you can while the proceeding is pending, document each payment, and keep every receipt.

Section 8 — Quick Reference

Your key Texas numbers: Material and substantial change OR three years + 20%/$100 difference (§ 156.401); net resources calculation (gross income minus federal tax, FICA, child health and dental insurance, union dues); cap at $11,700 net resources per month, raised from $9,200 effective September 1, 2025; 1 child = 20%, 2 = 25%, 3 = 30%, 4 = 35%, 5+ = 40% (reduced 15%–35% schedule if net resources are under $1,000/month); license suspension at three months' arrears plus a failed repayment schedule (§ 232.003); 6% simple annual interest on arrears (§ 157.265); retroactivity to the earlier of service of citation or appearance; age 18 or high school graduation, whichever is later. Key statutes: T.F.C. § 156.401 and T.F.C. § 154.125. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

OAG Child Support Division:(800) 252-8014, enforcement, IV-D reviews, payment plans, income withholding, state case registry

Texas OAG website (texasattorneygeneral.gov): Financial Information Statement forms, net resources calculator, county child support office directory

Texas Rio Grande Legal Aid and Lone Star Legal Aid: Free civil legal services for qualifying low-income residents, include family law and child support

State Bar of Texas Lawyer Referral Service:(800) 252-9690, family law attorney referrals by county

Special consideration for the Percentage of Income model: Texas is one of a handful of states in this book that calculates support based only on the obligor's income, not on a combined income figure. This means that if the custodial parent's income increases dramatically, your obligation does not change. It also means that if your income drops, the custodial parent's income is irrelevant to the modification calculation. The percentage model is simple, predictable, and responsive to your income alone. Understand this distinction before approaching a modification hearing, Texas courts will not recalculate based on what the other parent earns.

Special consideration for high-income obligors: For net resources above $11,700 per month, the guideline percentages apply only up to the cap. The cap is adjusted every six years for inflation under § 154.125(a-1) and rose from $9,200 to $11,700 on September 1, 2025. Any support beyond that level requires the other parent to prove the child has specific needs justifying additional support (§ 154.126). If you are in above-cap territory, the modification calculus is different from below-cap cases, the other parent's burden of proof is higher, and the discretionary nature of above-cap support gives the court more latitude in both directions.

If you or the other parent is in the military or lives outside Texas. Texas hosts some of the country's largest military installations, including Fort Cavazos (formerly Fort Hood), Fort Bliss, and Joint Base San Antonio, and military pay structures such as BAH and BAS raise their own net-resources questions; see Chapter 51 — Military Service. If the other parent lives in another state or country, the Uniform Interstate Family Support Act, adopted in Texas as Family Code Chapter 159, controls which state's courts can modify the order and how it is enforced across state lines; see Chapter 52 — Interstate and International Cases.

End of Chapter 43 — Texas | Chapter 44 — Utah follows.

Chapter 44 — Utah

Utah	State at a Glance
Calculation Model	Income Shares, gross monthly income, both parents
Key Statutes	Utah Code § 81-6-212 (modification); Title 81, Chapter 6 (guidelines; recodified from Title 78B, Ch. 12 eff. Sept. 1, 2024)
Modification Threshold	Order 3+ years old: 10% difference, no change showing; newer order: substantial change + 15% difference (§ 81-6-212)
Agency	Office of Recovery Services (ORS), (801) 536-8500
Financial Form	Financial Declaration
Court	District Court, county of original order

Retroactivity	No earlier than the month following service of the petition on the other parent
Shared Parenting	Joint-custody calculation at 111+ overnights with each parent; 0.27%/night credit for nights 111-130, 0.84%/night above 130 (§ 81-6-206)
Age of Majority	18 or graduation from high school, whichever is later
License Suspension	60 days with no payment + no good-faith effort to pay (Utah Code § 26B-9-502); driver license, administrative
Criminal Penalty	Class A misdemeanor (§ 76-7-201); third-degree felony if prior conviction, out-of-state residence, 18 of 24 months, or arrears over $10,000
Interest on Arrears	Federal post-judgment rate + 2%, fixed per judgment (§ 15-1-4); ORS collects only when set as a dollar amount in a judgment
3-Year Review	ORS review on request for IV-D cases; adjusted if 10%+ non-temporary difference

Section 1 — Overview

Utah gives you two distinct modification paths under Utah Code § 81-6-212 (the child support statutes moved from Title 78B, Chapter 12 to Title 81, Chapter 6 on September 1, 2024). If your order is at least three years old, you qualify for an adjustment when today's guideline amount (calculated with current gross income for both parents) differs from your existing order by 10% or more, with no showing of changed circumstances at all. If the order is newer than three years, you need a substantial change in circumstances, such as a 30% or greater change in a parent's income, AND a difference of 15% or more between the order and the current guideline amount. The three-year/10% track is one of the most accessible standards in this book; the anytime track sets a higher bar.

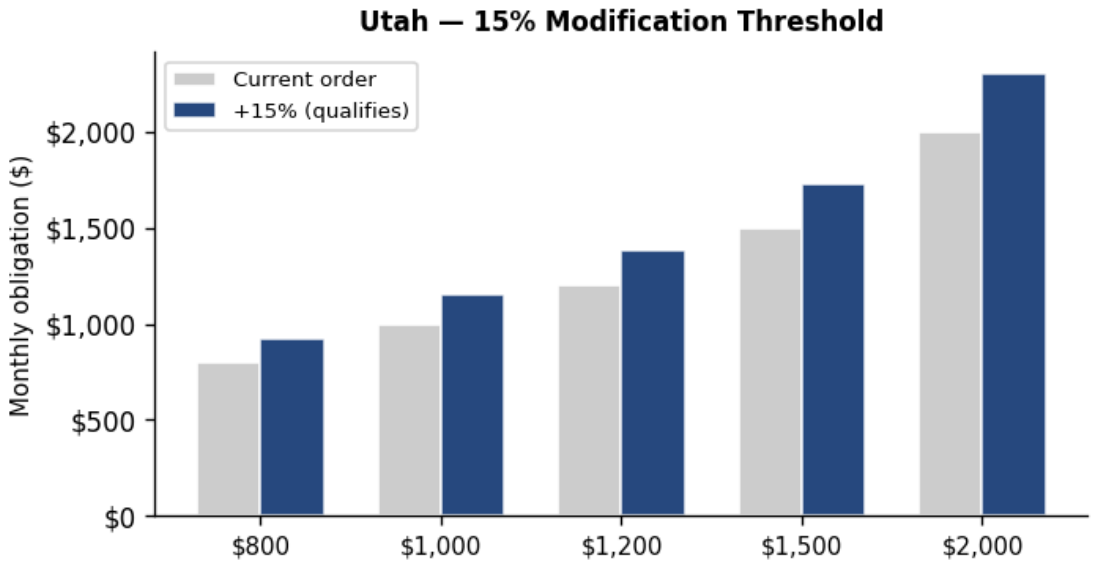
Utah uses Income Shares, both parents' gross monthly income combined, with the obligation divided proportionally. The Office of Recovery Services (ORS) handles IV-D enforcement statewide. ORS is also the agency that initiates three-year administrative reviews for enrolled cases. Call ORS at (801) 536-8500 for IV-D case inquiries, payment plan requests, or to initiate a review. Modifications are filed in the District Court in the county where the original order was entered.

Your income dropped and you want to know if the threshold is crossed:Pull both parents' current gross monthly income figures, run the Utah Child Support Worksheet (available through ORS or the Utah courts website), and compare the result to your current order. If your order is three or more years old, a 10% or greater difference qualifies on its own. If the order is newer, you need a substantial change in circumstances (a 30% income change qualifies) plus a 15%

difference. File and serve immediately, a modification takes effect no earlier than the month after the petition is served on the other parent, not when your income changed.

You moved to a different county within Utah: Your case remains in the District Court where the original order was entered. File all petitions in that court unless you have formally petitioned for a venue transfer. ORS handles your IV-D case statewide regardless of which county you are in now.

Your support order is more than three years old: ORS can review IV-D cases every three years on request, and under § 81-6-212(5) the order is adjusted when the recalculated guideline amount differs from the current order by 10% or more and the difference is not temporary, with no proof of changed circumstances required. Call ORS at (801) 536-8500 and ask whether your case qualifies. If income has changed in your favor, a review can update the obligation without a court filing.



Section 2 — Grounds for Modification

Utah allows modification two ways. The three-year track: if the order has not been issued or modified within the previous three years, a 10% or greater, non-temporary difference between the existing order and the current guideline amount qualifies, with no showing of changed circumstances (Utah Code § 81-6-212(5)). The anytime track: a substantial change in circumstances, material changes in custody, a 30% or greater change in a parent's income, material changes in the child's medical needs, or new legal support responsibilities, that produces a difference of 15% or more from the current guideline amount (§ 81-6-212(3)-(4)). Run the worksheet with current income first; which track you need depends on the age of your order.

Utah also provides a three-year review track through ORS for IV-D-enrolled cases. The passage of three years lets you initiate the ORS review, and the same 10% standard governs whether the order is actually adjusted. The review is free for enrolled cases. If the recalculated amount is lower than your current order, the review benefits you.

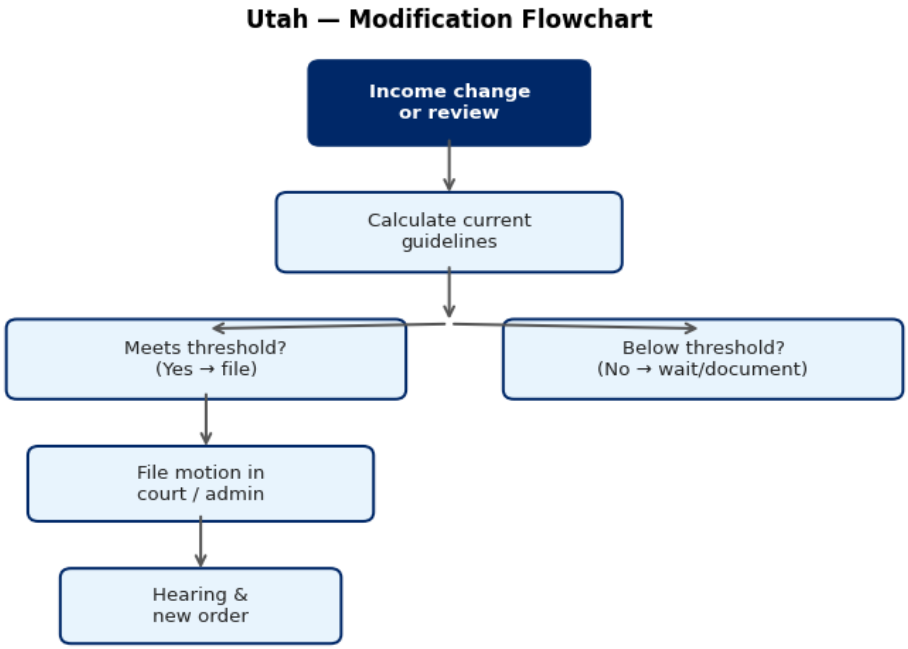
Your income dropped due to job loss or reduced hours: File a petition to modify the same day your income changes, and get it served. Utah will not backdate a modification: the new amount takes effect no earlier than the month following service of the petition on the other parent. Every day between the income drop and service is a day the old obligation keeps running. Go to the District Court clerk's office in the originating county or call ORS to initiate an administrative review.

Your parenting time increased past 110 overnights per year: Utah's joint-custody support calculation applies when each parent has the child at least 111 overnights a year. Past that line, each overnight from 111 to 130 trims the lesser-time parent's share by 0.27% of the base combined obligation, and each overnight beyond 130 trims it by 0.84% (Utah Code § 81-6-206). If your actual parenting time crossed the threshold but the order has not been updated, you are paying based on the wrong schedule. File to update both the parenting plan and support amount simultaneously.

The other parent's income increased substantially: Income Shares uses both parents' income. If the custodial parent's income increased significantly, even without a change in your income, the combined total and the proportional division shift in your favor. Run the worksheet with both current incomes before assuming your situation has not changed.

Your child's health insurance situation changed: Utah guidelines include health insurance costs and work-related child care in the calculation. A significant change in either (losing coverage, gaining a new plan, or a major change in child care expenses) affects the guideline amount. Document the change and include it in your modification petition.

A new legal dependent was born in your household: Utah allows a credit for additional legal dependents you are supporting. A new child born to you and living in your household (or a new child under a separate court-ordered support obligation) can affect your adjusted income figure in the worksheet. Bring documentation of the new dependent.



Section 3 — Step-by-Step: How to File

Utah offers two tracks: the District Court judicial track and the ORS administrative track for IV-D cases. Call ORS first if your case is enrolled, the administrative track is free and can move faster for straightforward income-change situations.

Step 1 — Check your IV-D status and request an ORS review if eligible: Call ORS at (801) 536-8500. Ask whether your case is IV-D enrolled and when the last order was entered. If three years have passed, request an ORS administrative review by phone. ORS will send income information requests to both parties and recalculate the guideline amount without requiring you to file in court.

Step 2 — Gather your financial documentation: Collect your two most recent federal tax returns, your three most recent pay stubs, and documentation of the triggering change, termination letter, medical records, updated custody order. Count your actual overnights per year and compare against the current court order. Note any changes in health insurance costs or child care expenses.

Step 3 — Complete the Utah Child Support Worksheet and Financial Declaration: Download the current Child Support Worksheet from ORS at ors.utah.gov or from the Utah courts website at utcourts.gov. Courts also require a Financial Declaration at any modification hearing. Complete both documents accurately, income errors here drive incorrect guideline results.

Step 4 — File a Petition to Modify in District Court: File in the District Court in the county where the original order was entered. Bring your completed worksheet, Financial Declaration, income documentation, and the petition. Pay the filing fee. Then serve promptly: the modified amount applies no earlier than the month following service of the petition on the other parent.

Step 5 — Serve the other parent: Serve the petition and Financial Declaration on the other parent pursuant to Utah Rules of Civil Procedure. File proof of service with the court before your hearing date.

Step 6 — Attend the hearing or accept the ORS order: Appear in District Court with your worksheet, income documentation, and parenting time records. If ORS issued an administrative order and you disagree with it, you have the right to request a District Court hearing. At the hearing, the judge applies the Utah guideline to the verified gross income figures both parties submitted.

Section 4 — Income Calculation

Utah uses gross monthly income for both parents. Gross income includes wages, salary, self-employment income, rental income, investment income, bonuses, commissions, unemployment compensation, workers' compensation, disability payments, Social Security, and pension distributions. The combined total is entered into the Utah Child Support Schedule, and the obligation is divided proportionally by each parent's share.

High combined incomes: no hard cap. If the parents' combined adjusted gross income runs past the top of the Utah tables, the court sets an appropriate and just amount case by case, but it may not order less than the highest amount shown in the table for that number of children (Utah Code § 81-6-204(8)). There is no maximum limit on the award a court may order.

Health insurance and child care costs ride alongside the base obligation:Utah handles these differently than most Income Shares states. The child's portion of the health insurance premium and reasonable work-related child care expenses are each shared equally between the parents, 50/50 regardless of income shares (Utah Code §§ 81-6-208, 81-6-209). The parent paying the premium can take a credit against the base award or recover the other parent's half. Make sure both figures are current and accurately documented, they affect the final amount.

Uninsured medical bills split 50/50. Reasonable and necessary uninsured and unreimbursed medical and dental expenses, co-pays, co-insurance, and deductibles, are shared equally between the parents, not by income share (Utah Code § 81-6-208). A parent who incurs an expense must give the other parent written verification of the cost and payment within 30 days, and a parent who skips that step can lose the right to recover the other parent's half. Also coming: for orders entered or modified on or after July 1, 2026, courts must include an ongoing child-care expense provision rather than receipt-by-receipt reimbursement (§ 81-6-209.5).

Self-employment income: Net profit after legitimate, documented business expenses. Utah courts examine multiple years of returns and may add back excessive depreciation, personal expenses run through the business, and non-cash deductions. If your Schedule C shows inconsistencies with your lifestyle, bring documentation explaining every material expense category.

Variable or seasonal income: For workers with variable earnings (commission-based, seasonal, or self-employed) Utah courts may average income over one or more years. Bring multiple years of tax returns and calculate a monthly average before the hearing.

Imputed income for voluntary underemployment: Utah courts impute income based on earning capacity when a parent voluntarily reduced income without good cause. Document any involuntary income change carefully, the distinction between voluntary and involuntary is the line courts draw when deciding whether to accept your reported income or impute a higher figure.

Low-income protection and the $30 floor. Utah builds low-income protection into the guideline tables themselves: when a parent's income is low enough, a separate low-income table applies, and the court uses the lesser of the two calculations (Utah Code § 81-6-205). A base child support award in a sole-custody case may not fall below $30 per month. One recent change worth knowing: incarceration of 90 or more consecutive days may not be treated as voluntary unemployment, and for prison terms beginning on or after January 1, 2027, the support obligation will be suspended by operation of law during incarceration (§ 81-6-211.5).

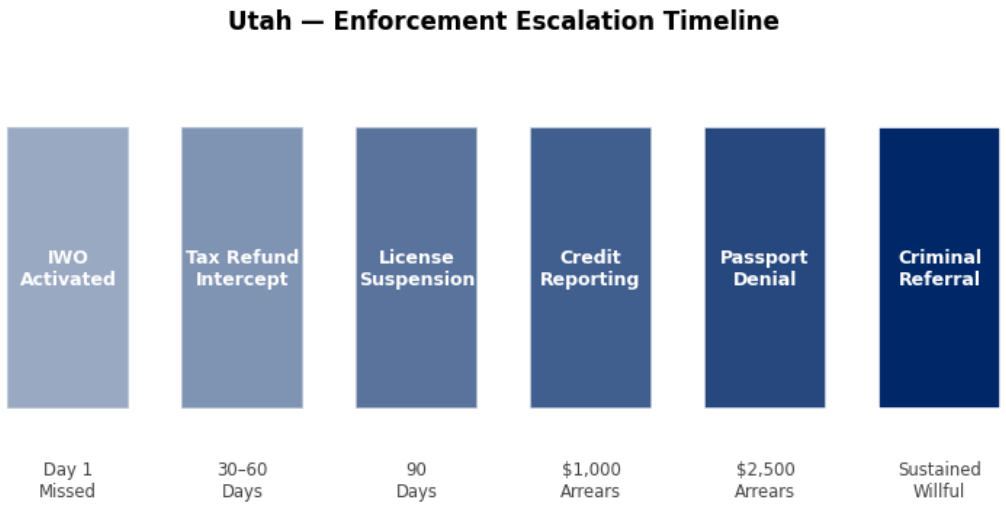
Section 5 — Shared Parenting

Utah's joint physical custody calculation applies when each parent has the child for at least 111 overnights per year, roughly 30% of annual nights. From there the adjustment is continuous rather than a cliff: each overnight between 111 and 130 reduces the lesser-time parent's share by 0.27% of the base combined obligation, and each overnight above 130 reduces it by 0.84% (Utah Code § 81-6-206). Under a court-ordered equal schedule, the lower-earning parent is treated as having 183 overnights.

Utah courts apply the joint-custody calculation based on the court-ordered schedule. If your actual overnights meet the 111-night threshold but the order still reflects an older schedule, the adjustment is not applied. Informal parenting arrangements are invisible to the calculation. File to update the order before expecting the credit.

You are close to the 111-overnight threshold and want to verify your count:Count your actual overnights under the current court order. Extended summer time, alternating holidays, and regular midweek overnights often push parents above 111 when counted precisely for the full year. If you are at or above 111 under the current order and the adjustment has not been applied, file to correct it.

Your parenting time is approaching 50/50: At or near equal overnights, Utah's guideline calculation shifts significantly. The net support obligation at a true equal schedule, which the statute treats as 183 overnights for the lower-earning parent, can be substantially lower than at 111 overnights. If you are exercising close to equal time, run the worksheet at both levels and know the difference before filing.



Section 6 — Enforcement

Utah ORS is an active enforcement agency with a broad toolkit. ORS can administratively suspend a driver license once you have made no payment on the current obligation for 60 days and then failed to make a good-faith effort to pay (Utah Code § 26B-9-502). Criminal nonsupport is a Class A misdemeanor, rising to a third-degree felony in defined circumstances. Interest on arrears applies at Utah's judgment rate, the federal post-judgment rate plus two percentage points, fixed for each judgment when entered (Utah Code § 15-1-4), and ORS generally collects interest only when it has been reduced to a specific dollar amount in a judgment.

You are 60 days past due: The suspension trigger is 60 days with no payment on the current support obligation, followed by a failure to make a good-faith effort to pay (§ 26B-9-502). ORS notifies you before suspending, and suspension can be headed off by paying the arrears, entering a payment agreement and complying with it, or obtaining a judicial stay. Contact ORS at (801) 536-8500 immediately and request a payment plan. Acting before the suspension is entered is always less complicated than reinstatement after the fact.

Your arrears crossed $2,500: Federal passport denial is automatic at $2,500. ORS reports to federal authorities when that threshold is crossed. Address arrears before crossing $2,500 if you have any need for international travel. Reinstatement after the federal threshold takes weeks even after payment in full.

Income withholding stopped because you changed jobs: Notify ORS immediately with your new employer's name, address, and payroll contact. Do this in writing and keep a copy. The withholding order does not follow you automatically to a new employer. A gap creates arrears that accrue post-judgment interest.

You are facing criminal charges for nonpayment: Contact a criminal defense attorney today. Simultaneously file a Petition to Modify at the District Court if you have not already. Make every payment you can going

forward, document each, and keep every receipt. A pending modification and documented payments demonstrate good faith to the court.

Section 7 — Emergency Protocols

Emergency Protocols — Utah

EMERGENCY PROTOCOL 1: INCOME DROP: RUN THE WORKSHEET, FILE THE SAME DAY

If your order is 3+ years old, Utah's 10% threshold is one of the lowest in this book, almost any meaningful income change crosses it.

Run the Utah Child Support Worksheet with both parents' current gross income.

Order 3+ years old: a 10% difference qualifies by itself. Newer order: substantial change (a 30% income shift qualifies) plus a 15% difference (§ 81-6-212).

File a Petition to Modify in the originating District Court today.

Bring your termination letter and last pay stubs. Supplement documentation later. Then serve the petition, the new amount starts no earlier than the month after service.

EMERGENCY PROTOCOL 2: 60 DAYS WITHOUT PAYMENT — LICENSE SUSPENSION RISK: CALL ORS TODAY

Utah's license suspension trigger is 60 days with no payment on the current obligation, followed by a failure to make a good-faith effort to pay (Utah Code § 26B-9-502).

If you are at or near that threshold, contact ORS at (801) 536-8500 today.

Request a payment plan before the suspension order is entered.

ORS has authority to negotiate installment agreements and hold enforcement actions while you pay.

Acting before suspension is entered is always easier than reinstating afterward.

EMERGENCY PROTOCOL 3: PARENTING TIME CROSSED 110 OVERNIGHTS: FILE TO UPDATE BOTH ORDERS

Utah's joint-custody calculation activates at 111 overnights per year with each parent (roughly 30% of annual nights).

Count your actual overnights precisely, extended summer time and regular breaks often push the count above 111.

If you are at or above the threshold under the current order and the adjustment has not been applied, file to correct it.

File to modify both the parenting plan (if it needs updating) and the support amount at the same time.

A modification reaches back only to the month after the petition is served, every week of delay is money you cannot recover.

EMERGENCY PROTOCOL 4: THREE-YEAR REVIEW NOTICE FROM ORS: RESPOND WITH YOUR CURRENT NUMBERS

ORS initiates three-year reviews for IV-D cases proactively.

If you do not respond, ORS will proceed on available information.

Run the Utah Child Support Worksheet with both parents' current income before responding.

Know your expected outcome before ORS calculates it, if the guideline amount would decrease, make sure your documentation is accurate and complete.

Gather your two most recent tax returns and three most recent pay stubs and submit them promptly.

EMERGENCY PROTOCOL 5: MEDICAL EMERGENCY REDUCED YOUR INCOME: DOCUMENT AND FILE NOW

A medical event that materially reduced your income or created extraordinary expenses is grounds for modification.

Document everything: medical records, employer notification of leave, bills, income reduction documentation.

File a Petition to Modify the same day. Do not wait until you have recovered.

Utah courts can consider extraordinary medical expenses as a basis for deviation from the guideline amount.

The new amount starts no earlier than the month after service, every day you wait is a day the old order keeps running.

EMERGENCY PROTOCOL 6: OTHER PARENT RELOCATING WITH CHILD: ACT BEFORE THE MOVE

Utah law requires the relocating parent to provide advance notice before moving with a child.

If you did not receive proper notice, file immediately in the District Court to enforce that requirement.

Request a court order preventing the move pending a relocation hearing.

Relocation that reduces your overnights below the shared parenting threshold eliminates your parenting adjustment.

Protecting your parenting time now protects your support calculation going forward.

EMERGENCY PROTOCOL 7: ORS ADMINISTRATIVE REVIEW PRODUCES AN AMOUNT YOU DISAGREE WITH: REQUEST A COURT HEARING

If ORS issues an administrative order through a three-year review that you believe is incorrect, you have the right to request a District Court hearing for de novo review.

Act within the deadline specified in the ORS notice, typically 30 days.

Prepare your Financial Declaration, Child Support Worksheet with current income figures, and documentation of any disputed income item.

The District Court will review the calculation independently, bring your evidence and present it clearly.

Do not ignore an ORS administrative order you disagree with, it becomes effective if you do not timely request a hearing.

Section 8 — Quick Reference

Your key Utah numbers: order 3+ years old = 10% difference, no change showing; newer order = substantial change (30% income shift qualifies) plus 15% difference; gross income for both parents; 111+ overnights with each parent for the joint-custody calculation (0.27%/night credit for nights 111–130, 0.84%/night above 130); license suspension after 60 days with no payment plus no good-faith effort (§ 26B-9-502); judgment interest at the federal post-judgment rate plus 2% (§ 15-1-4); modification effective no earlier than the month after service; age 18 or graduation from high school, whichever is later. Key statute: Utah Code § 81-6-212, in Title 81, Chapter 6 (recodified from Title 78B, Chapter 12 effective September 1, 2024). Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

ORS statewide line:(801) 536-8500, enforcement, IV-D reviews, payment plans, employer withholding

ORS online (ors.utah.gov): Child Support Worksheet, case status, payment history, employer withholding forms

Utah Courts (utcourts.gov): Financial Declaration forms, modification petition forms, District Court locations by county

Utah Legal Services (utahlegalservices.org): Free civil legal services for qualifying low-income residents in family law matters

Special consideration for license suspension timing: Utah's trigger is not a dollar threshold. ORS can begin administrative suspension once 60 days pass with no payment on the current obligation and you then fail to make a good-faith effort to pay (Utah Code § 26B-9-502). The escape hatches are written into the statute: pay the arrears, enter a payment agreement and comply with it, or obtain a judicial stay. If you know you are going to be late, contact ORS proactively before the 60-day mark passes, a payment plan negotiated before the deadline is far less disruptive than reinstating a suspended license.

Special consideration for the worksheet add-ons: Utah's calculation layers the child's share of health insurance premiums and work-related child care on top of the base guideline amount, and both are split equally between the parents rather than by income share (Utah Code §§ 81-6-208, 81-6-209). Parents who focus only on the income figures and ignore these add-ons often

go into hearings with an incorrect expectation of the calculated amount. Run the full worksheet, not just the income portion, before deciding whether to file.

If you or the other parent is in the military or lives outside Utah. Hill Air Force Base, north of Salt Lake City, is one of the Air Force's largest installations, and military pay items such as BAH and BAS carry their own income-calculation rules; see Chapter 51 — Military Service. If the other parent lives in another state or country, Utah's enactment of the Uniform Interstate Family Support Act governs which state's courts can modify and enforce the order; see Chapter 52 — Interstate and International Cases.

End of Chapter 44 — Utah | Chapter 45 — Vermont follows.

Chapter 45 — Vermont

Vermont	State at a Glance
Calculation Model	Income Shares, combined AVAILABLE income (gross minus taxes, FICA, pre-existing support, child's health insurance, 15 V.S.A. § 653)
Key Statutes	15 V.S.A. § 660 (modification); 15 V.S.A. § 653 (guidelines)
Modification Threshold	Real, substantial, unanticipated change; >10% variance deemed such a change; 3+ year old orders: change showing may be waived (§ 660)
Agency	Office of Child Support (OCS), (800) 786-3214
Financial Form	Financial Affidavit

Court	Family Division of Vermont Superior Court, 14 counties
Retroactivity	Installments accruing after the date of notice; the filing date is deemed the date of notice (§ 660(e))
Shared Parenting	Partial shared-costs table at 25-30% of overnights; at 30%+ each (~110 nights): obligation x1.5, prorated by income and time, offset (§ 657)
Age of Majority	18 or graduation from high school, whichever is later
License Suspension	Delinquency of one-quarter of the annual support obligation; civil suspension after noncompliance finding (§ 798)
Criminal Penalty	Up to 2 years and/or fine (15 V.S.A. § 202) willful nonsupport; 18 U.S.C. § 228 for interstate cases
Interest on Arrears	6% per year surcharge (0.5%/month, simple, not compounded), 15 V.S.A. § 606

Section 1 — Overview

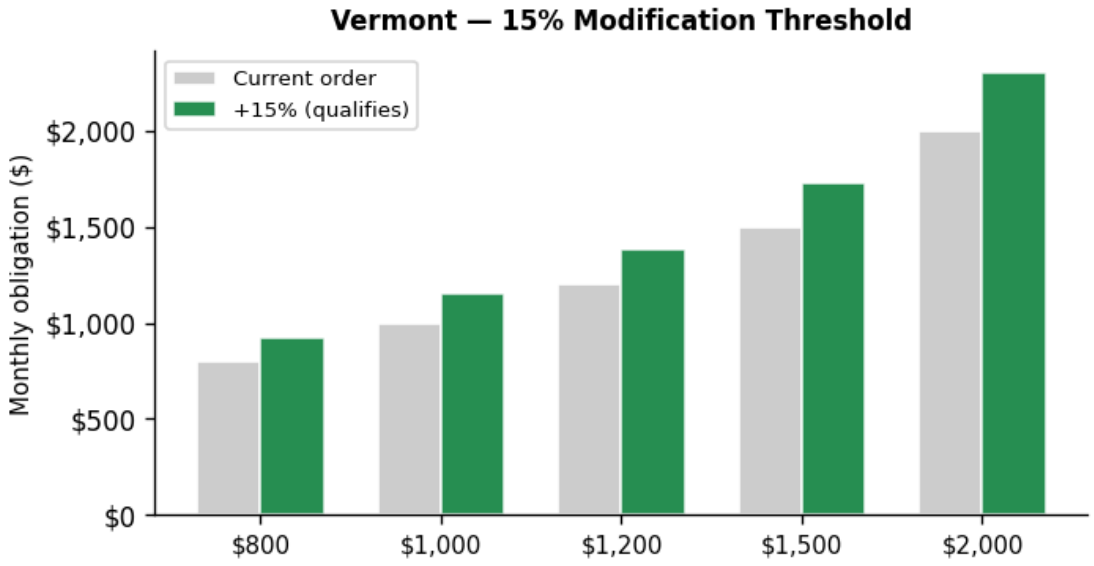
Vermont is a small state, 14 counties, one court system for family matters, and a process that rarely takes more than a single hearing. The Family Division of the Vermont Superior Court handles all child support modifications. There is no separate family court; family cases are a division of the unified Superior Court. Vermont's Office of Child Support operates statewide from a single administrative structure, and the process for IV-D cases is consistent across all 14 counties.

Vermont's modification threshold works through a 10% rule, one of the most accessible in this book. If the guideline amount calculated with today's income figures differs from your current order by more than 10%, that variance is itself deemed a real, substantial, and unanticipated change of circumstances under 15 V.S.A. § 660. Vermont also adds a statutory surcharge to overdue support, 0.5% per month, 6% per year, computed monthly and not compounded (15 V.S.A. § 606). Arrears grow steadily, and the combination of a low modification bar and an automatic surcharge means filing fast when your income drops still matters in Vermont.

Your income changed and you are not sure if 10% has been crossed:Run the Vermont Child Support Guidelines calculation with both parents' current available income figures. Compare the result to your current order. If the difference is more than 10%, the variance itself counts as the required change of circumstances. With the 6% annual surcharge accruing on any arrears you might accumulate, file the day you confirm the threshold is met, not next week.

Your support order is more than three years old: If the order has not been modified by the court for at least three years, the court may waive the requirement of showing a real, substantial, and unanticipated change of circumstances (15 V.S.A. § 660(a)). The 10% variance rule offers a second path at any time. OCS can also review IV-D-enrolled cases on request. Call OCS at (800) 786-3214 and ask whether your case qualifies.

Your parenting time increased past 110 overnights: Vermont's shared parenting adjustment applies at 30% of overnights, approximately 110 nights per year. If your actual parenting time crossed that threshold but the order has not been updated, you are paying based on the wrong schedule. File to update both orders simultaneously.



Section 2 — Grounds for Modification

Vermont authorizes modification on a showing of a real, substantial, and unanticipated change of circumstances, and a variance of more than 10% between the current order and the guideline amount calculated with current figures is automatically deemed such a change (15 V.S.A. § 660). The 10% test is straightforward: run the Vermont guidelines calculation, compare the result to the current order, and file if the difference is more than 10%. The change-of-circumstances path covers situations where the percentage shift is smaller but the circumstances clearly warrant reconsideration, job loss, disability, a major change in the child's health needs, or a significant change in parenting time. And if your order has not been modified for at least three years, the court may waive the change-of-circumstances requirement altogether (§ 660(a)).

Vermont does not require you to wait for the percentage threshold if you have a genuine material change. Involuntary job loss, a medical event that reduces your ability to earn, or a documented disability are each sufficient to support a modification petition even if the calculated guideline shift is less than 10%. File immediately when the material change occurs.

You lost your job and the income drop is significant: File a petition to modify on the same day your employment ends. Vermont deems the filing date to be the date of notice, so the new amount can reach back to installments accruing after the day you file (15 V.S.A. § 660(e)). With the 6% annual surcharge accruing on any arrears that accumulate while the old order remains in place,

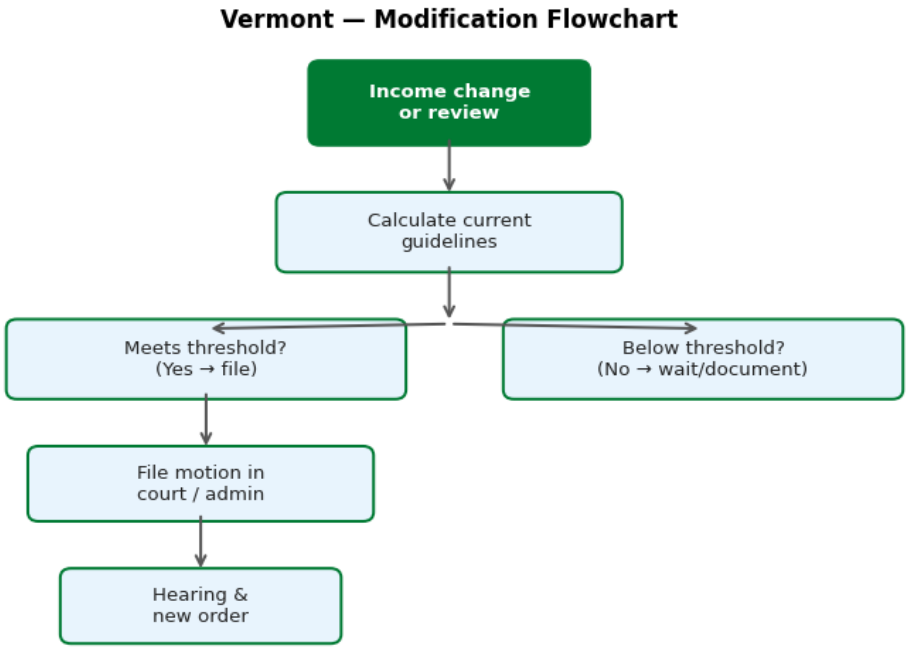
every day of delay adds cost. Go to the Vermont Superior Court Family Division in the county where the original order was entered.

The other parent's income changed significantly: Vermont's Income Shares model uses both parents' available income. If the other parent's income increased materially, even without a change in your income, the combined total and the proportional split shift. Run the calculation with both parents' current figures before assuming nothing changed.

Your child's health insurance coverage changed: Vermont guidelines include health insurance costs for the child in the calculation. A significant change in coverage or premium costs affects the guideline amount. Document the change and include it in your modification petition.

Your parenting time crossed 30% of annual overnights: File to update both the parenting plan and the support amount at the same time. Vermont courts process these together efficiently. A modification can reach back only to installments accruing after the date of notice of the motion to the other parent (15 V.S.A. § 660), not to when your parenting time actually changed.

You are self-employed and your income dropped sharply: Vermont courts average self-employment income over time. Document the trend across multiple years of tax returns. A single bad year is not automatically accepted as current income, bring evidence showing the decline is real, sustained, and involuntary.



Section 3 — Step-by-Step: How to File

Vermont modifications are filed in the Family Division of the Vermont Superior Court in the county where the original order was entered. OCS offers an administrative review track for IV-D-enrolled cases. Call OCS first if your case is enrolled, the administrative track does not require a court filing to initiate.

Step 1 — Check your IV-D enrollment and call OCS: Contact Vermont OCS at (800) 786-3214. Ask whether your case is IV-D enrolled and when the last order was entered. If three years have passed or if you have a material change, OCS can initiate an administrative review. The administrative track is free and does not require court filing to begin.

Step 2 — Gather your financial documentation: Collect your two most recent federal tax returns, your three most recent pay stubs, documentation of health insurance costs for the child, and any documentation of the triggering change, termination letter, medical records, or updated custody order. Count your actual annual overnights and compare against the current court order.

Step 3 — Complete the Vermont Financial Affidavit: The Vermont Superior Court Family Division requires a Financial Affidavit at any modification hearing. Download the current form from the Vermont Judiciary website at vermontjudiciary.org. Complete every section accurately, income errors in the affidavit drive incorrect guideline calculations.

Step 4 — File a Motion to Modify Child Support in the Family Division: File in the Vermont Superior Court Family Division in the county where the original order was entered. Bring your completed Financial Affidavit, income documentation, and the motion. Pay the filing fee. Vermont deems the filing date to be the date of notice (§ 660(e)), so the new amount can apply to installments accruing after the day you file; service then follows under the court's rules.

Step 5 — Serve the other parent: Serve the motion and Financial Affidavit on the other parent pursuant to Vermont Rules of Civil Procedure. File proof of service with the court before your hearing date.

Step 6 — Attend the hearing or accept the OCS order: Appear in the Family Division with your Financial Affidavit, income documentation, and parenting time records. If OCS issued an administrative order and you disagree with it, request a de novo hearing in the Family Division within the deadline specified in the OCS notice. At the hearing, the judge applies the Vermont guideline to the verified gross income figures.

Section 4 — Income Calculation

Vermont runs its Income Shares calculation on each parent's available income, not raw gross. Start with gross income (wages, salary, self-employment income, rental income, investment income, bonuses, commissions, unemployment compensation, workers' compensation, disability payments, Social Security, and pension distributions), then subtract FICA taxes, federal and state income taxes, pre-existing child support or spousal support actually paid, and the cost of the child's health insurance (15 V.S.A. § 653). The combined available income is entered into the Vermont Child Support Guidelines schedule, and the obligation is divided proportionally by each parent's share.

Health insurance premiums for the child are built in: Vermont treats the cost of the child's health insurance as a deduction in computing the paying parent's available income, and the order also assigns responsibility for maintaining coverage. Make sure the current premium amount is

accurately entered in the Financial Affidavit, courts sometimes overlook it if you do not flag it explicitly.

Uninsured medical expenses are allocated in the order. Beyond the premium, Vermont child support orders contain a separate provision allocating the child's uninsured and unreimbursed medical expenses, co-pays, deductibles, orthodontia, between the parents in shares the court sets, commonly in proportion to each parent's available income. Check what your current order says before assuming a 50/50 split, and keep receipts; reimbursement disputes are easier to win with documentation.

Self-employment income: Net profit after legitimate business expenses. Vermont courts examine multiple years of returns and may add back excessive depreciation, personal expenses run through the business, and non-cash deductions. Bring documentation for every material deduction if your reported income looks inconsistent with your lifestyle.

Imputed income for voluntary underemployment: Vermont courts will impute income based on earning capacity if you voluntarily reduced your income without good cause. Document any involuntary income change (termination letters, medical records, or business closure documentation) carefully and preserve that documentation from the moment the change occurs.

Low-income protection: the self-support reserve. Vermont's guideline builds in a self-support reserve, $1,596 per month as of 2026, adjusted annually. If the noncustodial parent's available income falls below the reserve, or below the lowest figure in the guideline table, the court does not apply the table; it uses its discretion and orders a nominal support amount instead (15 V.S.A. § 656). If you are near that line, bring complete income documentation, the difference between a table amount and a nominal order is significant.

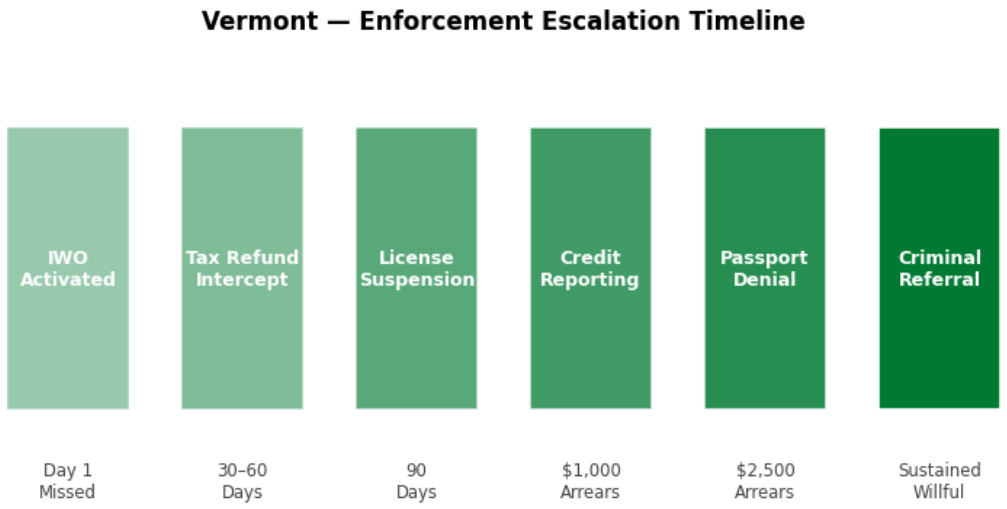
Section 5 — Shared Parenting

Vermont's shared custody formula applies when each parent has the child for 30% or more of the calendar year, approximately 110 overnights. At that point the total support obligation is increased by 50% to reflect the cost of maintaining two households, divided between the parents in proportion to both their available incomes and their time with the child, and then offset, with the parent owing the larger amount paying the difference (15 V.S.A. § 657). Between 25% and 30% of overnights, a partial shared-costs table applies instead (§ 657(b)), and in neither case can the result exceed what the sole-custody guideline would have produced (§ 657(c)). Vermont Family Division judges are familiar with this calculation and apply it routinely when the evidence of overnights is presented clearly.

Vermont courts apply the shared parenting adjustment based on the court-ordered schedule. If your actual overnights have increased above 110 per year but the order still reflects an older schedule, the adjustment does not apply until the order is updated. File to update the parenting plan and the support amount at the same time.

You are close to 110 overnights and want to verify your count: Count your actual annual overnights under the current court order. Extended school breaks, summer parenting time, alternating holidays, and regular midweek overnights often push parents above 110 when counted precisely. If you are at or above 110 under the current order and the adjustment has not been applied, file to correct it.

Your parenting time is approaching equal with the other parent: As parenting time approaches 50/50, Vermont's shared parenting adjustment produces significantly lower net support obligations. Run the guidelines calculation at your current overnights and at equal overnights, know the difference before deciding whether to file.



Section 6 — Enforcement

Vermont adds a statutory surcharge to overdue support: 0.5% per month, 6% per year, computed monthly, not compounded, and treated as principal once assessed (15 V.S.A. § 606). A $10,000 arrearage generates roughly $600 in surcharges per year, $50 a month, every month, without any additional nonpayment. The criminal penalty for willful nonsupport under 15 V.S.A. § 202 carries up to two years' imprisonment and a fine. Do not let arrears accumulate in Vermont without taking immediate action.

Your arrears crossed the license suspension threshold: Once you are delinquent by at least one-quarter of your annual support obligation, roughly three months of payments, OCS or the Family Division can order civil suspension of your driver's license and other licenses after a noncompliance finding (15 V.S.A. § 798). OCS notifies you before suspending, and the license must be reinstated within five business days once you come into compliance. Contact OCS at (800) 786-3214 immediately and request a payment plan. Acting before the suspension is entered is always less disruptive than reinstating after.

Your arrears crossed $2,500: Federal passport denial is automatic at $2,500. OCS reports to federal authorities when that threshold is crossed. If you need to travel internationally for any reason, address arrears before they reach $2,500. Reinstatement after the federal threshold takes weeks even after full payment.

The surcharge is accruing against you monthly: At 6% per year, that is 0.5% per month, assessed monthly on the unpaid balance and not compounded (15 V.S.A. § 606). On a $10,000 balance, that is $50 per month in surcharges, every month, before any additional nonpayment. Contact OCS and negotiate a payment plan that covers current support plus a monthly contribution toward principal. One feature worth knowing: the court may discharge all or part of the surcharge that accrued after the last judgment if you became unable to comply with the underlying obligation, raise it if your arrears built up during a period of genuine inability to pay.

Income withholding stopped because you changed employers: The withholding order does not transfer automatically to a new employer. Notify OCS immediately with your new employer's name, address, and payroll contact. Do this in writing and keep a copy. With the 6% annual surcharge, even a brief gap in withholding creates arrears that keep growing until paid.

Section 7 — Emergency Protocols

Emergency Protocols — Vermont

EMERGENCY PROTOCOL 1: INCOME DROP: FILE TODAY — THE SURCHARGE AND 10% THRESHOLD MAKE SPEED ESSENTIAL

Vermont's 10% threshold means almost any meaningful income change qualifies for modification.

Vermont's 6% annual surcharge on arrears, 0.5% per month under 15 V.S.A. § 606, means every day of delay adds cost.

Run the Vermont guidelines with both parents' current gross income and confirm the 10% shift.

File a Motion to Modify in the Family Division today.

Bring your termination letter and last pay stub. Supplement documentation later. Filing fast is what protects you, the filing date is deemed the date of notice (§ 660(e)).

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE: CALL OCS BEFORE THE DEADLINE

You received a notice from OCS that your license is subject to suspension.

You have a window (typically 30 days) to respond before the suspension takes effect.

Call OCS at (800) 786-3214 today and request a payment plan.

OCS has authority to negotiate installment agreements and hold the suspension while you pay.

Get the agreement in writing. Make every payment on time.

EMERGENCY PROTOCOL 3: THE SURCHARGE IS RUNNING: NEGOTIATE A PRINCIPAL-REDUCTION PLAN NOW

Calculate your arrearage balance and multiply by 0.005. That is your monthly surcharge cost (0.5% per month, 6% per year, not compounded).

A payment plan that covers only current support leaves the surcharge accruing on the full arrearage every month.

Contact OCS at (800) 786-3214 and request a plan that covers current support plus a defined monthly contribution toward principal.

Even a modest principal payment stops the surcharge on that portion of the balance.

Act before the balance reaches a level where the interest alone is unmanageable.

EMERGENCY PROTOCOL 4: PARENTING TIME CROSSED 110 OVERNIGHTS: FILE TO UPDATE BOTH ORDERS TODAY

Vermont's shared parenting adjustment activates at 110 overnights per year (30% of annual nights).

Count your overnights precisely, breaks and alternating holidays often push the count higher than expected.

File to modify both the parenting plan (if it needs updating) and the support amount simultaneously.

A modification reaches back only to installments accruing after the date of notice to the other parent, not to when your parenting time actually changed.

Every month you wait at the old amount is money you cannot recover.

EMERGENCY PROTOCOL 5: CRIMINAL NONSUPPORT CHARGE FILED: TWO STEPS TODAY

Vermont's criminal nonsupport statute, 15 V.S.A. § 202, carries up to two years' imprisonment and a fine; interstate cases can also be charged federally under 18 U.S.C. § 228.

Contact a criminal defense attorney today.

Simultaneously file a Motion to Modify Child Support in the Family Division if you have not already.

Make every payment you can going forward, document each with a money order or wire transfer and keep every receipt.

A pending modification and documented payments demonstrate good faith to the criminal court.

EMERGENCY PROTOCOL 6: THREE-YEAR REVIEW NOTICE FROM OCS: RESPOND AND RUN YOUR NUMBERS FIRST

Vermont OCS initiates three-year reviews for IV-D cases.

If you do not respond, OCS will proceed on available information.

Run the Vermont guidelines with both parents' current gross income before responding.

Know your expected number before OCS calculates it, if the guideline would decrease, make sure your documentation is complete and accurate.

Gather your two most recent tax returns and three most recent pay stubs and submit them promptly.

EMERGENCY PROTOCOL 7: EMPLOYER CHANGE STOPPED WITHHOLDING: NOTIFY OCS IN WRITING TODAY

Income withholding does not transfer automatically when you change employers.

Contact OCS at (800) 786-3214 today and provide your new employer's name, address, and payroll contact.

Do this in writing (email or certified mail) and keep a copy.

With the 6% annual surcharge, even a two-month gap creates arrears that keep growing against you.

Your written notification protects you if arrears develop before the new withholding is established.

Section 8 — Quick Reference

Your key Vermont numbers: a variance of more than 10% from the current guideline amount is deemed a real, substantial, and unanticipated change, and orders not modified for 3+ years may skip the change showing entirely (15 V.S.A. § 660); available income (gross minus taxes, FICA, pre-existing support, and the child's health insurance) for both parents (§ 653); shared-custody adjustments from 25% of overnights, with the full 1.5x offset formula at 30%, about 110 overnights (§ 657); license suspension at a delinquency of one-quarter of the annual obligation (§ 798); 6% annual surcharge on arrears, 0.5% per month, not compounded (§ 606); modification reaches back to the filing date, which Vermont deems the date of notice (§ 660(e)); age 18 or high school graduation, whichever is later; 14-county unified Family Division handles all matters. Key statute: 15 V.S.A. § 660. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

OCS statewide line:(800) 786-3214, enforcement, IV-D reviews, payment plans, employer withholding

Vermont Judiciary (vermontjudiciary.org): Financial Affidavit forms, modification motion forms, Family Division locations by county

Vermont Legal Aid (vtlegalaid.org): Free civil legal services for qualifying low-income Vermont residents in family law matters

Vermont Bar Association Lawyer Referral Service:(802) 257-7666, family law attorney referrals

Special consideration for the small-state unified structure: Vermont's single court system (14 counties, all in the Family Division of the Superior Court) means the modification process is consistent regardless of which county you file in. There is no variation between Chittenden County (Burlington) and Essex County (rural Northeast Kingdom) in terms of the applicable law and forms. The Family Division judges are generally well-

versed in Vermont's guidelines. This consistency is an advantage for pro se filers who are unfamiliar with regional court variations.

Special consideration for the surcharge combined with the 10% rule: Vermont pairs a low bar to file with a real cost for waiting. If your income dropped three months ago and you have been waiting to see if it is "permanent," stop waiting. The 0.5% monthly surcharge attaches to whatever arrears accumulate, the old obligation is still running in the meantime, and none of it reaches back past the date of notice of your motion. File today, even if the situation may resolve. You can withdraw the petition later. You cannot recover the surcharge that accrued while you waited.

If you or the other parent is in the military or lives outside Vermont. Vermont has a small active-duty footprint, but Vermont National Guard deployments out of Camp Johnson and dispersed service members raise the same pay questions, BAH, BAS, drill pay, covered in Chapter 51 — Military Service. If the other parent lives in another state or country, Vermont's enactment of the Uniform Interstate Family Support Act (Title 15B of the Vermont Statutes) governs which state's courts can modify and enforce the order; see Chapter 52 — Interstate and International Cases.

End of Chapter 45 — Vermont | Chapter 46 — Virginia follows.

Chapter 46 — Virginia

Virginia	State at a Glance

Calculation Model	Income Shares, gross monthly income, both parents
Key Statutes	Va. Code Ann. § 20-108 (modification); § 20-108.2 (guidelines)
Modification Threshold	Material change in circumstances; no fixed % (DCSE early-review benchmark: 25% income change)
Agency	Division of Child Support Enforcement (DCSE), (800) 468-8894
Financial Form	Child Support Guideline Worksheet
Court	Juvenile and Domestic Relations District Court (JDR), county of original order
Retroactivity	Only from the date notice of the petition is given to the responding party (§ 20-108)
Shared Parenting	91+ days per year with child triggers shared custody formula, Va. Code Ann. § 20-108.2(G)
Age of Majority	18; continues if full-time HS student, not self-supporting, living with recipient parent — until graduation or 19, whichever first
License Suspension	$5,000 arrears OR 90 days delinquent, whichever comes first (§ 46.2-320.1)
Criminal Penalty	Misdemeanor, Va. Code Ann. § 20-61 — up to 12 months jail and/or $500 fine; 18 U.S.C. § 228 for interstate
Interest on Arrears	6% per year, simple — accrues automatically (§§ 20-78.2, 6.2-302)

Section 1 — Overview

Virginia's license suspension rule has two triggers: DCSE can move against your driver's license once you are 90 days or more delinquent, or once arrears reach $5,000, whichever comes first (Va. Code Ann. § 46.2-320.1). The dollar prong is one of the higher figures in this book, but do not lean on it. Three months of missed payments puts you in suspension territory no matter how small the balance, and a suspension becomes effective 30 days after you are served with the notice of intent. The dollar buffer matters less than it looks, and it is never a reason to let arrears grow.

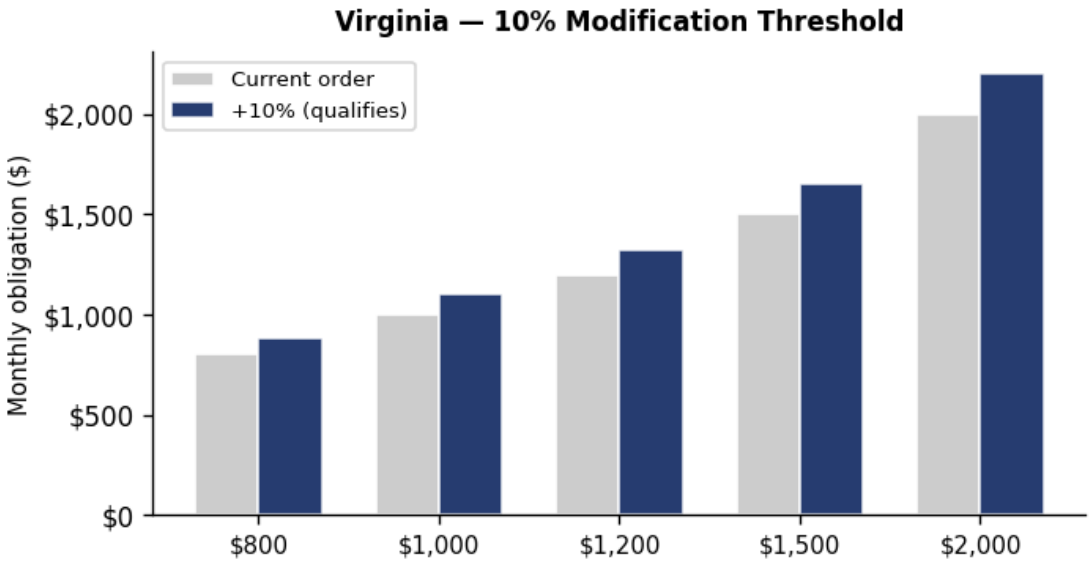
Virginia uses Income Shares, combining both parents' gross monthly income into the state guideline schedule. Modifications are filed in the Juvenile and Domestic Relations District Court (the JDR court) in the county where the original order was entered. Virginia's JDR courts are specialized courts that handle family law, juvenile delinquency, and domestic relations matters exclusively. They are not general district courts. The Division of Child Support Enforcement (DCSE) handles IV-D enforcement statewide at (800) 468-8894.

Your income dropped significantly and you want to know whether it is enough:Pull both parents' current gross monthly income, run the Virginia Child Support Guideline Worksheet

(Form DC-637, available through DCSE or the Virginia courts website), and compare the calculated amount to your current order. Virginia's court standard is a material change in circumstances, not a fixed percentage, and a documented income drop that moves the guideline figure is exactly what courts look for. File and serve quickly, a new amount can reach back only to the date the other party receives notice of your petition (Va. Code Ann. § 20-108), not to when your income changed.

You have never appeared in the JDR court before and do not know the process: Virginia's JDR courts are specialized and experienced with child support modifications. The process is more structured than a general district court, and JDR judges handle these cases regularly. Pro se filers are common. Call the JDR court clerk in the originating county and ask what forms and documentation are required before your first filing.

Your arrears are below $5,000 and you think you have time: The $5,000 figure is only one of two license triggers, 90 days of delinquency is the other, and DCSE is not inactive below either line. DCSE still intercepts tax refunds, reports to credit bureaus, and can seek contempt proceedings before any license action. Do not mistake the dollar threshold for a general delay in enforcement activity.



Section 2 — Grounds for Modification

Virginia authorizes modification when there has been a material change in the circumstances of either party or the child since the last order (Va. Code Ann. § 20-108). The statute sets no fixed percentage test. As a practical benchmark, DCSE treats an income change of at least 25% as a special circumstance justifying an early administrative review, and a documented income change that meaningfully shifts the guideline calculation is strong evidence of the required material change.

Material change in circumstances includes job loss, disability, significant income reduction, a change in the child's needs, a change in parenting time, or changes in health insurance costs. The court applies no strict three-year clock, the standard is material change, assessed on the facts at the time of filing. Separately, if DCSE is enforcing your case, you may request an administrative review once three years have passed since the order was entered, modified, or last reviewed, with no special showing required.

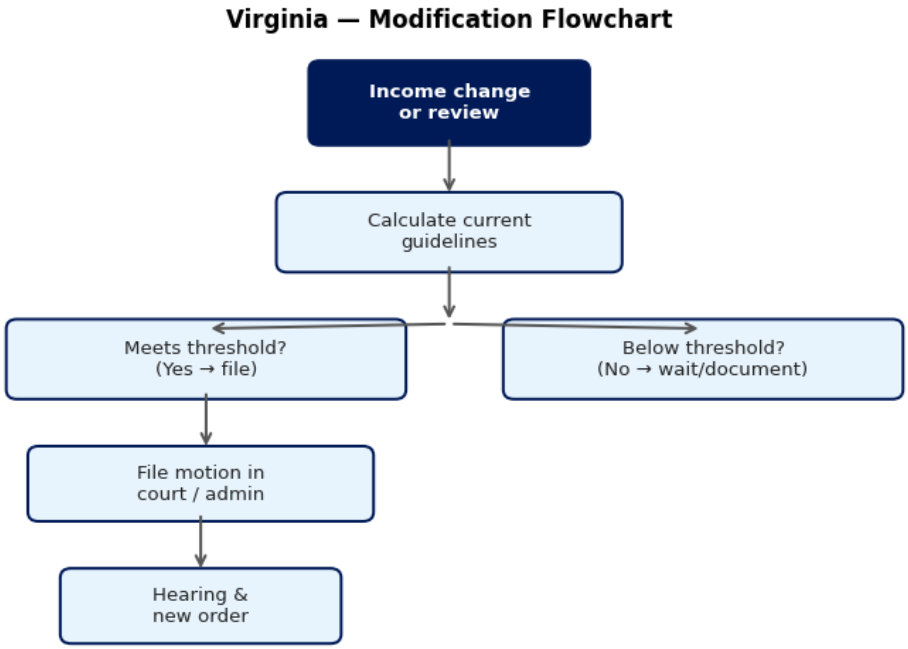
You lost your job involuntarily: File a Petition for Modification in JDR court the same day. Material change is clearly demonstrated. Do not wait for DCSE to take action, file proactively, and have the other parent served promptly, the new amount can apply only from the date notice of the petition is given to the responding party. Every day before service is a day the old order keeps running.

Your income dropped but you are not sure if the shift is “material”:Run the Child Support Guideline Worksheet with current incomes. A significant difference between the calculated amount and your existing order is the most persuasive evidence of a material change, and DCSE itself uses a 25% income change as its benchmark for an early review. Present both the income documentation and the worksheet at your JDR hearing.

Your parenting time crossed 91 days per year: Virginia's shared custody formula under Va. Code Ann. § 20-108.2(G) applies when each party has the child more than 90 days per year, meaning 91 or more days. If your actual parenting time crossed that threshold but the order has not been updated, you are paying based on the wrong schedule. File to update both the custody order and the support amount.

Three years have passed since your last order and the situation has changed:If DCSE is enforcing your case, three years since the order was entered, modified, or reviewed entitles you to request an administrative review without any special showing. In court, passage of time alone is not a ground, but time combined with any documented change in income or circumstances is. Courts are receptive to modification petitions where both are present.

Your custody order changed but your support order was not updated: In Virginia, custody and support are handled in the same JDR court. If your custody arrangement changed, file to modify support at the same time. The shared custody formula at 91+ days produces a meaningfully different calculation than the primary custody formula. Do not let a custody change sit without updating the support order.



Section 3 — Step-by-Step: How to File

Virginia modifications are filed in the Juvenile and Domestic Relations District Court (JDR) in the county where the original order was entered. DCSE handles IV-D enforcement and can assist with modifications for enrolled cases.

Step 1 — Contact DCSE to check your IV-D enrollment: Call DCSE at (800) 468-8894. Ask whether your case is IV-D enrolled and whether DCSE can assist with a modification review. For enrolled cases, DCSE can pull income data and walk you through the modification process. If your case is not enrolled, you will file independently in JDR court.

Step 2 — Gather your financial documentation: Collect your two most recent federal and state tax returns, your three most recent pay stubs, documentation of health insurance costs for the child, and any documentation of the triggering change, termination letter, medical records, or updated custody order. Count your actual days per year with the child under the current court order.

Step 3 — Complete the Child Support Guideline Worksheet: Download the current Virginia Child Support Guideline Worksheet from the DCSE website at dss.virginia.gov/family/dcse or from the Virginia Supreme Court website. Enter both parents' current gross monthly income, health insurance costs, and child care costs. The worksheet produces the guideline amount, compare it to your current order.

Step 4 — File a Petition for Modification at the JDR court: File in the JDR court in the county where the original order was entered. Bring your completed worksheet, income documentation, and the petition. Filing fees apply, call the clerk ahead of time. Filing starts the process, but the new amount can reach back only to the date the other parent receives notice of the petition, so move straight to service.

Step 5 — Serve the other parent: Serve the petition on the other parent pursuant to Virginia's service rules, typically through the JDR court clerk's office or a process server. File proof of service before your hearing date. Service matters more in Virginia than in filing-date states: under Va. Code Ann. § 20-108, a modified amount applies only from the date notice of the petition is given to the responding party.

Step 6 — Attend the JDR hearing: Appear at the JDR court with your worksheet, income documentation, parenting time records, and documentation of every material change. JDR hearings are less formal than circuit court proceedings but still require organized presentation of evidence. The JDR judge applies the Virginia guideline to the verified income and parenting time figures.

Section 4 — Income Calculation

Virginia uses gross monthly income for both parents. Gross income includes wages, salary, self-employment income, rental income, investment income, bonuses, commissions, unemployment compensation, workers' compensation, disability payments, Social Security, and pension distributions. The combined total is entered into the Virginia guideline schedule, and the obligation is divided proportionally by each parent's share of the combined income.

High-income cases: Virginia's basic support schedule now runs to $42,500 in combined monthly gross income, raised from $35,000 effective July 1, 2025, the first schedule update since 2014. Above $42,500, the court starts with the amount at the top of the schedule and adds a percentage of the income over that figure, varying by the number of children (Va. Code Ann. § 20-108.2(B)).

Health insurance premiums for the child are added to the calculation: Virginia's guideline includes the cost of health insurance for the child and work-related child care. These costs are apportioned between parents based on their income shares. Accurately enter the current premium and child care figures in the worksheet, they affect the final calculated amount.

Unreimbursed medical and dental expenses: In addition to the support amount itself, Virginia orders require parents to pay reasonable and necessary unreimbursed medical and dental expenses for the child in proportion to their gross incomes, as the expenses are incurred (Va. Code Ann. § 20-108.2(D)). The category includes eyeglasses, prescription medication, orthodontics, prosthetics, and mental health or developmental disability services. These payments sit outside the worksheet, they are neither added to nor adjusted by the guideline figure.

Self-employment income: Net profit after legitimate, documented business expenses. Virginia courts examine multiple years of returns and may add back excessive depreciation, personal expenses run through the business, and non-cash deductions. If your reported income looks inconsistent with your lifestyle, bring documentation explaining every material deduction.

Military income in Virginia: Virginia has a significant active duty military population, Fort Belvoir, Langley, Quantico, Fort Lee, and others. Virginia courts include BAH and BAS as income for support calculation

purposes, consistent with most states. If you are on active duty and your allowances are significant, they factor into the gross income figure. Document every pay component on your LES.

Imputed income for voluntary underemployment: Virginia courts impute income based on earning capacity when a parent voluntarily reduced income without good cause. Document any involuntary income change (termination letters, medical records, business closure documentation) from the moment it occurs.

Low-income protection and minimum order: Virginia's presumptive minimum support order is $68 per month (Va. Code Ann. § 20-108.2(B)). If the paying parent's gross income is at or below 150% of the federal poverty level, the court may set an amount below that minimum on evidence of genuine inability to pay, so long as the reduction does not seriously impair the custodial household's ability to maintain minimal adequate housing and basic necessities for the child. Parents who lack assets and are institutionalized, medically verified as permanently and totally disabled with no payment potential (including SSI recipients), or otherwise involuntarily unable to produce income are exempt from the presumptive minimum.

Section 5 — Shared Parenting

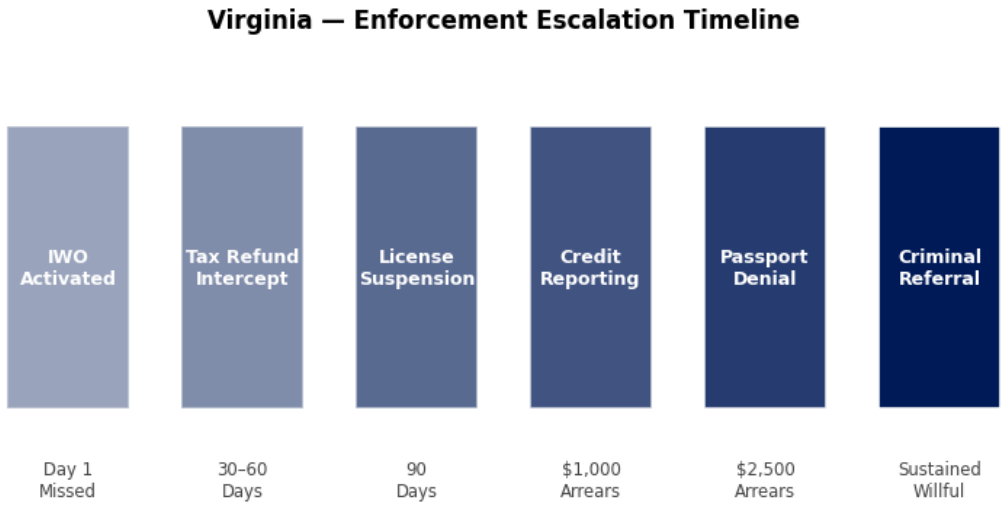
Virginia's shared custody formula under Va. Code Ann. § 20-108.2(G)(3) applies when each parent has the child for more than 90 days per year, meaning 91 days or more for the lesser-time parent. That is a relatively accessible threshold, roughly 25% of annual time. Above it, the guideline computes a shared support need equal to the basic obligation multiplied by 1.4, reflecting the duplicated cost of keeping two households for the child, then allocates it between the parents according to both income shares and custody shares, with the two obligations offset against each other. The result is usually a meaningfully different number than the standard sole custody calculation.

Virginia counts days, and a day means a period of 24 hours. There is one wrinkle: when the parent with the fewer overnights has an overnight period with the child but physical custody for less than 24 hours of it, the statute presumes each parent is allocated one-half day for that period. Virginia courts apply the formula based on the court-ordered schedule. If your informal parenting time exceeds 90 days per year but the order has not been updated, the shared custody formula does not apply.

Your parenting time is close to the 90-day line and you want to count precisely:Count days under the current court order, full 24-hour periods count as full days, and shorter overnight periods may count as half days each. Extended summer parenting time, school breaks, and alternating holidays often push the count above 90 when counted accurately for the full year. If you are above 90 days and the shared custody formula has not been applied, file to correct it.

Your new custody order gives you more than 90 days per year: File for support modification the day the custody order is in hand, and have it served promptly. The shared custody formula can produce a substantially lower obligation than the sole custody formula, but the new amount

reaches back only to the date the other parent receives notice of the petition. Every week you wait is money you cannot recover.



Section 6 — Enforcement

Virginia's license machinery has a high dollar trigger, $5,000, but it runs on an OR: 90 days of delinquency works just as well (Va. Code Ann. § 46.2-320.1). And DCSE does not go dormant below either line. Tax refund intercept, credit bureau reporting, contempt of court, and wage withholding all operate first. Criminal nonsupport under Va. Code Ann. § 20-61 is a misdemeanor, punishable by up to 12 months in jail and a fine of up to $500, and prosecutors do use it; interstate cases can also draw federal charges under 18 U.S.C. § 228. Interest on arrears accrues automatically at Virginia's 6% judgment rate (Va. Code Ann. §§ 20-78.2, 6.2-302), simple rather than compounding, slower growth than in states like Rhode Island, but growth all the same.

Your arrears are between $2,500 and $5,000: You may be under the license dollar trigger, but if you are 90 days delinquent the license is already exposed, and you are past the federal passport line. Once past-due support exceeds $2,500, your name is certified to the State Department and your passport is at risk. Address arrears before crossing $2,500 if you have any need to travel internationally.

Your arrears crossed $5,000 or you hit 90 days delinquent and license suspension was initiated:Contact DCSE at (800) 468-8894 immediately. A suspension does not take effect until 30 days after you are served with the notice of intent, and the suspension comes off if you pay the delinquency in full or sign a payment agreement (up to 10 years) and make a first payment of at least 5% of the total or $600, whichever is less. You can also petition the JDR court for a

restricted license for good cause. Acting inside the 30-day window gives you the most options. Get any agreement in writing.

Income withholding stopped because you changed employers: The withholding order does not transfer automatically to a new employer. Notify DCSE immediately with your new employer's name, address, and payroll contact. Do this in writing and keep a copy. At 6% annual interest, the cost of a withholding gap is lower than in high-interest states, but arrears still escalate enforcement.

You are facing contempt proceedings in JDR court: Contact a family law attorney today. JDR contempt proceedings can result in incarceration. Simultaneously file a Petition for Modification if you have not already. Make every payment you can going forward, document each one, and keep every receipt.

Section 7 — Emergency Protocols

Emergency Protocols — Virginia

EMERGENCY PROTOCOL 1: INCOME DROP: FILE IN JDR COURT TODAY

Virginia requires a material change in circumstances, involuntary job loss qualifies unambiguously.

Run the Child Support Guideline Worksheet with current income figures to document how far the guideline amount has moved.

File a Petition for Modification in the JDR court in the county where the original order was entered today.

Bring your termination letter and last pay stubs. The new amount can reach back only to the date the other parent receives notice of the petition, so file and serve without delay.

Do not wait until you have retained an attorney to file, file immediately, then retain counsel if needed.

EMERGENCY PROTOCOL 2: ARREARS APPROACHING $2,500 — PASSPORT AT RISK: ACT BEFORE THE THRESHOLD

Virginia's license suspension triggers are $5,000 in arrears or 90 days of delinquency, whichever comes first.

But federal passport denial triggers at $2,500, well before Virginia's license threshold.

If your arrears are approaching $2,500 and you have any international travel needs, address them before crossing that line.

Call DCSE at (800) 468-8894 and request a payment plan.

Passport reinstatement after the federal threshold is crossed takes weeks even after you pay in full.

EMERGENCY PROTOCOL 3: PARENTING TIME CROSSED 91 DAYS: FILE IMMEDIATELY

Virginia's shared custody formula activates at 91 days per year, roughly 25% of annual time.

Count your days precisely under the current court order, the shared custody formula can significantly lower your obligation.

File to update both the custody order (if it needs correction) and the support amount at the same time.

The modification reaches back only to the date the other parent receives notice of your petition, not to when your parenting time actually changed.

Every week you wait at the primary custody calculation is money you cannot recover.

EMERGENCY PROTOCOL 4: NEW CUSTODY ORDER GIVES YOU 91+ DAYS: FILE THE SAME DAY

Your new custody order just gave you 91 or more days per year.

That is Virginia's shared custody formula threshold, and the obligation calculation changes significantly.

File a Petition for Modification at the JDR court today, attaching the new custody order as your sole basis.

The modification reaches back only to the date the other parent receives notice of the petition, not to the date the custody order was entered.

Do not wait for the next scheduled review. File today.

EMERGENCY PROTOCOL 5: CRIMINAL NONSUPPORT CHARGE FILED: TWO STEPS TODAY

Va. Code Ann. § 20-61 (willful desertion or nonsupport) is a misdemeanor in Virginia, punishable by up to 12 months in jail, a fine of up to $500, or both; leaving the state to evade support can also bring federal charges under 18 U.S.C. § 228.

Contact a criminal defense attorney today.

Simultaneously file a Petition for Modification at the JDR court if you have not already done so.

Make every payment you can from this point forward, document each with a money order or wire transfer.

Keep every receipt. A pending modification and documented payments are your most important evidence going forward.

EMERGENCY PROTOCOL 6: INCOME WITHHOLDING STOPPED AFTER JOB CHANGE: NOTIFY DCSE IN WRITING TODAY

Income withholding does not transfer automatically when you change employers.

Contact DCSE at (800) 468-8894 today and provide your new employer's name, address, and payroll contact.

Do this in writing (email or certified mail) and keep a copy.

A gap in withholding creates arrears even if you intended to pay the full amount.

Your written notification demonstrates good faith if arrears develop before the new withholding is established.

EMERGENCY PROTOCOL 7: JDR CONTEMPT PROCEEDING INITIATED: RETAIN COUNSEL AND FILE TODAY

DCSE or the other parent has filed a contempt motion in the JDR court.

Contact a Virginia family law attorney today, JDR contempt proceedings move fast and can result in incarceration.

Simultaneously file a Petition for Modification if you have not already, it establishes that you are addressing the underlying obligation.

Make every payment you can between now and the hearing date.

Document each payment, appear at every scheduled hearing, and bring your current income documentation.

Section 8 — Quick Reference

Your key Virginia numbers: material change in circumstances required for modification, no fixed percentage (DCSE treats a 25% income change as grounds for early administrative review); gross income for both parents; more than 90 days per year with the child triggers the shared custody formula (1.4 multiplier); license suspension at $5,000 arrears or 90 days delinquent, whichever comes first; 6% simple annual interest on arrears; a new amount reaches back only to the date notice of the petition is given to the other parent; support runs to age 18, and continues while the child is a full-time high school student, not self-supporting, and living with the parent receiving support, until graduation or age 19, whichever comes first. Key statutes: Va. Code Ann. § 20-108 and § 20-108.2. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

DCSE statewide line:(800) 468-8894, enforcement, IV-D cases, payment plans, employer withholding

Virginia DSS / DCSE website (dss.virginia.gov/family/dcse): Child Support Guideline Worksheet, modification forms, county DCSE office directory

Virginia Legal Aid (valegalaid.org): Free civil legal services for qualifying low-income residents, statewide referral portal

Virginia State Bar Lawyer Referral Service:(800) 552-7977, family law attorney referrals by county

Special consideration for the JDR court system: Virginia's Juvenile and Domestic Relations District Courts are specialized courts that handle family matters full-time. JDR judges are experienced with child support guideline calculations, shared custody formula disputes, and modification hearings. The JDR process is generally faster and less formal than a circuit court proceeding for the same matter. If you are filing pro se, the JDR clerk's office is accustomed to assisting self-represented parties with basic procedural questions. The Virginia Supreme Court website also provides fillable forms and procedural guides for common JDR filings.

Special consideration for the license thresholds, what they are and are not: Suspension requires 90 days of delinquency or $5,000 in arrears, but DCSE is active well before either line. Federal tax refund intercept operates at $150 of past-due support in public assistance cases and $500 in non-assistance cases. DCSE reports arrearages to consumer credit reporting agencies under Va. Code Ann. § 63.2-1940. Contempt proceedings can be filed at any level of nonpayment. The license trigger is one enforcement tool among many, do not mistake it for general enforcement inactivity. If you are carrying arrears at any level in Virginia, DCSE is aware of it.

Interstate and military cases: Virginia hosts one of the largest military populations in the country, Norfolk Naval Station, Joint Base Langley-Eustis, Quantico, Fort Belvoir, and the Pentagon among them, so service-member issues come up constantly in Virginia support cases; Chapter 51 covers the military-specific rules, including how BAH and BAS are treated and the protections of the Servicemembers Civil Relief Act. When the other parent lives outside Virginia, the Uniform Interstate Family Support Act, enacted at Va. Code Ann. § 20-88.32 et seq., governs which state can modify the order; Chapter 52 walks through those rules.

End of Chapter 46 — Virginia | Chapter 47 — Washington follows.

Chapter 47 — Washington

Washington	State at a Glance
Calculation Model	Income Shares, net monthly income, both parents (RCW 26.19.071 deductions)
Key Statutes	RCW 26.09.170 (modification); RCW 26.19 (guidelines)
Modification Threshold	Substantial change anytime; OR 24-month adjustment based on income/economic-table changes (RCW 26.09.170)
Agency	DSHS Division of Child Support (DCS), (800) 442-5437
Financial Form	Child Support Schedule Worksheets (WSCSS) + Financial Declaration
Court	Superior Court, county of original order

Retroactivity	Back to the filing date
Residential Time Credit	No automatic credit — significant residential time is a discretionary deviation (RCW 26.19.075)
Age of Majority	18 or graduation from high school, whichever is later
License Suspension	Arrears exceeding 6 months' worth of support payments (RCW 74.20A.320)
Criminal Penalty	Family nonsupport: gross misdemeanor (RCW 26.20.035); family abandonment: class C felony (RCW 26.20.030)
Interest on Arrears	12% per year, simple (RCW 4.56.110)

Section 1 — Overview

Washington's modification standard gives you two independent routes. The first: a substantial change in circumstances since the last order, job loss, disability, a major income shift, a change in the child's needs (RCW 26.09.170). The second is mechanical: once 24 months have passed since the order was entered or last adjusted, either parent may move to adjust the order based on changes in the parties' income or changes in the economic table and standards, with no substantial-change showing required. And the table itself just changed, Washington's 2026 overhaul rewrote the economic table effective January 1, 2026, which is exactly the kind of change the 24-month adjustment track exists to capture.

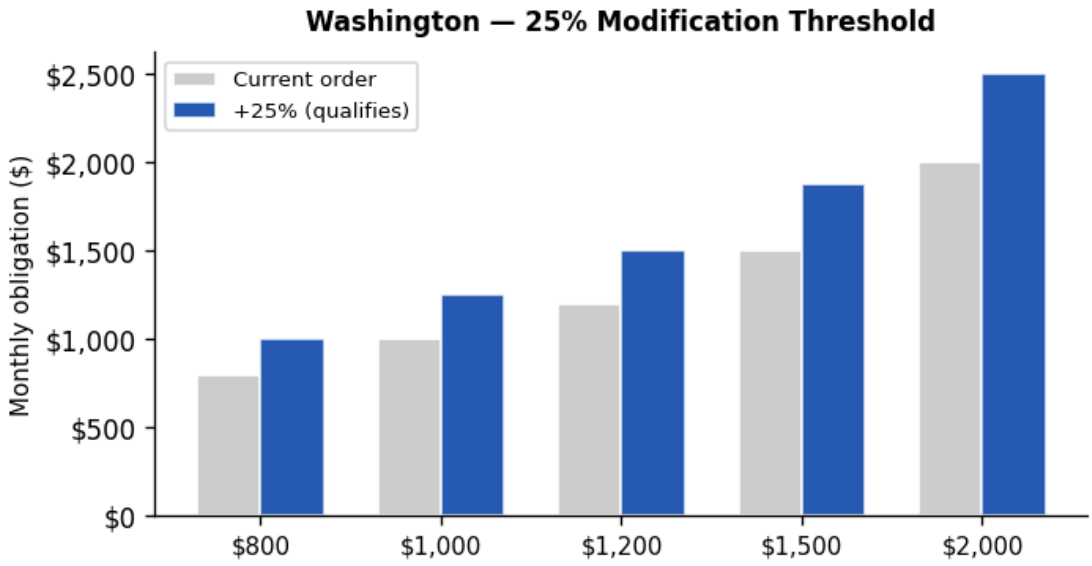
Washington uses Income Shares based on both parents' net monthly income, gross income minus a specific list of statutory deductions. The DSHS Division of Child Support (DCS) handles IV-D enforcement statewide. The calculation runs through the mandatory Washington State Child Support Schedule Worksheets, one set of worksheets, not separate forms for shared parenting. A paying parent who spends significant time with the child can request a deviation from the standard calculation, but it is discretionary, there is no automatic residential credit. Call DCS at (800) 442-5437 for IV-D case inquiries, payment plan requests, or administrative reviews.

Your income dropped and you want to know if it is enough: Run the Child Support Schedule Worksheets with your current net income and the other parent's current net income, and compare the result to your existing order. If your order is at least 24 months old, a meaningful difference supports an adjustment motion with no further showing. If the order is newer, document the income change itself, an involuntary drop is the classic substantial change. File the day you confirm the numbers.

You have residential time with your child that is not reflected in the order:Washington has no automatic residential time credit, but significant time with the paying parent is a recognized

ground for a deviation from the standard calculation (RCW 26.19.075). If your parenting plan gives you substantial overnights and your order was set without any deviation, you may be paying more than a court would order today. File to update the order and request the deviation, and be ready to show your actual expenses during residential time.

Your order is more than three years old:DCS initiates three-year administrative reviews for IV-D-enrolled cases. Call DCS and ask whether your case qualifies. If your income decreased since the last order, the review can produce a lower amount without requiring a court filing.



Section 2 — Grounds for Modification

Washington authorizes modification when there is a substantial change in the circumstances of either party or the child, and separately allows adjustment without any substantial-change showing once 24 months have passed since entry or the last adjustment, based on changes in the parties' income or in the economic table (RCW 26.09.170). The 24-month track is the mechanical path, file a motion with current worksheets. The substantial change path is the factual path, document the change, file, present the evidence at the Superior Court hearing.

Washington courts treat the following as substantial changes: involuntary job loss, significant reduction in working hours, a documented disability, a material increase in the child's financial needs, a change in residential time, or a significant change in either parent's income. Either parent can file, the test applies to changes in either direction, not just downward.

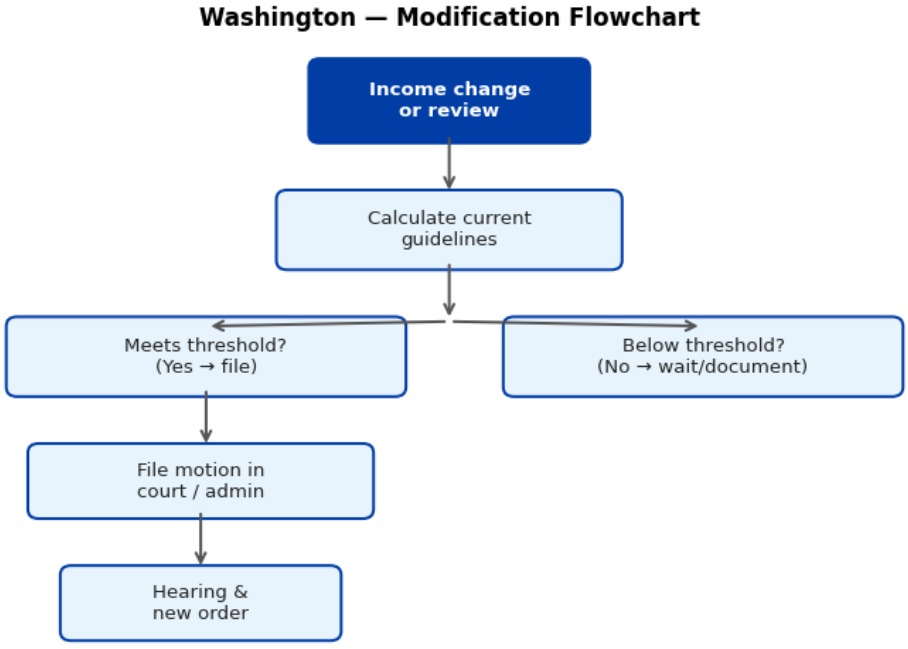
Your income dropped due to job loss or reduced hours: File a petition to modify the same day your employment status changes. Washington will not backdate a modification to before you filed, relief runs only to installments accruing after the petition. At 12% annual interest on any arrears that accumulate while the old order runs, every day of delay costs you money. Bring your termination documentation to the Superior Court clerk.

Your residential time with the child increased significantly: Washington treats significant residential time with the paying parent as a deviation ground, not an automatic credit. If your parenting plan changed and your support order never accounted for it, file to update both the residential schedule and the support order simultaneously, and request the deviation with documentation of your expenses during residential time.

The other parent's income increased significantly: Washington uses both parents' income. A major income increase for the custodial parent shifts the proportional split and can reduce your calculated obligation even without a change in your own income. Run the worksheets with both parents' current net income before assuming your situation has not changed.

Three years have passed since the last order: Request a DCS administrative review if your case is IV-D enrolled. DCS will gather income information from both parties and recalculate the guideline. If the result is lower, the review benefits you. If the result would be higher, knowing that before DCS calculates it gives you information you can use.

Your child's health insurance situation changed: Washington guidelines include health insurance costs and child care expenses in the calculation. A significant change in either (gaining or losing coverage, a major change in premium costs, or a change in child care expenses) affects the calculated amount. Update both worksheets with current figures before filing.



Section 3 — Step-by-Step: How to File

Washington modifications are filed in the Superior Court in the county where the original order was entered. DCS offers an administrative review track for IV-D-enrolled cases. Call DCS first if your case is enrolled, the administrative process is free and does not require a court filing to initiate.

Step 1 — Call DCS to check enrollment and the three-year clock: Contact DSHS DCS at (800) 442-5437. Ask whether your case is IV-D enrolled and when the last review occurred. If three years have passed, request an administrative review by phone. DCS will request income information from both parties and recalculate the guideline amount without a court filing fee.

Step 2 — Gather your financial documentation: Collect your two most recent federal tax returns, your three most recent pay stubs, health insurance premium documentation for the child, and any documentation of the triggering change, termination letter, medical records, or updated residential schedule order. Count your actual annual overnights with the child and compare against the court-ordered schedule.

Step 3 — Complete the Washington Child Support Schedule Worksheets: Download the current worksheets from the Washington Courts website at courts.wa.gov or from the DCS website at dshs.wa.gov/esa/division-child-support. The worksheets convert each parent's gross income to net using the statutory deduction list, combine the nets, and pull the basic obligation from the economic table. Complete every line accurately, and use the post-2026 table, the schedule changed effective January 1, 2026.

Step 4 — File a Petition for Modification in Superior Court: File in the Superior Court in the county where the original order was entered. Bring your completed worksheets, income documentation, and the petition. Pay the filing fee. The filing date controls retroactivity.

Step 5 — Serve the other parent: Serve the petition and worksheets on the other parent pursuant to Washington Civil Rules. File proof of service with the court before your hearing date.

Step 6 — Attend the Superior Court hearing or accept the DCS order: Appear at the hearing with your worksheets, income documentation, and residential time records. If DCS issued an administrative order you disagree with, you have the right to request a Superior Court hearing for de novo review. At the hearing, present your worksheets and the factual basis for modification clearly.

Section 4 — Income Calculation

Washington uses net monthly income for both parents. Start with gross income from all sources, wages, salary, self-employment income, rental income, investment income, bonuses, commissions, unemployment compensation, workers' compensation, disability payments, Social Security, and pension distributions, then subtract the statutory deductions: income taxes, FICA, state industrial insurance, mandatory union or professional dues, mandatory pension contributions, court-ordered spousal support actually paid, up to $5,000 per year in voluntary retirement contributions, and normal business expenses for the self-employed (RCW 26.19.071). The combined net total is entered into the Washington Economic Table, which since January 1, 2026 runs from $2,200 to $50,000 in combined monthly net income, and the obligation is divided proportionally by each parent's share.

High-income cases: The economic table is presumptive up to $50,000 in combined monthly net income under the 2026 schedule, a dramatic expansion from the old $12,000 ceiling. Above the table's top, the court may set support at higher amounts only with written findings of fact (RCW 26.19.020, .065). Orders set under the old $12,000 cap with substantial above-cap income are strong candidates for recalculation under the new table.

Health insurance and child care costs are added to the basic obligation: Washington's guidelines add health insurance premium costs for the child and work-related child care expenses to the base obligation. These are apportioned proportionally between parents. Accurately enter current premium and child care costs in the worksheets, they affect the final calculated amount.

Uninsured medical and extraordinary expenses: Health care costs not covered by insurance, day care, and special child-rearing expenses such as tuition or long-distance transportation are not buried in the table amount. They are shared by the parents in the same proportion as their net incomes, and the worksheets carry separate lines for them (RCW 26.19.080). Keep receipts and reconcile periodically, these obligations are enforceable like the base transfer payment.

Self-employment income: Net profit after legitimate business expenses. Washington courts examine multiple years of tax returns and may add back excessive depreciation, personal expenses, and non-cash deductions. Bring documentation for every material deduction if your reported income appears inconsistent with your standard of living.

Variable income, bonuses, commissions, seasonal earnings: Washington courts average variable income over time (typically one to three years) for workers with irregular earnings. Bring multiple years of returns and a monthly average calculation. Courts want a representative figure, not a peak or trough year.

Imputed income for voluntary underemployment: Washington courts impute income based on earning capacity when a parent voluntarily reduced income without good cause. Document any involuntary income change from the moment it occurs.

Low-income protection: Washington builds its safeguards into the worksheets. When the paying parent's net income is below the self-support reserve, 180% of the federal poverty guideline for a one-person family as of January 1, 2026 (raised from 125%), the order is set at the presumptive minimum of $50 per child per month unless even that would be unjust. At every income level, the support obligation for all of a parent's children combined may not exceed 45% of net income except for good cause (RCW 26.19.065).

Section 5 — Shared Parenting

Washington handles shared parenting differently than most states in this book: there is no formula and no automatic credit. A parent who spends a significant amount of time with the child and pays support may request a deviation from the standard calculation under RCW 26.19.075(1)(d). The court weighs the increased expenses to the paying parent and any decreased expenses to the receiving household, and it may not grant the deviation at all if doing

so would leave the receiving household with insufficient funds to meet the child's basic needs, or if the child receives TANF. Even genuinely equal schedules do not automatically zero out support when incomes differ.

Washington courts evaluate residential time from the court-ordered parenting plan, the overnights actually specified in it. If your real-world time with the child exceeds what the plan says, the excess will not help your deviation request until the plan is updated. File to update the parenting plan and the support order simultaneously.

You want to know whether your residential time supports a deviation:There is no fixed overnight threshold in Washington, the statute says 'significant amount of time' and leaves the rest to the court. Count the overnights in your current parenting plan and gather proof of what you actually spend during residential time, housing, food, transportation, activities. The stronger your documentation of duplicated expenses, the stronger the deviation request.

Your parenting plan gives you substantial residential time: A deviation is discretionary and fact-specific, more time generally supports a larger deviation, but nothing scales automatically. Run the worksheets, then present the deviation request with your expense documentation. If the current order was set without any consideration of your residential time, the difference can be significant, but a judge has to be persuaded, the worksheet will not do it for you.

Washington — Enforcement Escalation Timeline

Section 6 — Enforcement

Washington's criminal exposure comes in two tiers: family nonsupport under RCW 26.20.035 is a gross misdemeanor, up to 364 days, and family abandonment under RCW 26.20.030 is a class C felony, up to five years. DCS is an active IV-D enforcement agency backed by the full resources of DSHS. License suspension is triggered by noncompliance, accumulated arrears totaling more

than six months of support payments, not by a fixed dollar figure (RCW 74.20A.320). And at 12% annual interest, among the highest rates in this book, arrears grow quickly once they start.

Your arrears are growing: Two separate lines matter. Once past-due support exceeds $2,500, federal passport denial is triggered. Once your arrears exceed six months' worth of support payments, DCS can certify you for license suspension, with notice and a hearing first, and a suspension can be stayed while a payment agreement or modification is pending. If you have international travel needs or a professional license, contact DCS at (800) 442-5437 and negotiate a payment plan before either line is crossed.

Income withholding stopped because you changed employers: Washington income withholding orders must be re-served on each new employer. They do not transfer automatically. Notify DCS immediately with your new employer's name, address, and payroll contact. At 12% annual interest, even a brief gap in withholding creates arrears that grow against you.

DCS initiated a contempt or enforcement action: Contact a family law attorney today. Washington Superior Court contempt proceedings can result in incarceration. Simultaneously file a Petition for Modification if you have not already. Make every payment you can going forward and document each one.

The 12% interest is accruing on your arrearage: At 12% per year (simple interest, RCW 4.56.110) a $10,000 arrearage costs you $100 per month in interest before any additional nonpayment. A payment plan that covers only current support and ignores the arrearage principal lets the interest keep accruing in full. Contact DCS and negotiate a plan that addresses both.

Section 7 — Emergency Protocols

Emergency Protocols — Washington

EMERGENCY PROTOCOL 1: INCOME DROP: RUN BOTH WORKSHEETS, THEN FILE TODAY

Washington gives you two routes: substantial change at any time, or a 24-month adjustment based on income or economic-table changes.

Run the Child Support Schedule Worksheets with current net income figures. If your order is at least 24 months old, a changed result supports an adjustment motion with no further showing.

File a Petition for Modification in Superior Court the same day.

Bring your termination letter and last pay stubs, supplement documentation later.

At 12% annual interest on any arrears, the filing date is the most important date in this process.

EMERGENCY PROTOCOL 2: SUBSTANTIAL RESIDENTIAL TIME NOT IN YOUR ORDER: FILE AND REQUEST A DEVIATION

Washington has no automatic residential credit, significant time with the child supports a discretionary deviation under RCW 26.19.075.

Count the overnights in your current court-ordered parenting plan, not what is happening informally.

If your parenting plan gives you substantial overnights and your order was set without any deviation, you may be overpaying.

File to update both the parenting plan (if it needs correction) and the support order at the same time.

Relief runs only to installments accruing after you file, every month you wait is money you cannot recover.

EMERGENCY PROTOCOL 3: ARREARS CLIMBING TOWARD THE TRIGGERS: CALL DCS AND NEGOTIATE FIRST

Two thresholds matter: federal passport denial once past-due support exceeds $2,500, and DCS license suspension once arrears exceed six months' worth of payments (RCW 74.20A.320).

If your arrears are approaching that number, contact DCS at (800) 442-5437 today.

Request a payment plan before either threshold is crossed, a written agreement also protects your license.

Washington DCS has authority to negotiate installment agreements and hold enforcement actions while you pay.

Get the agreement in writing. Make every payment on time.

EMERGENCY PROTOCOL 4: THREE-YEAR REVIEW NOTICE FROM DCS: RESPOND AND RUN YOUR NUMBERS FIRST

Washington DCS initiates three-year reviews for IV-D-enrolled cases.

If you do not respond, DCS proceeds on available information.

Run both Washington worksheets with both parents' current income before responding.

Know your expected outcome before DCS calculates it, if the guideline would decrease, make sure your documentation is complete and accurate.

Gather your two most recent tax returns and three most recent pay stubs and submit them promptly.

EMERGENCY PROTOCOL 5: 12% INTEREST ACCRUING: NEGOTIATE A PRINCIPAL-REDUCTION PLAN

At 12% simple annual interest, a $10,000 arrearage grows by $1,200 per year without any additional nonpayment.

A payment plan covering only current support leaves interest accruing on the full principal.

Contact DCS at (800) 442-5437 and request a plan that covers current support plus a monthly contribution toward principal.

Even a modest principal payment cuts the interest accruing on the balance.

Act before the balance reaches a level where interest alone becomes unmanageable.

EMERGENCY PROTOCOL 6: CRIMINAL NONSUPPORT OR ABANDONMENT CHARGE FILED: TWO STEPS TODAY

Family abandonment under RCW 26.20.030 is a class C felony, up to 5 years; willful family nonsupport under RCW 26.20.035 is a gross misdemeanor, up to 364 days. Contact a criminal defense attorney today.

Simultaneously file a Petition for Modification in Superior Court if you have not already done so.

Make every payment you can from this point forward, document each with a money order or wire transfer.

Keep every receipt. A pending modification and documented payments are your most important evidence.

Appear at every scheduled court date. Willful absence from proceedings makes the criminal case harder.

EMERGENCY PROTOCOL 7: INCOME WITHHOLDING STOPPED AFTER JOB CHANGE: NOTIFY DCS IN WRITING TODAY

Income withholding does not transfer automatically to a new employer in Washington.

Contact DCS at (800) 442-5437 today and provide your new employer's name, address, and payroll contact.

Do this in writing (email or certified mail) and keep a copy.

At 12% annual interest, even a short gap creates arrears that grow quickly.

Your written notification demonstrates good faith if arrears develop before the new withholding is established.

Section 8 — Quick Reference

Your key Washington numbers: substantial change at any time, OR a 24-month adjustment based on income or economic-table changes, two independent routes to modification; net income for both parents (economic table now runs to $50,000 combined monthly net); no automatic residential credit, significant time supports a discretionary deviation; license suspension once arrears exceed six months' worth of payments; passport denial past $2,500; 12% simple annual interest on arrears; retroactivity to filing date; support to age 18 or high school graduation, whichever is later, with postsecondary educational support possible only if you petition before the existing support obligation ends (RCW 26.19.090, generally through age 23). Key statutes: RCW 26.09.170 and RCW 26.19. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

DCS statewide line:(800) 442-5437, enforcement, IV-D reviews, payment plans, employer withholding

Washington Courts (courts.wa.gov): Worksheets 1 and 2, modification petition forms, Superior Court directory by county

DSHS DCS website (dshs.wa.gov/esa/division-child-support): Case status, payment history, employer withholding forms, administrative review requests

Northwest Justice Project (nwjustice.org): Free civil legal services for qualifying low-income Washington residents including family law

Special consideration for the 2026 overhaul and the low-income limits: Washington rewrote its schedule effective January 1, 2026. The economic table now extends from $2,200 to $50,000 in combined monthly net income, and the self-support reserve rose from 125% to 180% of the federal poverty guideline for a one-person household. The worksheets run that check automatically: after computing the transfer payment, the paying parent must be left with at least the reserve, or the payment comes down, subject to the presumptive minimum of $50 per child per month. Orders entered under the old table are prime candidates for the 24-month adjustment track, run the numbers under the new schedule before assuming your order is still right.

Special consideration for parents who move out of Washington: If you move to another state while the other parent or the child remains in Washington, Washington retains continuing exclusive jurisdiction to modify the order under UIFSA (RCW 26.21A). You file in the Washington Superior Court that entered the original order, not in your new state. This rule catches out-of-state parents by surprise regularly. Confirm jurisdiction with a Washington family law attorney before filing in any other state.

Interstate and military cases: Washington's large military population, Joint Base Lewis-McChord, Naval Base Kitsap, Naval Air Station Whidbey Island, and Fairchild Air Force Base, makes service-member support issues routine here; Chapter 51 covers the military-specific rules, including how BAH and BAS are treated and Servicemembers Civil Relief Act protections. For parents in different states, Washington's UIFSA enactment at RCW 26.21A governs which state can modify the order; Chapter 52 walks through those rules.

Chapter 48 — West Virginia

West Virginia	State at a Glance
Calculation Model	Income Shares, adjusted gross monthly income, both parents
Key Statutes	W. Va. Code § 48-11-105 (modification); § 48-13-101 et seq. (guidelines)
Modification Threshold	Substantial change; guideline shift of more than 15% is deemed substantial (§ 48-11-105)
Agency	Bureau for Child Support Enforcement (BCSE), (800) 249-3778
Financial Form	Child Support Worksheet
Court	Family Court, county of original order
Retroactivity	Back to the filing date
Shared Parenting	More than 127 overnights each (35%) — Worksheet B extended shared parenting (1.6 multiplier, offset)
Age of Majority	18; continues while unmarried full-time secondary/vocational student living with a parent — until graduation or 20, whichever first
License Suspension	Arrears equal to six months' worth of support (W. Va. Code § 48-15-101 et seq.)
Criminal Penalty	Felony, W. Va. Code § 61-5-29 — 12 months' willful nonpayment remaining unpaid; 1–3 years
Interest on Arrears	5% per year, simple (§ 48-1-302, since 2007)

Section 1 — Overview

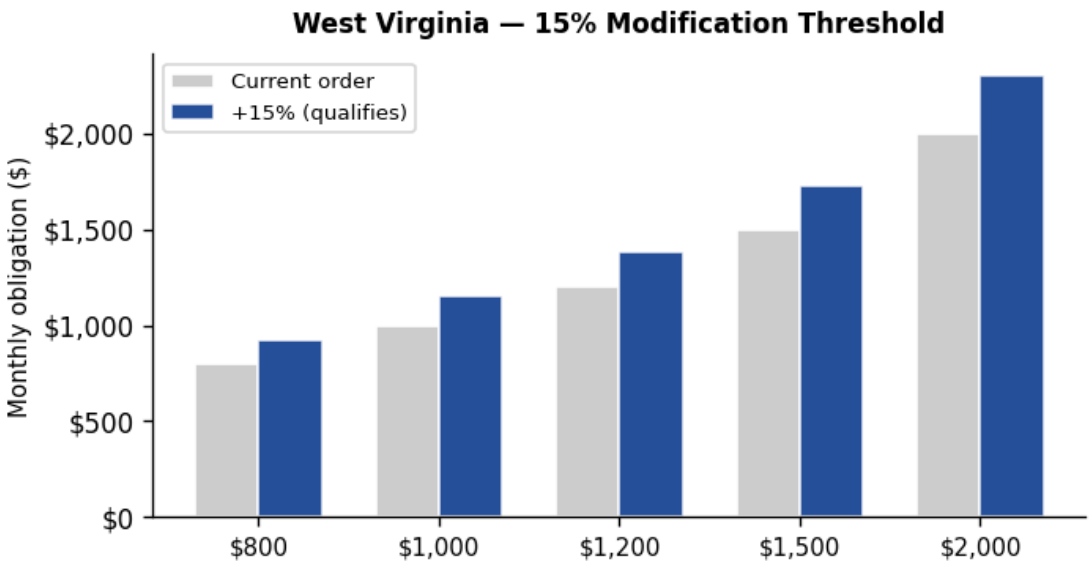
West Virginia established dedicated Family Courts in 2002, a specialized court system that handles child support, divorce, and domestic relations matters exclusively. Your modification is filed in Family Court in the county where the original order was entered, before a Family Court judge who focuses on these cases full-time. That specialization matters: West Virginia Family Court judges are experienced with the state's Income Shares guidelines, and the process is more focused than it would be in a general jurisdiction court.

West Virginia's modification standard has a concrete benchmark built in: the court modifies on a substantial change in circumstances, and if applying the guideline to today's income would produce an order more than 15% different from the existing one, the change is deemed substantial (W. Va. Code § 48-11-105). No separate showing required. The Bureau for Child Support Enforcement (BCSE) handles IV-D enforcement statewide at (800) 249-3778 and can initiate administrative reviews for enrolled cases.

Your income dropped and you want to know if 15% has been crossed:Pull both parents' current adjusted gross monthly income, run the West Virginia Child Support Worksheet (available through BCSE or the Family Court clerk), and compare the result to your current order. A difference of more than 15% qualifies. File the day you confirm the threshold, retroactivity runs to the filing date, not to when your income changed.

You work in coal mining, oil and gas, or another extraction industry with variable income: West Virginia's economy includes significant extraction sector employment. Income in these industries can vary dramatically year to year based on contracts, commodity prices, and mine or well productivity. West Virginia courts average this income over time, typically two to three years of tax returns. If you had a high-income year followed by reduced work, the averaging works in your favor. Bring multiple years of documentation to every hearing.

Your order is more than three years old:BCSE initiates three-year reviews for IV-D-enrolled cases. Call BCSE at (800) 249-3778 and ask whether your case qualifies. If your income decreased since the last order, the review can produce a lower amount.



Section 2 — Grounds for Modification

West Virginia authorizes modification on a substantial change in circumstances, and a calculation that moves the guideline amount more than 15% from the existing order is deemed substantial by statute. The 15% test is the simpler path: run the worksheet, confirm the shift, file. Substantial change also covers situations where the percentage shift is smaller but the circumstances clearly warrant reconsideration, involuntary job loss, a documented disability, a significant change in parenting time, or a major change in the child's needs.

The 15% benchmark under W. Va. Code § 48-11-105 applies to the difference between the current order and what the guideline would produce with today's income. Run the worksheet with current figures for both parents before filing. Know the number.

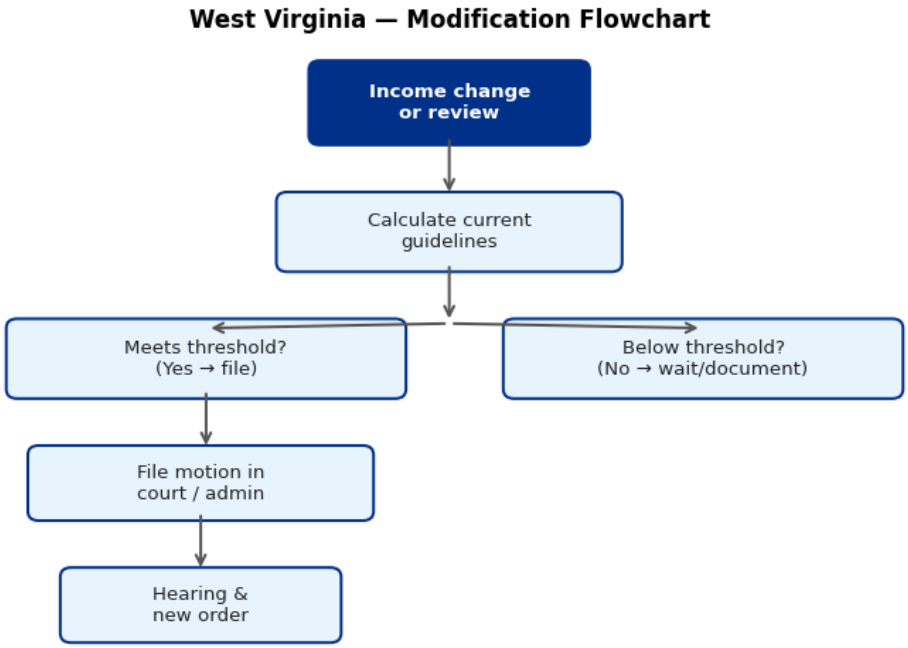
You lost your job involuntarily: File the same day. Substantial change is clearly established. Retroactivity runs to the filing date, every day of delay is a day the old order keeps running, with 5% simple annual interest on any arrears. Go to the Family Court clerk in the originating county.

Your parenting time crossed 127 overnights per year: West Virginia's extended shared parenting calculation applies once each parent keeps the child overnight for more than 127 nights, 35% of the year, and both parents contribute to the child's expenses beyond support (W. Va. Code § 48-13-501). If your actual parenting time crossed that line but the order has not been updated, you are paying on the wrong worksheet. File to update both the parenting plan and the support amount simultaneously.

The other parent's income changed significantly: West Virginia uses both parents' income. A substantial change in the other parent's income can shift the calculated amount in your favor even without a change in your own income. Run the worksheet with both parents' current figures before assuming your situation has not changed.

Your child's health insurance or child care situation changed: West Virginia guidelines include health insurance costs and work-related child care in the calculation. A significant change in either affects the calculated amount. Document the change and include it in your petition.

A new dependent was born in your household: West Virginia allows a credit for additional legal dependents you are supporting. A new child or a new court-ordered support obligation in another case can affect your adjusted income in the worksheet. Bring documentation of the new dependent.



Section 3 — Step-by-Step: How to File

West Virginia modifications are filed in the Family Court in the county where the original order was entered. BCSE handles IV-D enforcement and can assist with administrative reviews for enrolled cases.

Step 1 — Call BCSE to check enrollment and request an administrative review if eligible: Contact BCSE at (800) 249-3778. Ask whether your case is IV-D enrolled and when the last order was entered. If three years have passed, request an administrative review. BCSE will gather income information from both parties and recalculate the guideline without requiring a court filing.

Step 2 — Gather your financial documentation: Collect your two most recent federal tax returns, your three most recent pay stubs, health insurance premium documentation for the child, and any documentation of the triggering change, termination letter, medical records, or updated parenting order. If you work in a variable-income industry, gather two to three years of returns. Count your actual annual overnights under the current parenting order.

Step 3 — Complete the West Virginia Child Support Worksheet: Download the current worksheet from the BCSE website or the West Virginia Supreme Court of Appeals website at courtswv.gov. Enter both parents'

current gross monthly income, health insurance costs, and child care costs. Compare the result to your existing order to confirm the 15% threshold before filing.

Step 4 — File a Petition for Modification in Family Court: File in the Family Court in the county where the original order was entered. Bring your completed worksheet, income documentation, and the petition. Pay the filing fee. The filing date controls retroactivity.

Step 5 — Serve the other parent: Serve the petition and worksheet on the other parent pursuant to West Virginia Rules of Civil Procedure. File proof of service with the Family Court before your hearing date.

Step 6 — Attend the Family Court hearing: Appear before the Family Court judge with your worksheet, income documentation, and parenting time records. West Virginia Family Court hearings are focused and efficient, come with organized, specific evidence. The judge applies the Income Shares guidelines to the verified income and parenting time figures.

Section 4 — Income Calculation

West Virginia uses adjusted gross monthly income for both parents. Start with gross income from all sources, wages, salary, self-employment income, rental income, investment income, bonuses, commissions, overtime, unemployment compensation, workers' compensation, disability payments, Social Security, pension distributions, and any other regular income, then subtract preexisting child support actually paid for other children, court-ordered spousal support or maintenance actually paid, and qualified student loan payments (capped at 25% of gross income). The combined adjusted total is entered into the West Virginia guideline schedule and divided proportionally.

High-income cases: West Virginia's basic obligation table runs to $35,000 in combined adjusted gross monthly income (W. Va. Code § 48-13-301). Above that, the basic obligation may not be set below the $35,000-level figure, and the court has discretion to award more based on the child's needs and the parents' circumstances.

Low-income cases and the minimum order: When the parents' combined adjusted gross income falls below $550 per month, West Virginia's guideline sets a minimum basic obligation of $50 per month, and the court may adjust that figure based on the parents' actual resources and living expenses. There is no separate self-support reserve; ability to pay is argued through the worksheet and deviation findings.

Health insurance and child care costs are part of the calculation: West Virginia's guidelines add health insurance premiums for the child and work-related child care to the basic obligation. These are apportioned proportionally between parents. Accurately enter current figures in the worksheet, errors here affect the final amount.

Health care and unreimbursed medical expenses: The child's share of health insurance premiums and extraordinary medical expenses are added to the basic obligation and divided between the parents in proportion to their adjusted gross incomes, alongside work-related child

care and other court-approved extraordinary expenses (W. Va. Code § 48-13-602). Keep receipts and reconcile periodically, these allocations are enforceable like the base obligation.

Variable income in extraction and seasonal industries: For coal miners, oil and gas workers, loggers, and agricultural workers, West Virginia courts average income over two to three years. A strong year followed by a reduced year or a layoff is evaluated across the full period. Bring all relevant years of returns and any documentation showing a shift in your work situation, fewer shifts, mine closures, reduced contracts.

Self-employment income: Net profit after legitimate business expenses. West Virginia courts examine multiple years of returns and may add back excessive depreciation, personal expenses, and non-cash deductions. Bring documentation for every material deduction.

Imputed income for voluntary underemployment: West Virginia courts impute income based on earning capacity when a parent voluntarily reduced income. Document any involuntary income change (termination letters, mine or plant closure notices, medical records) carefully from the moment it occurs.

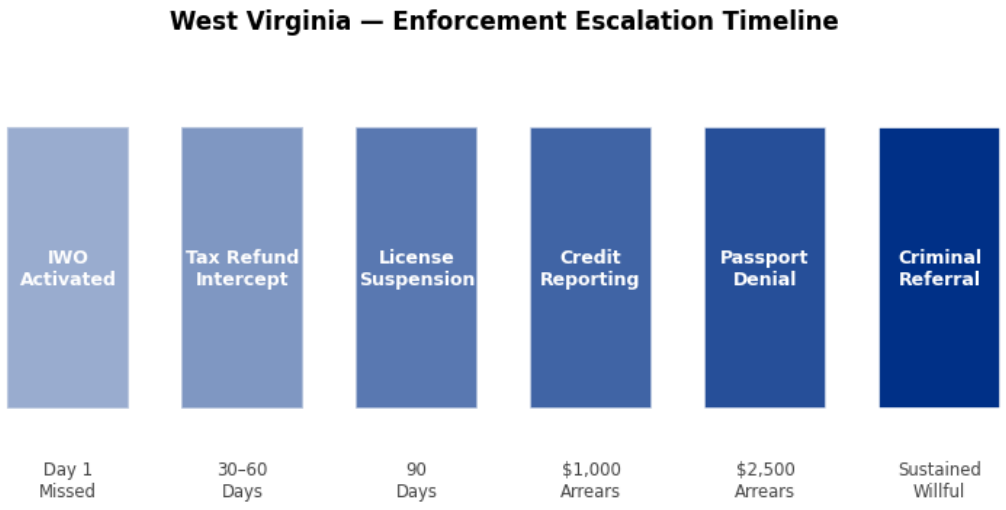
Section 5 — Shared Parenting

West Virginia's extended shared parenting calculation applies once each parent keeps the child overnight for more than 127 nights per year, 35% of annual nights, and both parents contribute to the child's expenses in addition to support. That threshold is higher than, say, Virginia's more-than-90-days line. Above it, the calculation moves from Worksheet A (basic shared parenting) to Worksheet B (extended shared parenting): the basic obligation is multiplied by 1.6 to reflect the cost of two full households, allocated by income share and overnight share, and the two obligations are offset. The adjustment scales as overnights increase toward equal parenting.

West Virginia courts apply the extended shared parenting calculation based on the court-ordered parenting schedule. If your actual overnights exceed 127 per year but the order still reflects an older schedule, Worksheet B is not applied. File to update the parenting plan and the support order simultaneously.

You are close to 127 overnights and want to verify your count:Count your annual overnights under the current court-ordered parenting schedule, extended summer time, alternating holidays, and regular schedule overnights all count. If you are above 127 under the current order and Worksheet B has not been applied, file to correct it.

Your parenting time is approaching equal with the other parent:At or near equal overnights, the Worksheet B offset produces a substantially lower net obligation. Run the worksheet at your current ordered overnights and at equal overnights, know the difference before deciding whether the filing is worth pursuing.



Section 6 — Enforcement

West Virginia's criminal exposure is specific: under W. Va. Code § 61-5-29, repeated willful failure to pay support that results in twelve months without payment, where the amount remains unpaid, is a felony punishable by one to three years and a fine of $100 to $1,000, and interstate cases can draw federal charges under 18 U.S.C. § 228. BCSE actively refers persistent nonpayment cases for prosecution. License suspension is triggered when arrears equal or exceed six months' worth of support (W. Va. Code § 48-15-101 et seq.). At 5% simple annual interest (§ 48-1-302), West Virginia arrears grow more slowly than in most states in this book, but they still grow and they still drive enforcement escalation.

Your arrears are approaching six months' worth of support: That is West Virginia's license trigger, driver's, professional, and recreational licenses are all subject to suspension once the arrearage equals six months of support. BCSE serves notice before acting, and you can contest or cure. Contact BCSE at (800) 249-3778 immediately and request a payment plan. Acting before the suspension is entered is always less complicated than reinstating afterward.

Your arrears crossed $2,500: Federal passport denial is automatic at $2,500. BCSE reports to federal authorities when that threshold is crossed. Address arrears before crossing $2,500 if you have any international travel needs. Reinstatement takes weeks even after full payment.

Income withholding stopped because you changed employers: The withholding order does not transfer automatically to a new employer. Notify BCSE immediately in writing with your new employer's name, address, and payroll contact. Keep a copy. Even at West Virginia's modest 5% simple interest, a withholding gap creates arrears that climb toward the six-month license trigger.

You are facing felony charges for persistent nonpayment: Contact a criminal defense attorney today. Simultaneously file a Petition for Modification at the Family Court if you have not already. Make every payment you can going forward, document each one, and keep every receipt.

Section 7 — Emergency Protocols

Emergency Protocols — West Virginia

EMERGENCY PROTOCOL 1: INCOME DROP: FILE IN FAMILY COURT TODAY — 15% THRESHOLD IS ACCESSIBLE

West Virginia's 15% benchmark is concrete: if the new calculation moves more than 15% from the existing order, the change is deemed substantial by statute (W. Va. Code § 48-11-105).

Run the Child Support Worksheet with both parents' current adjusted gross income.

If the difference from your current order is more than 15%, file a Petition for Modification in Family Court today.

Bring your termination letter and last pay stubs, supplement documentation at the hearing.

Retroactivity runs to the filing date. File now.

EMERGENCY PROTOCOL 2: LICENSE SUSPENSION NOTICE: CALL BCSE BEFORE THE DEADLINE

You received a suspension notice from BCSE because your arrears equal or exceed six months' worth of support.

You have a window to respond before the suspension takes effect.

Call BCSE at (800) 249-3778 today and request a payment plan.

BCSE has authority to negotiate installment agreements and hold the suspension while you pay.

Acting before the deadline is the difference between keeping your license and going through reinstatement.

EMERGENCY PROTOCOL 3: PARENTING TIME CROSSED 127 OVERNIGHTS: FILE TO UPDATE BOTH ORDERS

West Virginia's extended shared parenting calculation (Worksheet B) activates once each parent has more than 127 overnights per year.

Count your annual overnights precisely under the current court-ordered parenting schedule.

If you are above 127 and Worksheet B has not been applied, you are overpaying.

File to modify both the parenting plan (if it needs updating) and the support amount simultaneously.

The modification is retroactive to your filing date, every month you wait is money you cannot recover.

EMERGENCY PROTOCOL 4: VARIABLE INCOME DISPUTE — EXTRACTION OR SEASONAL WORK: BRING THREE YEARS OF DOCUMENTATION

West Virginia courts average income for extraction and seasonal workers over two to three years.

A single reduced year does not define your support obligation, the multi-year average does.

Bring all relevant years of tax returns, W-2s, and any documentation of the specific income shift.

If a mine closure, contract reduction, or seasonal work reduction caused the drop, bring supporting documentation.

Courts see aggressive income reduction claims in extraction industries, well-documented, multi-year records are your protection.

EMERGENCY PROTOCOL 5: FELONY NONSUPPORT CHARGE FILED: TWO STEPS TODAY

West Virginia's felony nonsupport track under W. Va. Code § 61-5-29 carries one to three years, contact a criminal defense attorney today.

Simultaneously file a Petition for Modification in Family Court if you have not already done so.

A pending modification establishes on the record that you are addressing the underlying obligation.

Make every payment you can from this point forward, document each with a money order or wire transfer.

Keep every receipt. What you do in the next 72 hours matters more than what happened before.

EMERGENCY PROTOCOL 6: INCOME WITHHOLDING STOPPED AFTER JOB CHANGE: NOTIFY BCSE IN WRITING TODAY

Income withholding does not transfer automatically when you change employers in West Virginia.

Contact BCSE at (800) 249-3778 today and provide your new employer's name, address, and payroll contact.

Do this in writing (email or certified mail) and keep a copy.

Even at 5% simple annual interest, a short gap creates arrears, and arrears drive enforcement.

Your written notification demonstrates good faith if arrears develop before the new withholding is established.

EMERGENCY PROTOCOL 7: BCSE THREE-YEAR REVIEW NOTICE: RESPOND AND RUN YOUR NUMBERS FIRST

West Virginia BCSE initiates three-year reviews for IV-D-enrolled cases.

If you do not respond, BCSE proceeds on available information.

Run the West Virginia Child Support Worksheet with both parents' current income before responding.

Know your expected outcome before BCSE calculates it.

Gather your two most recent tax returns and three most recent pay stubs and submit them promptly.

Section 8 — Quick Reference

Your key West Virginia numbers: substantial change in circumstances, with a guideline shift of more than 15% deemed substantial (W. Va. Code § 48-11-105); adjusted gross income for both parents; more than 127 overnights (35%) each moves you to the extended shared parenting worksheet (1.6 multiplier, offset); license suspension once arrears equal six months' worth of support; 5% simple annual interest on arrears (§ 48-1-302); retroactivity to filing date; support to age 18, continuing while the child is an unmarried full-time secondary or vocational student living with a parent and making substantial progress, until graduation or age 20, whichever comes first. Key statutes: W. Va. Code §§ 48-11-105, 48-13-101 et seq. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

BCSE statewide line:(800) 249-3778, enforcement, IV-D reviews, payment plans, employer withholding

West Virginia Supreme Court of Appeals (courtswv.gov): Child Support Worksheet, modification petition forms, Family Court locations by county

Legal Aid of West Virginia (lawv.net): Free civil legal services for qualifying low-income West Virginia residents in family law matters

West Virginia State Bar Lawyer Referral Service:(304) 558-7993, family law attorney referrals by county

Special consideration for extraction industry workers: West Virginia's coal, natural gas, and timber industries create income patterns that general income guidelines do not always handle well. A miner or driller who had $80,000 in overtime income one year and $45,000 the next (because the mine scaled back shifts or a well was capped) should not have support set on the $80,000 figure. West Virginia courts average income over time for workers with variable earnings, and documented multi-year records are commonly the strongest evidence those courts credit. Bring three years of documentation to any hearing and make the averaging argument explicitly.

Special consideration for the dedicated Family Court system: West Virginia's Family Court judges hear nothing but family law matters, child support, custody, divorce, and domestic relations. They are among the most experienced judges you will appear before for a modification hearing. Come prepared, come organized, and present your evidence concisely. Family Court judges have seen every variation of modification argument that exists in West Virginia law. Disorganized presentation wastes their time and hurts your credibility. Know your numbers before you walk in.

Interstate and military cases: West Virginia has no major active-duty installation, but Camp Dawson and the large number of West Virginia families with a parent stationed or working out of state make interstate issues common. When the other parent lives outside West Virginia, the Uniform Interstate Family Support Act, enacted in Chapter 48 of the West Virginia Code,

governs which state can modify the order; Chapter 52 walks through those rules, and Chapter 51 covers military-specific questions such as how BAH and BAS are treated.

End of Chapter 48 — West Virginia | Chapter 49 — Wisconsin follows.

Chapter 49 — Wisconsin

Wisconsin	State at a Glance
Calculation Model	Percentage of Income, payer's gross income only
Key Statute	Wis. Stat. § 767.59 (modification); DCF 150 (guidelines)
Percentages	1 child: 17% | 2: 25% | 3: 29% | 4: 31% | 5+: 34% of payer gross income
Modification Threshold	Substantial change in circumstances; presumed after 33 months since last order (Wis. Stat. § 767.59(1f), rebuttable; N/A if order is a percentage of income)
Agency	Wisconsin Child Support Program (DCF), administered by county child support agencies; dcf.wisconsin.gov; payments: WI SCTF (800) 991-5530
Financial Form	Financial Disclosure Statement
Court	Circuit Court, county of original order
Retroactivity	No earlier than the date notice of the action is given to the respondent (§ 767.59(1m))

Shared Placement	Each parent 25%+ of placement (92+ days): obligation x150%, prorated by placement, offset; variable costs split by placement share (DCF 150.04(2))
Age of Majority	18, or 19 if still pursuing an accredited high school diploma or GED course (§ 767.511(4))
License Suspension	Delinquency of three months' support; driver, professional, and recreational licenses (Wis. Stat. § 49.857)
Criminal Penalty	Wis. Stat. § 948.22: under 120 consecutive days = Class A misdemeanor; 120+ consecutive days = Class I felony (up to 3.5 years)
Interest on Arrears	0.5% per month (6% per year), simple, once arrears reach one month's support (§ 767.511(6))

Section 1 — Overview

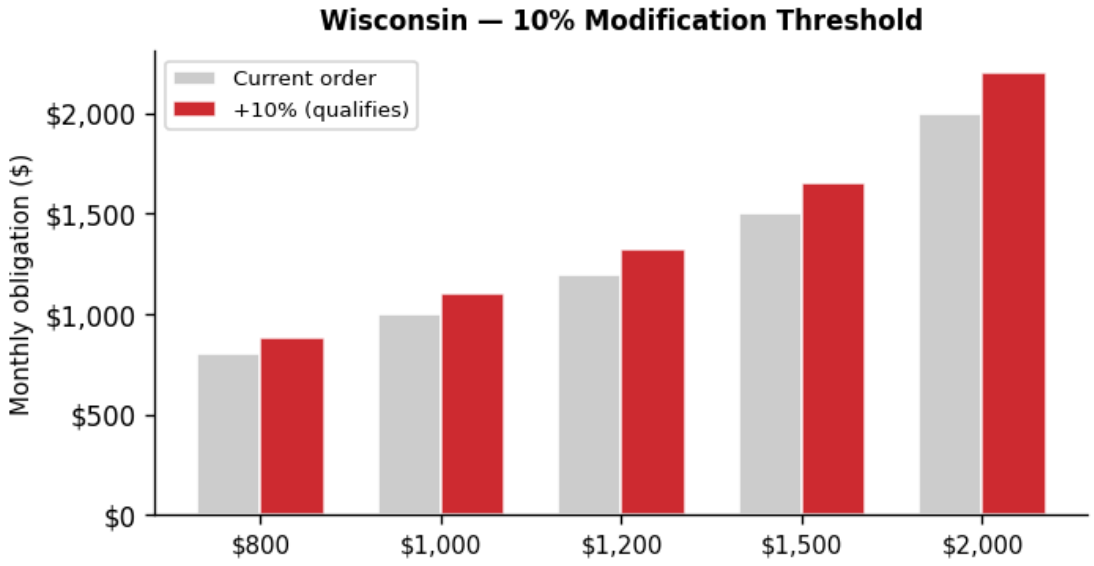
Wisconsin calculates child support based solely on the payer's gross income, not on a combined figure from both parents. That is the core distinction. One child: 17% of your gross income. Two children: 25%. Three: 29%. Four: 31%. Five or more: 34%. Those full percentages apply to monthly income up to $7,000; above that, reduced high-income percentages step in under DCF 150.04(5). No combined income table. The calculation is direct: your gross income times the applicable percentage. If the other parent's income doubled tomorrow, your obligation would not change.

Modification in Wisconsin requires a substantial change in circumstances under Wis. Stat. § 767.59(1f). The statute builds in one shortcut: once 33 months have passed since the last order, a substantial change is presumed. That presumption is rebuttable, and it does not apply if the order is expressed as a percentage of income. Short of 33 months, courts weigh factors that include a change in the payer's income and a difference between the ordered amount and what the percentage standard would produce today, but no fixed percentage change qualifies automatically. Wisconsin's child support program is run by the Department of Children and Families through county child support agencies; find yours in the agency directory at dcf.wisconsin.gov.

Your income dropped and you want to know whether you qualify: Apply the applicable percentage to your current gross monthly income and compare the result to your existing order. A meaningful gap between the two, driven by a real change in your income, is the heart of a substantial-change showing under Wis. Stat. § 767.59. File promptly. Once arrears equal at least one month's support, they accrue simple interest at 0.5% per month (6% per year), so delay has a price.

Your order is more than 33 months old: File under the 33-month presumption regardless of what your income did. The court presumes a substantial change once 33 months have passed since the last order (unless the order is expressed as a percentage of income) and recalculates using your current gross income and the applicable percentage. If your income decreased, the new amount is lower. If it stayed flat, the result may be close to the current order. The presumption is rebuttable, but it puts the burden where you want it.

The other parent's income increased dramatically: In Wisconsin, that fact alone does not change your obligation. Your support is based on your income and the number of children, period. The other parent's income is irrelevant to the base calculation. Know this distinction before assuming a change in the other parent's situation creates a modification ground.



Section 2 — Grounds for Modification

Wisconsin authorizes modification on a showing of a substantial change in circumstances under Wis. Stat. § 767.59(1f). Two situations create a rebuttable presumption of substantial change: the expiration of 33 months since the last order (unless the order is expressed as a percentage of income), and a parent's commencement of W-2 benefits. Beyond the presumptions, the classic grounds (involuntary job loss, disability, a major change in placement time, or a change in the child's needs) support a modification petition, and the court may also consider a difference between the ordered amount and what the percentage standard would yield today.

The guideline comparison is straightforward: apply your applicable percentage to your current gross income and compare the result to the existing order. The wider the gap, and the clearer the change that produced it, the stronger your petition. The 33-month track is calendar-based: once 33 months have passed since the last order was entered, the presumption of substantial change attaches and no further showing is required to get the issue heard.

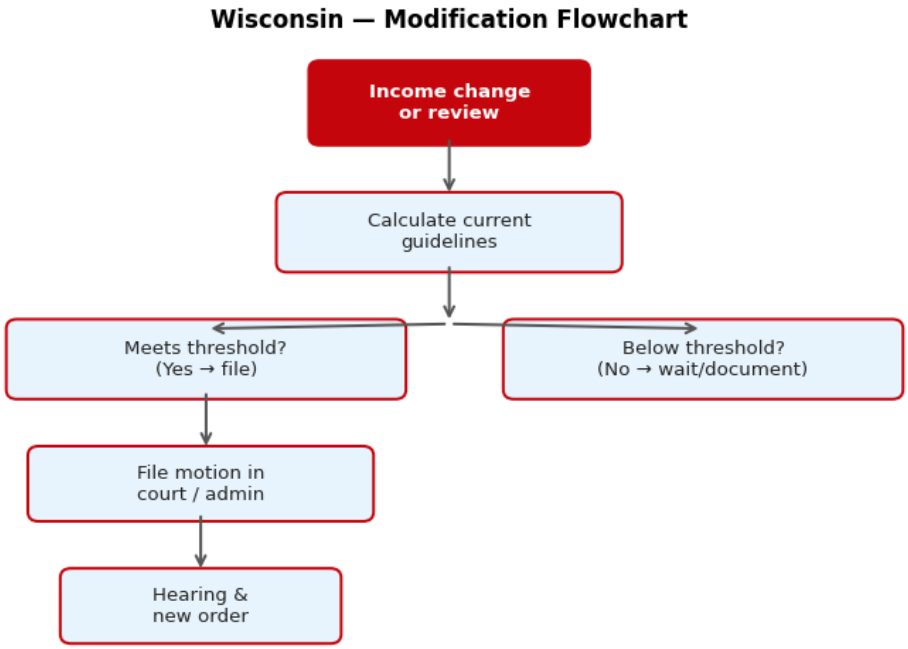
You lost your job involuntarily: File the day your employment ends. Involuntary job loss is a substantial change in circumstances, and plugging your new income figure (unemployment compensation) into the percentage calculation shows the court exactly how far the existing order has drifted from the guideline. Do not wait for the 33-month presumption. File the same day.

Your income dropped significantly due to reduced hours or a pay cut: Apply your percentage to your new gross income. If the calculated amount is meaningfully lower than your current order and the drop was not voluntary, you have a substantial-change argument. File immediately. Wisconsin charges 0.5% monthly simple interest (6% per year) once arrears reach one month's support, so delay costs you.

Your physical placement time crossed 25% of overnights: Wisconsin's shared-placement formula applies when you have at least 25% of annual overnights (92 days or more per year) under the court-ordered physical placement schedule. If your actual placement crossed that threshold but the order has not been updated, you are paying without the adjustment. File to update both the placement schedule and the support amount.

A new child was born in your household: Wisconsin allows an adjustment for additional children you are legally supporting under a court order. A new court-ordered support obligation in another case reduces the income base to which your percentage is applied under DCF 150.04(1). Bring that order to your modification hearing.

Your placement schedule changed informally but the order was not updated: Wisconsin calls parenting time "physical placement", and the shared-placement adjustment requires a court-ordered placement schedule, not an informal arrangement. If your actual time with the child increased beyond what the order specifies, file to update the placement order first, then file to modify support.



Section 3 — Step-by-Step: How to File

Wisconsin modifications are filed in the Circuit Court in the county where the original order was entered. The state child support program is run by the Department of Children and Families and administered day to day by county child support agencies, which handle IV-D enforcement and can review enrolled cases. Wisconsin Circuit Courts also operate a family law self-help center in many counties for pro se filers.

Step 1 — Contact your county child support agency to check your IV-D enrollment: Find your county agency in the directory at dcf.wisconsin.gov and ask whether your case is IV-D enrolled and when the last order was entered. If 33 months have passed, ask whether the agency can initiate a review. For enrolled cases, the agency can gather income information from both parties.

Step 2 — Calculate your guideline amount and compare to your current order: Apply your applicable percentage (17% for 1 child, 25% for 2, 29% for 3, 31% for 4, 34% for 5+) to your current gross monthly income and compare the result to your existing order. A significant gap tied to a real change in circumstances supports your petition. If 33 months have passed since the last order, the presumption of substantial change applies regardless of the percentage math.

Step 3 — Complete the Financial Disclosure Statement: Wisconsin Circuit Courts require a Financial Disclosure Statement at any modification hearing. Download the current form from the Wisconsin Courts

website at wicourts.gov. Complete every section, income figures here are the basis for the percentage calculation.

Step 4 — File a Motion to Modify in Circuit Court: File in the Circuit Court in the county where the original order was entered. Bring your completed Financial Disclosure Statement, pay stubs, and the motion. Pay the filing fee. A revision can take effect no earlier than the date the other party receives notice of the action, so prompt service matters as much as prompt filing.

Step 5 — Serve the other parent: Serve the motion and Financial Disclosure Statement on the other parent pursuant to Wisconsin Rules of Civil Procedure. File proof of service before your hearing date.

Step 6 — Attend the Circuit Court hearing: Appear with your Financial Disclosure Statement, current pay stubs, and any placement schedule documentation. The court applies the percentage to your verified gross income. If you have additional children under court orders, bring those orders. The calculation at the hearing is transparent, your gross income times your percentage, adjusted for any credits.

Section 4 — Income Calculation

Wisconsin calculates support on the payer's gross monthly income. Gross income includes wages, salary, self-employment net income, rental income, investment income, bonuses, commissions, overtime, unemployment compensation, workers' compensation, disability payments, Social Security, and pension distributions. The custodial parent's income is not part of the base calculation, Wisconsin's Percentage of Income model uses only the payer's gross figure.

Self-employment income: Net profit after legitimate, documented business expenses. Wisconsin courts examine multiple years of returns and may add back excessive depreciation, personal expenses run through the business, and non-cash deductions. If your Schedule C shows inconsistencies with your standard of living, bring documentation explaining every material deduction.

Variable or seasonal income: For workers with variable earnings (commission-based, seasonal, or contract workers) Wisconsin courts average income over one to three years. Bring multiple years of returns and a monthly average calculation.

Low-income payers: If your monthly income falls between 75% and 150% of the federal poverty guidelines, the low-income payer table in DCF 150 Appendix C sets reduced support amounts in place of the standard percentages. Below 75% of the poverty guidelines, the court sets support based on your actual ability to pay and total economic circumstances. Raise the table yourself if it applies; it is the difference between an order you can pay and one that generates arrears.

Credit for additional children under court orders: If you are paying support for children in another household under a court order, Wisconsin's serial-family rules in DCF 150.04(1) adjust your income before the percentage is applied in your current case, which lowers the result. Bring every active support order to your modification hearing and invoke the adjustment explicitly.

Imputed income for voluntary underemployment: Wisconsin courts impute income based on earning capacity when a parent voluntarily reduced income without good cause. The voluntary/involuntary distinction determines whether the court accepts your reported gross income or substitutes a higher figure based on what you are capable of earning.

High-income payers: The full percentages apply to monthly income up to $7,000. For the portion between $7,000 and $12,500 a court may apply reduced percentages (14% for one child, 20% for two, 23% for three, 25% for four, 27% for five or more), and for the portion above $12,500 a further reduction applies (10%, 15%, 17%, 19%, and 20% respectively) under DCF 150.04(5). Wisconsin has no hard cap, but the marginal rate steps down as income rises.

Section 5 — Shared Parenting

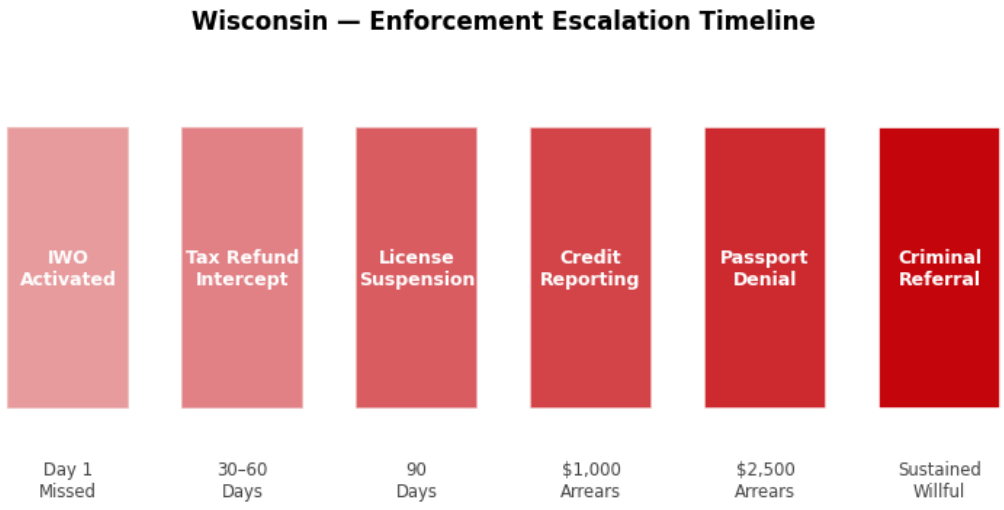
Wisconsin uses the term "physical placement" rather than "custody" or "parenting time." The shared-placement formula under DCF 150.04(2) applies when each parent has the child at least 25% of the time (92 days or more per year) under the court-ordered physical placement schedule. The formula multiplies the basic obligation by 150% to account for duplicated household costs, prorates each parent's share by placement time, and offsets the two figures. The result is lower than the standard percentage applied to one parent's income alone.

Wisconsin courts apply the shared-placement formula based on the court-ordered placement schedule, not on what is actually happening informally. If your actual placement time meets the 25% threshold (92 or more overnights per year) but the order still reflects an older schedule, the formula does not apply until the order is updated. File to update the physical placement schedule and the support order at the same hearing.

You are close to 92 overnights under the current court order: Count the annual overnights specified in your physical placement order, extended summer placement, alternating school breaks, and regular schedule overnights all count. If you are at or above 92 (25%) under the current order and the shared-placement formula has not been applied, file to correct it.

You have equal physical placement (50/50): At true equal physical placement, Wisconsin's guideline calculation produces a significantly lower obligation than the standard percentage applied to one parent's income. If you have equal placement and the support order does not reflect the shared-placement adjustment, file immediately to correct it.

Variable costs are separate: The shared-placement formula covers basic support costs only. The child's variable costs (child care, tuition, special needs, and other activities involving substantial cost) are assigned by the court in proportion to each parent's share of placement time under DCF 150.04(2), on top of the offset support amount. Budget for both numbers, not just the worksheet result.



Section 6 — Enforcement

Wisconsin's criminal nonsupport statute, Wis. Stat. § 948.22, turns on time rather than dollars. Intentionally failing to provide support for fewer than 120 consecutive days is a Class A misdemeanor. At 120 or more consecutive days it becomes a Class I felony (up to 3.5 years of imprisonment and a $10,000 fine), and a prosecutor may charge multiple felony counts by stacking separate, non-overlapping 120-day periods. There is no dollar threshold. The clock, not the balance, creates the exposure.

You are three months behind: License suspension (driver's, professional, and recreational) can be initiated under Wis. Stat. § 49.857 once your delinquency reaches three months' worth of support. Contact your county child support agency immediately and request a payment plan; entering and complying with a payment agreement is the standard way to avoid or lift a suspension. Acting before the suspension is entered is always less disruptive than reinstating afterward.

You have missed payments and the 120-day clock is running: Once 120 consecutive days pass without providing support you know you owe, you enter felony exposure territory under Wis. Stat. § 948.22. This is not a circumstance where waiting to see what happens is a viable strategy. Contact your county child support agency and negotiate a payment plan, and file a modification petition if your income changed in a way that would lower the obligation. Documented payments and a plan on record are your best evidence the failure is not intentional.

Interest is accruing on your arrearage: Once past-due support reaches one month's obligation, Wisconsin charges simple interest at 0.5% per month (6% per year). A $5,000 arrearage grows by $25 per month in interest alone; a $10,000 balance grows by $50 per month. A payment plan

that covers only current support leaves the principal untouched and the interest running. Negotiate a plan that addresses both current support and the arrearage principal.

Income withholding stopped because you changed employers: The withholding order does not transfer automatically to a new employer. Notify your county child support agency immediately in writing with your new employer's name, address, and payroll contact. Even a two-month gap creates arrears, and once the balance reaches one month's support the 0.5% monthly interest meter starts running.

Section 7 — Emergency Protocols

Emergency Protocols — Wisconsin

EMERGENCY PROTOCOL 1: INCOME DROP: APPLY THE PERCENTAGE TO NEW INCOME, FILE TODAY

Wisconsin's percentage model makes the calculation immediate: apply your percentage to current gross income.

1 child = 17%, 2 = 25%, 3 = 29%, 4 = 31%, 5+ = 34% of your monthly gross income.

If the result is meaningfully below your current order, file a Motion to Modify in Circuit Court today.

Bring your termination letter and last pay stubs. A revision cannot reach back earlier than the date the other party receives notice of your action (Wis. Stat. § 767.59(1m)), so file and serve fast.

Once arrears reach one month's support they accrue 0.5% monthly simple interest, and a stale order keeps overcharging you every week you wait.

EMERGENCY PROTOCOL 2: 33-MONTH CLOCK HAS PASSED: FILE REGARDLESS OF PERCENTAGE SHIFT

If 33 months have passed since your last order, a substantial change in circumstances is presumed and you can file without proving one (unless your order is expressed as a percentage of income).

Apply your current percentage to your current gross income and compare to the existing order.

Even if the calculated amount is close to the current order, you have the right to have it recalculated.

File a Motion to Modify in Circuit Court with your Financial Disclosure Statement showing current gross income.

If your income decreased at all, even modestly, a recalculation after 33 months will reflect it.

EMERGENCY PROTOCOL 3: 120 DAYS WITHOUT PAYMENT — FELONY EXPOSURE: CALL YOUR COUNTY AGENCY TODAY

Wisconsin's felony trigger is time-based: 120 consecutive days of intentionally failing to provide support is a Class I felony under Wis. Stat. § 948.22.

If you have gone weeks without paying, contact your county child support agency today, before the 120-day mark.

Request a payment plan that covers current support plus a portion of the arrears.

If your income changed in a way that reduced your obligation, file a modification petition at the same time.

Do not let 120 consecutive days pass without payment or a plan; documented payments and a pending modification are your best evidence the failure is not willful.

EMERGENCY PROTOCOL 4: PHYSICAL PLACEMENT CROSSED 92 OVERNIGHTS: FILE TO CLAIM THE ADJUSTMENT

Wisconsin's shared-placement formula activates at 25% of annual overnights (at least 92 days) under the court-ordered schedule.

Count the annual overnights in your current physical placement order.

If you are at or above 92 and the formula has not been applied, you are overpaying.

File to update both the physical placement schedule (if needed) and the support amount simultaneously.

A revision reaches back only to the date the other party receives notice of the action (Wis. Stat. § 767.59(1m)), so every month you wait is money you cannot recover.

EMERGENCY PROTOCOL 5: CHARGED OR FACING CHARGES UNDER § 948.22: TWO STEPS TODAY

A Class I felony conviction carries up to 3.5 years, and prosecutors can stack separate counts for each non-overlapping 120-day period. Contact a criminal defense attorney today.

Simultaneously file a Motion to Modify in Circuit Court if you have not already done so.

Make every payment you can from this point forward, document each with a money order or electronic payment through the Wisconsin Support Collections Trust Fund (WI SCTF).

Keep every receipt. Documented payments between now and any hearing demonstrate good faith.

A pending modification and a documented payment history are your two most important assets going forward.

EMERGENCY PROTOCOL 6: NEW CHILD UNDER COURT ORDER IN ANOTHER HOUSEHOLD: INVOKE THE CREDIT

Wisconsin's serial-family guidelines adjust your income base for additional children you support under court orders.

A new court-ordered support obligation in a separate case reduces the income to which your percentage is applied here.

Bring every active support order to your modification hearing and explicitly ask the court to apply the DCF 150 credit.

This credit is not applied automatically. You must raise it and present the orders.

Calculate your adjusted obligation under DCF 150.04(1) before the hearing so you know the expected outcome.

EMERGENCY PROTOCOL 7: INCOME WITHHOLDING STOPPED AFTER JOB CHANGE: NOTIFY DCF IN WRITING TODAY

Income withholding does not transfer automatically to a new employer in Wisconsin.

Contact your county child support agency today and provide your new employer's name, address, and payroll contact.

Do this in writing (email or certified mail) and keep a copy.

Even a short gap creates arrears, and once the balance reaches one month's support it accrues 0.5% monthly simple interest.

Your written notification demonstrates good faith if arrears develop before the new withholding is established.

Section 8 — Quick Reference

Your key Wisconsin numbers: substantial change in circumstances, presumed after 33 months (Wis. Stat. § 767.59); payer's gross income only (other parent's income is irrelevant to base calculation); 1 child = 17%, 2 = 25%, 3 = 29%, 4 = 31%, 5+ = 34% (reduced brackets above $7,000/month); support runs to 18, or 19 if the child is still pursuing a high school diploma or GED (§ 767.511(4)); 92+ overnights (25%) for the shared-placement formula; license suspension at three months' delinquency (§ 49.857); criminal exposure is time-based: under 120 days = Class A misdemeanor, 120+ consecutive days = Class I felony (§ 948.22); 0.5% monthly (6% annual) simple interest once arrears reach one month's support; revisions reach back only to the date of notice. Key statute: Wis. Stat. § 767.59. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

County child support agencies (Wisconsin Child Support Program, DCF): dcf.wisconsin.gov, county agency directory, enforcement, IV-D reviews, payment plans, employer withholding; payment questions: WI SCTF automated line (800) 991-5530

Wisconsin Courts (wicourts.gov): Financial Disclosure Statement forms, modification motion forms, Circuit Court locations by county

Wisconsin State Law Library family law self-help:wicourts.gov/selfhelp, pro se resources, fillable forms, procedural guides

Legal Action of Wisconsin (legalaction.org): Free civil legal services for qualifying low-income Wisconsin residents

Military families and out-of-state parents: Fort McCoy and Wisconsin's National Guard population add a military overlay to some cases; Chapter 51 covers the protections and procedures that apply when a parent serves. When the other parent lives outside Wisconsin, enforcement and modification run through UIFSA, adopted in Wisconsin as Wis. Stat. ch. 769; Chapter 52 walks through which state controls and how to register an order.

Special consideration for the Percentage of Income model: Wisconsin is one of only a few states in this book that uses a pure Percentage of Income approach, your gross income times the applicable percentage, adjusted only for shared placement and additional children. This model is simpler to calculate than Income Shares but has one important consequence: the other parent's income is genuinely irrelevant to your base obligation. If the other parent earns $200,000 and you earn $40,000, your obligation is still 17% of $40,000 (for one child), approximately $567 per month. This differs fundamentally from Income Shares states where the high-income custodial parent would absorb a larger share of the total obligation. Know this model before approaching any hearing.

Special consideration for the time-based criminal statute: Wisconsin's criminal nonsupport law, Wis. Stat. § 948.22, is triggered by the calendar, not the balance. Fewer than 120 consecutive days of intentional nonsupport is a Class A misdemeanor; 120 or more consecutive days is a Class I felony, and separate, non-overlapping 120-day periods can each be charged as their own count. The practical implication: in Wisconsin you cannot afford to let payments lapse for months at a stretch without a plan on record. Contact your county child support agency before you miss a payment, not after a long gap has accumulated.

End of Chapter 49 — Wisconsin | Chapter 50 — Wyoming follows.

Chapter 50 — Wyoming

Wyoming	State at a Glance
Calculation Model	Income Shares, net income (gross minus taxes and mandatory deductions)
Key Statutes	Wyo. Stat. § 20-2-311 (modification); § 20-2-304 through § 20-2-315 (guidelines)
Modification Threshold	Order at least 6 months old + 20% change in the presumptive support amount (Wyo. Stat. § 20-2-311)
Agency	DFS Child Support Enforcement Services (CSES), (307) 777-6948
Financial Form	Child Support Worksheet
Court	District Court, 23 counties
Retroactivity	Only to the date notice of the petition is served on the other parent (§ 20-2-311(d))
Shared Parenting	Each parent >25% of overnights + substantial expense contribution: total obligation x150%, prorated, offset (§ 20-2-304(c)); otherwise deviation factor (§ 20-2-307)
Age of Majority	18; continues while attending high school full-time until graduation or age 20, whichever first (§ 14-2-204)
License Suspension	Administrative track: more than $5,000 unpaid AND 90 consecutive days without payment; 60-day notice window

Criminal Penalty	Misdemeanor, Wyo. Stat. § 20-3-101(b): up to 6 months/$750; 7 days–1 year/$1,000 with prior conviction or 60+ days' court-ordered nonpayment; 18 U.S.C. § 228 federal felony for interstate cases
Interest on Arrears	None automatic; 10% only if arrears are reduced to a separate money judgment (§ 1-16-102 excludes support installments)

Section 1 — Overview

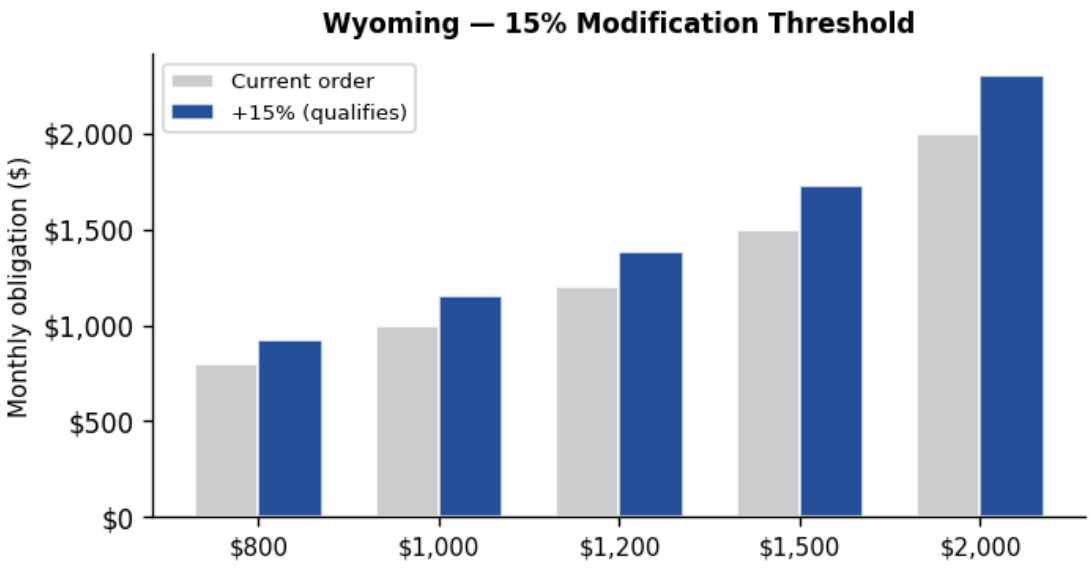
Wyoming is the least populous state in the country, about 580,000 people across 97,000 square miles of high plains and mountain terrain. That geography and population size shape how child support works here. Wyoming's 23 District Courts are spread across a state where a drive between counties can take hours. DFS Child Support Enforcement Services operates statewide from Cheyenne but works with district offices across the state. The process is deliberate and the caseloads are smaller than in urban states, but the legal standards are serious, and enforcement is real.

Wyoming uses Income Shares based on both parents' net income, after taxes and mandatory deductions, similar to Pennsylvania's approach. To adjust an order under Wyo. Stat. § 20-2-311, the order must be at least six months old, and the petition must allege that applying the presumptive guidelines would change the amount by 20% or more per month. Wyoming's economy is heavily energy-extraction based: oil, gas, coal, and trona mining all create income volatility. Wyoming courts understand this and average income appropriately for workers in these industries. Reach DFS CSES at (307) 777-6948 for IV-D case inquiries and administrative review requests.

Your income dropped and you want to know if 20% has been crossed: Calculate your net monthly income, gross income minus taxes, FICA, mandatory retirement contributions, preexisting support paid, and the children's health-insurance premium (Wyo. Stat. § 20-2-303). Run the Wyoming Child Support Worksheet with both parents' current net income. Compare the result to your current order. If the change is 20% or more per month and your order is at least six months old, file immediately. A modified amount reaches back only to the date notice of your petition is served on the other parent.

You work in oil, gas, coal, or trona extraction and your income varies year to year: Wyoming courts average income for extraction workers. A strong commodity year followed by a production slowdown or price collapse does not lock you into the peak-year income figure permanently. Bring at least two to three years of tax returns to any modification hearing. The averaging argument is well understood by Wyoming District Court judges who regularly see extraction industry income patterns.

Your support order is more than three years old:DFS CSES initiates three-year reviews for IV-D-enrolled cases. Call DFS at (307) 777-6948 and ask whether your case qualifies.



Section 2 — Grounds for Modification

Wyoming's adjustment statute, Wyo. Stat. § 20-2-311, lets any party petition for review of a child support order that is at least six months old. The petition must allege that applying the current presumptive guidelines would change the support amount by 20% or more per month. The classic triggers (involuntary job loss, disability, a significant income shift in either household, a change in parenting arrangements, or a major change in the child's needs) matter because they move the worksheet result: run the worksheet with current net income figures for both parents, compare to the existing order, and file if the change reaches 20%.

Wyoming does impose a timing rule: the order being adjusted must have been entered more than six months before the petition (or not adjusted within six months of the filing). Beyond that, there is no multi-year waiting period, and the 20% worksheet comparison is the gatekeeper.

You lost your job involuntarily: File as soon as it happens (if your order is at least six months old, the 20% comparison route is open). A modified amount reaches back only to the date notice of the petition is served, not to when the income stopped. Every day of delay is a day the old obligation keeps accruing as fixed arrears, and Wyoming law bars retroactive forgiveness of support that has already come due.

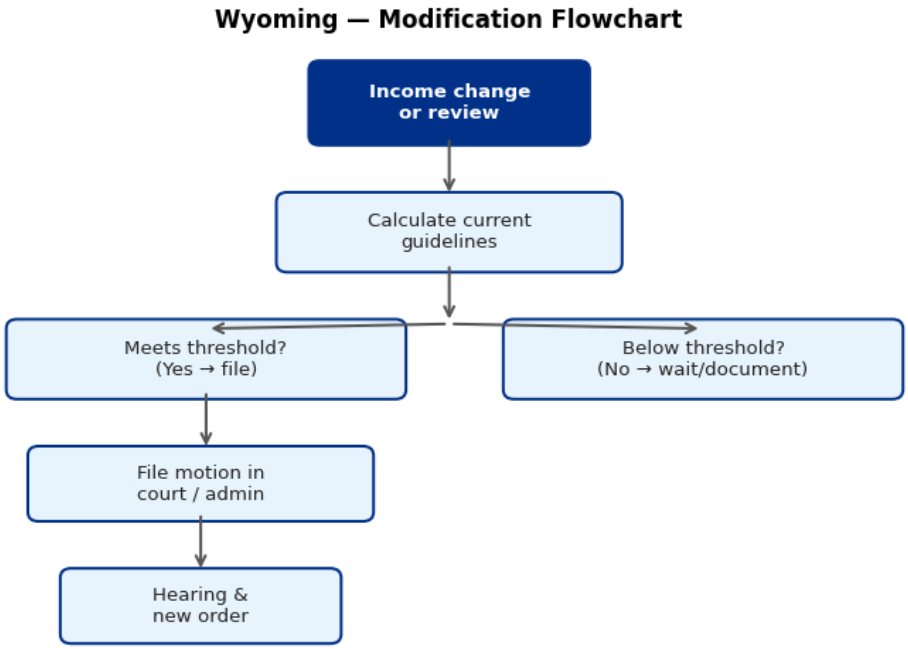
Your parenting time is approaching or at equal sharing: Wyoming has a real shared-custody formula. When each parent keeps the children overnight for more than 25% of the year and both contribute substantially to the children's expenses beyond support payments, Wyo. Stat. § 20-2-304(c) computes a shared responsibility obligation: the parents' total obligation is multiplied by 150%, allocated between the parents in proportion to the time the children spend

with the other parent, and the two amounts are offset. If your placement has crossed that line and the order has not caught up, run the shared-custody calculation and file.

The other parent's income changed significantly: Wyoming uses both parents' net income. A substantial change in the other parent's income (a promotion, a new job, a significant raise) shifts the calculated amount even without a change in your own income. Run the worksheet with both parents' current net income before assuming nothing has changed.

Your income exceeds typical Wyoming extraction industry norms in a given year: Overtime, production bonuses, and shift premiums in oil and gas can dramatically inflate one year's income. Wyoming courts are familiar with the pattern and apply multi-year averaging. If last year was unusually strong because of a particular project or commodity price spike, document the non-recurring nature of that income at the hearing.

Three years have passed since your last order:DFS CSES initiates administrative reviews after three years for IV-D cases. Request one proactively if your income decreased. A review can produce a lower amount without requiring you to file in District Court.



Section 3 — Step-by-Step: How to File

Wyoming modifications are filed in the District Court in the county where the original order was entered. DFS CSES provides IV-D enforcement statewide and can initiate administrative reviews for enrolled cases. Wyoming's low population means District Court clerks in most counties are accessible and familiar with assisting pro se filers with basic procedural questions.

Step 1 — Call DFS CSES and check your IV-D status: Contact DFS CSES at (307) 777-6948. Ask whether your case is IV-D enrolled and when the last order was entered. If three years have passed, request an

administrative review. DFS will gather income information from both parties and recalculate the guideline without requiring a court filing.

Step 2 — Gather your financial documentation: Collect your two most recent federal and state tax returns, your three most recent pay stubs, and documentation of all mandatory deductions, health insurance, retirement contributions, and any other deductions that affect your net income. If you work in extraction, gather two to three years of returns. Count your actual annual overnights with the child and compare against the current court order.

Step 3 — Complete the Wyoming Child Support Worksheet: Download the current worksheet from the DFS CSES website at dfs.wyo.gov or from the Wyoming District Court clerk in your county. Wyoming's worksheet uses net income, apply your deductions before entering income figures. Complete both parents' columns accurately.

Step 4 — File a Motion to Modify Child Support in District Court: File in the District Court in the county where the original order was entered. Wyoming has 23 counties, file in the originating county even if you have moved. Bring your completed worksheet, income documentation, and the motion. Pay the filing fee. A modified amount can reach back only to the date notice of the petition is served on the other parent, so prompt service matters as much as prompt filing.

Step 5 — Serve the other parent: Serve the motion and worksheet on the other parent pursuant to Wyoming Rules of Civil Procedure. File proof of service with the District Court before your hearing date. Wyoming's vast distances sometimes make personal service challenging, ask the court clerk about alternatives if the other parent is difficult to locate.

Step 6 — Attend the District Court hearing: Appear with your worksheet, income documentation, parenting time records, and documentation of every material change. Wyoming District Court judges in rural counties often manage family law dockets personally and are familiar with local industry income patterns. Come prepared with organized, specific evidence.

Section 4 — Income Calculation

Wyoming uses net income for both parents. Under Wyo. Stat. § 20-2-303, net income is gross income minus personal income taxes, social security contributions, mandatory pension deductions, payments actually made under preexisting support orders, and the cost of the dependent children's health insurance coverage. Wyoming is one of the minority of states in this book that uses net rather than gross income, which generally produces a lower income figure driving the guideline. For paying parents, this can mean a lower obligation than a gross income state would yield on the same paycheck.

Net income deductions include: Federal income tax at the applicable withholding rate (Wyoming has no state income tax, one fewer deduction), FICA contributions (Social Security and Medicare), mandatory retirement contributions required as a condition of employment, payments actually being made under preexisting child support orders, and the cost of health

insurance coverage for the dependent children. Voluntary deductions, 401(k) contributions, additional insurance elections, are generally not deducted.

Wyoming has no state income tax: Like Texas and South Dakota, Wyoming has no state income tax. The net income deduction list therefore does not include state tax withholding. For workers who previously lived in high-state-tax states, Wyoming net income will be higher relative to gross income than they might expect, because there is no state tax coming out.

Extraction industry income, oil, gas, coal, trona: Wyoming courts average extraction income across multiple years. Production bonuses, safety bonuses, shift premiums, and overtime common in the energy sector create year-to-year variability. Bring at least two to three years of complete tax returns and a calculated multi-year average to any modification hearing. Courts have seen the full range of extraction income arguments.

Low-income payers and the self-support reserve: Wyoming's guidelines protect a payer's basic subsistence. If the difference between your net income and the self-support reserve (the current federal poverty line for a one-person household) is less than the table amount, the obligation is set at that difference instead (Wyo. Stat. § 20-2-304). If your income is at or near the poverty line, run this comparison before assuming the table amount is final, and bring it to the court's attention.

Self-employment income: Net profit after legitimate, documented business expenses. Wyoming courts examine returns carefully and may add back excessive depreciation, personal expenses, and non-cash deductions. Document every major expense category.

High-income payers: Wyoming sets no statutory cap on child support. The presumptive tables cover combined net incomes up to a fixed top, and above that range courts set support case by case, guided by the children's reasonable needs and the deviation factors in Wyo. Stat. § 20-2-307. Expect document-intensive litigation rather than a mechanical number if combined income runs well past the table.

Section 5 — Shared Parenting

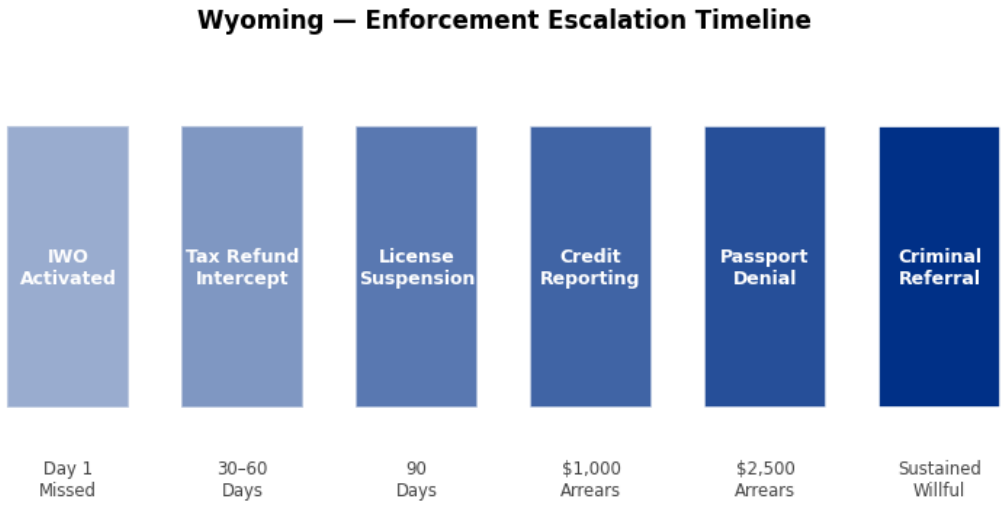
Wyoming applies a mechanical shared-custody formula once a real threshold is crossed. Under Wyo. Stat. § 20-2-304(c), when each parent keeps the children overnight for more than 25% of the year and both parents contribute substantially to the children's expenses in addition to support, the parents' total obligation is multiplied by 150%, allocated between the parents in proportion to the time the children spend with the other parent, and the two figures are offset. The parent owing the larger amount pays the difference. Below that threshold, the guideline amount is the starting point, and substantial parenting time is a deviation factor the court weighs under § 20-2-307.

The practical implication: know which side of the 25% line you are on. Above it, the § 20-2-304(c) shared responsibility formula applies, so run that calculation and bring it to the hearing.

At or below it, present your documented parenting time and ask the court to deviate under § 20-2-307. Deviation is not automatic, and it requires advocacy.

You have been exercising roughly equal time with your child: Document your parenting time with a calendar or journal going back at least six months. At equal time, each parent plainly exceeds the 25% overnight threshold, so the § 20-2-304(c) shared responsibility formula governs: total obligation times 150%, prorated between the parents and offset. Run that calculation with the worksheet, present the documented schedule at your hearing, and ask the court to apply it.

Your parenting order specifies equal time but the support order has not been updated: If you obtained an equal parenting time order but the support order still reflects primary custody assumptions, file for modification immediately. The parenting order is your primary evidence for the deviation argument. Present it at the hearing alongside your completed worksheet.



Section 6 — Enforcement

Wyoming's criminal nonsupport statute, Wyo. Stat. § 20-3-101(b), is a misdemeanor statute: intentionally failing to provide support you know you owe carries up to six months and a $750 fine, rising to seven days to one year and a $1,000 fine if you have a prior conviction or have failed to pay a court-ordered obligation within 60 days of its due date. Felony exposure in Wyoming comes federally, under 18 U.S.C. § 228, for willful nonpayment across state lines. License suspension is a separate administrative track: DFS can pursue a driver's license suspension once more than $5,000 is unpaid and no payment has been made for at least 90 consecutive days, and in a state where driving is often essential for employment across vast distances, suspension has a real and immediate impact on earning capacity. Wyoming charges no automatic interest on accruing arrears, but every unpaid installment becomes a judgment by

operation of law that cannot be retroactively forgiven, and enforcement escalates quickly once DFS CSES is engaged.

You have gone three months without a payment: DFS can pursue administrative driver's license suspension once unpaid support exceeds $5,000 and no payment has been made, voluntarily or through withholding, for at least 90 consecutive days. You receive certified-mail notice and a 60-day window before the suspension takes effect, and entering a payment plan is the standard way out. In Wyoming, where driving distances between home, work, and town can exceed 50 miles, a suspended license is not a minor inconvenience. It can directly affect your ability to work. Contact DFS CSES at (307) 777-6948 the moment you fall behind and request a payment plan.

Your arrears crossed $2,500: Federal passport denial is automatic at $2,500. DFS CSES reports to federal authorities when the threshold is crossed. If you have any international travel needs, for work, family, or any other reason, address arrears before crossing $2,500. Reinstatement takes weeks even after full payment.

Income withholding stopped because you changed employers: Notify DFS CSES immediately in writing with your new employer's name, address, and payroll contact. A withholding gap that stretches past 90 days without any payment starts you toward the license-suspension track, and written notification protects you if arrears develop before the new withholding is established.

You are facing a criminal nonsupport charge: Contact a criminal defense attorney today. Wyoming prosecutions under Wyo. Stat. § 20-3-101(b) are misdemeanors, but a conviction still means jail exposure, and interstate cases can be charged federally as felonies under 18 U.S.C. § 228. Wyoming has a small bar and judges who know each other and the local attorneys, professional representation matters. Simultaneously file a Motion to Modify if you have not already. Make every payment you can going forward, the statute makes inability to pay an affirmative defense for a parent who provides what is within their means, so document each payment and keep every receipt.

Section 7 — Emergency Protocols

Emergency Protocols — Wyoming

EMERGENCY PROTOCOL 1: INCOME DROP: CALCULATE NET INCOME, THEN FILE TODAY

Wyoming uses net income, gross minus taxes, FICA, and mandatory retirement contributions.

Calculate your current net monthly income and run the Wyoming worksheet with both parents' current figures.

If the result differs from your current order by 20% or more and the order is at least six months old, you meet the threshold.

File a Motion to Modify in the District Court in the originating county today.

A modified amount reaches back only to the date notice of the petition is served, every day of delay is a day the old order keeps running.

EMERGENCY PROTOCOL 2: 90 DAYS WITHOUT PAYMENT — LICENSE AT RISK IN A STATE WHERE DRIVING IS ESSENTIAL: CALL DFS TODAY

Wyoming's administrative license track activates once unpaid support exceeds $5,000 and 90 consecutive days pass without any payment, and in Wyoming, a suspended license often means you cannot get to work.

Contact DFS CSES at (307) 777-6948 today and request a payment plan before the suspension is entered.

Acting before the suspension is entered is always less disruptive than dealing with reinstatement.

Get the payment plan in writing. Make every payment on time.

A suspended license in a rural Wyoming county can directly impair your ability to earn the income you need to pay.

EMERGENCY PROTOCOL 3: EXTRACTION INDUSTRY INCOME DISPUTE: BRING THREE YEARS OF DOCUMENTATION

Wyoming courts average extraction income (oil, gas, coal, trona) across multiple years.

A single strong year does not set your support forever. A single weak year does not guarantee a reduction.

Bring two to three years of complete federal tax returns, W-2s, and any documentation of the specific income change.

If a commodity price drop, a well capping, a mine slowdown, or a contract reduction caused the income shift, bring supporting documentation.

Multi-year, well-documented income records are your strongest argument at any Wyoming modification hearing.

EMERGENCY PROTOCOL 4: EQUAL PARENTING TIME — RUN THE SHARED-CUSTODY FORMULA

Above 25% of overnights for each parent, Wyo. Stat. § 20-2-304(c) applies a shared responsibility formula (150% multiplier, prorated between the parents, offset); below it, equal-time arguments go to deviation under § 20-2-307.

Document your parenting time with a calendar or journal going back at least six months.

Present the documentation at your modification hearing alongside the completed worksheet.

Ask the court to apply the § 20-2-304(c) shared responsibility formula, or a § 20-2-307 deviation if you are below the 25% threshold.

This is not automatic in Wyoming. You must raise it, present the evidence, and make the argument.

EMERGENCY PROTOCOL 5: CRIMINAL NONSUPPORT CHARGE FILED: TWO STEPS TODAY

Criminal nonsupport under Wyo. Stat. § 20-3-101(b) is a misdemeanor (up to a year if you have a prior conviction or are 60+ days behind on a court order), and interstate cases can become federal felonies under 18 U.S.C. § 228. Contact a criminal defense attorney today.

Simultaneously file a Motion to Modify in District Court if you have not already done so.

Make every payment you can from this point forward, document each one with a money order or wire transfer.

Keep every receipt. A pending modification and documented payments demonstrate good faith.

Wyoming is a small legal community, professional representation by a local attorney who knows the court matters.

EMERGENCY PROTOCOL 6: INCOME WITHHOLDING STOPPED AFTER JOB CHANGE: NOTIFY DFS IN WRITING TODAY

Income withholding does not transfer automatically to a new employer in Wyoming.

Contact DFS CSES at (307) 777-6948 today and provide your new employer's name, address, and payroll contact.

Do this in writing (email or certified mail) and keep a copy.

A gap that reaches 90 consecutive days without any payment, with more than $5,000 unpaid, can move you into license-suspension territory.

Your written notification demonstrates good faith if arrears develop before the new withholding is established.

EMERGENCY PROTOCOL 7: THREE-YEAR REVIEW NOTICE FROM DFS: RESPOND AND RUN YOUR NET INCOME FIRST

Wyoming DFS CSES initiates three-year reviews for IV-D cases.

If you do not respond, DFS proceeds on available information, which may not reflect your current net income accurately.

Calculate your current net monthly income before responding: gross minus taxes, FICA, and mandatory deductions.

Know your expected guideline outcome before DFS calculates it.

Gather your two most recent tax returns, three most recent pay stubs, and net income documentation and submit them promptly.

Section 8 — Quick Reference

Your key Wyoming numbers: order at least six months old plus a 20% change in the presumptive support amount (Wyo. Stat. § 20-2-311); net income calculation for both parents (gross minus taxes, FICA, mandatory retirement, preexisting support paid, and the children's health-insurance premium; no state income tax in Wyoming); shared-custody formula when each parent has

more than 25% of overnights (§ 20-2-304(c): 150% multiplier, prorated, offset); self-support reserve at the one-person federal poverty line protects low-income payers; license suspension once more than $5,000 is unpaid and 90 consecutive days pass without payment; criminal nonsupport is a misdemeanor (§ 20-3-101(b)), with federal felony exposure under 18 U.S.C. § 228 for interstate cases; no automatic interest on arrears, but each unpaid installment is a judgment that cannot be retroactively forgiven; modifications reach back only to the date notice of the petition is served; age 18, continuing while the child attends high school full-time until graduation or age 20, whichever comes first (§ 14-2-204). Key statutes: Wyo. Stat. § 20-2-311 and § 20-2-304 through § 20-2-315. Your full profile card is at the top of this chapter.

Section 9 — Resources and Special Considerations

DFS CSES statewide:(307) 777-6948, enforcement, IV-D reviews, payment plans, employer withholding

DFS CSES website (dfs.wyo.gov): Child Support Worksheet, case status, payment history, enforcement information

Wyoming Courts (courts.wyo.gov): Modification motion forms, District Court locations by county, pro se resources

Military families and out-of-state parents: F.E. Warren Air Force Base in Cheyenne and Wyoming's Guard units give some cases a military dimension; Chapter 51 covers the protections that apply when a parent serves. When the other parent lives outside Wyoming, enforcement and modification run through UIFSA, adopted as Wyoming's Uniform Interstate Family Support Act in Title 20, Chapter 4; Chapter 52 explains which state controls and how to register an order.

Wyoming Legal Services (wyolegalservices.org): Free civil legal services for qualifying low-income Wyoming residents in family law matters

Medical support: Every Wyoming support order must address medical support. One or both parents will be ordered to carry health insurance for the children when it is available at reasonable cost and accessible to them, and the order may allocate uninsured medical, dental, and optical expenses between the parents as cash medical support in the proportion the court specifies (Wyo. Stat. § 20-2-401). Read your order's medical provisions as carefully as the dollar figure.

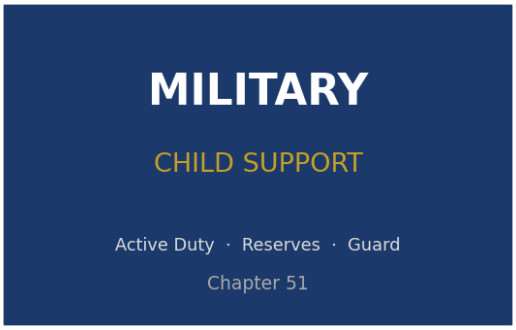
Special consideration for Wyoming's geography and the license-suspension track: Wyoming is the least densely populated state in the country. Many Wyoming residents live significant distances from their employer, from the nearest town, and from the nearest court. A suspended driver's license in this context is not equivalent to a license suspension in an urban state with public transit. It can directly prevent a Wyoming parent from getting to work. The administrative trigger, more than $5,000 unpaid plus 90 consecutive days without any payment, is reachable faster than parents expect once withholding lapses. If you know you are going to be late, call

DFS CSES before the 90-day mark arrives. Proactive communication almost always produces a better outcome than enforcement action.

Special consideration for the net income model: Wyoming is one of the minority of states in this book that calculates child support on net income, after taxes and mandatory deductions, rather than gross. For a Wyoming oil worker earning $7,500 per month gross with $2,000 in taxes and FICA, the net income driving the calculation is $5,500, not $7,500. The child support obligation is set on $5,500. In an Income Shares gross income state, it would be set on $7,500. Know this distinction before approaching any hearing, the net income model is genuinely favorable for paying parents compared to states that use gross income, and it is worth calculating both figures to understand the difference your state's approach makes for your specific situation.

End of Chapter 50 — Wyoming | Chapter 51 — Military Service follows.

Chapter 51 — Military Service and Child Support



Chapter	Special Topic -- Applies to All 50 States
Who This Covers	Active duty service members; activated Reservists and National Guard members
Primary Federal Laws	SCRA (50 U.S.C. Section 3901); UIFSA; CCPA (15 U.S.C. Section 1673); USERRA (38 U.S.C. Section 4301)
Wage Withholding Authority	Defense Finance and Accounting Service (DFAS)
DFAS Garnishment Address	P.O. Box 998002, Cleveland, OH 44199 | Phone: 888-332-7411
CCPA Garnishment Ceiling	50% (other dependents) / 55% (other dependents + 12 wks arrears) / 60% (no other dependents) / 65% (no other dependents + 12 wks arrears)

SCRA Stay of Proceedings	Mandatory 90-day stay -- service member must request it with commanding officer (CO) letter
SCRA Does NOT Stop	Arrears from accruing -- support continues due during any stay
BAH Counted as Income?	Yes -- in most states; verify your state's treatment
Combat Pay Counted?	Yes -- tax-exempt but still counted as income for child support
BAS Counted as Income?	Generally yes -- confirm with your state's guidelines
Reserves / Guard Activation	SCRA applies from the date active duty orders are issued
Military Legal Aid	JAG offices (free for active duty) | Military OneSource: 1-800-342-9647
UCMJ Exposure	Article 134 -- willful failure to support family can result in non-judicial punishment or court-martial

Section 1 — Overview

Child support law is state law. Every state in this book has its own formula, its own modification threshold, and its own courts. But when a parent is on active military duty, three layers of federal law lay on top of state family law in ways that affect every active duty service member and every activated reservist or National Guard member.

Those three layers are: the Servicemembers Civil Relief Act (SCRA), which controls the timing and procedures of court proceedings involving service members; the Consumer Credit Protection Act (CCPA), which sets hard limits on how much of your military pay can be garnished; and the Uniform Interstate Family Support Act (UIFSA), which determines which state has jurisdiction when a military family moves, and military families move a lot.

The core reality: Being deployed or stationed away from home does not pause your child support obligation. Support continues to accrue. Enforcement continues. The only thing SCRA does is give you procedural breathing room: a temporary stay of court proceedings. It does not eliminate what you owe, and it does not protect you from Defense Finance and Accounting Service (DFAS) wage withholding, which operates independently of any court proceeding.

Why this chapter exists: The state chapters in this book tell you how child support works in each state. This chapter tells you what changes, and what does not, when you serve. Read both. The state chapter governs your formula and your modification standard. This chapter governs your rights and your obligations as a service member.

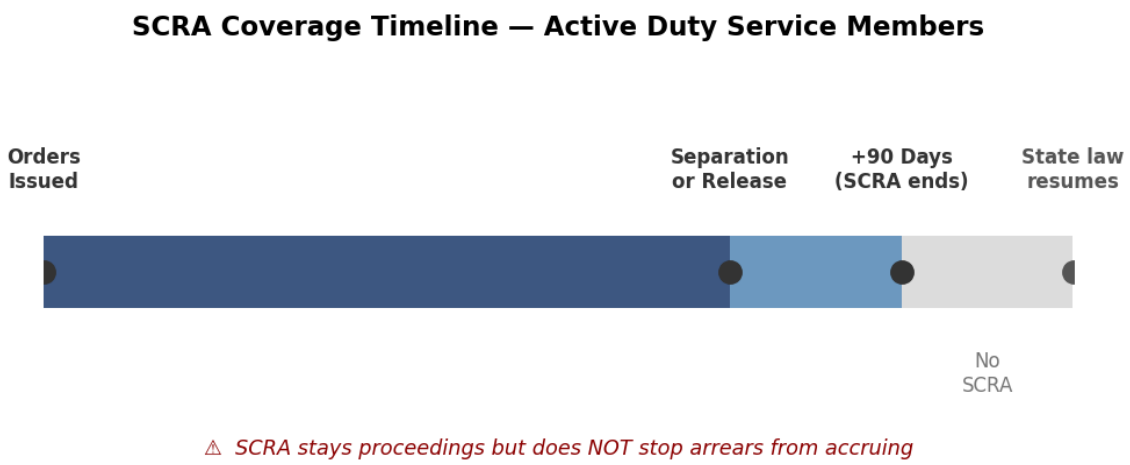


Figure 51-1: SCRA Coverage Timeline — Active Duty + 90 Days (50 U.S.C. Section 3932)

Section 2 — Grounds for Modification

Military compensation is not a single number. It is a stack of different pay elements, and the child support formula in your state may treat each one differently. Most states count nearly all of it. Some make exceptions for certain allowances. Know what your state counts before you file anything, because the income figure you use determines the guideline amount.

Base pay: Always counted. Base pay is determined by rank and years of service and appears on your Leave and Earnings Statement (LES). There is no state in this book that excludes base pay from child support income.

BAH (Basic Allowance for Housing): Counted as income in the vast majority of states. BAH is significant: depending on your rank and duty station, it can run from $900 to over $3,500 per month. Because it is not taxed, some service members argue it should not count. Most states disagree. Check your specific state's guidelines, but assume it counts unless you have confirmed otherwise.

BAS (Basic Allowance for Subsistence): Generally counted. BAS is smaller than BAH (for 2026, $476.95 per month for enlisted members and $328.48 for officers), but it is income for support purposes in most jurisdictions.

Special pays: Hazard pay, flight pay, submarine pay, special duty assignment pay, and career incentive pay are all counted as income. They appear on your LES and courts can see them.

Combat zone pay: Tax-exempt under federal law, but NOT exempt from child support calculations. The fact that you do not pay federal income tax on combat zone pay does not remove it from the income calculation for support purposes. Courts count it.

Family Separation Allowance (FSA): Counted. FSA ($300 per month as of January 2026, raised from the long-standing $250) is paid when you are separated from your family for more than 30 continuous days due to military orders. It is income.

Reenlistment and signing bonuses: Counted in the year received. A large reenlistment bonus in one year should not permanently reset your support obligation. Argue for averaging over the bonus period rather than treating the entire lump sum as regular monthly income.

What is NOT counted in most states: Reimbursement for actual expenses (travel reimbursement, uniform allowance, per diem for temporary duty (TDY)) is generally not treated as income because it offsets actual costs. Verify this with your specific state.

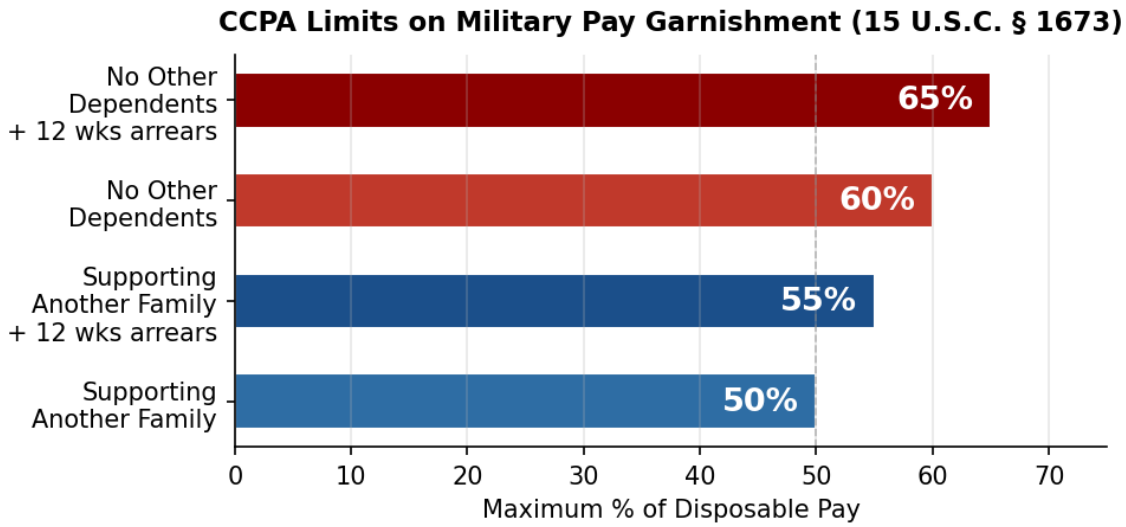


Figure 51-2: CCPA Limits on Military Pay Garnishment — 15 U.S.C. Section 1673

Section 3 — Step-by-Step: How to File

DFAS (the Defense Finance and Accounting Service) is the payroll processor for the Army, Navy, Air Force, Marine Corps, Space Force, and most Coast Guard members. When a court issues an Income Withholding Order (IWO) against a service member, it is served on DFAS, not on a private employer.

DFAS garnishment address: Defense Finance and Accounting Service, Garnishment Operations, P.O. Box 998002, Cleveland, OH 44199-8002. Phone: 888-332-7411. Fax: 216-522-6960. This is the address where the IWO must be sent. Serving it on the service member's unit or base will not work.

Processing time: DFAS processes IWOs in pay cycles. Allow two to four pay periods after confirmed receipt for withholding to begin. If withholding has not started after 60 days, call 888-332-7411 and request a status check.

CCPA limits on what DFAS will withhold: DFAS applies the CCPA garnishment ceiling to every IWO. These are absolute federal limits, and DFAS cannot exceed them regardless of what the state court order says. The limits are: 50% of disposable pay if you are supporting another family; 55% if you are supporting another family and are more than 12 weeks in arrears; 60% if you

have no other dependents; 65% if you have no other dependents and are more than 12 weeks in arrears.

What "disposable pay" means for DFAS: For garnishment purposes, disposable pay is gross military pay minus mandatory deductions (federal income tax withholding, FICA, and Servicemembers Group Life Insurance (SGLI) premiums), and it EXCLUDES the allowances: BAH, BAS, and the Family Separation Allowance cannot be garnished. Garnishment reaches base pay and most special and incentive pays. Note the distinction: BAH and BAS still count as income when the state court sets the support amount, but DFAS cannot withhold from them, so the CCPA percentages apply to a smaller garnishable base than the income figure that built the order.

Voluntary allotments: Service members can set up a voluntary child support allotment through their unit's finance office. This is separate from and in addition to a court-ordered IWO. If you want to ensure payments are being made correctly and on time, setting up a voluntary allotment alongside the IWO gives you documentation and control. Talk to your finance non-commissioned officer (NCO) or officer.

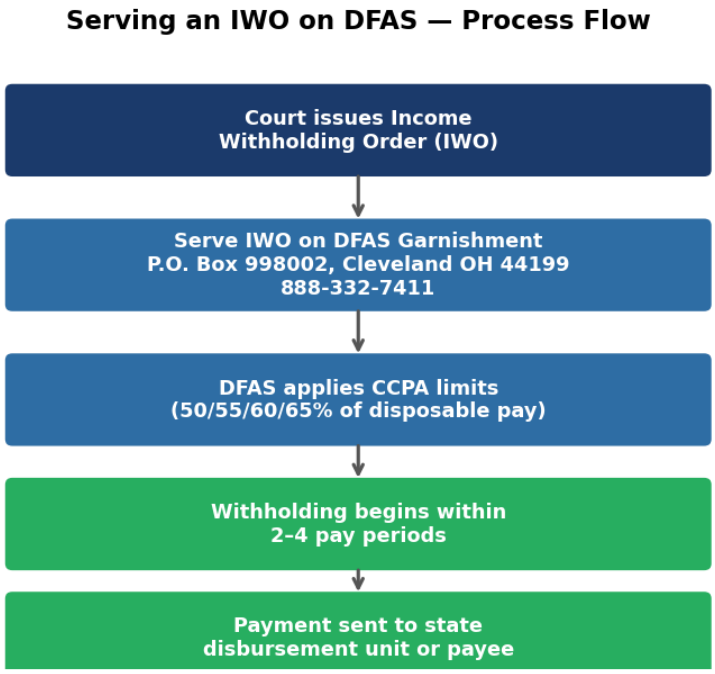


Figure 51-3: Serving an IWO on DFAS — Process and Timeline

Section 4 — Income Calculation

The Servicemembers Civil Relief Act (50 U.S.C. Section 3901 et seq.; the stay provision is Section 3932) is the most misunderstood federal protection in military child support law. Service members often believe SCRA stops their child support obligations while they are deployed. It does not. Understanding exactly what SCRA does and does not do is essential.

What SCRA does: SCRA allows an active duty service member to request a stay (a pause) of civil court proceedings, including child support modification proceedings, during active duty and for 90 days after. This is a procedural protection. It gives you time. It does not give you a pass on the underlying obligation.

The mandatory 90-day stay: When you request a SCRA stay, the court must grant at least one 90-day stay if you provide two things: (1) a statement that your current military duty materially affects your ability to appear, including the date when you can appear; and (2) a letter from your commanding officer confirming your duty status and stating that military leave is not authorized. After the initial mandatory stay, the court has discretion on any additional stays.

What SCRA does NOT do (critical): SCRA does not stop your child support from accruing during the stay. If your order says you owe $1,200 per month, you owe $1,200 per month even while a SCRA stay is in effect. The stay pauses the court proceedings, not the debt. Every month of delay is another month of arrears at the full rate.

SCRA and the 6% interest cap: SCRA limits interest on obligations incurred BEFORE military service to 6% per year (50 U.S.C. Section 3937). Applied to child support, the cap can reach arrears that accrued before you entered active duty, and some state agencies will apply it on request with proof of duty status and a showing that service materially affects your ability to pay. It does nothing for support that comes due during or after your service, which accrues at your state's standard rate, and it never reduces the underlying monthly obligation. Ask JAG whether your pre-service arrears qualify.

SCRA does not stop wage withholding: An existing IWO served on DFAS continues to operate during a SCRA stay. SCRA stays court proceedings; it does not vacate existing orders or stop DFAS from withholding under orders already in place.

SCRA does not prevent the other parent from filing: The other parent can file a motion to modify during your deployment. The court can stay the proceeding on your request, but the filing date is established, and if the modification is eventually granted it can reach back to that filing date (or, in many states, to the date you were served with notice).

Section 5 — Shared Parenting

Deployment is the single most consequential event for a service member's child support obligation. It changes your income. It changes your availability to participate in court proceedings. And the decisions you make in the days before you deploy determine what happens to your obligation for the next 6 to 15 months.

If your income increases during deployment: Combat pay, tax exclusions, and special deployment pays can significantly increase your total military compensation. The other parent can file for upward modification on the date you deploy, and the new amount can reach back to that filing (or service-of-notice) date. There is nothing wrong with this, the guidelines are supposed to track income. But do not be surprised by it.

If your income decreases during deployment: This is more common for activated reservists (covered in Section 7) but can also happen for full-time active duty members in certain assignments. If your deployment pay is lower than your regular pay, file for downward modification before you leave.

The most important rule, file before you go: A modification can reach back no further than the filing date (in many states, only to the date of notice or service). If your income changes on day one of deployment and you do not file until month four, you owe three months of arrears at the old rate with no recourse. File the modification petition, and have it served, before you deploy. Your Judge Advocate General (JAG) office can help you prepare the paperwork.

If you are deploying tomorrow: Execute a power of attorney (POA) authorizing a trusted person (a parent, sibling, or friend) to file and manage court proceedings on your behalf. Your installation's JAG office can prepare a POA quickly. Make sure the POA specifically covers family law proceedings and child support matters.

Remote court appearances: Many states now allow military service members stationed or deployed overseas to appear by video for domestic relations hearings. Call the court clerk's office before deployment and ask. Do not assume you must physically appear. In many jurisdictions you do not.

After deployment ends: Returning from deployment is another income-change event. If your pay changes on return (particularly for activated reservists returning to lower-paying civilian employment), file for modification promptly. Every month of delay is another month of arrears at the deployment-era rate.

Step 1 — Get your LES: Pull your current Leave and Earnings Statement (LES) from MyPay (mypay.dfas.mil). Your LES shows every pay element: base pay, BAH, BAS, special pays, and allowances. This is the income document the court will use.

Step 2 — Calculate the change: Using your state's guidelines, calculate what your support obligation will be during deployment based on your projected deployment income. Compare it to your current order. If there is a meaningful difference, file before you leave.

Step 3 — See JAG before deploying: Every installation has a Judge Advocate General (JAG) legal assistance office. Schedule an appointment. JAG attorneys provide free legal assistance to service members on family law matters, including child support modification. They can prepare your modification paperwork, a power of attorney, and walk you through your SCRA rights.

Step 4 — File the modification petition: File in the state court that has jurisdiction over your order, usually the state that issued the original order. File before your deployment date and have the other parent served promptly: a new amount generally reaches back no earlier than your filing date, and in many states only to the date of notice or service.

Step 5 — Serve DFAS if withholding needs to change: If the court issues a new or modified IWO, make sure it gets served on DFAS Garnishment Operations correctly. Verify processing with DFAS at 888-332-7411 after two pay cycles.

Step 6 — Notify your command: Keep your chain of command informed about active family law proceedings. Your commanding officer may need to provide a letter for a SCRA stay request. Commanders take financial responsibility seriously, and they are an ally here, not a problem.

Section 6 — Enforcement

Permanent Change of Station (PCS) orders move military families every two to four years on average. Every move creates potential jurisdiction complications for a child support order. Understanding the rules before you move prevents expensive mistakes.

UIFSA and Continuing Exclusive Jurisdiction (CEJ): Under UIFSA, enacted in all 50 states, the state that issued your child support order retains Continuing Exclusive Jurisdiction over that order as long as any party to the order (either parent or the child) remains in that state. Moving to a new state does not automatically transfer jurisdiction to your new state.

> *→ See Chapter 52, Interstate & International Child Support for the complete UIFSA framework: which state retains Continuing Exclusive Jurisdiction, when CEJ dissolves, how to file across state lines without traveling, the registration process and your 20-day contest window, and international enforcement under the Hague Convention.*

UIFSA's 2015 nationwide update and military families: Every state has now adopted the updated UIFSA (a 2015 federal mandate tied to the Hague Convention). For service members, the practical point is domicile: your legal domicile or "home of record," established when you entered service, generally remains your state of legal residence despite duty-station moves. That domicile connection can keep your home state's courts in the jurisdictional picture even after years of PCS moves. Confirm the specifics with JAG before assuming a duty-station state controls.

If the family moves with you (accompanied PCS): When both parents and the child move together to the new duty station state, jurisdiction can eventually shift to the new state. Both parties must agree to register the order in the new state, or one party must file there after both are established as residents. Until then, the original state retains jurisdiction.

If the family does not move (unaccompanied PCS): If your spouse and child stay behind while you PCS alone, the original state keeps jurisdiction as long as they remain there. You cannot re-file in your new duty station state.

Practical consequence: You may need to file a modification in a state where you are not physically located. Most courts now allow service members to file by mail or through an attorney without appearing in person. Many allow video hearings. Call the court clerk's office and ask what accommodations are available for military service members.

Registration of orders: If jurisdiction does properly shift to a new state, the existing order must be registered in the new state before that state can modify it. Failing to register means the old state still has exclusive authority. Your JAG office can help with the registration process.

Section 7 — Emergency Protocols

Reservists and National Guard members face a unique version of the military child support problem. They live in two worlds: civilian employment when not activated, and active duty status with full military pay when called up. The transition between those worlds, in both directions, is a child support event every time it happens.

SCRA begins with the orders: SCRA protections apply from the date active duty orders are issued, not from the date you actually report for duty or deploy. Keep a copy of your activation orders. If you need to request a SCRA stay of any civil proceeding, you will need to produce them.

Activation often means income change: A reservist who earns $85,000 per year as a civilian might earn $55,000 in equivalent military pay when activated. A reservist who earns $35,000 as a civilian might earn $60,000 when activated. Either direction is a material change in circumstances. File for modification, in the appropriate direction, as soon as you receive your activation orders.

Filing at activation: The same rule applies: a new amount reaches back no further than the filing date, and in many states only to the date of notice or service. File on the day you receive your orders, or within a few days, and have the petition served promptly. Do not wait until you are already on active duty status. Your state's modification threshold (10%, 15%, 20% depending on the state) is likely met by any meaningful civilian-to-military income shift.

Return from activation: When you return to civilian employment, file again. If your civilian income is lower than your active duty pay, you need a downward modification. If your civilian income is higher, the other parent may file for an upward modification. Either way, the income change is a triggering event. Do not ignore it.

USERRA job protection: The Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 U.S.C. Section 4301) requires your employer to restore you to your pre-activation position (or a comparable one) with the same seniority, benefits, and pay when you return from duty. If your employer is not complying, contact the Department of Labor's Veterans Employment and Training Service (VETS) or your JAG office.

Part-time Guard and Reserve status: When you are not on active duty orders, you are governed by state family law exactly like any other civilian parent. SCRA does not apply. Your drill pay and any weekend or annual training pay counts as income for child support purposes.

Simultaneous civilian and drill income: When calculating income for support purposes during a month with both civilian earnings and drill pay, both are included. Some reservists underestimate their income by forgetting to add drill compensation to civilian earnings. Courts will see it on your tax return.

Section 8 — Quick Reference

Emergency Protocols — Military Service

EMERGENCY PROTOCOL 1: RECEIVING DEPLOYMENT ORDERS

You have days, not weeks, to act. Do these things before you leave.

See JAG immediately: Schedule a legal assistance appointment at your installation's JAG office the same week you receive your orders. They provide this service free for active duty members. Bring your current child support order, your LES, and your deployment orders.

Calculate the income change: Compare your projected deployment income (including all pays and allowances) to your current order's income baseline. Use your state's guidelines to see whether the change meets the modification threshold.

File before departure: File your modification petition in the court with jurisdiction over your order before you leave. Your filing date is your retroactivity anchor. If you cannot file in person, file by mail or through an attorney. JAG can prepare the paperwork.

Execute a POA: A military power of attorney gives a trusted person authority to manage your legal matters while you are gone. Make it specific to family law and child support proceedings. JAG can draft it on the spot.

Notify DFAS if withholding changes: If a new IWO is issued, serve it on DFAS at P.O. Box 998002, Cleveland, OH 44199 and confirm processing at 888-332-7411 after two pay cycles.

EMERGENCY PROTOCOL 2: ACTIVATED RESERVIST — INCOME DROP

Your civilian income just became military income and the number went down. File today.

File immediately on receipt of orders: Contact the court in the state that has jurisdiction over your order. File your modification petition using your state's standard forms. Attach your activation orders and a calculation showing the income difference.

Use the threshold: Most states require 10-20% change for a presumptive modification. A civilian-to-active-duty income drop often produces a change well above any state's threshold. Run the guideline calculation and document it.

Request a SCRA stay if needed: If the court cannot hear your modification before you deploy, request a SCRA stay. Provide your CO's letter confirming duty status. This buys 90 days. But remember that arrears keep accruing during the stay.

USERRA on return: When you return to civilian employment, file again if your return pay differs from your activation pay. Both transitions are modification events.

EMERGENCY PROTOCOL 3: IWO SERVED ON DFAS IS WRONG OR NOT PROCESSING

DFAS withholding errors are more common than they should be. Here is how to fix them.

Verify receipt: Call DFAS Garnishment Operations at 888-332-7411 and confirm they received the IWO and the date of receipt. Allow two to four pay periods for processing after confirmed receipt.

Wrong amount withheld: If DFAS is withholding the wrong amount, obtain a copy of the IWO from the court, compare it to your LES withholding line, and call 888-332-7411. Provide the case number, your Social Security number, and the specific dollar discrepancy. Follow up in writing to the garnishment address.

CCPA ceiling being hit: If DFAS is withholding less than the full IWO amount, they may be capped by the CCPA ceiling based on your current pay and dependent status. Review the ceiling limits and verify your situation. You cannot be garnished above the ceiling regardless of the order amount.

Withholding still not started after 60 days: Send a follow-up letter to DFAS Garnishment Operations with a copy of the IWO, your Social Security number, your branch and pay grade, and your duty station. Copy the clerk of the court that issued the IWO.

EMERGENCY PROTOCOL 4: REQUESTING A SCRA STAY

You need to slow down a court proceeding while deployed. Here is what you need.

Two required documents: The court must grant a 90-day stay if you provide: (1) your own statement that current military duty materially affects your ability to appear and the date when you will be able to appear; and (2) a letter from your commanding officer confirming your duty and stating leave is not authorized.

Get the CO letter quickly: Your commanding officer or first sergeant has authority to provide this letter. Go through your chain of command. JAG can provide a template. Courts are familiar with this requirement and know what the letter should say.

File the SCRA request with the court: Submit both documents to the court as soon as possible. Do not wait for the hearing date. File by mail or through your POA holder if you are already deployed.

Remember what the stay does not do: The stay pauses the proceeding. It does not pause the debt. Your obligation continues to accrue at the current rate during the entire stay period. If your order needs to be modified, the SCRA stay is not a substitute for a modification petition. It is time to file one.

EMERGENCY PROTOCOL 5: PCS JURISDICTION CRISIS

You just received PCS orders and you are not sure which state controls your child support order.

Identify the issuing state: The state that issued your original order retains Continuing Exclusive Jurisdiction under UIFSA as long as any party remains there. Check who is still in that state: your ex-spouse, your child, or you.

Do not assume your new state has jurisdiction: Filing a modification in your new duty station state when the original state still has jurisdiction will result in a dismissed petition and wasted time. Confirm jurisdiction before filing anywhere.

Contact the original court: Call the clerk's office of the court that issued your order. Ask whether they still have jurisdiction given the current locations of all parties. Ask about out-of-state filing options and video hearing availability for service members.

JAG can help: Jurisdiction disputes in military child support cases are common. Your JAG legal assistance office has handled them before. Use them.

If the family moves together: If all parties (both parents and the child) have relocated to your new duty state, the new state can eventually accept jurisdiction by registration. Work with JAG to register the order correctly in the new state before attempting any modification there.

Section 9 — Resources and Special Considerations

JAG Legal Assistance: Every military installation has a Judge Advocate General (JAG) legal assistance office providing free legal help to active duty members, activated reservists, and their immediate families. JAG attorneys handle child support modification paperwork, SCRA requests, POAs, DFAS issues, and jurisdiction questions. Find your installation's JAG office through your chain of command or at legalassistance.law.af.mil (searchable across all branches).

Military OneSource: 1-800-342-9647. militaryonesource.mil. Free consultation with family law attorneys available 24/7. Covers active duty, Reserve, and Guard members and their families. Attorneys can provide guidance on your specific state's modification process and help you understand your rights under SCRA.

DFAS Garnishment Operations: 888-332-7411. P.O. Box 998002, Cleveland, OH 44199-8002. For IWO status, withholding discrepancies, and processing questions. Have your Social Security number, branch, pay grade, and case number available when you call.

American Bar Association (ABA) Military Pro Bono Project: militaryprobono.org. Provides free civil legal help to lower-income active duty service members facing legal problems outside their installation's jurisdiction, including child support matters in states far from their current duty station.

National Military Family Association: militaryfamily.org. Policy and advocacy resources for military families dealing with legal and financial issues including child support.

Health coverage for the child (TRICARE and DEERS): A service member's children are eligible for TRICARE once enrolled in DEERS, the Defense Enrollment Eligibility Reporting System. If your support order requires you to provide health insurance, enrolling the child in DEERS and confirming TRICARE coverage is usually how that requirement is met, at far lower cost than civilian coverage. Enrollment requires the child's birth certificate and Social Security number at any ID card office. Uninsured cost shares are still allocated under your state order, so keep receipts. Confirm the details with JAG, especially after a divorce, separation, or custody change.

Special consideration for UCMJ and command: Article 134 of the Uniform Code of Military Justice covers offenses that bring discredit on the armed forces or are prejudicial to good order and discipline. Willful failure to support a spouse or child has been charged under Article 134. Beyond UCMJ exposure, commanders take financial responsibility seriously as a readiness and fitness issue. A service member with significant child support delinquency can face adverse administrative actions, loss of security clearance, and career consequences. These are not idle threats, and they are also not a reason to panic. Address the arrears through the proper legal channels before the chain of command becomes involved.

Special consideration for security clearances: Significant child support arrears can jeopardize a security clearance under Department of Defense criteria. Financial irresponsibility, including failure to pay court-ordered child support, is a concern for clearance adjudicators. Service members with clearances have an additional reason to address arrears proactively and document their efforts.

Special consideration for retirement pay: Military retirement pay is subject to child support wage withholding under the same DFAS/CCPA framework as active duty pay. Retirement pay can also be addressed through the Uniformed Services Former Spouses' Protection Act (USFSPA, 10 U.S.C. Section 1408) in divorce proceedings. If you are approaching retirement and have active child support obligations, review your retirement pay situation with JAG before your retirement date.

End of Chapter 51 — Military Service and Child Support | Chapter 52 — Interstate & International Child Support follows.

Chapter 52 — Interstate & International Child Support

UIFSA: Which State Controls Your Order · Registration of Foreign Orders · The Hague Convention

Section 1 — Two Systems, One Problem

Child support orders are issued by state courts. But people move. You may have been divorced in Texas, moved to Ohio, and have a child who now lives in Colorado with the other parent. Which state's court can modify your order? Which state's guidelines apply? What happens if the other parent registers the Texas order in Ohio without telling you? What if you move abroad?

Two legal frameworks govern these questions. For moves within the United States, the answer is the Uniform Interstate Family Support Act (UIFSA), enacted in substantively identical form in all 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands as a condition of federal IV-D funding. For moves outside the United States, the answer depends on where you or the other parent went and whether that country participates in the 2007 Hague Convention on the International Recovery of Child Support.

This chapter explains both frameworks in plain language. It tells you what the rules actually mean for a father in your situation, not what they say in the statute, but what they mean when you are sitting across from a clerk's window trying to figure out where to file.

Section 2 — UIFSA: The Domestic Interstate Framework

2a. What UIFSA Is and Why Every State Uses It

Congress required all states to enact UIFSA as a condition of receiving federal child support funding. Every state has done so. The result is a uniform set of interstate rules that applies in every American courtroom. UIFSA's central purpose is to prevent parents from forum-shopping, from filing in whatever state might give them a better result. Before UIFSA, the same support obligation could produce conflicting orders from multiple states. UIFSA ended that by establishing one rule: one order, one state in control at a time.

2b. Continuing Exclusive Jurisdiction (CEJ), The Core Rule

The state that issued your child support order has Continuing Exclusive Jurisdiction (CEJ) over that order. This means one thing practically: only that state's court can modify the support amount, as long as CEJ exists.

CEJ exists as long as ANY ONE of these is true:

- The child still lives in the issuing state, OR
- The obligor (the parent who pays) still lives in the issuing state, OR
- The obligee (the parent who receives support) still lives in the issuing state.

This means you cannot simply re-file in your new state because you moved there. As long as the other parent or the child is still in the state that issued the order, that state keeps jurisdiction. A motion filed in the wrong state is dismissed, and any time spent in the wrong court is wasted time while arrears continue to accumulate in the correct jurisdiction.

2c. When CEJ Ends: The Two-State Rule

CEJ ends when all of the following are true at the same time:

- The child no longer lives in the issuing state, AND
- The obligor no longer lives in the issuing state, AND
- The obligee no longer lives in the issuing state.

When all three parties have left the issuing state, CEJ dissolves. Either party can then seek a modification, but UIFSA does not let you pick any convenient forum. Under UIFSA § 611, the parent seeking the change must register the order and file in a state where the OTHER party can be reached: the petitioner must be a nonresident of the state being asked to modify, and that state must have personal jurisdiction over the respondent. Practitioners call this the 'play away' rule, because each side must seek modification on the other side's home field. The exceptions: both parties may file written consents to a particular forum, and if all parties now live in the same state, that state can modify. The first court to properly assume jurisdiction controls from that point forward.

Important: The issuing state does not automatically lose jurisdiction the moment the last person leaves. A party must invoke the new state's jurisdiction by filing there. Until someone files in a new state and that state accepts jurisdiction, the issuing state retains its order. And even after another state takes over modification, the issuing state keeps the power to enforce arrears and nonmodifiable obligations that accrued under its order.

2d. Scenarios: Who Files Where

- **Scenario A, You moved, the child and other parent stayed.**

  The issuing state keeps CEJ. You must file your modification petition in the court that issued the original order, even though you no longer live there. Most courts accept filings by mail, email, or through the state's child support agency. You may be able to appear by video for the hearing. Do not file in your new state. It will be dismissed.

- **Scenario B, The other parent and child moved to the same new state. You stayed in the issuing state.**

The issuing state keeps CEJ because you are still there. You file in the issuing state, your home court. The fact that the other parent and child moved does not shift jurisdiction away from you as long as you remain.

- **Scenario C, You and the other parent both moved to different new states. The child lives with the other parent in their new state.**

  The issuing state loses CEJ when you leave, because now neither parent nor child remains there. UIFSA § 611's nonresident-petitioner rule now decides the forum: if YOU want the modification, you register the order and file in the state where the other parent and child now live; if the other parent wants it, they file in your new state. Each side plays away. The forum applies its own guidelines to the new amount, though the duration of the obligation stays governed by the issuing state's law. The first state to properly accept the case controls.

- **Scenario D, You and the other parent both moved to the SAME new state. The child is there too.**

  All parties have left the issuing state. The new state can accept jurisdiction, and because all parties are now there, it is the obvious forum. File in your new state. The new state will apply its own guidelines to calculate the modified amount.

- **Scenario E, Both parties agree in writing to transfer jurisdiction to a new state.**

  UIFSA allows the parties to file written consents in the issuing court agreeing that a court in another state where a party or the child lives may modify the order and take over continuing exclusive jurisdiction. This is uncommon but available when parties want to shift control to a state that is more convenient for both.

Section 3 — Registration of Foreign Orders: What It Means and What You Can Do

3a. What Registration Is

Registration is the process of filing a child support order from one state (the issuing state) in the courts of another state (the registering state). Registration does not modify the order. It does not change the amount. What it does is give the new state's enforcement tools access to the order, its wage withholding, license suspension, contempt powers, and tax intercept.

Registration is commonly initiated by the other parent or by a state child support agency when you move to a new state. The custodial parent may register the Texas order in Ohio so that Ohio courts can enforce the Texas amount against your Ohio employer. This can happen without your prior knowledge, registration is a one-sided filing that does not require your consent.

3b. The 20-Day Window, Your Most Important Deadline

When a foreign order is registered in your state, the registering court must send you notice. UIFSA gives you 20 days from receipt of that notice to contest the registration. This is not a soft deadline. Miss it and the registration is confirmed by operation of law, the foreign order becomes fully enforceable in your state as if your state had issued it.

If you receive a registration notice, read the entire document immediately and contact a family law attorney or your state's legal aid office the same day. The 20-day clock runs from the date you received the notice, not from the date you read it.

A longer window for international orders. The 20-day deadline applies to orders registered from another U.S. state. When the registered order comes from a 2007 Hague Convention country, UIFSA Article 7 (§ 707) allows 30 days after notice to contest, or 60 days if the contesting party does not reside in the United States, and a contest does not stay enforcement absent exceptional circumstances.

3c. Contesting Registration, The Limited Grounds

Contesting registration is not the same as requesting a modification. When you contest registration, you are not arguing that the support amount is wrong. You are arguing that the registration itself is legally invalid. UIFSA limits the grounds for contesting registration to a narrow list:

- **The issuing tribunal lacked personal jurisdiction over you.**
  If you were not properly served or did not have minimum contacts with the issuing state when the order was entered, you can challenge the original court's authority over you. This is a high bar, most courts find personal jurisdiction was established.
- **The order was obtained by fraud.**
  If the other party obtained the order through material misrepresentation of facts to the court, that is a ground to contest. Again, a high bar requiring specific evidence of fraudulent conduct.
- **The order has been vacated, suspended, or modified by a later order.**
  If the original order no longer represents the current obligation because a later court has changed it, the registration of the stale order can be challenged.
- **The issuing tribunal lacked subject matter jurisdiction.**
  If the issuing court did not have proper authority over the child support matter at all.
- **You were not given proper notice of the proceeding in the issuing state.**
  If you were not served properly in the original case and did not appear voluntarily.
- **The obligation was satisfied, paid in full.**
  If the debt that prompted registration has been paid, the registration has no purpose.
- **The statute of limitations bars enforcement.**
  In the handful of states where a limitations period applies to child support arrears, expiration of that period may bar enforcement through registration.

What you CANNOT contest at the registration stage: Whether the support amount is fair. Whether your income has changed. Whether you see the child more now. Whether the original calculation was wrong. Those are modification arguments, they go to a separate motion and a separate hearing, filed after the registration is resolved.

3d. Which State's Law Governs After Registration

This is the question that surprises most people. After a foreign order is registered in your new state AND the issuing state has lost CEJ (because all parties have left), a modification filed in your new state will be calculated under your new state's guidelines, not the original state's guidelines.

Example: A Texas Percentage of Income order follows you to Ohio. Texas loses CEJ because everyone has left. You file for modification in Ohio. Ohio applies its Income Shares model and both parents' gross incomes to calculate the new amount. The result may be significantly different from what the Texas

formula would have produced, higher or lower depending on the parents' respective incomes and the number of overnights.

However: If the issuing state still has CEJ (because someone remains there), that state's court controls the modification AND applies its own guidelines. You cannot use the new state's more favorable formula while the original state still has jurisdiction.

Aspects no new forum can change. Under UIFSA § 604, the law of the issuing state governs the nature, amount, and duration of the support obligation and the payment of arrears, and § 611(c) bars a registering court from modifying anything the issuing state's own law treats as nonmodifiable, including the duration of the obligation. If the original state ends support at 18 and the new state runs to 21, the registered order keeps the original state's cutoff, and the reverse is also true. Arrears are similarly protected: amounts that accrued before a modification remain enforceable, and where the two states' limitation periods differ, the longer statute of limitations applies to arrears collection (§ 604(b)).

3e. Direct Income Withholding, The Mechanism That Doesn't Need Registration

UIFSA Article 5 (§§ 501 through 507) creates a parallel enforcement track that most parents (and many lawyers) overlook. It is the simplest interstate mechanism in the system, and it is the one most likely to surprise an obligor who has just moved.

The rule. An Income Withholding Order issued by the court or IV-D agency of any state is directly enforceable against an employer in any other state without registration. The employer in State B must honor an IWO from State A as if it were issued by State B. UIFSA § 501. No state-court filing is required. No registration packet, no 20-day notice, no contestation procedure. The IWO goes directly from the issuing state's IV-D agency or court to the new employer's payroll department.

This is the single most-used interstate enforcement mechanism in the country. It accounts for the majority of cross-state collections.

What the employer must do. Under UIFSA § 502, the employer in State B:

- Treats the foreign IWO as if it were issued by State B.
- Applies State B's withholding limits if more protective of the employee than the issuing state's (the lower of the two state caps, plus the federal CCPA cap at 15 U.S.C. § 1673, 50% of disposable earnings if the obligor supports another family, 60% if not, with 5% added if the arrears exceed 12 weeks).
- Sends withheld amounts to the address on the IWO, typically the issuing state's State Disbursement Unit.

- Uses State B's procedural rules for the mechanics of withholding (payroll cycle, remittance schedule).

What the obligor can do. UIFSA § 506 lets the obligor contest the IWO in the state where the employer is, by registering the order with a tribunal of that state and contesting it the same way as a locally issued order; notice of the contest goes to the support enforcement agency serving the obligee. The contest does not stop the withholding while it is pending. The standard grounds are limited to matters like mistaken identity or the order being satisfied, not disagreement with the amount, which is a modification matter.

Why this matters for the scenarios in §2. In Scenario A (you moved, child and other parent stayed), an IWO from the issuing state can reach your new employer directly. Your employer in your new state must honor it. You do not get notice through your new state's court system, you get a notice from your payroll department telling you a withholding has been added. In Scenarios C and D (CEJ has dissolved), the IWO from whichever state currently holds jurisdiction reaches employers in any state.

The practical reality. If you moved to escape enforcement, the math is on the IV-D agency's side. The new-hire reporting infrastructure (see "The Federal Parent Locator Service" in the front matter) finds the new employer within 60 days. The direct IWO arrives without registration. Your first notice that the system caught up may be a smaller paycheck.

Section 4 — Modifying a Foreign Order Without Traveling to the Issuing State

One of the most common practical problems: your order was issued in State A, CEJ still sits there (the other parent and child are still there), but you now live in State B. Your income has dropped. You need a modification. But you cannot afford to fly to State A for every hearing. What are your options?

- **File directly in the issuing state court.**
  Most state courts accept filings by mail or online. Many now have e-filing portals. File your modification petition by mail to the clerk of court with a cover letter explaining you are out of state. Call the clerk's office first to confirm their out-of-state filing procedure. Many states allow out-of-state parents to appear by video for the hearing.
- **Use your state's IV-D agency as an intermediary.**
  If your case is a IV-D case (handled through the state child support agency), your new state's agency is required by federal law to transmit modification requests to the issuing state's agency. Contact your new state's child support agency and ask them to initiate an interstate modification request. This is slower (allow 90-180 days) but it is free and does not require you to navigate another state's court system directly.
- **File a 'Responding State' proceeding.**
  UIFSA provides a mechanism where you file a modification petition in your home state (the responding state), and your state transmits it to the issuing state (the initiating state). Your state's court can take testimony from you by deposition or video while the issuing state's court makes the final ruling. This avoids travel for the evidentiary portion.

- **Hire a local attorney in the issuing state.**

  An attorney licensed in the issuing state can file and appear on your behalf. For a contested modification, this is often the most efficient path. Many family law attorneys offer remote consultations and can represent you without you traveling to the state.

The one thing you cannot do: file in your home state and expect the issuing state to defer. If the issuing state has CEJ, your home state will dismiss your petition. File in the right court from the start.

Section 5 — International Cases: The Hague Convention and What Lies Beyond It

5a. Two Conventions, Two Completely Different Problems

Two Hague Conventions come up in child support and custody cases, and they address entirely different problems. They are frequently confused with each other.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction addresses the wrongful removal or retention of a child across international borders. It is a mechanism for the return of children. It does not govern money. If a parent takes a child to another country without the other parent's consent, the 1980 Convention may provide a pathway to the child's return. It has nothing to do with support amounts.

The 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is the relevant instrument for child support. It creates a framework for recognizing and enforcing child support orders across member countries. The United States implemented it through the 2008 amendments to UIFSA. This is the Convention this chapter addresses.

5b. Member Countries (as of April 2026)

Countries that have ratified or acceded to the 2007 Convention have agreed to recognize American child support orders and enforce them through their own court systems. As of mid-2026 the contracting parties cover more than 50 countries, including every European Union member state (Denmark joined separately in 2025), the United Kingdom, Norway, Ukraine, Turkey, Serbia, Georgia, Albania, Bosnia and Herzegovina, Montenegro, Belarus, Brazil, Ecuador, Colombia, Paraguay, the Dominican Republic, El Salvador, Honduras, Nicaragua, the Philippines, New Zealand, and, since February 2024, Canada (where it currently applies in British Columbia, Ontario, and Manitoba). One caution: a few accessions are not in force with respect to the United States because the U.S. objected to them, including Azerbaijan, Botswana, Guyana, and Kazakhstan, so treaty enforcement is unavailable between the U.S. and those countries.

Countries that are NOT parties and where enforcement is significantly harder or unavailable through this treaty: Mexico, China, India, Russia, Thailand, Indonesia, most of the Middle East, and most of Sub-Saharan Africa. Canadian provinces outside British Columbia, Ontario, and Manitoba are not yet covered by the Convention, but Canada has long-standing reciprocity with the United States: its provinces and territories are treated as foreign reciprocating jurisdictions, so orders move between U.S. states and Canadian provinces through agency channels even without the treaty.

The current list of member countries is maintained by the Hague Conference on Private International Law at hcch.net. Check the official list, membership changes as countries accede. The U.S. Office of Child Support Services (OCSS) also maintains country-specific information at acf.hhs.gov/css/international.

5c. How International Enforcement Works: The Central Authority Process

Under the 2007 Convention, each member country designates a Central Authority responsible for receiving and transmitting international support requests. In the United States, the Central Authority is the Office of Child Support Services (OCSS), part of the U.S. Department of Health and Human Services.

The process for a custodial parent seeking to enforce a U.S. order abroad:

1. Contact your state's IV-D child support agency or OCSS directly.
2. Submit the application package required by OCSS, including a certified copy of the order, proof of arrears, and your contact information.
3. OCSS transmits the request to the Central Authority of the country where the obligor lives.
4. The foreign Central Authority routes the request through its own legal system — registration, enforcement, or both.
5. The process is free of charge to the applicant in most member countries under the Convention.
6. Timeline: months to years. This is not a fast mechanism. Enforcement abroad is bureaucratically intensive even in cooperative member countries.

5d. For the Father Who Has Moved Abroad

Your obligation does not end because you left the country. The American child support order remains valid and enforceable. Several things will follow you regardless of where you go:

- **Passport denial and revocation.**
  At $2,500 in certified arrears, the U.S. State Department denies or revokes your U.S. passport. This applies whether you are in France, Thailand, or anywhere else. If your livelihood or residency abroad depends on a valid U.S. passport, this is a serious and immediate consequence.
- **Federal criminal exposure.**
  The Deadbeat Parents Punishment Act (18 U.S.C. § 228) makes willful failure to pay support for a child in another state a federal misdemeanor (up to six months) once the debt is more than a year old or exceeds $5,000, and a federal felony (up to two years) when the debt is more than two years old or exceeds $10,000, or when the obligor travels in interstate or foreign commerce intending to evade the obligation. Federal jurisdiction extends internationally. This has been prosecuted against obligors living abroad.
- **The debt never expires.**
  Arrears accumulate with interest every month you do not pay. The moment you have any U.S.-accessible asset (a bank account, a tax refund, a property, a job with a U.S. employer) the full enforcement mechanism engages. The debt does not become uncollectable simply because you are abroad.
- **Treaty enforcement in member countries.**

If you live in a 2007 Hague Convention member country, the custodial parent can initiate Central Authority proceedings to enforce the American order in that country. Your income in that country can be attached under the foreign legal system.

- **Filing for modification from abroad.**

  If your income has genuinely changed because of the move, you can (and should) file for modification in the state that retains CEJ over your order. Many courts now allow fully remote participation. Contact the court clerk or a JAG office if you are military. Do not simply stop paying and assume the problem disappears. It does not.

5e. When There Is No Treaty: Non-Member Countries

If the obligor has moved to a country that has not joined the 2007 Convention (Mexico, Thailand, most of the Middle East, most of Africa) there is no automatic treaty framework for enforcement. Options are limited but not zero:

- Bilateral agreements: Some non-member countries have bilateral agreements with individual U.S. states under older URESA/RURESA frameworks. Check with OCSS for country-specific bilateral arrangements.
- Common law recognition: Some countries will voluntarily recognize and enforce foreign court judgments as a matter of their domestic law, even without a treaty obligation. An attorney in that country would need to evaluate this.
- Passport and passport denial: Regardless of the destination country, the U.S. passport sanction at $2,500 in arrears applies. If the obligor needs a U.S. passport to travel or work, this is the enforcement pressure point that works fastest.
- Federal criminal prosecution: The Deadbeat Parents Punishment Act applies regardless of the destination country and is one mechanism that does not depend on the destination country's cooperation.
- Asset attachment on return: If the obligor returns to the United States (even briefly) the full domestic enforcement system activates. Arrears, license suspension, credit reporting, and contempt all apply immediately.

5f. Two More International Mechanics: Service of Process Abroad and Apostille

Two procedural questions come up in every international case and trip most self-represented parents. Neither is hard if you know the framework.

Service of process on a respondent in another country. If you need to formally serve a parent who lives in a foreign country (for an initial petition, a modification, or registration of a U.S. order) you cannot just mail it. Most foreign courts will not recognize service that does not comply with their domestic rules, and the Hague Service Convention (1965) is the framework that controls service in 80+ member countries.

The process under the Hague Service Convention is:

- Identify whether the destination country is a member. Check hcch.net for the current list. Major non-members include most of the Middle East and most of Africa; China is a member with significant restrictions.

‣ Prepare the Request for Service (Form USM-94 or the equivalent). The form is published by the U.S. Marshals Service (usmarshals.gov), and the State Department's country-specific judicial assistance pages at travel.state.gov explain each destination country's requirements.

‣ Send the packet to the destination country's designated Central Authority, listed for each member country at hcch.net.

‣ Wait. Service abroad through the Convention takes 4 to 12 months in most member countries. Plan calendar accordingly.

In a few member countries (the United Kingdom, most of Europe), faster service by mail or through a private attorney is allowed under reservations the country has made to the Convention. Verify on hcch.net before relying on it.

For non-member countries, service is governed by that country's domestic law and U.S. courts will generally accept service that complies with the destination country's rules, but the methods vary enormously. Hire a local attorney in the destination country if the case matters.

Authenticating U.S. court orders for use abroad, the apostille. When a foreign court is asked to enforce a U.S. child support order, that court will require proof that the U.S. order is genuine. For countries that are members of the Hague Apostille Convention (1961, 120+ member countries), authentication is a single step: obtain an apostille from the Secretary of State of the U.S. state that issued the order.

Process:

‣ Obtain a certified copy of the order from the issuing U.S. court (clerk's office, usually $5 to $20 per certification).

‣ Submit the certified copy to the issuing state's Secretary of State office with the apostille request form and fee (typically $10 to $50; processing time 1 to 4 weeks). Each U.S. state's Secretary of State has an apostille office; they all process apostilles for documents originating in that state.

‣ The Secretary of State attaches the apostille, a one-page certificate confirming the signature on the certified copy is genuine. The apostilled order is then valid in any Hague Apostille member country without further authentication.

For non-Apostille countries, the process is consular legalization, a multi-step authentication through the U.S. Department of State and the destination country's embassy. Slow and expensive. The list of non-Apostille countries is short; check hcch.net.

When OCSS handles international enforcement through the 2007 Hague Convention (see §5c above), OCSS handles the authentication step internally. You do not need to obtain an apostille

separately for that pathway. The apostille becomes necessary when the custodial parent is pursuing enforcement outside the Central Authority process, for example, registering the U.S. order directly with a foreign court through a foreign attorney.

Section 6 — Tribal Court Child Support Orders

Child support orders issued by tribal courts on Indian reservations occupy a unique legal space. The federal scheme that ties the 50 states together (the Full Faith and Credit for Child Support Orders Act (FFCCSOA, 28 U.S.C. § 1738B)) also covers tribal court orders. State courts must give full faith and credit to a tribal court support order the same as they would an order from another state. Tribal courts owe the same recognition to state orders. The cross-recognition is statutory, not discretionary.

The tribal IV-D program. Title IV-D of the Social Security Act was amended in 1996 (PRWORA) to extend the federal child support program to federally recognized Indian tribes. As of 2026, more than 60 tribes operate their own tribal IV-D programs receiving direct federal funding under 42 U.S.C. § 655(f). These programs run guidelines, administrative enforcement, and modification procedures parallel to a state IV-D agency. The Office of Child Support Services maintains a list of tribal IV-D programs at acf.hhs.gov/css/tribal. If your order is from a tribal court or you live on a reservation operating an IV-D program, that program is the analogue to a state's IV-D agency for everything in this book.

UIFSA's application to tribal orders. UIFSA treats tribal court orders as "support orders of another state" for purposes of registration, enforcement, and modification across state lines. Some tribes have enacted their own versions of UIFSA; others rely on the federal full-faith-and-credit framework. The practical effect is that a tribal court order can be registered in a state court for enforcement, and a state order can be registered in a tribal court, though the willingness of any particular tribal court to enforce a state order varies by tribe.

ICWA, and why it does not apply to support. The Indian Child Welfare Act (ICWA, 25 U.S.C. § 1901 et seq.) controls custody proceedings, foster placement, and adoption involving an "Indian child", a child who is either a tribal member or the biological child of a tribal member and eligible for membership. ICWA's reach is narrow. The Supreme Court confirmed in Adoptive Couple v. Baby Girl, 570 U.S. 637 (2013), that ICWA does not extend to custody disputes that do not arise from the removal of a child from an Indian home. ICWA does not apply to child support proceedings at all. If you are told that ICWA controls or limits your support obligation because the child has tribal ancestry, that is incorrect.

Jurisdictional traps. Two situations cause confusion. First, if the original order was entered by a state court and the custodial parent and child later move to a reservation, the state court generally retains continuing exclusive jurisdiction under UIFSA. Second, if the original order was

entered by a tribal court and the obligor lives off the reservation, the tribal court generally retains CEJ as long as a party or the child remains on the reservation. The CEJ analysis in §2 of this chapter applies, substitute "issuing tribunal" for "issuing state" throughout. When in doubt, contact both the issuing tribunal and your state's IV-D agency before filing in either forum.

Tribal members and federal enforcement. The federal enforcement tools (passport denial, federal tax intercept, FPLS, the Deadbeat Parents Punishment Act) apply to tribal-court orders the same as to state-court orders. There is no exemption for orders issued by tribal courts and no reduced enforcement for tribal-member obligors. The infrastructure described in the front matter ("The Federal Parent Locator Service") reaches anyone earning W-2 income on or off a reservation.

Section 7 — Emergency Protocols

Emergency Protocols — Interstate & International Child Support

EMERGENCY PROTOCOL 1: YOU JUST MOVED AND DON'T KNOW WHERE TO FILE

Identify who is still in the issuing state.

Call the court clerk in the state that issued your order and ask: is this case still active in your court? Do you still have jurisdiction? The clerk can often tell you whether the other parent's address is still on file in that state.

Default rule: file in the issuing state.

Until you confirm that all parties and the child have left the issuing state, assume it still has CEJ. Filing in the wrong state wastes time and money.

If all parties have left the issuing state:

Modification then follows UIFSA § 611's nonresident-petitioner rule: you file in a state where the other party can be reached, typically the state where the other parent and child now live. They would file in yours. If everyone has landed in the same state, that state handles it under its own law.

Do not stop paying while you sort out jurisdiction.

Arrears accumulate in the issuing state regardless of jurisdictional uncertainty. Every dollar of arrears is real debt. Keep paying at the current rate while you work through this.

EMERGENCY PROTOCOL 2: YOU RECEIVED A REGISTRATION NOTICE — 20 DAYS

Read the entire notice today.

A registration notice tells you that the other parent has registered your home-state order in your new state. This gives local courts enforcement power over you.

You have 20 days from receipt to contest.

This is your window. If you do nothing, the registration is confirmed and the order is enforceable here as if it were issued here. Consult a family law attorney immediately.

Decide: contest or accept?

Contest only if you have valid legal grounds: jurisdiction, fraud, satisfaction of the debt, and the other narrow grounds in Section 3c above. Do not contest simply because you disagree with the amount. That is a modification request, not a registration contest.

If you want to modify, do both.

You can simultaneously contest the registration (if grounds exist) AND file a motion to modify. These are separate proceedings. The modification is more commonly what you actually need.

EMERGENCY PROTOCOL 3: YOUR ORDER WAS REGISTERED WITHOUT YOUR KNOWLEDGE

The 20-day clock already ran.

If notice was properly served and you missed the 20-day window, the registration is confirmed by operation of law. Your ability to challenge the registration itself is now extremely limited.

You may still modify.

Even if you cannot contest the registration, you can still file a motion to modify support based on changed circumstances. The registration does not prevent modification, it just establishes the baseline order that will be modified.

Improper service may restart the clock.

If you were not properly served with the registration notice (wrong address, no service at all) you may be able to challenge the registration on service grounds despite the passage of time. Consult an attorney.

EMERGENCY PROTOCOL 4: CEJ DISPUTE — TWO STATES BOTH CLAIM JURISDICTION

This is the most complex scenario.

When parties disagree about which state has CEJ, you may have competing filings in two states. Both courts may have to communicate with each other to resolve the conflict.

The UIFSA remedy: simultaneous proceeding dismissal.

UIFSA requires that when a simultaneous proceeding exists in two states, the courts communicate and the proceeding in the state that is not the proper forum is dismissed.

Get an attorney in both states if possible.

Dual-jurisdiction disputes are among the most technically complex in family law. Self-represented litigants frequently lose on procedural grounds in these cases. This is the situation most worth spending money on an attorney.

Contact your state's IV-D agency.

State IV-D agencies deal with interstate jurisdiction disputes regularly. For IV-D cases, your state's agency can initiate the UIFSA inter-state communication process on your behalf.

EMERGENCY PROTOCOL 5: INTERNATIONAL — OBLIGOR OR CHILD MOVED ABROAD

Obligor moved abroad, custodial parent's options:

File for passport denial at $2,500 in arrears (automatic through the federal system). Contact OCSS about Central Authority proceedings if the destination is a 2007 Hague member country. Contact the U.S. Attorney's office if arrears exceed $10,000 and the non-payment appears willful. Do not assume moving abroad ends the obligation. It does not.

Obligor moved abroad and wants to modify, obligor's steps:

File for modification in the state that still has CEJ over your order. Most courts now allow remote/video appearances. Contact the court clerk for out-of-state filer procedures. If military and stationed abroad, see

Chapter 51 and contact JAG. Do not stop paying while pursuing modification, arrears continue regardless of your location.

Child was taken abroad by the other parent:

This may trigger the 1980 Hague Convention on Child Abduction (a completely separate treaty). Contact the U.S. Department of State's Office of Children's Issues at 1-888-407-4747 or travel.state.gov/childabduction. Your child support order remains valid and your obligation continues; address custody through the abduction treaty and support separately.

No treaty with the destination country:

The passport sanction and federal criminal exposure still apply regardless of the country. Contact OCSS for country-specific guidance. Arrears continue to accumulate with interest.

Section 8 — Quick Reference: The Three Questions You Need to Answer First

Before You File Anything, Answer These Three Questions

- **Question 1: Is the child or either parent still living in the state that issued my order?**

  YES → That state still has CEJ. You must file there, not in your new state.

  NO (all three have left) → CEJ has dissolved. Under UIFSA § 611 you must seek modification in a state where the OTHER party can be reached, typically where they now live; a petitioner cannot file in their own new home state unless both parties consent or everyone now lives in the same state.

- **Question 2: Has my order been registered in my new state?**

  YES → You may have received a notice with a 20-day response window. If you missed it, the registration is confirmed. You can still modify, you just cannot contest the registration itself.

  NO → Registration has not happened yet. If you file for modification where you live, be sure that state has proper jurisdiction first.

- **Question 3: Is this international?**

  YES, destination is a 2007 Hague member country → Contact OCSS about Central Authority proceedings. Passport denial at $2,500 in arrears applies regardless.

  YES, destination is NOT a Hague member → Passport denial and federal criminal statutes are your primary tools. Contact OCSS for country-specific bilateral agreement information.

  NO, domestic U.S. move → UIFSA controls. Answer Questions 1 and 2 above.

Section 9 — Key Statutes and Resources

- **UIFSA (Uniform Interstate Family Support Act)**

  Enacted in all 50 states and D.C. Codified differently in each state, search '[your state] UIFSA statutes' or look for '[state code] § [UIFSA sections].' The Uniform Law Commission's official text is at uniformlaws.org (search UIFSA 2008).

- **Full Faith and Credit for Child Support Orders Act (FFCCSOA)**

  28 U.S.C. § 1738B. Federal statute requiring states (and tribes) to give full faith and credit to valid child support orders from other states and tribes.

- **2007 Hague Convention on International Recovery of Child Support**

hcch.net, Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance. Member country list maintained here.

- **U.S. Office of Child Support Services (OCSS), International**
  acf.hhs.gov/css/international, Country-specific international enforcement information, Central Authority contacts, application forms.
- **Deadbeat Parents Punishment Act**
  18 U.S.C. § 228. Federal criminal statute for willful non-payment of interstate support: misdemeanor at more than one year or $5,000 unpaid, felony at more than two years or $10,000 unpaid or interstate flight to evade. Federal jurisdiction extends internationally.
- **Interstate IV-D Case Requests**
  Contact your state's child support enforcement agency (IV-D agency) and ask to open an interstate case. The agency is required by federal law to transmit modification requests and enforcement actions to other states' IV-D agencies at no cost to you.
- **Hague Convention Child Abduction (1980)**
  travel.state.gov/childabduction, U.S. Department of State, Office of Children's Issues: 1-888-407-4747. This is the custody/abduction convention, NOT the support convention, a separate issue addressed here only because the two conventions are frequently confused.
- **Uniform Law Commission UIFSA Resources**
  uniformlaws.org, Model act text, legislative history, and state adoption charts for UIFSA 2008 amendments.
- **Legal Aid / Self-Help for Interstate Cases**
  lawhelp.org, State-specific legal aid organization finder. Many legal aid offices have family law units experienced in UIFSA interstate proceedings. Interstate cases are among the most complex self-represented matters, legal assistance is strongly recommended.

Special consideration, get the state-specific UIFSA statute for your issuing state and your current state: every state chapter in this book identifies the UIFSA statute citation for that state in the Resources section. The state-specific procedural rules for interstate filings, registration timelines, and video appearance policies vary, the UIFSA framework is uniform, but the local court procedures are not.

Special consideration, the front matter of this book contains a brief overview of the Hague Convention in the context of international enforcement. Chapter 52 is the complete treatment. If you are reading the front matter overview and need the full framework, you are in the right place now.

End of Chapter 52 — Interstate & International Child Support | Appendices follow.

APPENDICES

State-by-State Statutes, Case Law, Court Forms, Resources, and Form Completion Guides

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Each appendix contains: Key Statutes · Key Case Law · Official Court Forms · Agency Contacts · Filing Checklist · Line-by-Line Form Completion Guide

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Appendix A — Alabama

Child Support Guidelines & Calculation

[1] Ala. R. Jud. Admin. Rule 32, Alabama Child Support Guidelines.

The Income Shares model. Establishes the guidelines worksheet (CS-42), what counts as income, how to treat self-employment, imputed income standards, and the methodology for calculating the basic support obligation. Source: Alabama Administrative Office of Courts; alacourt.gov.

[2] Alabama Code § 30-3-152, Rebuttable presumption that guideline amount is correct.

A court may deviate from the guideline amount only with specific written findings that application of the guidelines would be unjust or inappropriate.

[3] Alabama Code § 30-3-154, Modification standard: material change in circumstances.

A modification may be granted when there has been a material change of circumstances since the last order. Rule 32 establishes the 10% threshold as the numeric trigger for a 'significant' change in circumstances.

[4] Alabama Code § 30-3-155, Three-year review cycle.

Either party or DHR may request a modification after three years from the entry of the last order without showing an independent material change in circumstances.

Enforcement, Wage Garnishment & Income Withholding

[5] Alabama Code §§ 30-3-60 through 30-3-74, Income Withholding.

Governs immediate income withholding orders (IWO). Sets the process for service on employers, employer compliance deadlines, and modification of withholding amounts.

[6] Consumer Credit Protection Act (CCPA), 15 U.S.C. § 1673, Federal wage garnishment cap.

Limits total garnishment of disposable earnings to 50% (if supporting another family) or 60% (if not) of disposable earnings; increases to 55% and 65% respectively if arrears are more than 12 weeks past due. Alabama does not impose a stricter state cap.

Enforcement, License Suspension

[7] Alabama Code § 30-3-196, Suspension of driver's and recreational licenses for child support delinquency.

Authorizes suspension of driver's license, hunting license, and fishing license when a parent is 30 or more days past due on a child support obligation. Reinstatement requires a payment plan or full payment.

[8] Alabama Code § 40-12-49, Suspension of professional and business licenses.

Authorizes suspension or non-renewal of state-issued professional licenses, certificates, registrations, and occupational licenses for child support delinquency upon certification by DHR.

Enforcement, Contempt & Incarceration

[9] Alabama Code § 30-3-70, Civil contempt for child support non-payment.

Provides the court authority to hold a non-paying obligor in civil contempt. The obligor retains the 'keys to the jail', civil contempt terminates upon payment or compliance. See also Turner v. Rogers, [12] below, for the constitutional requirement of an ability-to-pay inquiry before incarceration.

Enforcement, Tax Intercept, Credit Reporting & Passport Denial

[10] 42 U.S.C. § 666(a)(3), Federal mandate for tax intercept program.

Requires states to have procedures to intercept federal and state income tax refunds for delinquent child support. Alabama threshold: arrears of $150+ for federal intercept (non-TANF cases); $500+ for state intercept. Administered through DHR and the federal Office of Child Support Services.

[11] 42 U.S.C. § 666(a)(16), Federal mandate for passport denial.

Requires states to certify to the U.S. Secretary of State individuals with arrears of $2,500 or more for passport denial or revocation. This threshold is set by federal law and is uniform across all states.

Arrears, Interest & Criminal Non-Support

[12] Alabama Code § 8-8-1, Legal rate of interest in Alabama: 7.5% per annum.

Applies to child support arrears not otherwise subject to a specific rate in a court order. Interest accrues from the date each payment was due and unpaid.

[13] Alabama Code § 13A-13-4, Criminal non-support (misdemeanor).

A person commits criminal non-support if he or she intentionally fails to provide support for a child under 18 for whom he/she has a legal duty to support. Class A misdemeanor; punishable by up to one year in county jail. Repeated violations may be charged as separate offenses.

Parenting Time Credit & Age of Majority

[14] Ala. R. Jud. Admin. Rule 32(C)(3), Parenting time adjustment.

Parenting time credit is available when the non-custodial parent exercises more than the standard parenting time schedule. The adjustment is calculated within the guidelines worksheet. Alabama does not have a fixed overnight threshold, the adjustment is proportional and subject to court discretion.

[15] Alabama Code § 26-1-1, Age of majority: 19 years.

Alabama's age of majority is 19, not 18. Child support obligations continue through the child's 19th birthday unless the child graduates from high school first, in that case, the obligation terminates upon graduation or age 19, whichever occurs first, under Rule 32 and § 30-3-4.

Interstate & Multi-State

[16] Alabama Code §§ 30-3A-100 through 30-3A-902, Uniform Interstate Family Support Act (UIFSA), as amended (2008 version).

Governs which state has continuing exclusive jurisdiction (CEJ) over a child support order, when and how to transfer jurisdiction, how to register a foreign order in Alabama, and how to enforce an Alabama order in another state. All 50 states have enacted UIFSA.

PART 2, KEY CASE LAW

The following cases are cited in Chapter 1 or are landmark decisions that directly govern child support modification and enforcement in Alabama. Fathers facing litigation should consult primary sources through Westlaw, Lexis, or the Alabama Supreme Court and Courts of Civil Appeals website (judicial.alabama.gov).

[C-1] **Ex parte Bayliss, 550 So.2d 986 (Ala. 1989),** *The Alabama Supreme Court held that trial courts may, under certain circumstances, order post-minority educational support for a child. The case also established the*

analytical framework for deviation from the child support guidelines, requiring specific written findings justifying any deviation from the Rule 32 presumptive amount.

[C-2] **Turner v. Rogers, 564 U.S. 431 (2011),** *The U.S. Supreme Court held that the Fourteenth Amendment's Due Process Clause does not automatically require appointed counsel for an indigent defendant in a civil contempt proceeding for child support non-payment, but the state must provide alternative procedural safeguards, including an opportunity for the defendant to demonstrate inability to pay before incarceration is imposed. Critical authority for any father facing contempt: request an ability-to-pay hearing on the record.*

[C-3] **Pate v. Guy, 934 So.2d 1070 (Ala. Civ. App. 2005),** *The Court of Civil Appeals upheld imputed income for a voluntarily underemployed parent. Established that a parent who is capable of employment and who voluntarily reduces income cannot avoid child support obligations by pointing to actual current earnings. Alabama courts look to earning capacity, not merely current earnings, when imputing income.*

[C-4] **Ex parte State ex rel. Steele, 669 So.2d 47 (Ala. Civ. App. 1995),** *Addressed whether mutual agreement between the parties constitutes a valid modification of a court-ordered support amount. Held that private agreements between parties do not modify a court order, only a court can modify a court order. Fathers who informally agree to pay less are still legally obligated for the full court-ordered amount and can face contempt for the difference.*

[C-5] **Mosley v. Mosley, 747 So.2d 894 (Ala. Civ. App. 1999),** *Addressed modification based on a change in income. The court confirmed that a significant change in the financial circumstances of either party (when the change produces a greater than 10% difference in the guideline support amount) constitutes a material change of circumstances sufficient to support modification.*

[C-6] **Smith v. Smith (Ala. Civ. App. 2017),** *Addressed the 'material and substantial change' standard as applied to the 10% guideline threshold. Reaffirmed that the 10% threshold is not a safe harbor, courts retain discretion to deny modification even when the threshold is met if other equitable factors weigh against a change.*

RESEARCH NOTE: Alabama Court of Civil Appeals opinions are searchable at judicial.alabama.gov. For unreported or unpublished opinions, use the Alabama Supreme Court and Courts of Civil Appeals Electronic Filing System (Alafile). Court self-help centers at the county courthouse can assist with locating local precedent.

PART 3, AGENCY CONTACTS & ONLINE RESOURCES

Alabama Department of Human Resources (DHR), Child Support Enforcement

[R-1] Alabama DHR Child Support Enforcement Division

Phone: 1-800-284-4347 (toll-free)
Portal: dhr.alabama.gov/child-support/
Functions: case management, income withholding orders, license suspension certification, tax intercept, contempt referral, and interstate enforcement. DHR handles IV-D cases (public assistance recipients and those who apply for services). Non-IV-D parents handle modification directly through the court.

[R-2] Alabama Administrative Office of Courts, Self-Help Forms

URL: alacourt.gov/Forms
Provides downloadable copies of CS-42 (Guidelines Worksheet), fee waiver petitions, and other circuit court forms. Circuit-specific forms (Petition to Modify, Income Withholding Orders) may only be available at the county circuit court clerk's office.

[R-3] Legal Services Alabama (LSA)

Phone: 1-866-456-4995 (statewide intake)
URL: legalservicesalabama.org
Free civil legal aid for income-qualifying individuals. Handles family law matters including child support modification, enforcement defense, and contempt representation. Has regional offices throughout Alabama.

[R-4] Alabama Law Help

URL: alabamalawhelp.org
Self-help legal information portal with downloadable instructions for pro se filers, court forms, and county-specific information. Maintained by Legal Services Alabama.

PART 4, ALABAMA JUDICIAL COUNCIL & COURT FORMS

The following forms are required or commonly used in Alabama child support modification and enforcement proceedings. All forms should be obtained directly from the source listed, do not use unofficial versions downloaded from third-party websites, as form numbers and content are subject to revision.

CS-42	**Child Support Guidelines Worksheet** Required with every Petition to Modify Child Support. This is the Rule 32 Income Shares calculation form. Both parties' gross incomes, allowable deductions, child-related expenses (health insurance, childcare), and parenting time credit are entered to produce the guideline support amount. A court cannot modify support without this form on file. *Obtain: alacourt.gov/Forms | Circuit Court Clerk's Office*

CS-14	**Income Withholding Order for Support (IWO)** The federal standardized form used to direct an employer to withhold child support from an employee's paycheck. Required any time an income withholding order is issued, modified, or terminated in Alabama. This is the form served on the obligor's employer. *Obtain: alacourt.gov/Forms | DHR Child Support Enforcement*

Petition to Modify CS	**Petition to Modify Child Support** The initiating pleading for a modification action filed in the Circuit Court. Alabama does not have a single statewide form, the petition is circuit-specific and typically drafted by the filer or attorney. Many counties provide a template at the clerk's office or court self-help center. Must be filed with the CS-42 Worksheet and supporting financial documentation. *Obtain: Circuit Court Clerk's Office | alabamalawhelp.org (template guidance)*

IFP / Fee Waiver	**Petition and Order for Waiver of Court Costs and Fees (Indigency Petition)** Allows a filer to proceed without paying the filing fee if income-qualifying. Alabama's filing fee for a modification petition ranges from $150–$300 depending on the county. The IFP (in forma pauperis) petition must be filed simultaneously with the modification petition. The judge reviews and grants or denies at the initial docket setting. *Obtain: Circuit Court Clerk's Office | alabamalawhelp.org*

Notice of Contempt	**Rule Nisi / Order to Show Cause (Contempt Initiation)** The document that initiates civil contempt proceedings against a non-paying obligor. Filed by the custodial parent or DHR. Directs the obligor to appear and show cause why he should not be held in contempt of the support order. If you receive this document, you MUST appear at the hearing. See Protocol C. *Obtain: Served on the respondent by process server or sheriff | Filed by petitioner*

Emergency Custody	**Petition for Emergency Change of Custody** Used when there is immediate and serious danger to the child. Must allege specific facts showing concrete, imminent risk. Courts do not grant ex parte temporary custody changes based on general concerns. Child support and visitation issues may be addressed simultaneously. Circuit-specific form. *Obtain: Circuit Court Clerk's Office, available at county courthouse*

INCOME & EXPENSE DECLARATION: Every Alabama circuit court requires a sworn Financial Statement (income and expense declaration) before any modification hearing. This form is circuit-specific and is NOT the CS-42 worksheet. It covers your monthly income, monthly expenses, assets, and debts. Obtain this form from your circuit court clerk or the court's self-help center. Use the information you have organized in the companion app to complete it accurately.

FORM WALKTHROUGHS, HOW TO COMPLETE EACH FORM

Alabama uses four forms for a child support modification. File all four together in one packet at the Circuit Court clerk's office in the county that issued the original order. Every form must match, same case number, same names, same spelling throughout. Use your full legal name exactly as it appears on the original order.

The four forms: CS-47 (Information Sheet, filed first), CS-10 (Modification Petition, the legal request), CS-41 (Income Statement/Affidavit, must be notarized), and CS-42-S (Child Support Guidelines Worksheet, the calculation). Print one original of each. Bring two additional copies for the clerk to stamp, one for your records, one for service on the other parent.

Form CS-47, Domestic Relations / Child Support Information Sheet (Rev. 12/2021)

State of Alabama Unified Judicial System Form CS-47 Rev. 12/2021	*Appendix to Rule 32.1* **DOMESTIC RELATIONS/CHILD SUPPORT INFORMATION SHEET**	**Case Number**

IN THE _____ **COURT OF** _____**, ALABAMA**
(Circuit or District) **(Name of County)**

_____ **v.** _____
Plaintiff **Defendant**

Information Concerning the Parties:

Plaintiff (☐ Mother, ☐ Father, ☐ Other _____)or
Other party (Specify) (_____)

Address (including city, state, and zip code):
_____
_____

Email Address:_____
Cell Phone #: _____

Cell Phone Service Provider:_____

Last four numbers of Social Security No.: Date of Birth:
***-**-_____ _____

Sex: _____

Place of Employment (if applicable) and Address of Employer (including city, state, and zip code):
_____
_____
_____

Work Telephone No: _____

Defendant (☐ Mother, ☐ Father, ☐ Other _____)or
Other party (Specify) (_____)

Address (including city, state, and zip code):
_____
_____

Email Address:_____
Cell Phone #:_____

Cell Phone Service Provider:_____

Last four numbers of Social Security No.: Date of Birth:
***-**-_____ _____

Sex: _____

Place of Employment (if applicable) and Address of Employer (including city, state, and zip code):
_____
_____
_____

Work Telephone No: _____

Are there minor children under the age of 19 who are subject to this action? ☐ Yes ☐ No

If you marked yes, you must complete the following information.

Information Concerning the Minor Child(ren):

Name(s)	**Address(es)**	**Sex(es)**	**Date(s) of Birth**	**Last four numbers of Social Security Number(s)**
_____	_____	_____	_____	***-**-_____
_____	_____	_____	_____	***-**-_____
_____	_____	_____	_____	***-**-_____
_____	_____	_____	_____	***-**-_____

THE CHILD SUPPORT REFORM ACT OF 1997, CODIFIED AT § 30-3-190 ET SEQ., ALA.CODE 1975, REQUIRES THAT THE DEPARTMENT OF HUMAN RESOURCES MAINTAIN THE ABOVE INFORMATION IN THE RECORD FOR ALL PARTIES IN DOMESTIC RELATIONS, SUPPORT, OR PATERNITY ACTIONS. THIS INCLUDES GRANDPARENTS OR OTHERS WHO MAY EITHER INITIATE AN ACTION OR INTERVENE IN AN EXISTING ACTION.

Completed By_____ Date Completed: _____
(Print Name)
Daytime Phone No.: _____

Form CS-47, Domestic Relations / Child Support Information Sheet | Official Alabama AOC Form Rev. 12/2021 | Reproduced at time of publication. Obtain current version at eforms.alacourt.gov before filing.

CS-47 is a background data form required by the Child Support Reform Act of 1997. It gives the court and Alabama DHR the information they need to maintain the case record and enforce any order. Fill this out first, the information you enter here must match everything on CS-10 and CS-41.

Court name and county: Write "Circuit" in the first blank and your county name in the second. Example: "IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA." If you are unsure which Circuit court has jurisdiction, call the clerk, use the county that issued the original order.

Case Number: Copy the case number exactly from your original child support order. It typically looks like: DR-2018-XXXX.XX or CS-2019-XXXX. Leave this blank if you do not have it, the clerk will fill it in when you file.

Plaintiff / Defendant designation: You are whoever you were in the original case. If you filed the original petition, you are the Plaintiff. If the state or the other parent filed against you, you are the Defendant. Check the box that matches your role, then check Mother, Father, or Other.

Address: Enter your current mailing address. If you have safety concerns about disclosing your address, ask the clerk about address confidentiality options before filing.

Email address: Optional, but recommended. The court may use this for notices.

Cell phone and service provider: Enter your current cell number. The service provider field (Verizon, AT&T, etc.) is used by DHR for enforcement purposes.

Last four numbers of Social Security Number: Alabama law requires only the last three digits on CS-41, but CS-47 asks for the last four. Do not write your full SSN on any form.

Date of Birth and Sex: Enter your date of birth in MM/DD/YYYY format and check your sex.

Place of Employment and Employer Address: Enter your current employer's name and full address including city, state, and zip. If you are self-employed, write your business name. If unemployed, write "Unemployed" and leave the address blank.

Work Telephone Number: Enter your direct work number if you have one. Optional.

Minor Children section, Name: List every child covered by the existing child support order. Use the child's full legal name. Do not include stepchildren or children from other relationships unless they are covered by this specific order.

Minor Children section, Address: Enter the address where each child currently lives. If this is your address, write the same address you entered above.

Minor Children section, Sex: M or F.

Minor Children section, Date of Birth: MM/DD/YYYY for each child.

Minor Children section, Last four numbers of Social Security Number: The child's SSN last four digits. If you do not have the child's SSN, write "unknown", do not leave it blank or the court may flag the form.

Completed By: Print your name, not your signature. This is a print line.

Date Completed: The date you are filling out the form.

Daytime Phone Number: A number where the court can reach you during business hours.

Form CS-10, Modification Petition for Support (Rev. 7/2019)

State of Alabama Unified Judicial System Form CS-10 Rev. 7/2019	**MODIFICATION PETITION FOR SUPPORT**	Court Case Number

IN THE _____ COURT OF _____ COUNTY, ALABAMA
STATE OF ALABAMA, ex. rel

_____ v. _____
(Plaintiff) *(Defendant)*

Comes now the ☐ Plaintiff OR ☐ Defendant and shows unto the Court as follows:

1. On_____, the _____Court of _____ County ordered the ☐ Plaintiff OR ☐ Defendant to pay the sum of $_____ per _____ for the support and maintenance of the child(ren) named as follows:_____.

2. Since the date of the above Order, the needs of the child(ren) have increased and/or there has been a material change in circumstances in that _____.

WHEREFORE, the premises considered, the ☐ Plaintiff OR ☐ Defendant moves this Honorable Court as follows:

1. To enter an order setting a hearing on the ☐ Plaintiff's OR ☐ Defendant's petition for modification.
2. To enter an order modifying the previous order of child support rendered on _____, and enter a judgment for any and all arrearages and interest accrued as provided in Ala. Code 1975, Section 8-8-10.
3. To enter the appropriate income withholding order.
4. To require the child support payments to be made payable to Alabama Child Support Payment Center at P.O. Box 244015 Montgomery, AL 36124-4015.
5. ☐ To require the ☐ Plaintiff or ☐ Defendant, wherever employed, to include the child(ren) named above on any health care coverage policy at his or her place of employment or include the child(ren) named above on any health care coverage which he or she may purchase, if the health care coverage is accessible to the child(ren) and is available and cane be obtained for the child(ren) at a reasonable cost, and to provide evidence of such coverage to the other party in non-Title IV-D cases OR to the _____ County Department of Human Resources in Title IV-D cases; OR

   ☐ To require the ☐ Plaintiff or ☐ Defendant to pay a sum for the medical support of the child(ren) named above, if health care coverage is not accessible, not available, or is not available at a reasonable cost.
6. Other: _____.

_____ _____
Date *Plaintiff/Attorney*

Name and Address of Attorney:

_____
_____
_____
_____

Telephone No.: _____

Original: COURT RECORD Copy: ATTORNEY Copy: DEFENDANT

Form CS-10, Modification Petition for Support | Official Alabama AOC Form Rev. 7/2019 | Reproduced at time of publication. Obtain current version at eforms.alacourt.gov before filing.

CS-10 is the legal document that officially asks the court to change your child support order. It is short (one page) but every blank matters. The court will use this form to schedule your hearing and frame the issues. Be specific about the change in circumstances. Vague language gets vague results.

Court name and county: Same as CS-47. Write the same court and county.

Case Number: Same case number as on CS-47.

Plaintiff / Defendant names: Copy the names exactly from your original order. The Plaintiff line and Defendant line must match the original case caption. Courts reject forms where names are spelled differently from the original order.

Paragraph 1, Date of original order: Enter the exact date your original child support order was entered. Find this on the face of the order itself. It is typically in the upper right corner or in the opening paragraph.

Paragraph 1, Court name and county: Write the court that issued the original order. Example: "Circuit Court of Jefferson County."

Paragraph 1, Amount ordered: The monthly (or weekly, or biweekly) dollar amount in the current order. Write the exact number. Example: "$650 per month."

Paragraph 1, Children's names: List every child covered by the order, separated by commas. Use full legal names.

Paragraph 2, Material change in circumstances: This is the most important blank on the entire form. You must state the factual reason you are asking for a modification. Alabama requires either a material change in circumstances or a 10% change in the guideline amount. Be specific and factual. Do not write "my circumstances have changed". That is too vague.

▶ INCOME DROP: Write: "the Defendant's income has decreased substantially and involuntarily from approximately $[prior monthly gross] to $[current monthly gross] per month due to [termination of employment / reduction in hours / disability], resulting in a guideline amount that differs from the current order by more than 10%."

▶ PARENTING TIME CHANGE: Write: "there has been a material change in the physical custody and parenting time arrangement in that the Defendant now exercises parenting time for [X] overnights per year, which materially changes the applicable child support obligation under Rule 32."

▶ CHILD NEED CHANGE: Write: "the needs of the child(ren) have materially increased in that [child] now requires [describe: specialized medical care / educational costs / etc.] at an additional monthly cost of approximately $[amount]."

▶ KEEP IT SHORT. One or two sentences is enough. The hearing is where you tell the full story. The petition just needs to meet the legal threshold.

Prayer for relief, Items 1 through 5: These are pre-printed requests. Read each one. Item 1 asks for a hearing, always leave this in. Item 2 asks to modify the prior order and enter judgment for arrearages, leave this in. Item 3 asks for an income withholding order, leave this in. Item 4 asks for payments through the Alabama Child Support Payment Center, leave this in. Item 5 addresses health insurance, read carefully and check the box that applies to your situation.

Prayer for relief, Item 6 (Other): Leave blank unless you are requesting something specific that is not covered by items 1 through 5. Examples: a credit for overpayment, retroactive modification to a specific date, or a deviation from the guideline amount for a documented reason.

Date: The date you sign the petition. This date controls when retroactivity begins if the court grants a modification. File the day you sign it.

Plaintiff/Attorney signature line: Sign your name on the "Plaintiff/Attorney" line regardless of whether you are the Plaintiff or Defendant. You are the party filing the petition. If you are pro se (representing yourself), leave the attorney name and address block blank.

Name and Address of Attorney: Leave blank if you are filing pro se.

Telephone Number: Enter your best contact number.

▶ COPIES: The bottom of the form shows three copy destinations: Original (court record), Attorney (your copy), Defendant (service copy). File the original. Keep one stamped copy for yourself. The third copy goes to the other parent via service.

Form CS-41, Child Support Obligation Income Statement / Affidavit (Rev. 7/2019)

Form CS-41 (Back) Rev. 7/2019

EXAMPLES OF INCOME THAT MUST BE INCLUDED IN YOUR GROSS MONTHLY INCOME

1. Employment Income – shall include, but not be limited to, salary, wages, bonuses, commissions, severance pay, worker's compensation, pension income, unemployment insurance, disability insurance, and Social Security benefits.

2. Self–Employment Income – shall include, but not be limited to, income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation. "Gross income" means gross receipts minus ordinary and necessary expenses required to produce this income.

3. Other Employment–Related Income – shall include, but not be limited to, the average monthly value of any expense reimbursements or in-kind payments received in the course of employment that are significant and reduce personal living expenses, such as a furnished automobile, a clothing allowance, and a housing allowance.

4. Other Non-Employment-Related Income – shall include, but not be limited to, dividends, interest, annuities, capital gains, gifts, prizes, and preexisting periodic alimony.

RULE 32, ALABAMA RULES OF JUDICIAL ADMINISTRATION, PROVIDES THE FOLLOWING DEFINITIONS:

Income. For purposes of the guidelines specified in this Rule, "income" means the actual gross income of a parent, if the parent is employed to full capacity, or if the parent is unemployed or underemployed, then it means the actual gross income the parent has the ability to earn.

Gross Income.

"Gross income" includes income from any source, and includes, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, Veteran's benefits, workers' compensation benefits, unemployment-insurance benefits, disability-insurance benefits, gifts, prizes, and preexisting periodic alimony.

"Gross income" does not include child support received for other children or benefits received from means-tested public-assistance programs, including, but not limited to, Temporary Assistance for Needy Families, Supplemental Security Income, food stamps, and general assistance.

Self–employment Income.

For income from self-employment, rent, royalties, proprietorship of business, or joint ownership of a partnership or closely held corporation, "gross income" means gross receipts minus ordinary and necessary expenses required to produce such income, as allowed by the Internal Revenue Service, with the exceptions noted in Rule 32 (B)(3)(b).

Under those exceptions, "ordinary and necessary expenses" does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses, investment tax credits, or any other business expenses determined by the court to be inappropriate for determining gross income for purposes of calculating child support.

Other Income. Expense reimbursements or in-kind payments received by a parent in the course of employment of self-employment or operation of a business shall be counted as income if they are significant and reduce personal living expenses.

State of Alabama Unified Judicial System Form CS-41 Rev. 7/2019	CHILD-SUPPORT-OBLIGATION INCOME STATEMENT/AFFIDAVIT	**Case Number**

IN THE _____ **COURT OF** _____**COUNTY, ALABAMA**
(Circuit or District) (Name of County)

Plaintiff _____ **v. Defendant** _____

AFFIDAVIT

I, _____, being duly sworn upon my oath, state as follows :
(Name of Affiant)

1. I am the ☐ Plaintiff ☐Defendant ☐Other (please specify):_____ in the above matter.
My Social Security number is: XXX-XX-X _____ LAST THREE (3) DIGITS ONLY

2. I am ☐ currently employed. My employer's name and address are:
_____
_____

☐ not currently employed.
My last employer's name and address are: _____
_____
Last position title: _____
Average monthly salary in the last year of employment: $ _____

3. My monthly gross income includes:

(*For example of income that must be included, see back of this form. If income varies by month, enter the estimated average monthly gross income.)*

Employment income	$_____
Self-employment income	$_____
Other employment-related income	$_____
Other non-employment-related income	$_____
Total	$_____

4. I incur the following amount monthly for work-related child-care: $_____
(*if none, write "None")*

5. The child(ren) of the parties is/are
☐ not covered by health-care coverage from me and/or my employer. ☐Health-care coverage is available at a cost of $_____ per month.
☐ covered by Medicaid or other public health-care coverage at no cost to me.
☐ covered by health-care coverage, and (1) I pay $_____ each month, or that amount is paid on my behalf each month by my_____, for the family policy coverage under which the child(ren) is/are covered; and (2) the total number of persons covered under that policy is _____.
The pro rata portion of the health-care coverage cost attributable to the child or children who are the subject of the support order (which shall be calculated by dividing the total health-care coverage cost actually paid by, or on behalf of, the parent ordered to provide the coverage by the total number of persons (adult and/or children) covered and then multiplying the result by the number of children who are the subject of the support order) is the sum of $_____ .
The health-care-coverage company's name and address are: _____
_____.

6. I pay the following total amount for ☐child support ☐alimony in [a] prior case(s) as follows:
[List case number(s) and county(ies) and state(s) here]:
_____ $_____
(*if none, write "None")*
_____

I understand that I will be required to maintain all income documentation used in preparing this Income Statement/Affidavit *(including my most recent income-tax return)* and that such documentation shall be made available as directed by the court. I also understand that any intentional falsification of the information presented in this Income Statement/Affidavit may subject me to the penalties of perjury.

_____
Affiant

Sworn to and subscribed before me this _____
day of _____, _____

_____
Notary/Clerk

Form CS-41, Page 1, Income Statement / Affidavit | Official Alabama AOC Form Rev. 7/2019 | Must be signed before a notary.

CS-41 is a sworn financial disclosure. You sign it in front of a notary or court clerk. Because it is signed under oath, every number must be accurate. If you overstate or understate your income, you are exposed to perjury penalties and the court will not trust your other filings. Use your most recent pay stubs and last year's tax return to fill this out.

Court, county, case number, Plaintiff/Defendant names: Copy identically from CS-47 and CS-10.

Name of Affiant: Your full legal name, print, do not sign here.

Item 1, Role (Plaintiff/Defendant/Other): Check the box that matches your role in the case. Then enter the last three digits of your Social Security Number ONLY. The form is explicit: last three digits. Do not write the full number.

Item 2, Employed / Not Employed: Check the correct box. If employed, print your employer's full name and mailing address, not just the company name. Include street address, city, state, and zip. If not currently employed, fill in your most recent employer, your last job title, and your average monthly gross salary in that last year of employment.

Item 3, Employment income: Your average monthly gross wages or salary before any deductions. If you are paid biweekly, multiply your gross paycheck by 26, then divide by 12. If paid weekly, multiply by 52 then divide by 12. If your income varies, use a 12-month average from your last tax return or pay history.

Item 3, Self-employment income: Net profit after ordinary and necessary business expenses, as you report to the IRS. Use Schedule C from your most recent tax return as the starting point. Note: Alabama courts may add back excessive depreciation or non-cash deductions, so be ready to explain any large deductions.

Item 3, Other employment-related income: Expense reimbursements or in-kind benefits that reduce your living costs: company car, housing allowance, clothing allowance. If your employer pays for your vehicle and you do not pay out of pocket for transportation, that has value and the court expects it disclosed.

Item 3, Other non-employment-related income: Dividends, interest, rental income, annuities, capital gains, prizes, gifts, Social Security, veterans benefits, workers' compensation, unemployment. If you receive it regularly, it goes here.

Item 3, Total: Sum of all four income lines above. This total is Line 1 on the CS-42-S worksheet. Make sure the numbers match exactly.

Item 4, Work-related child care: The monthly average you pay for child care costs directly related to your employment or job search, daycare, before/after school programs, summer programs if needed to allow you to work. Do not include activities, sports, or entertainment. If none, write "None" as the form instructs. Do not leave it blank.

Item 5, Health care coverage: Read all three checkbox options carefully. Check only one. Option 1: The children are not covered by health insurance from you or your employer, but coverage is available at a stated monthly cost. Option 2: The children are covered by Medicaid or public coverage at no cost to you. Option 3: The children are on your health insurance plan, enter the total amount you pay monthly for the entire family policy, the total number of people covered under that policy (including you and any other dependents), and the pro-rata monthly cost for just the subject children (total cost ÷ total persons covered × number of subject children). Then provide the insurance company name and address.

Item 6, Prior child support / alimony obligations: List any court-ordered child support or alimony you are currently paying in a different case. Include the case number and the county and state. This amount is subtracted from your gross income on Line 1a of CS-42-S before the guideline is calculated. If none, write "None."

Signature line (Affiant): Do not sign this until you are in front of a notary or court clerk. The notary will watch you sign, then fill in the date and sign the bottom notary block. Most Circuit Court clerk offices have a notary on staff. You can sign right at the counter when you file. Call ahead to confirm.

▶ The back of CS-41 contains the legal definitions of every income category. Read it before you fill out Item 3. If a category is listed on the back as includable income and you receive it, it must be on the form.

Form CS-42-S, Child Support Guidelines Worksheet (Effective June 1, 2023)

State of Alabama Unified Judicial System Form CS-42-S Effective 6/2023	**CHILD SUPPORT GUIDELINES**	Case Number

IN THE_____COURT OF_____COUNTY, ALABAMA
(Circuit or District) (Name of County)

_____v._____
Plaintiff Defendant

Children	Date of Birth	Children	Date of Birth
		Number of Children	

Line	Item	Plaintiff	Defendant	Combined
1	MONTHLY GROSS INCOME	$	$	$
1a	Minus Preexisting Child-Support Payments	–	–	–
1b	Minus Preexisting Periodic Alimony Payments	–	–	–
2	MONTHLY ADJUSTED GROSS INCOME (Line 1 – Line 1a – Line 1b)	$	$	$
	Child-Support-Obligation Calculations	%	%	100 %
3	PERCENTAGE SHARE OF INCOME (Income on Line 2 divided by Combined Income)			
4	BASIC CHILD-SUPPORT OBLIGATION (Apply Line 2 Combined to Schedule of Basic Child-Support Obligations)			$
5	SHARED 50% PHYSICAL-CUSTODY CHILD-SUPPORT OBLIGATION (150% of Basic Child-Support Obligation) (1.5 x Line 4 Combined)			$
6	WORK-RELATED CHILD-CARE COSTS (Paid by Either Parent)	$	$	
7	HEALTH-CARE-COVERAGE COSTS (Paid by Either Parent)	+	+	
8	TOTAL CHILD-CARE AND HEALTH-CARE-COVERAGE COSTS (Line 6 + Line 7)	$	$	$
9	TOTAL CHILD-SUPPORT OBLIGATION (Combined Line 5 + Line 8)			$
10	EACH PARENT'S CHILD-SUPPORT OBLIGATION (Line 3 x Line 9)	$	$	
	Shared 50% Physical Custody Calculations			
11	TOTAL COSTS PAID BY EACH PARENT (Line 8)	–	–	
12	CREDIT FOR SHARED 50% PHYSICAL CUSTODY (50% of Line 5 Combined)	–	–	
13	ADJUSTED SHARED 50% PHYSICAL-CUSTODY CHILD-SUPPORT OBLIGATION (Line 10 – Line 11 – Line 12)	$	$	
	Recommended Child-Support Order			
14	RECOMMENDED CHILD-SUPPORT ORDER (Higher of amounts in Line 13 placed in column of parent with higher amount.)	$	$	

Comments, Calculations, or Rebuttals to Guidelines:

Prepared By: Date:

Form CS-42-S, Child Support Guidelines Worksheet | Official Alabama AOC Form Effective 6/2023 | Reproduced at time of publication. Obtain current version at eforms.alacourt.gov before filing.

CS-42-S is the calculation form. It takes the income figures from both parents' CS-41 forms, applies Alabama's Schedule of Basic Child-Support Obligations, and produces the recommended order amount. The court uses this number as its starting point. If you do not file a completed CS-42-S, you are asking the court to do your math for you, judges do not appreciate that. Download the Excel version from eforms.alacourt.gov if you want it to calculate automatically, but file the PDF version with the court.

Court, county, Plaintiff/Defendant names: Identical to the other three forms.

Children, Name and Date of Birth: List each child covered by the order. Use full legal names and MM/DD/YYYY dates of birth.

Number of Children: Count only the children covered by this specific order. Do not count stepchildren or children from other cases.

Line 1, Monthly Gross Income (Plaintiff column / Defendant column): Transfer the Total from Item 3 of each parent's CS-41. Your number goes in your column. You will need to use the other parent's income as well, if they have not provided a CS-41, use the income figure from the existing order as a starting estimate, and note in the Comments section that the other parent's income is estimated. Alabama courts will require both parents to provide income documentation before entering a modification.

Line 1a, Minus Preexisting Child-Support Payments: If either parent is already paying court-ordered child support in a different case, subtract that amount from their gross income. Enter the amount in the appropriate parent's column. This is from Item 6 of CS-41.

Line 1b, Minus Preexisting Periodic Alimony Payments: If either parent is paying court-ordered periodic alimony in a different case, subtract that here. Enter in the paying parent's column only.

Line 2, Monthly Adjusted Gross Income: Line 1 minus Line 1a minus Line 1b for each parent. This is each parent's adjusted income going into the guideline calculation.

Line 3, Percentage Share of Income: Divide each parent's Line 2 by the Combined Line 2 total. The result is each parent's proportional share of the total parental income. Example: if your

income is $3,000 and the other parent's is $5,000, the combined is $8,000. Your share is 37.5% and the other parent's is 62.5%. The two percentages must add up to 100%.

Line 4, Basic Child-Support Obligation: Use the Schedule of Basic Child-Support Obligations (a separate table, available on the Alabama Supreme Court website and at the court clerk's office). Find the row matching the Combined Line 2 income and the column matching the number of children. The table gives you the basic monthly obligation. Write that number in the Combined column.

Line 5, Shared 50% Physical-Custody Obligation: Fill this line ONLY if the parents share physical custody equally (50/50). Multiply Line 4 by 1.5. If your parenting arrangement is not 50/50, skip Lines 5 and 11 through 13 and jump to Line 6.

Line 6, Work-Related Child-Care Costs: Enter the monthly child-care costs from Item 4 of each parent's CS-41. Each parent's costs go in their column. These are added to the basic obligation and shared proportionally.

Line 7, Health-Care-Coverage Costs: Enter the pro-rata monthly cost of health insurance for the subject children (from Item 5 of CS-41) in the column of the parent who is paying for the coverage.

Line 8, Total Child-Care and Health-Care Costs: Add Lines 6 and 7 for each parent and for the combined column.

Line 9, Total Child-Support Obligation: Combined Line 5 plus Combined Line 8. This is the total amount the guidelines say it costs to support these children each month, considering both parents' contributions to care and insurance.

Line 10, Each Parent's Child-Support Obligation: Multiply each parent's Line 3 percentage by Line 9 combined total. This is each parent's gross share of the total obligation.

Lines 11 through 13, Shared 50% Physical Custody Adjustments: Complete these three lines only if you are in a 50/50 parenting arrangement. Line 11 subtracts each parent's direct child-care and insurance costs (Line 8). Line 12 subtracts each parent's 50% credit (50% of Line 5 combined). Line 13 is the adjusted obligation after both credits. Skip to Line 14.

Line 14, Recommended Child-Support Order: This is the final number. If you completed Lines 11 through 13 (shared custody), the higher of the two Line 13 amounts goes in the column of the parent with the higher amount, that parent pays the other parent that amount monthly. If you are not in a 50/50 arrangement, go directly from Line 10: the non-custodial parent's Line 10 amount is the recommended monthly payment. Write the dollar amount in the paying parent's column.

Comments, Calculations, or Rebuttals to Guidelines: Use this space to explain any deviation you are requesting from the guideline amount, or to document any unusual income calculation. If you are asking the court to deviate from the guideline, state the specific reason here and reference the Rule 32 deviation factor that applies. Examples: "Requesting deviation based on extraordinary educational expenses for minor child as allowed under Rule 32(A)(1)(j)" or "Other parent's income estimated at $[amount] from [year] tax return, current CS-41 not yet received."

Prepared By / Date: Print your name and the date you completed the form.

▶ SCHEDULE OF BASIC CHILD-SUPPORT OBLIGATIONS: This is the lookup table that drives Line 4. It is a separate document available at eforms.alacourt.gov and at the clerk's office. Find the combined monthly adjusted gross income row closest to your Line 2 combined figure, then read across to the column for your number of children. That cell is your Line 4 value. If the combined income falls between two rows in the schedule, use the higher row to be conservative, or interpolate.

▶ EXCEL VERSION: Alabama publishes a free Excel version of CS-42-S at eforms.alacourt.gov that performs all calculations automatically. Use it to check your math and run scenarios before you file. Print the completed PDF version for the court. Courts do not accept Excel files.

Filing Your Packet, What Happens at the Clerk's Office

Bring to the clerk's office: three copies of CS-47, CS-10, and CS-42-S; three copies of CS-41 (unsigned (you will sign in front of the notary at the clerk's counter); your government-issued photo ID; your two most recent federal tax returns and three most recent pay stubs (clerk may ask for these as attachments); and your filing fee (call ahead) Alabama Circuit Court

modification filing fees vary by county but are typically $100 to $300; fee waiver forms are available if you qualify based on income).

The clerk stamps all copies, keeps the originals, and returns your copies. You must then serve the other parent with a copy of the petition and CS-47. For a modification, service is typically by certified mail to the other parent's last known address, or by process server if you cannot confirm their address. File proof of service with the court before your hearing date.

After you file, the court will schedule a hearing and notify both parties. Alabama does not have a mandatory response deadline for the other parent in a modification proceeding, but they will receive notice of the hearing date and have the opportunity to file their own CS-41 and CS-42-S before that date.

End of Appendix A — Alabama | Appendix B — Arizona follows.

Appendix B — Arizona: Statutes, Case Law, Forms, and Resources

All sources below support the factual and legal statements in Chapter 2, Arizona. Reference numbers correspond to asterisked items (*[N]) in that chapter. Case citations use [C-N] format. Judicial council forms are listed at the end.

PART 1, STATUTORY SOURCES & REGULATIONS

Child Support Guidelines & Calculation

[1] A.R.S. § 25-320 and Arizona Child Support Guidelines (Appendix to A.R.S. § 25-320), Income Shares model.

The Arizona Child Support Guidelines are published as a court appendix and set the Combined Adjusted Gross Income (CAGI) table, the basic support obligation schedule, and adjustment mechanisms. Available at azcourts.gov.

[2] A.R.S. § 25-320(A), Definition of gross income for child support purposes.

Broad definition includes wages, salary, tips, commissions, bonuses, overtime, self-employment net income, rental income, interest, dividends, pension, disability, unemployment compensation, and Social Security benefits.

[3] Arizona Child Support Guidelines § 9, Parenting Time Adjustment.

When the non-custodial parent exercises a significant amount of parenting time (generally 20%+ of annual overnights), the guideline obligation is reduced by a proportional parenting time offset. Calculated on the guidelines worksheet (DR-305).

[4] Arizona Child Support Guidelines § 4, Self-employment income.

Self-employment income is calculated as gross receipts minus ordinary and necessary business expenses. Courts scrutinize Schedule C expense claims aggressively.

Modification Standard

[5] A.R.S. § 25-327(B), Modification threshold: 15% change or $50, whichever is greater.

A modification of child support may be requested when (1) application of the current guidelines results in a different support amount, and (2) that amount differs from the existing order by 15% or $50, whichever is greater. Meeting the threshold enables the Simplified Procedure. Courts retain discretion to deny if the change is not substantial and continuing.

[6] A.R.S. § 25-327(C), Three-year administrative review through DCSS.

Either parent may request an administrative review of child support through DCSS once every three years without showing an independent change in circumstances. DCSS recalculates using current incomes and the applicable guidelines.

[7] A.R.S. § 25-320(J), SSDI derivative benefit credit.

When a child receives Social Security derivative benefits based on the obligor's disability, those benefits are credited dollar-for-dollar against the obligor's monthly child support obligation.

Procedure & Filing

[8] azcourts.gov Self-Service Center, Court forms: DR-305, Affidavit of Financial Information (AFI), Petition to Modify Child Support.

The Arizona Supreme Court maintains a statewide Self-Service Center with forms accepted in all Superior Courts. Form DR-305 is the Child Support Guidelines Worksheet. The AFI is Arizona's income and expense declaration (required with every modification petition). Both are available at azcourts.gov → Family/Child Support.

[9] Local Superior Court fee schedules, filing fees vary by county.

Maricopa County: approximately $250–$360. Pima County: approximately $235–$320. Rural counties generally lower. Contact the county clerk for current fee schedule. Fee waiver form: Application for Deferral or Waiver of Court Filing Fees, azcourts.gov.

[10] Arizona Rules of Family Law Procedure, Rule 40, service of process requirements.

Personal service by process server or sheriff is required unless the other party waives personal service in writing. Service by certified mail may be used with a signed return receipt. Proof of service must be filed with the court.

Enforcement, Wage Garnishment

[11] A.R.S. §§ 25-504 and 25-505, Mandatory income withholding orders.

Income withholding is mandatory in all new child support orders. The Income Withholding Order (IWO) is served on the obligor's employer. Employers must begin withholding no later than the first pay period after receipt and remit within 7 business days.

[12] Consumer Credit Protection Act (CCPA), 15 U.S.C. § 1673, Federal wage garnishment cap.

Maximum withholding: 50% of disposable earnings if supporting another family; 60% if not. Increases to 55%/65% when arrears are more than 12 weeks past due. Arizona does not impose a stricter state cap.

Enforcement, License Suspension

[13] A.R.S. § 25-518, Suspension of driver's, professional, and recreational licenses.

DCSS may suspend any state-issued license when arrears reach $1,000 or the obligor is 60 or more days past due. DCSS sends a notice; the obligor has 20 days to respond (pay, enter a plan, or request a hearing). Restricted license for employment travel may be available on an active payment plan.

Enforcement, Tax Intercept, Passport & Credit Reporting

[14] 42 U.S.C. § 666(a)(3) (Federal tax intercept mandate; A.R.S. § 25-527) Arizona state tax intercept.

Federal income tax refunds intercepted at $500+ arrears (non-TANF) or $150+ (TANF cases). Arizona state income tax refunds intercepted for any certified arrears balance. Joint filers may protect a spouse's portion via IRS Form 8379 (Injured Spouse Allocation).

[15] 42 U.S.C. § 666(a)(16), Passport denial at $2,500+ arrears.

Federal law, uniform across all states. DCSS certifies the case to the federal Office of Child Support Services, which reports to the U.S. State Department. Passport applications denied; existing passports may be revoked.

[16] 42 U.S.C. § 666(a)(7), Credit bureau reporting mandate.

States must report child support arrears to consumer credit bureaus. Arizona DCSS reports outstanding arrears; paid-off accounts are subsequently reported as satisfied but remain on credit history.

Enforcement, Bank Levy, Contempt & Criminal

[17] A.R.S. §§ 25-507 and 25-508, Financial institution data match and bank account levy.

DCSS may access financial institution records to identify obligor accounts and intercept funds. Funds are typically held for 30 days before transfer. Obligor may contest an improper levy within the hold period.

[18] A.R.S. § 25-381.09, Civil contempt for failure to pay child support; Arizona Rules of Family Law Procedure, Rule 94.

A party who fails to comply with a child support order may be held in civil contempt. The moving party must serve a Notice to Appear (Order to Show Cause). Civil contempt is purged by compliance, the court cannot incarcerate without an ability-to-pay inquiry (see Turner v. Rogers, [C-2]).

[19] A.R.S. § 25-511, Criminal non-support.

Class 1 misdemeanor: willful failure to pay, arrears of $5,000 or more, or failure to pay for six or more months. Class 6 felony: arrears exceeding $10,000. Federal charge under 18 U.S.C. § 228 (Deadbeat Parents Punishment Act) applies when arrears exceed $5,000 and the obligor has crossed state lines.

Arrears, Interest & SOL

[20] A.R.S. § 44-1201, Legal interest rate: 10% per annum.

Interest accrues on each unpaid child support installment from the date it was due. At 10% annually, $700/month unpaid for one year generates approximately $420 in interest in addition to the $8,400 in principal arrears.

[21] Arizona judgment renewal law, no effective statute of limitations on child support arrears.

Child support installments become judgments by operation of law when due and unpaid (A.R.S. § 25-320(F)). Arizona judgments are renewable and do not expire. There is no statute of limitations that would extinguish accrued child support arrears in Arizona.

Interstate

[22] A.R.S. §§ 25-1301 through 25-1342, Uniform Interstate Family Support Act (UIFSA).

Arizona's full adoption of UIFSA governs Continuing Exclusive Jurisdiction (CEJ), registration of foreign orders, interstate income withholding, and multi-state modification authority. Consistent with the 2008 amendments adopted by all states.

Emergency Proceedings & Age of Majority

[23] A.R.S. § 25-411, Emergency temporary orders; Arizona Rules of Family Law Procedure, Rule 91.

Courts may issue ex parte temporary custody and support orders when there is credible evidence of imminent danger to the child. The petition must allege specific facts; general concerns are insufficient for ex parte relief. A full hearing must follow within a short period.

[24] A.R.S. § 1-501, Age of majority in Arizona: 18 years.

Child support terminates when the child turns 18 OR graduates from high school, whichever occurs later, but support may not be ordered beyond age 19. Courts may extend support for a severely disabled adult child who became disabled before age 18.

PART 2, KEY CASE LAW

The following cases govern child support modification and enforcement in Arizona. Full opinions available at azapps.courts.state.az.us (Arizona Appellate Courts) and through Westlaw or Lexis.

[C-1] **Little v. Little, 193 Ariz. 518, 975 P.2d 108 (Ariz. 1999),** *The Arizona Supreme Court established the standard for imputing income to a voluntarily underemployed parent. The court must consider the parent's earning capacity (education, work history, and available job market) rather than simply accepting stated current income. A parent who voluntarily reduces income cannot shift the resulting support reduction to the child.*

[C-2] **Turner v. Rogers, 564 U.S. 431 (2011),** *U.S. Supreme Court: the Fourteenth Amendment does not require appointed counsel in every civil contempt hearing for child support non-payment, but the state must provide procedural safeguards (including an ability-to-pay inquiry) before incarcerating an unrepresented obligor. Requesting an ability-to-pay determination on the record is the most important action a father can take at a contempt hearing.*

[C-3] **Engel v. Engel, 221 Ariz. 504 (Ariz. Ct. App. 2009),** *The Court of Appeals addressed the application of Arizona's parenting time adjustment. The court confirmed that the adjustment in the guidelines worksheet is proportional to actual parenting time exercised and must be supported by credible evidence of actual overnight counts, not merely the order on paper.*

[C-4] **McNutt v. McNutt (Ariz. Ct. App.),** *Addressed whether an informal agreement between parents to accept reduced support constitutes a valid modification. Consistent with established Arizona law, the court held that only a court order can modify a court-ordered support obligation. A parent who relies on an informal agreement and pays less than ordered remains in arrears for the difference and faces contempt. See also Ex parte Steele (Alabama, cited in Appendix A) for the identical principle applied in another state.*

[C-5] **In re Marriage of Robinson, 201 Ariz. 328 (Ariz. Ct. App. 2001),** *Confirmed that child support modification in Arizona is prospective only, the modification is effective from the date of filing the petition, not from the date circumstances changed. Filing promptly when income changes is therefore critical; delay means arrears at the old (potentially higher) rate continue to accrue.*

RESEARCH NOTE: Arizona Court of Appeals and Supreme Court opinions are searchable at azapps.courts.state.az.us. Unpublished memorandum decisions are citeable in Arizona only for their persuasive value, not as binding authority. Published opinions (designated 'Opinion' not 'Memorandum Decision') are binding precedent.

PART 3, AGENCY CONTACTS & ONLINE RESOURCES

Arizona Division of Child Support Services (DCSS)

[R-1] Arizona DCSS, part of the Arizona Department of Economic Security (ADES).

Phone: 1-800-882-4151 (statewide) | 602-252-4045 (Maricopa)
Portal: arizonacss.org | des.az.gov/services/child-and-family/css
Handles IV-D enforcement: income withholding, license suspension certification, tax intercept, passport denial, administrative review, and interstate enforcement.

[R-2] azcourts.gov Self-Service Center, statewide court forms portal.

URL: azcourts.gov → Self-Service Center → Family/Child Support
Provides DR-305 (Guidelines Worksheet), AFI, Petition to Modify (simplified and standard), fee waiver application, and consent order forms.

[R-3] AZCourtHelp.org, statewide self-help legal portal.

URL: AZCourtHelp.org
Plain-language guides, county-specific filing instructions, and links to local self-help centers. Maintained by the Arizona Supreme Court.

[R-4] Arizona Legal Aid, income-qualifying legal assistance.

Phone: 1-800-628-1150
URL: azlegalaid.org
Free family law representation and advice for qualifying individuals. Handles child support modification, contempt defense, and related proceedings.

[R-5] Maricopa County Superior Court Self-Service Center.

201 W. Jefferson St., Phoenix, AZ 85003
Walk-in assistance with forms, filing, and procedural guidance. Hours vary, check superiorcourt.maricopa.gov for current schedule.

[R-6] Pima County Superior Court Self-Help Center.

110 W. Congress St., Tucson, AZ 85701
In-person assistance with family law filings. Hours and services at sc.pima.gov/family-court.

Secondary Sources, Practitioner Commentary (support for Chapter 2 income and overtime discussion)

[R-7] Hildebrand Law, PC, "Attributing Income for Child Support in Arizona."

URL: hildebrandlaw.com/attributing-income-for-child-support-in-arizona
Practitioner overview of voluntary unemployment and underemployment, the burden-shifting framework, and the Little v. Little balancing test (financial impact on the children, reasonableness, and good faith) for imputing income. See Chapter 2, Section 4.

[R-8] Hildebrand Law, PC, "Calculating a Parent's Income for Child Support in Arizona."

URL: hildebrandlaw.com/arizona-child-support/calculating-income-for-child-support-in-arizona
Explains the broad statutory definition of gross income and how Arizona treats overtime, including the historically-earned-and-anticipated standard.

[R-9] Modern Law (MyModernLaw), "Overtime Pay & Child Support in Arizona."

URL: mymodernlaw.com/overtime-pay-considered-child-support
Discusses when overtime is and is not counted toward gross income, and the general rule that a parent is not expected to work overtime to increase support.

PART 4, ARIZONA COURT FORMS

Arizona Superior Court forms are standardized statewide. Download from azcourts.gov Self-Service Center. County-specific supplemental forms are available at each county clerk's office.

DR-305	**Child Support Guidelines Worksheet** Required with every Petition to Modify Child Support. This is the Income Shares calculation worksheet: both parents' incomes, childcare costs, health insurance, and parenting time data are entered to produce the guideline obligation. Both parties must complete their own or a joint worksheet. *Obtain: azcourts.gov Self-Service Center | County clerk*
AFI	**Affidavit of Financial Information** Arizona's income and expense declaration, required with every modification petition. Sworn statement covering gross monthly income, expenses, assets, and debts. Bring pay stubs (last 2), 3 years of federal tax returns, and W-2s/1099s to support the AFI figures. *Obtain: azcourts.gov Self-Service Center | County clerk*
Petition to Modify (Simplified)	**Petition to Modify Child Support, Simplified** Used when the recalculated amount meets the 15% or $50 threshold. Simplified procedure is available when the change is straightforward, no contested custody, no complex income disputes. Must be filed with DR-305 and AFI. *Obtain: azcourts.gov Self-Service Center*
Petition to Modify (Standard)	**Petition to Modify Child Support, Standard** Used for complex modifications: self-employment income disputes, contested parenting time, imputed income arguments. Requires full hearing before a judge. Filed with DR-305 and AFI. *Obtain: azcourts.gov Self-Service Center | County clerk*
Fee Waiver	**Application for Deferral or Waiver of Court Filing Fees** Income-based fee waiver for qualification. File simultaneously with the petition. Income eligibility generally at or below 200% federal poverty line. Judge reviews and grants or

	denies at the initial docket. *Obtain: azcourts.gov Self-Service Center | County clerk*

IWO	**Income Withholding Order for Support (Federal Form OMB-0970-0154)** Federal standardized form directing an employer to withhold child support from wages. Mandatory in all Arizona child support orders. The IWO is served on the employer by DCSS or the court. *Obtain: DCSS | azcourts.gov | acf.hhs.gov/css/resource/income-withholding-for-support*

AFFIDAVIT OF FINANCIAL INFORMATION (AFI): This is Arizona's income and expense declaration. It is NOT the same as the DR-305 Guidelines Worksheet. The AFI covers your full financial picture; the Worksheet calculates the support amount. Both are required. Use the financial data you have organized in the companion app to complete the AFI accurately.

Arizona Court Forms, Line-by-Line Completion Guide

The two forms below are required for a Simplified Process child support modification in Arizona. Use the Simplified Process when the only reason for modification is a change in income and the 15% threshold test (see Item 5 on the petition) is satisfied. If parenting time has also changed, or the order is from a different county, use the Standard Process packet (DRMCS1) instead. Both packets are available free at azcourts.gov → Self-Service Center → Child Support Modification or in person at any county Superior Court Law Library Resource Center (LLRC).

Form DRMSS11f, Petition to Modify Child Support (Simplified Process)

Official Arizona Superior Court Form | Rev. May 2025 | Reproduced at time of publication. Obtain current version at azcourts.gov or superiorcourt.maricopa.gov before filing.

Person Filing: _____

Address (if not protected):_____

City, State, Zip Code:_____

Telephone: _____

Email Address:_____

ATLAS Number: _____

Lawyer's Bar Number: _____

For Clerk's use only

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

(A)_____ Case Number: (C)_____
Name of Petitioner/Party A (in original case)

PETITION TO MODIFY (change)
CHILD SUPPORT
SIMPLIFIED PROCESS

(B)_____
Name of Respondent/Party B, (in original case)

IMPORTANT NOTICE TO PARTY NOT REQUESTING THE MODIFICATION (CHANGE). Your support order may be modified (changed) if you do not request a hearing.

1. ☐ Party A or ☐ Party B asks this court to modify the Arizona child support order:

The Order was issued on:_____ (Month/Day/Year)

The Order was issued by:_____(Name of Court)

Located in this County:_____

If the Order was not issued by the Superior Court of Arizona in this county, the case has already been transferred to this county and has a Maricopa County case number.

2. Under the current child support order:

☐ Party A is responsible for providing:

☐ medical insurance ☐ dental insurance ☐ vision care insurance

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Form DRMSS11f, Page 1 of 3, Petition to Modify Child Support (Simplified Process) | Official Arizona Superior Court Form DRMSS11f Rev. 052925 | Current at time of publication.

Case Number: _____

☐ Party B is responsible for providing:

☐ medical insurance ☐ dental insurance ☐ vision care insurance

☐ Neither party was ordered to provide:

☐ medical insurance ☐ dental insurance ☐ vision care insurance

3. The child support order currently in effect requires ☐ Party A or ☐ Party B to make payments of (b) $ _____ per _____, payable on the _____ day of the month.

4. Attached is a Child Support Worksheet. According to the worksheet calculations, the child support amount should be $ _____ per month.

5. The following calculations show that the new amount varies from the current amount of court-ordered child support by 15% or more.

(a)_____ divided by (b)_____and then multiplied by 100 = (c)_____%

a = the difference between the amount currently ordered and the amount requested;
b = the amount currently ordered; and,
c = the percentage change

6. Is the Department of Economic Security or the Division of Child Support Enforcement (DES or DCSE) providing services to at least one of the parties? ☐ Yes ☐ No ☐ Unknown

(If YES, see instructions regarding notice to the State in the packet.)

7. Other court-ordered payments included in the current Order of Assignment dated

_____/_____/_____

Spousal Maintenance: $_____per_____

Payments on Arrears: $_____per_____

Other: $_____per_____

RELIEF REQUESTED (WHAT I WANT THIS COURT TO DO):

A. I request that child support be ordered in the amount of $ _____ per month to be paid by ☐ Party A or ☐ Party B, and that relief requested in the Child Support Worksheet be ordered.

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Form DRMSS11f, Page 2 of 3, Items 3–7 and Relief Requested | Complete the 15% calculation in Item 5 before filing.

Case Number: _____

B. Regarding insurance for minor children, order that:

☐ Party A is responsible for providing:

☐ medical insurance ☐ dental insurance ☐ vision care insurance

☐ Party B is responsible for providing:

☐ medical insurance ☐ dental insurance ☐ vision care insurance

The costs of medical/dental/vision care expenses not paid by insurance shall be shared as follows: Party A _____ % Party B _____%. Request for payment or reimbursement must be provided to the obligated parent(s) within 180 days after the services occurred. The obligated parent must pay or make payment arrangements within 45 days after receipt of the request.

A. C. If this matter goes to hearing, I further request that costs and fees incurred in bringing this action be ordered to be paid by the opposing party.

OATH OR AFFIRMATION AND VERIFICATION

I swear or affirm that the information on this document is true and correct under penalty of perjury.

_____ _____

Signature Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____

_____

(date)

by_____.

(Notarial Officer's Stamp or Seal)

_____

Notarial Officer

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Form DRMSS11f, Page 3 of 3, Insurance Relief and Oath/Notarization | Must be signed before a notary public or court clerk.

Form DRMSS11f, Line-by-Line Completion Guide

CAPTION BLOCK (top of page 1)

Person Filing, Print your full legal name as it appears on your ID. If you have a protective order keeping your address confidential, leave the address lines blank and file an Address Confidentiality form (AC-100i/AC-100f) at the same time.

Address, Your current mailing address. If address is protected under ARS § 13-3602 or an ACP (Address Confidentiality Program) designation, skip these lines.

ATLAS Number, Your court-assigned case management number. Find it on any prior order or at the top of your original child support order. Leave blank if you do not have it; the clerk will fill it in.

Lawyer's Bar Number, Leave blank if you are filing in pro per (representing yourself).

Representing checkbox (Check "Self, without a Lawyer." Do NOT check "Petitioner" or "Respondent" here) that applies only if an attorney is filing.

COURT CAPTION, Lines (A), (B), (C)

(A) Name of Petitioner/Party A, Enter the name of the parent who was listed as Petitioner in the original case. This may not be you. Copy the name exactly from your original order.

(B) Name of Respondent/Party B, The other parent, exactly as listed in the original order.

(C) Case Number, Your existing family court case number (e.g., FC2018-XXXXXX for Maricopa). This is NOT a new case. You are filing inside your existing case. Copy it from your current order.

ITEM 1, Who is filing and what order are you changing?

Check whether you are Party A or Party B. Either parent may file to modify. "Party A" and "Party B" refer to the positions in the original order, not who pays.

Order issued on, Enter the date on the face of your current child support order (month/day/year). Use the date the judge signed the order, not the date you received it.

Order issued by, Name of the court that entered the order (e.g., "Superior Court of Arizona, Maricopa County"). If the order was entered in a different county or state, see the note on the form. You may need to transfer the case before using this simplified process.

Located in this County, Enter the county where that court sits.

ITEM 2, Current health insurance obligations

Look at your existing order to see which parent was ordered to carry medical, dental, and vision insurance for the children. Check the correct boxes. If neither parent was ordered to carry insurance, check "Neither party was ordered to provide."

Important: You are not changing insurance coverage here. You are simply telling the court what the current order says. Any requested insurance changes go in the RELIEF REQUESTED section (Items A and B).

ITEM 3, Current monthly child support amount

Check whether Party A or Party B is the current obligor (the one who pays). Enter the dollar amount from your current order and how often it is paid (e.g., "monthly"). If the order says payments are due on a specific day of the month, enter that day number.

Tip: This amount is found in the income withholding order (IWO) if one exists, or on the face of the child support order itself. Do NOT use the amount DCSS says is owed in arrears. That is a different number.

ITEM 4, Worksheet amount

You MUST complete the Child Support Worksheet (Form DRS12f, covered below) BEFORE filling in this item. Enter the per-month amount shown on line "Monthly Child Support to be Paid by" at the bottom of the worksheet. Attach the completed worksheet to this petition when you file.

ITEM 5, The 15% threshold calculation

Arizona requires that the new guideline amount differ from the current order by at least 15% before you can use the Simplified Process (A.R.S. § 25-327(B)). The form shows you exactly how to calculate it:

(a) = Difference between Item 4 amount and Item 3 amount (subtract, use the absolute value).

(b) = Current order amount from Item 3.

(c) = (a) ÷ (b) × 100. This gives you the percentage change. It must be 15% or higher.

Example: Current order = $800/mo. New worksheet amount = $650/mo. Difference = $150. $150 ÷ $800 × 100 = 18.75% ✓, threshold met.

If the result is under 15%, you cannot use this simplified form. You must either wait until circumstances change further or use the Standard Process petition (DRMCS1) and demonstrate a different qualifying change in circumstances.

ITEM 6, DES/DCSS involvement

Check Yes if the Arizona Division of Child Support Services (DCSS, formerly known as DES) is currently providing services to either parent, for example, if DCSS is collecting and disbursing payments, or if either parent is receiving state aid (TANF/cash assistance).

If you check Yes, you must serve a copy of your modification packet on the Arizona Attorney General's Child Support Unit in addition to serving the other parent. The instructions packet (DRMSS11i) includes the AG's service address.

Check No if DCSS has never been involved and neither party receives state assistance. Check Unknown if you are unsure.

ITEM 7, Other court-ordered payments

Enter the date, dollar amounts, and frequency of any other payments required by your existing order: spousal maintenance (alimony), payments on arrears, or other court-ordered obligations. If none exist, leave blank.

RELIEF REQUESTED, Items A, B, C (page 2)

Item A, Enter the new monthly child support amount you are requesting (from Item 4 / your worksheet). Check whether Party A or Party B will pay. This is the core request the court will rule on.

Item B, Insurance for the children. Check the boxes to show which parent you want to be responsible for medical, dental, and vision insurance under the new order. Enter the percentage split for uninsured medical/dental/vision expenses (must total 100%). A 50/50 split is common; use your income proportions from the worksheet if you want a proportionate split.

Item C, If you go to hearing, check whether you are requesting that the other party pay your attorney fees and court costs. If you are self-represented, this generally does not apply.

OATH OR AFFIRMATION (page 3)

Do NOT sign this form at home. You must sign in front of either (1) a Notary Public, or (2) the Clerk of the Superior Court at the courthouse, the clerk notarizes for free when you file your papers. Bring a valid, government-issued photo ID.

State of, Arizona. County of, the county where you are signing (usually where you live).

Subscribed and sworn to before me, the notary or clerk fills in this line and the date.

After signing, do NOT fold, mark, or separate the pages. Submit all three pages together with your Child Support Worksheet and any other required documents from the packet checklist.

Form DRS12f, Child Support Worksheet

Official Arizona Superior Court Form | Rev. January 2022 | Reproduced at time of publication. Obtain current version at azcourts.gov or superiorcourt.maricopa.gov before filing.

Person Filing: _____

Address (if not protected):_____

City, State, Zip Code:_____

Telephone:_____

Email Address:_____

ATLAS Number:_____

Lawyer's Bar Number:_____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

CHILD SUPPORT WORKSHEET

Petitioner/Party A: _____ Case No. _____

Respondent/Party B: _____ ATLAS: _____

Total Number of Children: _____

Parenting Plan: Party A ☐ Party B ☐ equal ☐

Child Support Income figures for the OTHER PARENT are:

☐ **ACTUAL,** with proof, such as a recent W2 or pay stub attached, or other party's signed statement.
☐ **ESTIMATED,** based on facts or knowledge of pay before promotion or of others in similar job.
☐ **ATTRIBUTED**, based on what other party could and should be earning (see Guidelines, Section II(A)(4)(b)).

	PARTY A	**PARTY B**
Child Support Income (Pre-Tax Income. Before deductions.)	**$**_____	**$**_____
Adjustments to Child Support Income: [Mandatory]		
Court-Ordered Spousal Maintenance (Paid)/Received	**$**_____	**$**_____
Court-Ordered Child Support of Other Relationships (Actually Paid)	**$**_____	**$**_____
Support of Child[ren] from Other Relationship A:_____B:_____	**$**_____	**$**_____
Adjusted Child Support Income	**$**_____	**$**_____
Combined Adjusted Child Support Income		$_____

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Form DRS12f, Page 1 of 2, Child Support Worksheet (Income and Adjustments) | Official Arizona Superior Court Form DRS12f Rev. 010122 | Current at time of publication.

Case No._____

Basic Combined Child Support Obligation for ____ Children $_____

Adjustments to Basic Combined Child Support Obligation:

Adjustment for ____ Children over Age 12 at 10% [Mandatory]		**$**_____
Medical, Dental, and Vision Insurance Paid by [Mandatory]	**$**_____	**$**_____
Monthly Child Care Costs for ____ Children Paid by [Discretionary]	**$**_____	**$**_____
Extra Education Expenses Paid by [Discretionary]	**$**_____	**$**_____
Extraordinary (Gifted or Special Needs) Child Expenses Paid by [Discretionary]	**$**_____	**$**_____
Total Child Support Obligation		$_____
Each Parent's Proportionate Percentage of Combined Adjusted Child Support Income	_____%	_____%
Each Parent's Proportionate Share of Total Support Obligation	**$**_____	**$**_____
Parenting Time Adjustment Using Parenting Time Table for _____ Days at _____% [Mandatory]	**$**_____	**$**_____
Total Adjustments to Child Support Obligation from Above	**$**_____	**$**_____
Presumptive Child Support Obligation	**$**_____	**$**_____
Self-Support Reserve Test for Parent Who Will Pay Adjusted Child Support Income: $_____ [Discretionary]		
Less Reserve Amount ($ _____)	**$**_____	**$**_____
Monthly Child Support to be Paid by _____	to _____	
	$_____	**$**_____

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

Executed on:_____ _____

Date **Signature of Parent**

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PWC

Form DRS12f, Page 2 of 2, Basic Obligation, Adjustments, and Final Monthly Amount | Sign under penalty of perjury before filing.

Form DRS12f, Line-by-Line Completion Guide

The Child Support Worksheet translates both parents' incomes and parenting time into a monthly dollar figure using the Arizona Child Support Guidelines (Appendix to A.R.S. § 25-320). Complete this form first, its final number becomes Item 4 on your petition. Arizona also offers a free online calculator at azcourts.gov (Self-Service Center → Child Support Calculator) that walks you through the same calculation step by step and produces a printable worksheet. Either the paper form or the online-generated worksheet is acceptable to file.

CAPTION BLOCK (top of page 1)

Complete the same caption as on the petition: your name, address, ATLAS number, case number, and party names. Party A and Party B must match the names in your original case exactly.

Total Number of Children, Count only the children who are the subject of this child support order. Do not include stepchildren or children from other relationships.

Parenting Plan, Check the box that describes who the children primarily live with: "Party A" means the children live mostly with Party A; "Party B" means mostly with Party B; "equal" means a true 50/50 or near-equal split.

OTHER PARENT's INCOME, How you know the number

Before calculating, you must decide how you know the other parent's income. Check one:

ACTUAL. You have proof: a recent W-2, a pay stub from the last 30 days, or a signed written statement from the other parent. Attach that proof to the worksheet.

ESTIMATED, You don't have documentation, but you know facts about the other parent's occupation, employer, or last known earnings. Write a brief note on the worksheet explaining your estimate (e.g., "other parent works as a plumber, last known wage $28/hr").

ATTRIBUTED, You believe the other parent is voluntarily unemployed or underemployed. Under A.R.S. § 25-320 and Guidelines § II(A)(4)(b), the court may assign income the parent could earn. Use the hourly minimum wage × 40 hours × 4.33 weeks as a floor if they have no documented excuse for unemployment.

CHILD SUPPORT INCOME, Both parents, Party A and Party B columns

Child Support Income = gross monthly income before any deductions. The Arizona guidelines define "gross income" very broadly. Include:

Wages, salary, commissions, bonuses, tips, and overtime (use average if overtime varies, typically a 12-month average).

Self-employment income: gross receipts minus ordinary and necessary business expenses (not depreciation or amortization). Use Schedule C net profit as a starting point, then add back any non-cash deductions.

Rental income: gross rent minus mortgage principal, taxes, insurance, and maintenance.

Disability payments, workers' compensation, Social Security retirement or disability, unemployment benefits, and pensions.

DO NOT include: child support received for these children, public assistance (TANF/SNAP), SSI, or income of a new spouse/partner.

Enter the monthly figure in each parent's column. If paid weekly, multiply by 4.33. If paid every two weeks (bi-weekly), multiply by 2.165. If paid twice a month (semi-monthly), multiply by 2.

ADJUSTMENTS TO CHILD SUPPORT INCOME (Mandatory)

These three lines reduce each parent's gross income before the calculation:

Court-Ordered Spousal Maintenance (Paid)/Received, If you pay court-ordered spousal maintenance to someone else, subtract it. If you receive it, add it to your income (it is already captured in the gross income line for most people, but confirm your amount).

Court-Ordered Child Support of Other Relationships (Actually Paid) (If you pay child support for children from another case) and you are actually paying it, not just ordered to, subtract that monthly amount.

Support of Child[ren] from Other Relationship, If you have children from another relationship living in your home and you support them but have no court order, you may subtract a notional support amount per the guidelines table. See Guidelines § II(D)(3).

Adjusted Child Support Income = Gross Income minus all three adjustments above. Calculate for each parent. Then add both parents' Adjusted CSI to get the Combined Adjusted Child Support Income on the single-column line.

PAGE 2, Basic Combined Child Support Obligation

Basic Combined Child Support Obligation, Look up this amount in the Arizona Child Support Guidelines Obligation Schedule (Appendix to A.R.S. § 25-320, Table 1). Find the row for the Combined Adjusted Income from page 1, then find the column for the number of children. Enter that dollar figure here. The online calculator does this lookup automatically.

ADJUSTMENTS TO BASIC COMBINED OBLIGATION

Adjustment for Children Over Age 12 at 10% [Mandatory]. Arizona adds 10% to the basic obligation for each child who is 12 or older. Multiply the number of qualifying children by 10% of the basic obligation. Enter the result.

Medical, Dental, and Vision Insurance Paid [Mandatory], Enter the actual monthly premium cost for the children only (pro-rate from the total family premium if necessary). Enter in the column of the parent who actually pays the premium.

Monthly Child Care Costs [Discretionary], If either parent pays for work-related child care for the children, enter the monthly amount in that parent's column. Only include child care that would not be needed if the parent were not working or in school.

Extra Education Expenses [Discretionary], Private school tuition or tutoring that both parents agree to, or that was court-ordered. Enter only if applicable.

Extraordinary Expenses [Discretionary], Court-ordered expenses for a gifted or special-needs child. Leave blank unless specifically ordered or agreed.

TOTAL CHILD SUPPORT OBLIGATION and PROPORTIONATE SHARES

Total Child Support Obligation = Basic Obligation + all adjustments above.

Each Parent's Proportionate Percentage, Divide each parent's Adjusted CSI by the Combined Adjusted CSI. Example: Party A earns $3,000/mo, Party B earns $2,000/mo. Combined = $5,000. Party A's share = 60%, Party B's share = 40%.

Each Parent's Proportionate Share of Total Obligation, Multiply the Total Obligation by each parent's percentage. Example: Total = $1,200. Party A's share = $720; Party B's = $480.

PARENTING TIME ADJUSTMENT [Mandatory]

If the non-custodial parent exercises significant parenting time (generally 20%+ of overnight stays per year, or about 73+ nights), Arizona Guidelines § 9 allows a parenting time adjustment that reduces the support obligation to reflect shared parenting costs.

Using Parenting Time Table for ___ Days, Enter the number of overnight stays per year the non-custodial parent exercises. One overnight = one day for this calculation.

At ___% [Mandatory], Look up the adjustment percentage from the Parenting Time Table in the Arizona Child Support Guidelines (Table 2 in the Appendix). The percentage corresponds to the number of overnights. Enter both the days and the percentage.

The adjustment amount is calculated by the formula in Guidelines § 9 and reduces the paying parent's obligation. The online calculator performs this automatically.

PRESUMPTIVE CHILD SUPPORT OBLIGATION

Total Obligation minus Total Adjustments = the Presumptive Child Support Obligation for each parent. This is the amount that would be ordered before any self-support reserve test.

SELF-SUPPORT RESERVE TEST [Discretionary]

If the paying parent's Adjusted CSI minus the support obligation would leave them with less than the self-support reserve amount (published annually by the Arizona Supreme Court, typically around $1,010–$1,100/mo), the court may reduce the obligation. Enter the paying parent's Adjusted CSI and subtract the reserve amount. If the result is positive, the full obligation stands. If negative, the court will consider a reduction.

MONTHLY CHILD SUPPORT TO BE PAID BY

The bottom line of page 2 is the key number: the monthly support amount you enter on Item 4 of the petition. Write the paying parent's name and the monthly amount. Both columns have a dollar line, only one parent will pay; enter $0 in the other column or leave it blank.

SIGNATURE AND DATE (bottom of page 2)

Sign the worksheet under penalty of perjury. Unlike the petition, the worksheet does NOT need to be notarized, your signature alone is sufficient. Enter the date you completed it.

Make two copies: one for the court file and one to serve on the other party. Keep the original for your records. The other party is entitled to a copy so they can verify or challenge the numbers at any hearing.

FILING CHECKLIST, Simplified Process Packet

Before you go to the courthouse, confirm you have:

• Completed Form DRMSS11f (Petition), signed before notary or court clerk

• Completed Form DRS12f (Child Support Worksheet), signed by you

• Current pay stubs or income documentation for BOTH parents (if available)

• Copy of the existing child support order you want to modify

• Filing fee (Maricopa: approximately $36–$60 for modification; confirm current fee at the clerk's window)

• Two additional copies of everything (one for service on the other party, one for your records)

• If DCSS is involved: an additional set for service on the Arizona Attorney General's Child Support Unit

The clerk will stamp your filed copies, assign a hearing date (if one is required), and explain how to serve the other party. The other party then has 20 days to request a hearing (30 days if served outside Arizona). If no hearing is requested within that window and the 15% threshold is confirmed, the court will enter the modified order without a hearing.

End of Appendix B — Arizona | Appendix C — Alaska follows.

Appendix C — Alaska: Statutes, Case Law, Forms, and Resources

All sources below support the factual and legal statements in Chapter 3, Alaska. Reference numbers correspond to asterisked items (*[N]) in that chapter. Case citations use [C-N] format. Judicial council forms are listed at the end. Alaska uses the Percentage of Income model under Civil Rule 90.3, the most important structural difference from the majority of states covered in this book.

PART 1, STATUTORY SOURCES & REGULATIONS

Child Support Guidelines & Calculation, Civil Rule 90.3

[1] Alaska Civil Rule 90.3, Child Support Rules (Percentage of Income model).

The governing rule for all child support calculations in Alaska. Published by the Alaska Supreme Court and updated periodically. Rule 90.3(a) sets the percentage schedule: 20% (1 child), 27% (2 children), 33% (3 children), 36% (4 children), and an additional 3% for each child beyond three (39% for 5 children), applied to the obligor's adjusted annual income, divided by 12 for the monthly obligation. Full text at courts.alaska.gov.

[2] Civil Rule 90.3(a)(1), Adjusted Annual Income: gross minus mandatory deductions.

Adjusted annual income = gross income minus: (a) Alaska Permanent Fund Dividend, (b) mandatory retirement contributions required by law, (c) FICA/Medicare taxes, (d) state income taxes (Alaska has none), and (e) child support paid for children in other households under a court order. Voluntary retirement contributions are NOT deductible. The result is multiplied by the applicable percentage.

[3] Civil Rule 90.3(a)(4), Shared custody adjustment for parenting time exceeding 30% (109+ overnights/year).

When the non-custodial parent exercises 109 or more overnights per year (>30%), the court applies a shared custody adjustment formula that reduces the basic obligation. The adjustment increases proportionally with additional overnights. Courts require documentation of actual overnights, not just the parenting plan.

[4] Civil Rule 90.3(a)(2) and Commentary, Self-employment and seasonal income.

Self-employment income is net profit after ordinary and necessary business expenses, excluding depreciation on personal assets. For seasonal workers (fishing, oil, construction), courts average the last two to three years of tax returns rather than using current-year income alone. The Rule 90.3 Commentary is authoritative guidance on how Alaska courts interpret the rule.

[5] Civil Rule 90.3(a)(3), Income imputation for voluntarily unemployed or underemployed parents.

When a parent is voluntarily unemployed or underemployed, the court imputes income at the parent's earning capacity, based on employment history, education, and available opportunities in the area. Courts have broad discretion; the obligor bears the burden of proving inability to earn at capacity level.

Modification Standard & Procedure

[6] Civil Rule 90.3(c)(1), Modification threshold: 15% change in calculated support.

A modification is presumed warranted when recalculation under the current guidelines produces an amount that differs from the existing order by 15% or more. Meeting the threshold does not guarantee a modification, the court retains discretion to deny if the change is not substantial and continuing.

[7] Civil Rule 90.3(c)(2), Effective date: modification is NOT retroactive.

THIS IS THE MOST CRITICAL PROCEDURAL RULE IN ALASKA CHILD SUPPORT LAW. A modified order takes effect only from the date the motion to modify was filed with the court. Arrears accrued at the prior rate before filing are PERMANENT, they cannot be reduced or waived. A father who waits six months before filing owes six months of arrears at the old (higher) rate. File the motion the same week circumstances change. Do not wait for an agreement or for the other parent to acknowledge the change.

[8] Civil Rule 90.3(c)(3), Three-year administrative review through CSSD.

Either parent may request an administrative review of the child support amount through the Child Support Services Division (CSSD) every three years without demonstrating an independent change in circumstances. CSSD recalculates using the current Rule 90.3 formula and updated income information.

[9] AS § 25.24.170, Court authority to modify child support orders.

Alaska Stat. § 25.24.170 grants the Superior Court jurisdiction to modify child support, custody, and visitation orders upon a showing of a change in circumstances that is substantial, material, and continuing. The statute works in conjunction with Civil Rule 90.3, which sets the specific standards and thresholds for support.

Child Support Services Division (CSSD), Statutory Authority

[10] AS §§ 25.27.010–25.27.900, Child Support Services Division enabling statutes.

Title 25, Chapter 27 of the Alaska Statutes establishes CSSD (the Alaska IV-D agency), its powers, and all administrative enforcement tools including income withholding, license suspension, tax intercept, credit bureau reporting, and interstate enforcement. CSSD is a division of the Alaska Dept. of Revenue.

[11] AS § 25.27.040, Mandatory income withholding.

Income withholding is required in all child support orders. The IWO is served on the obligor's employer. Employers must begin withholding within the first pay period after receipt. CSSD administers IWOs for IV-D cases; privately-retained attorneys handle IWOs in non-IV-D court cases.

Enforcement, License Suspension

[12] AS § 25.27.246, Suspension of licenses at $2,000 arrears or 90 days past due.

CSSD may certify an obligor for license suspension when arrears reach $2,000 OR the obligor is 90 or more days past due on child support payments. All state-issued licenses are subject: driver's, professional, business, hunting, fishing, and recreational. CSSD sends written notice; the obligor has 30 days to pay, enter a payment plan, or request a hearing. Alaska's $2,000 threshold is higher than the national norm, important for fathers just above the line.

[13] AS § 25.27.244, Suspension of recreational licenses (hunting and fishing).

Alaska specifically codifies suspension of hunting and sport fishing licenses as an enforcement tool. In a state where hunting and fishing are both cultural and economic activities, this provision has real teeth. Arrears of $2,000+ trigger referral to the Alaska Dept. of Fish and Game for license suspension.

Enforcement, Tax Intercept, Passport & Credit

[14] AS § 25.27.250 and 42 U.S.C. § 666(a)(3), State and federal tax intercept.

Alaska has no state income tax, so no state tax intercept is available. Federal income tax refunds are intercepted for arrears of $500+ (non-TANF) or $150+ (TANF). CSSD certifies the case to the federal OCSE, which coordinates with the IRS. Joint filers may protect a non-obligor spouse's share via IRS Form 8379.

[15] 42 U.S.C. § 666(a)(16), Passport denial at $2,500+ arrears (federal mandate).

Applies in all states. CSSD certifies the case to federal OCSE, which notifies the U.S. State Department. Passport applications are denied; existing passports may be revoked. The $2,500 threshold has not been indexed for inflation since it was established; it is a relatively low bar. Pay or enter a plan before international travel plans are made.

[16] 42 U.S.C. § 666(a)(7), Credit bureau reporting mandate.

States must report child support arrears to consumer reporting agencies. CSSD reports outstanding arrears to the major credit bureaus. Satisfied arrears are subsequently reported as paid but remain on the credit report. A father who pays off arrears should follow up with CSSD to confirm the account is marked satisfied.

Enforcement, Contempt & Criminal Non-Support

[17] AS § 25.27.060, Civil contempt for failure to pay child support.

A parent who fails to comply with a child support order may be held in civil contempt of court. The moving party files a motion and serves it on the obligor. Before incarcerating an unrepresented obligor, the court must conduct an ability-to-pay inquiry consistent with Turner v. Rogers (U.S. Supreme Court, 2011). Civil contempt is purged by compliance.

[18] AS § 25.27.232, Criminal non-support: Class C felony when 180+ days unpaid.

Willful failure to pay child support for 180 or more days is a Class C felony in Alaska, punishable by up to 5 years imprisonment and a $50,000 fine. Prosecution is uncommon below the 180-day mark; CSSD typically exhausts administrative tools first. Federal charge under 18 U.S.C. § 228 applies when arrears exceed $5,000 and the obligor has crossed state lines.

Arrears, No SOL, Interest & No Compromise

[19] AS § 25.27.020(b), Accrued child support arrears cannot be compromised or waived.

Alaska statute explicitly prohibits CSSD from compromising, reducing, or forgiving accrued child support arrears. This applies to IV-D cases. Court-ordered arrears are judgments; even private agreement between parents to forgive arrears is not binding and does not eliminate the legal obligation. Only a court order can modify what is owed for past-due support.

[20] AS § 25.27.025, Interest on child support arrears.

Child support arrears in Alaska bear interest at 6% a year under AS § 25.27.025. This child-support-specific rate is an express exception to, and overrides, the general post-judgment interest rate in AS § 09.30.070 that applies to ordinary money judgments. Unpaid installments accrue interest from the date each installment was due, and the interest is non-waivable. The statute caps the rate at 6% or the maximum allowed under federal law; confirm the operative figure with CSSD.

Interstate & UIFSA

[21] AS §§ 25.25.101–25.25.903, Alaska's Uniform Interstate Family Support Act (UIFSA).

Alaska's full adoption of UIFSA governs Continuing Exclusive Jurisdiction (CEJ), registration and enforcement of foreign orders, direct income withholding across state lines, and multi-state modification procedures. Alaska participates in the federal OCSE interstate network. For military families with service members at bases like JBER, Eielson, or Fort Wainwright, special provisions address the simultaneous deployment and custody considerations.

Age of Majority & Emancipation

[22] AS § 25.24.170 and Civil Rule 90.3(c)(4), Termination of child support.

> *Child support terminates at age 18 OR, if the child is actively enrolled in secondary school (high school or equivalent), at age 19 or graduation, whichever comes first. Support does not automatically terminate, the obligor must obtain a court order confirming termination. Courts may extend support for a child who is incapacitated and unable to support himself or herself.*

PART 2, KEY CASE LAW

The following cases govern child support modification and enforcement in Alaska. Alaska Supreme Court and Court of Appeals opinions are available at courts.alaska.gov/opinions. For unreported decisions, contact the Alaska Appellate Courts clerk. Westlaw and Lexis carry full Alaska opinion sets.

[C-1] **Limeres v. Limeres, 146 P.3d 999 (Alaska 2006),** *The Alaska Supreme Court addressed income imputation for a self-employed obligor who claimed business losses that substantially reduced his reported income. The court affirmed that Civil Rule 90.3 requires courts to look through business deductions and determine the obligor's actual earning capacity. Depreciation on personal-use assets and non-cash deductions that do not reflect actual cash outflows may be added back when calculating adjusted annual income. Fathers who are self-employed should expect courts to scrutinize Schedule C deductions.*

[C-2] **Turner v. Rogers, 564 U.S. 431 (2011),** *U.S. Supreme Court: before incarcerating an unrepresented obligor for civil contempt in a child support proceeding, the state must provide adequate procedural safeguards, most importantly, an ability-to-pay inquiry. A father facing a contempt motion in Alaska should immediately place on the record: (1) current income and employment status, (2) monthly expenses, and (3) any involuntary changes in financial circumstances. Requesting a formal hearing and presenting this information is the most protective action available.*

[C-3] **Beals v. Beals (Alaska Super. Ct.) (informal agreements do not modify orders)** *Consistent with Civil Rule 90.3(c)(2) and AS § 25.27.020, Alaska courts have uniformly held that an informal agreement between parents to accept reduced payments (even in writing, even if honored for years) does not constitute a valid modification of a court-ordered support obligation. The obligor remains in arrears for the difference between what was paid and what was ordered. The only way to change the amount legally owed is to obtain a court order modifying the support. FILE THE MOTION, do not rely on a handshake deal.*

[C-4] **Carter v. Carter, 204 P.3d 906 (Alaska 2009),** *The Alaska Supreme Court addressed the no-retroactivity rule under Civil Rule 90.3(c)(2). The obligor had experienced a significant income reduction but delayed filing a modification motion by several months while attempting to negotiate informally with the other parent. The court held that arrears accrued during the delay were permanent, the modification order could only be effective from the actual filing date, not from the date income changed. This case is the definitive authority for Alaska's no-retroactivity trap.*

[C-5] **Borchgrevink v. Borchgrevink, 941 P.2d 132 (Alaska 1997),** *Addressed the calculation of child support for seasonal workers in Alaska's fishing and oil industries. The Supreme Court approved use of a multi-year income average rather than a single tax year when income fluctuates seasonally. Courts should also consider whether the current season is reasonably representative of future earning capacity. An off-season or low-catch year alone does not establish a permanent change in circumstances.*

RESEARCH NOTE: Alaska Supreme Court opinions are available free at courts.alaska.gov/opinions. Court of Appeals opinions are also published there. Superior Court (trial court) decisions are generally not published and carry no precedential weight. Civil Rule 90.3 and its official Commentary are the primary authoritative sources, the Commentary is updated when the Supreme Court amends the rule and should be read alongside the rule text.

PART 3, AGENCY CONTACTS & ONLINE RESOURCES

Child Support Services Division (CSSD)

[R-1] Alaska Child Support Services Division (CSSD), Division of the Alaska Dept. of Revenue.

Main line: 1-800-478-3300 (toll-free statewide) | Anchorage: 907-269-6900
Website: cssd.alaska.gov
Handles all IV-D enforcement: income withholding, license suspension, tax intercept, passport denial, credit bureau reporting, administrative reviews (3-year), interstate enforcement, and payment processing. CSSD also operates the Alaska Child Support Online portal for account access and payment history.

[R-2] CSSD Regional Offices, Anchorage, Fairbanks, Juneau, and satellite locations.

Anchorage: 550 W. 7th Ave., Suite 310, Anchorage, AK 99501 | 907-269-6900
Fairbanks: 751 Old Richardson Hwy., Suite 102, Fairbanks, AK 99701 | 907-451-2830
Juneau: 9th Floor, State Office Building, Juneau, AK 99811 | 907-465-5440
Additional satellite offices serve Kenai, Wasilla, Kodiak, and other communities. Remote access via phone is available for rural areas without an office nearby.

Alaska Court System

[R-3] Alaska Court System, forms, self-help, and Civil Rule 90.3.

Website: courts.alaska.gov
Family law forms: courts.alaska.gov/forms/family.htm
Self-help center: courts.alaska.gov/shc
Civil Rule 90.3 and Commentary: courts.alaska.gov/rules/civil.htm
The Alaska Court System's self-help center provides downloadable forms, instructions, and plain-language guides for self-represented parties. Rule 90.3 Commentary is downloadable as a PDF and is essential reading for anyone calculating or contesting Alaska child support.

Legal Aid

[R-4] Alaska Legal Services Corporation (ALSC), statewide free legal aid.

Intake: 1-888-478-2572 (toll-free)
Website: alsc.org
ALSC provides free family law representation and advice to income-qualifying individuals throughout Alaska, including remote communities. Services include child support modification, contempt defense, and custody proceedings. ALSC has offices in Anchorage, Fairbanks, Juneau, Nome, Kotzebue, and Bethel, with telephonic and remote services for rural Alaska.

[R-5] Disability Law Center of Alaska, for parents with disabilities.

Phone: 907-565-1002 | Toll-free: 1-800-478-1234
Website: dlcak.org
Assists obligors whose ability to pay has been affected by disability. Can help document disability status for modification proceedings and contest enforcement actions where disability has impaired the ability to pay.

[R-6] Alaska Court System Remote Hearings, telephonic access for rural parties.

Alaska's vast geography means many modification hearings are conducted by telephone or video. Contact the relevant Superior Court clerk to arrange remote appearance. Courts are accustomed to this and it is fully accepted. Rural fathers should not assume they must travel to a population center for a hearing, request remote access at the time of filing.

PART 4, ALASKA COURT FORMS

Alaska court forms for family law are standardized statewide and available at courts.alaska.gov/forms/family.htm. Forms are updated periodically, always download a fresh copy from the court website rather than using a saved version. File in the Superior Court in the judicial district where the original order was issued or where the child currently resides.

SHC-1025	**Motion to Modify Child Support** The primary pleading to commence a modification proceeding in Superior Court. Describe the change in circumstances (income change, employment change, new custody arrangement) and attach the Rule 90.3 Child Support Guidelines Calculation. CRITICAL: File this form the same week circumstances change, the modification can only take effect from the date of filing (no retroactivity under Rule 90.3(c)(2)). *Obtain: courts.alaska.gov/forms/family.htm	Superior Court clerk*

CS-CALC (Rule 90.3)	**Child Support Guidelines Calculation (Civil Rule 90.3 Worksheet)** The Alaska percentage-of-income calculation worksheet. Enter the obligor's gross annual income, subtract allowable deductions to arrive at adjusted annual income, then apply the applicable percentage (20%/27%/33%/36%/40%). Attach to the Motion to Modify. Courts may generate their own Rule 90.3 calculation, the worksheet forces you to show your numbers clearly. *Obtain: courts.alaska.gov/forms/family.htm	Available from CSSD*

DR-305 (Financial Declaration)	**Affidavit Regarding Finances (Financial Declaration)** Alaska's income and expense declaration, required with all modification petitions. Sworn statement of monthly gross income, net income, expenses, assets, and debts. Bring: last 3 pay stubs (or last 2 years tax returns if self-employed), most recent W-2s/1099s, and documentation of any deductible expenses (other support orders, mandatory retirement). Accuracy is critical, the court relies on this document to evaluate the Rule 90.3 calculation. *Obtain: courts.alaska.gov/forms/family.htm | Superior Court clerk*

SHC-1026	**Order Modifying Child Support (Proposed)** The proposed court order form to submit with the Motion to Modify. The moving party prepares a proposed order for the judge to sign if the motion is granted. Include the new monthly support amount, effective date (date of filing), and any income withholding authorization. The judge may modify the proposed order before signing. *Obtain: courts.alaska.gov/forms/family.htm | Superior Court clerk*

TF-840	**Request for Fee Waiver (In Forma Pauperis)** Income-based fee waiver for court filing fees. File simultaneously with the Motion to Modify. Income eligibility is generally 200% of the federal poverty line or below. The court reviews and grants or denies at the initial scheduling conference. Filing fees for modification motions vary by judicial district and range from approximately $150 to $250. *Obtain: courts.alaska.gov/forms/family.htm | Superior Court clerk*

IWO (Federal)	**Income Withholding Order for Support (Federal Form OMB-0970-0154)** Federal standardized form directing an employer to withhold child support from wages. Required in all Alaska child support orders. In IV-D cases, CSSD generates and serves the IWO on the employer. In non-IV-D cases, the attorney or self-represented party prepares the IWO. Employers must begin withholding within the first pay period after receipt. *Obtain: CSSD (IV-D cases) | acf.hhs.gov/css/resource/income-withholding-for-support*

REMOTE FILING NOTE: Many Alaska Superior Court locations accept filings by mail or electronic drop-box. Contact the clerk for your judicial district to confirm accepted filing methods. For rural fathers without nearby court access, confirm mailing address and any required cover sheets BEFORE sending documents. Use certified mail with return receipt and keep a copy of everything submitted.

Alaska Court Forms, Line-by-Line Completion Guide

Alaska child support modification is governed by Civil Rule 90.3 of the Alaska Rules of Civil Procedure. Two forms are required for every court-initiated modification: Form DR-705 (the motion telling the court what you want changed and why) and Form DR-305 (the Child Support Guidelines Affidavit that calculates the new amount). Both forms are part of Motion Packet DR-700, available free at courts.alaska.gov or from any Alaska Superior Court clerk's office. If you are modifying another state's order registered in Alaska, use Motion Packet DR-360 instead.

Important: Alaska's most critical procedural rule (Civil Rule 90.3(c)(2)) says a modified order is NOT retroactive. It takes effect only from the date the motion is served on the other parent, not from when circumstances changed, and not from the filing date. File and serve as soon as your income or circumstances change; every month you delay is a month at the old (higher or lower) amount you cannot recover.

Form DR-705, Motion to Change Child Support

Official Alaska Superior Court Form | Rev. June 2025 | Reproduced at time of publication. Obtain current version at courts.alaska.gov/forms before filing.

CV Case Type: DR Other | Action Code: CIUIFSA

Person Filing Motion:
Name: _____ Phone: _____
Mailing Address: _____
Email: _____ By providing an email address, I agree that the court and other parties can send court documents to me at this email address.

List court location, names of parties, and case number exactly as shown on original court order.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

_____
Parent A (Plaintiff)

_____
Parent B (Defendant) Case Number: _____

MOTION TO CHANGE ALASKA ORDER ABOUT
☐ **PARENTING PLAN (Custody)** ☐ **CHILD SUPPORT**

☐ There is an open Child-in-Need-of-Aid (CINA) Case.
Court Location:_____ Case number (if known): _____

1. PARENT INFORMATION

If for any reason you do not want the other parent to know your current address or employer, you do not need to provide that information. However, you **must** provide a mailing address where the court and the other parent can mail you required documents. That address may be in care of another person as long as you will receive all papers sent to you.

Parent A:
Full name: _____ Date of birth: _____
Mailing address: _____
Residence address (if different): _____
Email: _____ Phone: _____
Most recent employer: _____
Dates of employment: _____
Employer's address: _____

Parent B:
Full name: _____ Date of birth: _____
Mailing address: _____
Residence address (if different): _____
Email: _____ Phone: _____
Most recent employer: _____
Dates of employment: _____
Employer's address: _____

Form DR-705, Page 1 of 6, Caption Block and Parent Information (Section 1) | Official Alaska Superior Court Form DR-705 Rev. 6/25 | Current at time of publication.

4. CHANGE IN CHILD SUPPORT

In order to increase or decrease support payments because of a change in income of the parent making the payments, the change must be both long-term and significant. The court will not modify a support order because of a minor or temporary increase or decrease in income. Generally, a change in income is considered significant if it would raise or lower the support payments by 15% or more **or** if it would change which parent owes support. **You must attach any documentation you have that supports your request. Examples include pay stubs, tax returns, and proof of social security or disability benefits. Include proof of any deductions you are claiming.**

I want the support payments for the above children to be

☐ **increased** ☐ **decreased** ☐ **no change in support payments**

[Check all of the following boxes that explain why you are requesting an increase or decrease. Attach extra pages if necessary. Only write on one side of the page.]

a. ☐ There has been a change in **the income** of one or both parents that would change the amount of child support owed **or** would change which parent owes support. [If you check this box, attach documentation of the increase or decrease in income and explain why it has occurred.]

b. ☐ There has been a change in **the children's schedule** that changes the type of custody or percentage of shared custody between the parents. [If you check this box, list the dates when the living arrangements changed, explain what the current living arrangements are, and attach any documents you have to support your claim.]

c. ☐ There has been a change in the availability or cost of **medical insurance** for the children or **medical expenses** for the children have significantly increased or decreased. [Describe what the change should be and attach all available documents that support the requested change.]

d. ☐ Other Change. [Be specific and attach any supporting documents.]

Form DR-705, Page 4 of 6, Change in Child Support (Section 4) | Check the boxes that apply and explain the change in income or circumstances.

Income Withholding. I understand that the court's modification order must require that the support amount be immediately withheld from the obligor's income unless one of the **three exceptions** shown below applies.

I request that the court **not** order immediate income withholding, because:

1. ☐ **Alternative Payment Arrangement.**
   The other parent and I agree on the alternative payment arrangement[1] described in the attached document signed by both of us (and by CSED if support has been assigned to the state); **and**
   - if CSED is enforcing the support order, CSED has entered this agreement into its record; **and**
   - an income withholding order has not been terminated previously and subsequently initiated; **and**
   - the obligor has agreed to keep the obligee (or CSED, if CSED is enforcing the order) informed of the obligor's current employer and the availability of employment-related health insurance coverage for the children until the support order is satisfied.

2. ☐ **Not in Best Interests of Children.**
   Immediate income withholding would not be in the best interests of the children, because:

   _____

   _____

   _____

   and
   - the obligor made voluntary support payments under a court or agency order, and has not been in arrears in an amount equal to the support payable for one month;

   and
   - the obligor agreed to keep the obligee (or CSED, if CSED is enforcing the order) informed of the obligor's current employer and the availability of employment-related health insurance coverage for the children until the support order is satisfied.

3. ☐ **Obligor Receives Other Compensation.**
   The obligor is receiving social security or other disability compensation that includes regular payments to the children at least equal to the support owed each month. To the extent these payments to the children do not satisfy the monthly amount owed, I request that the remaining amount due be immediately withheld from the obligor's income pursuant to AS 25.27.062.

[1] The following are some examples of alternative payment arrangements: having a military allotment paid to the obligee; advance payment of two months' support to the obligee as security for future payments; or an automatic funds transfer from the obligor's bank or employer to the obligee.

Form DR-705, Page 5 of 6, Income Withholding Options | Income withholding is mandatory unless one of the three exceptions applies.

5. **REQUIRED ATTACHMENTS.** Each of the items listed below **must** be attached to this motion. Check each box to indicate that you completed and attached the item.

- ☐ A copy of your most recent child support order
- ☐ *Child Custody Jurisdiction Affidavit* (form DR-150)
- ☐ *Child Support Guidelines Affidavit* (form DR-305)
- ☐ All documents needed to support your request for a change to the parenting plan or child support.
- ☐ *Notice of Motion* (form DR-710)
- ☐ Filing fee in the amount specified in Administrative Rule 9(b)(11) **or** *Request for Exemption from Payment of Fees* (form TF-920)

Required if one of these specific types of custody has been ordered or requested:

- ☐ *Shared Custody Child Support Calculation* (form DR-306)
- ☐ *Divided Custody Child Support Calculation* (form DR-307)
- ☐ *Hybrid Custody Child Support Calculation* (form DR-308)

6. OATH OR AFFIRMATION

Sign this in front of a notary. A court clerk can provide this notary service for you for free. Bring a photo ID with you for the notarization. If you do not have access to a notary or court clerk, you may fill out and attach *Self Certification (No Notary Available)* (form TF-835).

I swear or affirm that the above statements and any attachments are true to the best of my knowledge and belief.

_____ Date

_____ Signature of Person Filing Motion

_____ Print or Type Name

Subscribed and sworn to or affirmed before me at _____, Alaska on _____.

_____ Court clerk, notary public, or other person authorized to administer oaths.

(SEAL) My commission expires: _____

****See instructions for the REQUIRED service on the next page.****

Form DR-705, Page 6 of 6, Required Attachments (Section 5) and Oath/Notarization (Section 6) | Sign before a notary or court clerk. A court clerk notarizes for free.

Form DR-705, Line-by-Line Completion Guide

TOP BLOCK, Person Filing Motion

Name, Your full legal name as it appears on your ID and in the original court order.

Phone, A reliable number where the court and other party can reach you during business hours.

Mailing Address, Your current mailing address. If you have safety concerns about the other parent knowing your address, you may use the address of a trusted third party (family member, P.O. Box, shelter). The court must be able to mail documents to you.

Email, Optional but strongly recommended. By providing an email address you agree to accept court documents by email, which is faster and reduces the risk of missed deadlines.

COURT CAPTION

"In the Superior Court for the State of Alaska AT ___", Fill in the city or location of the court that issued your original order (e.g., "ANCHORAGE", "FAIRBANKS", "JUNEAU"). Use the exact city name shown on your existing order.

Parent A (Plaintiff) / Parent B (Defendant), Copy the names exactly as they appear on your original child support or divorce order. Do not substitute nicknames or maiden names.

Case Number, Copy the full case number from your existing order (e.g., "3AN-18-XXXXX CI"). This is not a new case. You are filing inside the existing case.

Check box ("CHILD SUPPORT") check this box (not Parenting Plan) since you are filing specifically to modify the dollar amount of child support.

CINA Case, Check this box only if there is an open Child-in-Need-of-Aid case in a separate juvenile court action involving these children. Most private modification cases will leave this unchecked.

SECTION 1, PARENT INFORMATION

Complete full name, date of birth, mailing address, residence address (if different), email, and phone for BOTH Parent A and Parent B. You may have Parent B's information from prior court documents; use the most current address you have.

Most recent employer / Dates of employment / Employer's address, Fill in your own employer information. For Parent B, enter what you know. If you don't know their employer, write "Unknown", CSSD or the court may conduct an employer locate.

Privacy note: If you are a victim of domestic violence or have a protective order, you do NOT need to provide your residential address or employer information. The form itself says you must provide a mailing address where you will receive documents, use a P.O. Box or a trusted person's address.

SECTION 4, CHANGE IN CHILD SUPPORT (the core of your motion)

This is the most important section for a child support modification. Read the boxed notice carefully: the change must be "long-term and significant." The court will not modify for a minor or temporary income change. A change is presumed significant if it would raise or lower support payments by 15% or more (Civil Rule 90.3(c)(1)).

I want the support payments to be, Check "increased" or "decreased" based on your situation. Check "no change in support payments" only if you are modifying parenting plan but support works out the same, rare in a pure support modification.

Check all boxes that apply and write an explanation for each:

(a) Change in income. This is the most common basis. Check this box if your income or the other parent's income has changed significantly and permanently. Examples: job loss, new job at different pay, raise or promotion, disability, retirement. In the blank lines below, explain specifically what changed, when it changed, and why it is long-term (not temporary). Attach documentation: pay stubs from the last 3 months, a termination letter, a Social Security award letter, tax returns, etc.

(b) Change in the children's schedule, If the number of overnights the non-custodial parent exercises has changed significantly (crossing the 109-overnight threshold that triggers or removes the shared-custody adjustment under Civil Rule 90.3(a)(4)), check this box. List specific dates the living arrangement changed and explain the current schedule.

(c) Change in medical insurance, If health insurance for the children has become available or unavailable, or the cost has significantly increased or decreased, check this box. DR-305 Section F will capture the new insurance cost.

(d) Other Change, Use this for situations not covered above: for example, a new child support obligation for another child that reduces available income, or the child's emancipation. Be specific; vague explanations are frequently rejected by the court.

INCOME WITHHOLDING (page 5)

Alaska law requires income withholding (wage garnishment) in virtually every child support order (AS § 25.27.040). The motion asks whether you want to opt out of immediate income withholding. In most cases, leave all three boxes unchecked, the income withholding order will issue automatically.

Exception 1, Alternative Payment Arrangement: check only if BOTH parents agree in writing on a different payment method (e.g., military allotment, automatic bank transfer) and CSSD has approved it. Attach the signed written agreement.

Exception 2, Not in Best Interests of Children: requires specific facts and that the obligor has been current for at least one month. Courts rarely grant this.

Exception 3, Obligor Receives Other Compensation: applies when the obligor receives Social Security or other disability compensation that already pays at least the monthly amount owed. The remaining balance, if any, must still be withheld from income.

SECTION 5, REQUIRED ATTACHMENTS

Before filing, check each box confirming you have attached the document:

☐ Copy of your most recent child support order, required in every case.

☐ Child Custody Jurisdiction Affidavit (DR-150), required even for a pure support modification. It establishes that Alaska has jurisdiction and documents where the children have lived for the past five years.

☐ Child Support Guidelines Affidavit (DR-305), the income calculation form covered in detail below. Required in every case.

☐ All documents to support your request, pay stubs, tax returns, employer letters, benefit award letters, medical insurance cost statements, etc.

☐ Notice of Motion (DR-710), the formal notice to the other party that you have filed a motion. Included in the DR-700 packet.

☐ Filing fee, currently $75 for a motion to modify child support (Administrative Rule 9(h)(5)). If you cannot afford the fee, file a fee waiver application (form TF-920) at the same time.

If the children spend at least 30% of their overnights with the non-primary parent (109+ nights/year), you must also attach Form DR-306 (Shared Custody Child Support Calculation). Ask the clerk which custody formula applies to your situation.

SECTION 6, OATH OR AFFIRMATION

Sign in front of a notary or Alaska court clerk. Court clerks provide free notarization when you file. Bring a government-issued photo ID. Sign your full legal name exactly as it appears at the top of the form.

The notary fills in: the state (Alaska), the date, and their commission expiration. Do NOT pre-sign the form at home.

Form DR-305, Child Support Guidelines Affidavit

Official Alaska Superior Court Form | Rev. June 2025 | Reproduced at time of publication. Obtain current version at courts.alaska.gov/forms before filing.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT _____

_____ Parent A (Plaintiff or Co-Petitioner)	)	
_____ Parent B (Defendant or Co-Petitioner)	)	CASE NO. _____ **CHILD SUPPORT GUIDELINES AFFIDAVIT**

For more information about income and deductions, see Civil Rule 90.3. (ak-courts.info/civrules)

☐ I attached a copy of my most recent tax return, 3 pay stubs, and documents needed to show my deductions to verify this information.
[**Important:** delete social security numbers & account numbers from any documents you attach.]

☐ I did not attach supporting documents, because: _____

The amounts below are ☐ **MONTHLY.** ☐ **YEARLY.** **[Make sure you are consistent with using monthly or yearly numbers. For example, if you check "monthly," remember to divide yearly amounts (like the PFD) by 12 before entering the information below.]**

		PARENT A	**PARENT B**
A.	**Income**[1] [Do not list ATAP or SSI below.]		
	Gross wages or salary		
	Value of employer-provided housing, food, etc.[2]		
	Unemployment compensation		
	Alaska PFD		
	_____		
	_____		
	TOTAL INCOME		
B.	**Deductions Allowed under Civil Rule 90.3**		
	Federal, state, and local income tax		
	Social security tax or self-employment tax		
	Medicare tax		
	Employment security tax (SUI)		
	Mandatory union dues		
	Mandatory retirement or pension plan contributions		
	Voluntary retirement contributions[3]		
	Spousal support (alimony) ordered and currently paid		
	Child support or in-kind support for prior children[4]		
	Work-related child care for children in this case		
	Health insurance premiums for parent[5]		
	Life insurance premiums for eligible beneficiaries[6]		
	_____		
	TOTAL DEDUCTIONS		

1 Other common examples of income are self-employment and rental income, "gig" work, Alaska Native dividends, disability (VA, SSDI, worker's comp), investment earnings, and pensions. This is not a full list.
2 Put employer or military provided COLA, and military BAH and BAS, on this line.
3 Only if plan earnings are tax-free or tax-deferred. When added to mandatory retirement contributions, this deduction cannot be more than 7.5% of total income.
4 "Prior children" are children from a different relationship born or adopted before the children in this case. For more information, see "Prior Child Deduction Chart" (https://ak-courts.info/pcdchart).
5 This deduction cannot be more than 10% of total income.
6 "Eligible beneficiaries" are the other parent in this case and all children that you and the other parent have together. If there are additional beneficiaries of the policy, divide the premium by total number of beneficiaries, then multiply that number by eligible beneficiaries. The maximum deduction is $1200 per year ($100 per month).

Form DR-305, Page 1 of 4, Income (Section A) and Mandatory Deductions (Section B) | Official Alaska Superior Court Form DR-305 Rev. 6/25 | Current at time of publication.

C. Adjusted Annual Income

	PARENT A	PARENT B
1. If TOTAL INCOME from section A is **monthly**, multiply by 12 and write the amount here. If **yearly**, repeat the amount from section A here:		
2. If TOTAL DEDUCTIONS from section B are **monthly**, multiply by 12 and write the amount here. If **yearly**, repeat the amount from section B here:		
3. Subtract line 2 from line 1 to get NET INCOME:		
4. If line 3 is **more** than $138,000, write $138,000 here. If not, repeat line 3 here:		
5. If TOTAL INCOME from line 1 is $30,000 or **less**, subtract $7,500 from line 1 and write the amount here. If line 1 is **more** than $30,000, then repeat line 4 here:		
6. Compare the amounts on lines 4 and 5. Write the **smaller** amount of those two lines here:		

D. Multiply Adjusted Annual Income from line C.6 by:

	PARENT A	PARENT B
.20 for one child, .27 for two children, .33 for three children, and .03 more for each additional child	x	x
TOTAL		

ANNUAL CHILD SUPPORT (Amount from TOTAL line in paragraph D **or** $600, whichever is **larger**.)		

E. Monthly Child Support Payment [Types of custody are defined in Civil Rule 90.3(f). Check **one** only.]

☐ 1. Primary Custody. The children will stay with one parent for 70% (256) or more of their overnights during the year. Take the Annual Child Support amount of the parent who does **not** have the children most of the year and divide by 12: $_____
to be paid each month by ☐ Parent A. ☐ Parent B.

☐ 2. Shared Custody. [Attach form DR-306.]
The children will stay with each parent at least 30% (110) of the over-nights during the year. Child support payment (line 10 of DR-306): $_____
to be paid by ☐ Parent A. ☐ Parent B.

☐ 3. Divided Custody. [Attach for DR-307.]
Each parent will have primary custody of one or more of the children, and the parents will not share custody of any of the children.
Child support payment (section 6 of DR-307): $_____
to be paid by ☐ Parent A. ☐ Parent B.

☐ 4. Hybrid Custody. [Attach form DR-308.]
The parents share custody of at least one child, and one or both parents have primary custody of a different child or children.
Child support payment (section 8 of DR-308): $_____
to be paid by ☐ Parent A. ☐ Parent B.

Form DR-305, Page 2 of 4, Adjusted Annual Income (Section C), Multipliers (Section D), Annual Child Support, and Monthly Payment Type (Section E).

F. Health Care Coverage for the Children

1. Health Insurance

   a. Are the children eligible for services through any of the following?
   ☐ Parent A's employer or union ☐ Parent B's employer or union
   ☐ Indian Health Service ☐ TriCare (Military) ☐ Denali KidCare (Medicaid)

   b. Do the children have other health insurance or care available? ☐ Yes ☐ No
   Describe: _____

   c. Health insurance for the children ☐ is being ☐ will be purchased by:
   ☐ Parent A at a monthly cost to Parent A of $_____*
   ☐ Parent B at a monthly cost to Parent B of $_____*
   through the above person's ☐ employer ☐ union ☐ _____
   whose name and address is: _____
   _____
   The cost will be divided between the parents ☐ equally. ☐ unequally, because:
   _____
   _____

   * List only the cost to insure the children involved in this case. If there is no extra cost to the parent to include children in the parent's own coverage, none of the cost can be included as part of child support. For more info, see "Children's Health Insurance Costs" (ak-courts.info/cshealthinsurance).

2. Health Care Expenses Not Covered by Insurance
   Should uninsured health care expenses of the children (up to $5,000 per calendar year) be shared equally by the parents? ☐ Yes ☐ No, because:
   _____
   _____

G. Monthly Child Support Payment (after adjusting for health insurance costs)
["Obligor" is the parent who owes support. "Obligee" is the parent who receives support.]

1. Monthly Child Support Payment from paragraph E above: $_____
2. If obligor is buying health insurance for the children, subtract 50% (or _____%) of the monthly insurance payment. - $_____
3. If obligee is buying health insurance for the child(ren), add 50% (or _____%) of the monthly insurance payment. +$_____
4. NET MONTHLY CHILD SUPPORT PAYMENT $_____

H. Seasonal Income. Is obligor's income seasonal? ☐ Yes ☐ No
[If yes, you can ask the court for unequal monthly payments under Civil Rule 90.3(c)(5).]

You MUST sign on the next page.

Form DR-305, Page 3 of 4, Health Care Coverage (Section F), Adjusted Monthly Payment (Section G), Net Monthly Payment (Section H). Sign on page 4.

Form DR-305, Line-by-Line Completion Guide

DR-305 translates both parents' incomes into an annual child support obligation using the Alaska Percentage of Income model (Civil Rule 90.3). Unlike the Income Shares model used in most states, Alaska's model is simpler: the obligor's percentage of combined income determines their percentage of a fixed obligation table amount. Each parent must complete and file their own DR-305, you fill in both columns to the extent you know the other parent's income.

CAPTION BLOCK

Match exactly to DR-705: court location, Parent A name, Parent B name, and case number. Check "MONTHLY" or "YEARLY" based on how you report income in Section A. Important: be consistent, if you use monthly income in Section A, use monthly figures throughout. The form has a conversion step in Section C if needed.

SECTION A, INCOME (Parent A and Parent B columns)

Enter each income source for both parents. Use gross amounts (before taxes). Civil Rule 90.3 and its Commentary define income broadly:

Gross wages or salary, your full gross pay before any deductions. Use your most recent pay stub. If pay varies, use a 12-month average.

Value of employer-provided housing, food, etc., if your employer provides free or subsidized housing, meals, a vehicle for personal use, or similar benefits, enter their fair market value. This is common in Alaska's resource industries (oil, fishing, construction) where room and board are frequently included in compensation packages.

Unemployment compensation, include all unemployment benefits you are currently receiving.

Alaska Permanent Fund Dividend (PFD), The Alaska PFD is explicitly listed on the form and IS included in income for child support purposes. Enter the most recent annual PFD amount (announced each October; check pfd.alaska.gov for the current year's amount). Divide by 12 if reporting monthly income.

Other income sources not listed, the form's footnote says "other examples" include self-employment and rental income, investment income, pensions, Social Security, workers' compensation, and disability payments. Include all regular income from any source.

TOTAL INCOME, Add all lines in Section A for each parent.

SECTION B, DEDUCTIONS ALLOWED UNDER CIVIL RULE 90.3

These are the only deductions Alaska allows from gross income before calculating support:

Federal, state, and local income taxes, use actual withholding from your pay stub, or your effective tax rate from last year's return. For self-employed parents, use estimated quarterly tax payments.

Social Security and Medicare tax, 7.65% of gross wages for employees. Self-employed parents pay 15.3% (both employer and employee share), but may deduct only the employee-equivalent half (7.65%).

Employment security tax, Alaska's unemployment insurance tax. Deductible for employees.

Mandatory retirement plan contributions, only contributions you are REQUIRED to make as a condition of employment. Voluntary 401(k) contributions or IRA contributions are NOT deductible. Public employees in PERS or TRS have mandatory contributions.

Spousal support (alimony) ordered and currently paid, if you are paying court-ordered spousal maintenance to someone (not this case), deduct the monthly amount.

Child support ordered for prior relationships (actually paid), if you pay child support for children from another case and you are actually paying it, deduct that amount.

Work-related child care costs for children in this case, the actual monthly cost you pay for work-related child care for the children covered by this order.

Health insurance premiums for eligible dependents, your share of the premium for the children in this case. Note: Section F addresses how insurance is handled in the final monthly support figure, do not double-count.

Life insurance premiums for child's benefit, court-ordered life insurance only.

TOTAL DEDUCTIONS, Add all applicable deduction lines for each parent.

SECTION C, ADJUSTED ANNUAL INCOME

This six-step section converts your income and deductions to an annual figure and applies the caps built into Civil Rule 90.3:

Line C.1, If Section A was MONTHLY, multiply TOTAL INCOME × 12. If YEARLY, repeat the Section A total.

Line C.2, If Section B was MONTHLY, multiply TOTAL DEDUCTIONS × 12. If YEARLY, repeat the Section B total.

Line C.3, NET INCOME: Line C.1 minus Line C.2.

Line C.4, Cap at $138,000: if Net Income exceeds $138,000, write $138,000 here. If not, repeat line C.3. This is the upper income cap in the Civil Rule 90.3 tables.

Line C.5, Low-income adjustment: if TOTAL INCOME (line C.1) is $30,000 or less, subtract $7,500 and enter the result. This reduces the adjusted income for lower-earning parents. If line C.1 exceeds $30,000, repeat line C.4.

Line C.6, Write the SMALLER of lines C.4 and C.5. This is the Adjusted Annual Income for each parent, the number that feeds into Section D.

SECTION D, MULTIPLIERS (Annual Child Support Calculation)

Multiply the Adjusted Annual Income from line C.6 by the factor for the number of children covered by this order:

1 child, multiply by 0.20 (20%)

2 children, multiply by 0.27 (27%)

3 children, multiply by 0.33 (33%)

4+ children, add 0.03 per additional child

TOTAL, Add both parents' results. Then enter the ANNUAL CHILD SUPPORT amount: this is the TOTAL from the multiplication, but NOT LESS THAN $600/year per child (the Civil Rule 90.3 minimum). If the calculated amount is less than $600 × number of children, enter the $600 minimum instead.

SECTION E, MONTHLY CHILD SUPPORT PAYMENT

Check the type of custody arrangement that applies:

1. Primary Custody (one parent has 70%+ of overnights, 256+ nights/year), The non-primary parent pays. Take their Annual Child Support amount from Section D and divide by 12. Enter the monthly amount and check whether Parent A or Parent B pays.

2. Shared Custody (each parent has at least 30% of overnights, 110+ nights/year), Attach Form DR-306. The calculation is more complex and accounts for each parent's proportionate income and time with the children.

3. Divided Custody (each parent has primary custody of at least one child) — Attach Form DR-307. Each parent pays support for the child(ren) living primarily with the other parent.

4. Hybrid Custody (combination of the above) — Attach Form DR-308.

SECTION F, HEALTH CARE COVERAGE FOR THE CHILDREN

1. Health Insurance — Check whether the children are eligible for coverage through Parent A's employer, Parent B's employer, union, Indian Health Service, TriCare, Denali KidCare (Medicaid), or other. Check all that apply.

Health insurance for the children, check "is being" or "will be" provided, then check who provides it (Parent A or Parent B), and the monthly cost TO THAT PARENT for the children only. Note: only the children's share of a family premium is includable, divide the family premium by the number of insured family members and multiply by the number of children on the policy if necessary.

Cost division, the form says the cost will be divided equally unless the court orders unequally (based on income proportions). For primary custody cases, the insuring parent typically pays the full premium and receives a credit in Section G.

2. Uninsured Health Care Expenses — check Yes or No whether uninsured medical expenses should be shared equally. Most orders say yes. Uninsured expenses over $5,000/year per child require a hearing under Civil Rule 90.3(b)(1)(D).

SECTION G, MONTHLY CHILD SUPPORT PAYMENT (after health insurance adjustment)

"Obligor" means the parent who owes support, the one who will write the monthly check.

Line G.1, Monthly Child Support from Section E (before insurance).

Line G.2, If the obligor is providing health insurance for the children, subtract 50% of the monthly premium cost. This gives the obligor credit for half the insurance cost.

Line G.3, If the obligee (the parent receiving support) is providing health insurance, add 50% of the monthly premium to the obligor's payment. The obligor reimburses half.

Line G.4 (NET MONTHLY CHILD SUPPORT PAYMENT) the final dollar amount that goes into your court order. This is the number you reference in DR-705 when explaining the new support amount you are requesting.

SECTION H, NET MONTHLY CHILD SUPPORT PAYMENT

Section H confirms the final monthly payment amount. Check whether it will be paid by Parent A or Parent B. Sign the form under penalty of perjury.

SIGNATURE INSTRUCTIONS

If you are filing jointly with the other parent (both agree to the modification), both parents must sign DR-305. If filing alone, only you sign your own copy. The other parent is served a blank DR-305 to complete and file independently.

The form can be signed before a notary or sworn before the court clerk at filing. Some Alaska courts also accept an unsworn declaration under penalty of perjury (AS § 09.63.020), ask the clerk whether your court requires notarization.

FILING CHECKLIST, Alaska Child Support Modification

- Form DR-705 (Motion to Change Child Support), signed before notary or clerk
- Form DR-305 (Child Support Guidelines Affidavit), completed and signed
- Form DR-150 (Child Custody Jurisdiction Affidavit), required in every case
- Form DR-710 (Notice of Motion), included in the DR-700 packet
- Copy of current child support order
- Pay stubs (most recent 3 months) for your income
- Most recent tax return (both parents if available)
- Documentation of any other income sources (Social Security, PFD, disability)
- Proof of any deductions claimed (insurance premium statements, other support orders)
- Filing fee: $75 (or completed fee waiver application TF-920)
- If shared custody (109+ overnights): attach Form DR-306

After filing, the court clerk will stamp your copies and serve the Notice of Motion on the other party. The other parent has 20 days to file a written opposition. If they do not oppose, the court may enter the modified order on the papers. If they oppose, the court schedules a hearing. Remote hearings by phone or video are common in Alaska, the clerk can arrange this for parties in remote locations.

End of Appendix C — Alaska | Appendix D — Arkansas follows.

Appendix D — Arkansas: Statutes, Case Law, Forms, and Resources

All sources below support the factual and legal statements in Chapter 4, Arkansas. Reference numbers correspond to asterisked items (*[N]) in that chapter. Case citations use [C-N] format. Judicial council forms are listed at the end. Arkansas uses the Income Shares model under Administrative Order No. 10 with a 20% modification threshold, the highest threshold covered in this book.

PART 1, STATUTORY SOURCES & REGULATIONS

Child Support Guidelines & Calculation

[1] Arkansas Supreme Court Administrative Order No. 10, Income Shares Child Support Guidelines.

The governing rule for all child support calculations in Arkansas. Administrative Order No. 10 establishes the Income Shares model, the Family Support Chart (Basic Support Obligation table based on combined adjusted gross income), and all adjustment mechanisms including childcare, health insurance, and extraordinary expenses. Full text available at arcourts.gov.

[2] Administrative Order No. 10, Section II, Definition of gross income.

Arkansas gross income includes wages, salary, commissions, bonuses, overtime, self-employment net income, rental income, interest, dividends, pension, Social Security benefits (including derivative benefits paid to the child), disability, unemployment compensation, and any other regular income source. The definition is intentionally broad to prevent income concealment.

[3] Administrative Order No. 10, Section III, Allowable deductions from gross income.

Deductible from gross income before applying the Family Support Chart: (1) court-ordered child support paid for children in other households; (2) court-ordered spousal support paid to a former spouse; (3) health insurance premiums paid for the child who is the subject of this order. Voluntary retirement contributions, voluntary deductions, and personal debt payments are NOT deductible.

[4] Administrative Order No. 10, Section IV, Self-employment income calculation.

Self-employment income is gross receipts minus ordinary and necessary business expenses. Courts scrutinize Schedule C deductions aggressively. Depreciation on personal-use assets, meals, and entertainment with limited business purpose are frequently disallowed. Net self-employment income is then subject to the Family Support Chart in the same manner as wage income.

[5] Administrative Order No. 10, Section V, Imputation of income.

When a court finds a parent is voluntarily unemployed or underemployed, income is imputed at the parent's earning capacity. The court considers: education, employment history, occupational skills, and the availability of work in the local area at the capacity level. The parent claiming inability to earn at capacity bears the burden of proof.

Modification Standard

[6] Ark. Code Ann. § 9-12-312, Modification of child support in divorce decrees.

Section 9-12-312 grants circuit courts jurisdiction to modify child support upon showing of a material change in circumstances that is substantial and continuing. Administrative Order No. 10 defines 'significant variance' as a 20% difference between the current order and the recalculated guideline amount, this triggers the presumption that modification is warranted.

[7] Administrative Order No. 10, Significant variance: 20% modification threshold.

A 'significant variance' exists when recalculating support under current guidelines produces an amount that differs from the existing order by at least 20%. Meeting the threshold creates a rebuttable presumption that modification is appropriate. Courts retain discretion to deny modification if the change is not expected to be substantial and continuing.

[8] Administrative Order No. 10, Three-year administrative review through OCSE.

Either parent may request a free review through OCSE every three years without demonstrating an independent change in circumstances. OCSE recalculates using current incomes and the current Family Support Chart. Either party may object to a proposed administrative modification and request a court hearing.

Procedure & Filing

[9] Ark. Rules of Civil Proc., Rule 4, Service of process requirements.

Personal service by process server or county sheriff is required. Service by certified mail with signed return receipt is permitted. Proof of service must be filed with the court. Failure to properly serve the other party allows the court to dismiss the petition or vacate any default order entered.

[10] arcourts.gov, Arkansas judiciary self-represented litigants portal.

Provides downloadable forms for modification petitions, financial affidavits, proposed orders, and fee waiver applications. Forms are updated periodically; always download a fresh copy. County clerk offices also provide printed forms.

Enforcement, Wage Garnishment

[11] Ark. Code Ann. §§ 9-14-301 through 9-14-318, Income withholding for support.

Income withholding is mandatory in all Arkansas child support orders. The IWO is served on the employer and requires withholding beginning with the first pay period after receipt. Employers who fail to comply with an IWO may be held liable for the amount that should have been withheld. OCSE administers IWOs in IV-D cases.

[12] Consumer Credit Protection Act (CCPA), 15 U.S.C. § 1673, Federal wage garnishment cap.

Maximum withholding: 50% of disposable earnings if supporting another family; 60% if not. Increases to 55%/65% when arrears exceed 12 weeks. Arkansas does not impose a stricter state cap on income withholding for child support.

Enforcement, License Suspension

[13] Ark. Code Ann. § 9-14-239, Suspension of licenses for child-support delinquency equal to three months' obligation or more.

OCSE may certify an obligor for license suspension when the obligor is delinquent or has an adjudicated arrearage in an amount equal to three months' obligation or more. All state-issued licenses are subject: driver's license, professional and occupational licenses, hunting and fishing licenses, and any other recreational license issued by the state. Written notice is sent; the obligor can avoid suspension by paying, executing an installment agreement with OCSE, or requesting review, and may appeal to circuit court within 30 days of the suspension's effective date.

Enforcement, Tax Intercept & Credit Reporting

[14] Ark. Code Ann. § 9-14-219 and 42 U.S.C. § 666(a)(3), Tax intercept.

Federal income tax refunds intercepted when arrears reach $500 (non-TANF) or $150 (TANF). Arkansas state income tax refunds are separately intercepted for any certified arrears. Joint filers may protect the non-obligor spouse's share of a federal refund via IRS Form 8379 (Injured Spouse Allocation).

[15] 42 U.S.C. § 666(a)(7), Credit bureau reporting.

OCSE reports outstanding child support arrears to consumer reporting agencies. Once arrears are paid, OCSE reports the account as satisfied, but the entry remains on the credit report. Obligors who resolve arrears should follow up with OCSE to confirm the account is marked satisfied with all three bureaus.

[16] 42 U.S.C. § 666(a)(16), Passport denial at $2,500+ arrears (federal mandate).

Applies uniformly in all states. OCSE certifies the case to federal OCSE, which notifies the U.S. State Department. Passport applications are denied; existing passports may be revoked. Do not book international travel while carrying arrears above $2,500.

Enforcement, Contempt & Criminal Non-Support

[17] Ark. Rules of Civil Proc. and general contempt authority, civil contempt for non-payment.

A party who fails to comply with a child support order may be held in civil contempt. A contempt motion is filed and served; the obligor must appear at a hearing. Per Turner v. Rogers (564 U.S. 431, 2011), the court must conduct an ability-to-pay inquiry before incarcerating an unrepresented obligor. Civil contempt is purged by compliance.

[18] Ark. Code Ann. § 5-26-401, Criminal non-support: Class D Felony.

Willful failure to pay child support is a Class D Felony in Arkansas, punishable by up to six years imprisonment and a fine up to $10,000. The federal Deadbeat Parents Punishment Act (18 U.S.C. § 228) independently applies when arrears exceed $5,000 and the obligor has crossed state lines. Criminal prosecution typically follows exhaustion of administrative enforcement tools.

Arrears, Interest, Limitations Period, No Compromise

[19] Ark. Code Ann. § 9-14-233, Interest on child support arrears: 10% per annum.

Child support installments become judgments when due and unpaid. Each unpaid installment accrues interest at 10% per annum from its due date. An obligor carrying $5,000 in arrears owes $500 in additional interest each year the balance remains unpaid. Interest accrues unless the owner of the judgment asks, before accrual, that it not (Ark. Code Ann. § 9-14-233); courts may also address interest by order.

[20] Ark. Code Ann. § 9-14-236, Limitations period on child support arrears.

Child support installments become judgments by operation of law when due and unpaid. An action for arrears may be brought at any time up to five years after the child for whose benefit the order was entered turns 18, and no limitations period applies to a payor who leaves or remains outside Arkansas to avoid payment (Ark. Code Ann. § 9-14-236). Arrears reduced to judgment remain collectible for ten years and may be renewed. In practice, old balances rarely become uncollectible.

[21] OCSE authority, no compromise or waiver of arrears in IV-D cases.

OCSE does not have authority to compromise, reduce, or forgive accrued arrears in IV-D cases. Even a written agreement between parents purporting to forgive arrears is not binding and does not affect the legal obligation unless a court formally orders it. Only a court can reduce the arrears balance.

Interstate & UIFSA

[22] Ark. Code Ann. §§ 9-17-101 through 9-17-903, Uniform Interstate Family Support Act (UIFSA).

Arkansas's full adoption of UIFSA governs Continuing Exclusive Jurisdiction (CEJ), registration and enforcement of foreign orders, direct income withholding across state lines, and multi-state modification authority. Arkansas participates in the federal OCSE interstate network for enforcement and location services.

Age of Majority & Termination

[23] Ark. Code Ann. § 9-12-312 and Administrative Order No. 10, termination of child support.

Child support runs until the child turns 18 or, if the child is still in high school, until graduation or the end of the school year after the child turns 19, whichever comes first (Ark. Code Ann. § 9-14-237). Termination occurs by operation of law, but the obligor must give written notice within ten days to the custodial parent, the court clerk, the employer if income withholding is in effect, and OCSE. Where an order covers multiple children or contains extended-support terms, filing a Motion to Terminate before the termination date prevents continued accrual after emancipation.

PART 2, KEY CASE LAW

The following cases govern child support modification and enforcement in Arkansas. Arkansas Supreme Court and Court of Appeals opinions are available at opinions.arcourts.gov. Westlaw and Lexis carry full Arkansas opinion sets.

[C-1] **Ragland v. Ragland, 2016 Ark. App. 209,** *The Arkansas Court of Appeals addressed the income imputation standard for a voluntarily underemployed obligor who had left a higher-paying position. The court affirmed that income must be imputed at earning capacity (based on education, work history, and available opportunities) not merely at current reported earnings. A parent cannot escape a support obligation by voluntarily reducing income without a compelling reason.*

[C-2] **Turner v. Rogers, 564 U.S. 431 (2011),** *U.S. Supreme Court: the Fourteenth Amendment does not require appointed counsel in every civil contempt hearing for child support non-payment, but adequate procedural safeguards (including an ability-to-pay inquiry) are constitutionally required before incarcerating an unrepresented obligor. At any contempt hearing in Arkansas, a father should place on the record his current income, monthly expenses, and the involuntary nature of any financial hardship.*

[C-3] **Donn v. Donn, 2014 Ark. App. 88,** *The Court of Appeals addressed whether a reduction in the obligor's income qualified as a material change in circumstances sufficient to support modification. The court held that the change must be substantial, material, and continuing, a temporary or self-induced reduction does not qualify. The obligor must demonstrate that the change is not expected to reverse in the near term.*

[C-4] **Holley v. Holley (Ark. Ct. App.) (informal agreements do not modify court orders)** *Consistent with established Arkansas law, the Court of Appeals has held repeatedly that an informal agreement between parents to accept reduced child support payments does not constitute a valid modification of a court order. The obligor remains in arrears for the difference between what was paid and what was ordered. Only a court order can change the amount legally owed. File the motion, do not rely on a handshake deal.*

[C-5] **Williams v. Williams, 82 Ark. App. 294 (2003),** *The Court of Appeals confirmed that modification of child support in Arkansas is prospective only, effective from the date the petition was filed, not from the date circumstances changed. An obligor who waits months before filing while attempting to negotiate informally accumulates permanent arrears at the old rate for the entire delay period. File the motion immediately when circumstances change.*

RESEARCH NOTE: Arkansas Court of Appeals and Supreme Court opinions are available free at opinions.arcourts.gov. Memorandum opinions are not citable as precedent under Ark. Sup. Ct. R. 5-2(d). Only published opinions designated as 'opinions' carry binding precedential authority. Administrative Order No. 10 itself (available at arcourts.gov) is the primary authority for all calculation and modification threshold questions.

PART 3, AGENCY CONTACTS & ONLINE RESOURCES

Office of Child Support Enforcement (OCSE)

[R-1] Arkansas OCSE, Division of the Arkansas Department of Finance and Administration (DFA).

Phone: 1-877-273-5537 (statewide toll-free)
Website: dfa.arkansas.gov/offices/child-support
Handles all IV-D enforcement: IWO, license suspension, tax intercept, passport denial, credit bureau reporting, administrative review (3-year), and interstate enforcement coordination. OCSE also maintains payment records, always pay through OCSE or the court registry, never directly to the other parent.

[R-2] OCSE Regional Offices, Little Rock (central), Fort Smith (western), and satellite offices.

Little Rock (headquarters): Donaghey Plaza North, Suite N201, 7th & Main, Little Rock, AR 72201 | 501-682-8398
Fort Smith: 5800 Rogers Ave., Suite 400, Fort Smith, AR 72903 | 479-452-8073
Additional offices in Jonesboro, Texarkana, El Dorado, and Fayetteville. Contact 1-877-273-5537 for the office nearest you.

Arkansas Court System

[R-3] Arkansas Judiciary, self-represented litigants portal and forms.

Website: arcourts.gov
Forms: arcourts.gov → Self-Represented Litigants → Family Law
Provides Petition to Modify, Financial Affidavit, Family Support Chart Worksheet, Proposed Order, and fee waiver application. Forms are standardized statewide. File in the Circuit Court (Chancery or Domestic Relations Division) in the county of the original order or the child's residence.

Legal Aid

[R-4] Legal Aid of Arkansas, statewide free civil legal aid.

Intake: 1-800-9-LAW-AID (1-800-952-9243)
Website: arlegalaid.org
Free family law representation and advice for income-qualifying individuals. Covers child support modification, contempt defense, and custody proceedings. Offices in Jonesboro, Batesville, Helena, and other locations.

[R-5] Center for Arkansas Legal Services, statewide free civil legal aid.

Intake: 1-800-950-5817
Website: arlegalservices.org
Statewide free civil legal aid for income-qualifying individuals. Handles child support modification, protective orders, and family law matters. Offices in Little Rock, Fort Smith, and Fayetteville.

[R-6] Arkansas Legal Services Partnership, online self-help resources.

Website: arlegalservices.org
Plain-language guides for self-represented parties in family law proceedings, including step-by-step instructions for filing modification petitions and completing required financial disclosures.

PART 4, ARKANSAS COURT FORMS

Arkansas Circuit Court forms for family law are standardized statewide and available at arcourts.gov → Self-Represented Litigants. File in the Circuit Court (Chancery or Domestic Relations Division) in the county where the original order was entered or where the child currently resides.

Petition to Modify CS	**Petition to Modify Child Support Order** The primary pleading to commence a modification proceeding. Describe the material change in circumstances (income change, custody shift, major expense change) and attach the completed Family Support Chart Worksheet and Financial Affidavit. CRITICAL: File this form immediately when circumstances change, modification takes effect only from the filing date. Arrears before filing at the old rate are permanent. *Obtain: arcourts.gov → Self-Represented Litigants | Circuit Court clerk*

Family Support Chart Worksheet	**Arkansas Family Support Chart Calculation Worksheet** The Income Shares calculation worksheet under Administrative Order No. 10. Enter both parents' adjusted gross incomes, combined income total, look up the Basic Support Obligation on the chart, then divide proportionally by each parent's income share. Attach childcare and health insurance add-ons. The 20% threshold comparison is calculated on this form. *Obtain: arcourts.gov → Self-Represented Litigants | Available from OCSE*

Financial Affidavit	**Affidavit of Financial Means (Financial Affidavit)** Arkansas's sworn income and expense declaration, required with every modification petition. Cover: monthly gross income, all income sources, monthly expenses, assets, and debts. Bring: last 3 pay stubs (or last 2 years of tax returns if self-employed), W-2s/1099s, and documentation of deductible expenses. Accuracy is critical, perjury on a financial affidavit is a criminal offense. *Obtain: arcourts.gov → Self-Represented Litigants | Circuit Court clerk*

Proposed Order	**Order Modifying Child Support (Proposed)** Prepare a proposed order to submit with the petition. Include: new monthly support amount, effective date (date of filing), income withholding authorization, and any provisions for childcare or health insurance. The judge may modify the proposed language before signing. Submit an original and two copies. *Obtain: arcourts.gov → Self-Represented Litigants | Circuit Court clerk*

Fee Waiver	**Application for Waiver of Filing Fees (In Forma Pauperis)** Income-based fee waiver for modification filing fees ($165–$225). File simultaneously with the petition. Income eligibility is generally at or below 200% of the federal poverty line. The court reviews and grants or denies at the initial scheduling hearing. Even if denied, fees may be deferred in hardship cases. *Obtain: arcourts.gov → Self-Represented Litigants | Circuit Court clerk*

IWO (Federal)	**Income Withholding Order for Support (Federal Form OMB-0970-0154)** Federal standardized form directing an employer to withhold child support from wages. Mandatory in all Arkansas child support orders. In IV-D cases, OCSE generates and serves the IWO. In non-IV-D cases, the moving party or attorney prepares the IWO and serves it on the employer. Employers must begin withholding within the first pay period after receipt. *Obtain: OCSE (IV-D cases) | acf.hhs.gov/css/resource/income-withholding-for-support*

PAYMENT RECORDS: Always pay through the OCSE payment center or the court registry, NEVER directly to the other parent. Direct payments are virtually impossible to verify after the fact, and OCSE will continue to show the balance as owed regardless of private arrangements. Get a money order or use the OCSE online payment portal at dfa.arkansas.gov/offices/child-support. Keep every receipt permanently.

Court Forms & Completion Guide

Important Notice Regarding Arkansas Modification Petitions

Arkansas does not publish a standardized, pre-printed petition form for child support modification. Unlike many states, Arkansas requires parties (or their attorneys) to draft a Motion

to Modify Child Support Order tailored to the specific case. The Arkansas Administrative Office of the Courts provides general self-help resources at arcourts.gov, and Arkansas Legal Aid (arlegalaid.org) can assist qualifying low-income filers. The two official forms reproduced below (the Child Support Worksheet and the Family Support Chart of Basic Child Support Obligations) are what the court requires to be completed and filed with every modification petition.

Your Motion to Modify must be filed in the Circuit Court, Domestic Relations Division, of the county that entered your original order. It must state the current order amount, the proposed new amount, and the specific grounds for modification, either (1) a 20% or greater difference between the current order and the amount produced by the guidelines, or (2) a material change in circumstances.

Form 1: Motion to Modify Child Support Order

Model Form, Derived from Arkansas Rules of Civil Procedure & Administrative Order No. 10

Original work. Not a court-issued form. Adapt to your facts and file pro se or with counsel.

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
DOMESTIC RELATIONS DIVISION
_____ DIVISION

_____,

Plaintiff, **Case No. _____-DR-_____**

v.

_____,

Defendant.

MOTION TO MODIFY CHILD SUPPORT ORDER

COMES NOW the [Plaintiff / Defendant] (hereinafter "Movant"), by and through [himself / herself / undersigned counsel], and for this Motion to Modify Child Support Order states and alleges as follows:

1. JURISDICTION AND EXISTING ORDER. On or about _____, _____, this Court entered a [Decree of Divorce / Order Establishing Child Support / Prior Modification Order] requiring [Plaintiff / Defendant] to pay child support in the amount of $_____ per month for the minor child(ren): _____ (DOB: _____), and _____ (DOB: _____). This Court retains continuing, exclusive jurisdiction pursuant to the Uniform Interstate Family Support Act, Ark. Code Ann. § 9-17-611.

2. GROUNDS FOR MODIFICATION — 20% THRESHOLD. Since the date of the existing order, there has been a change in the financial circumstances of the parties such that application of the current Child Support Guidelines under Administrative Order No. 10 of the Arkansas Supreme Court would result in a new monthly support obligation that differs from the existing order by twenty percent (20%) or more. Specifically: [describe change — e.g., Movant's gross monthly income has changed from $_____ to $_____, and/or Respondent's gross monthly income has changed from $_____ to $_____.] A completed Child Support Worksheet is attached hereto as Exhibit A.

— OR —

2. GROUNDS FOR MODIFICATION — MATERIAL CHANGE IN CIRCUMSTANCES. Since the date of the existing order, there has been a material change in circumstances warranting modification, specifically: [describe — e.g., Movant has been involuntarily terminated from employment; child's medical needs have substantially increased; child's custody arrangement has changed; child has turned 18 as to one child, reducing the number of covered children; other specific and ongoing change.] A completed Child Support Worksheet is attached hereto as Exhibit A.

3. COMPLETED WORKSHEET. Movant has completed the Arkansas Child Support Worksheet pursuant to Administrative Order No. 10 and attaches it as Exhibit A. The completed Worksheet reflects a presumed monthly child support obligation of $_____ per month.

4. HEALTH INSURANCE. [Select and complete one: (a) The minor child(ren) is/are currently covered under health insurance provided by [Plaintiff / Defendant] at a monthly cost of $_____. Movant requests that this coverage continue. | (b) Health insurance is available to [Plaintiff / Defendant] at a reasonable cost. Movant requests that the Court order [Plaintiff / Defendant] to obtain and maintain health insurance coverage for the minor child(ren).]

5. INCOME WITHHOLDING. Movant requests that any modified support order include an income withholding order pursuant to Ark. Code Ann. § 9-14-801 et seq.

6. RETROACTIVITY. Movant understands that any modification will be effective no earlier than the date of filing of this Motion.

WHEREFORE, Movant respectfully prays that this Court:

a. Modify the existing child support order to the guideline amount reflected on the attached Child Support Worksheet, specifically $_____ per month;

b. Enter an Income Withholding Order;

c. Order any other relief the Court deems just and proper.

Respectfully submitted,

_____

Model Motion to Modify Child Support, Page 2 of 4 (Paragraphs 3–6, Prayer for Relief, Signature Block)

[Movant's Printed Name]
[Address]
[City, State, ZIP]
[Phone Number]
[Email Address — optional]
Pro Se / Bar No. _____ (if attorney)

VERIFICATION

STATE OF ARKANSAS)
COUNTY OF _____)

I, _____, being first duly sworn, state that I am the [Plaintiff / Defendant] in the above-captioned matter; that I have read the foregoing Motion and attached Child Support Worksheet; and that the facts stated therein are true and correct to the best of my knowledge and belief.

_____ _____

[Movant's Signature] Notary Public
My Commission Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that on _____, _____, a true and correct copy of the foregoing Motion to Modify Child Support Order and attached Child Support Worksheet was served upon the [Plaintiff / Defendant] by: [ ] personal delivery [ ] first-class U.S. mail, postage prepaid [ ] certified mail [ ] email (if agreed or ordered) [ ] process server, addressed to:

_____
[Other Party's Name and Address]

_____
[Movant's Signature]

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Prepared from public domain materials: Arkansas Rules of Civil Procedure; Administrative Order No. 10, Arkansas Supreme Court; Ark. Code Ann. §§ 9-14-107, 9-17-611. Not a substitute for legal advice. Consult an attorney

for your specific circumstances.

Model Motion to Modify Child Support, Page 4 of 4 (Attribution footer)

Line-by-Line Completion Guide, Motion to Modify Child Support Order

CAPTION BLOCK

"IN THE CIRCUIT COURT OF ___ COUNTY, ARKANSAS": Enter the county where your original child support order was entered, not where you live now. Arkansas Circuit Courts have continuing, exclusive jurisdiction over the original order under UIFSA (Ark. Code Ann. § 9-17-611). If you no longer live in that county, you still file there unless the child and both parents have all left Arkansas, in which case consult an attorney about transferring jurisdiction.

"DOMESTIC RELATIONS DIVISION": Pre-printed. All family law matters in Arkansas Circuit Court are handled in the Domestic Relations Division.

"___ DIVISION": If the original order lists a specific division number (e.g., "Division 2"), enter it here. Find it on the face of your original decree or order. If not listed, leave blank or ask the clerk. They can find it by case number.

Plaintiff / Defendant name lines: Copy the party names EXACTLY as they appear on the original order, same spelling, same order. Even a minor discrepancy can cause the clerk to reject the filing as a new case rather than a continuation of the existing case.

"Case No. ___-DR-___": Copy your case number exactly. Arkansas domestic relations case numbers include "DR" and the year. Example: "2019-DR-1234." This is on every prior order.

MOTION TITLE

"MOTION TO MODIFY CHILD SUPPORT ORDER": This is the correct title for a post-decree modification under Ark. Code Ann. § 9-14-107. Do not call it a "Petition" or "Complaint". Those are used for initial establishment. A post-decree motion is filed in the existing case under the original case number. Using the wrong title can cause confusion about whether you are opening a new case (which requires a filing fee) versus filing in an existing case (which has a lower motion fee at most Arkansas clerks' offices).

OPENING PARAGRAPH

"COMES NOW the [Plaintiff / Defendant] (hereinafter 'Movant')": Circle the correct designation. The person who was named Plaintiff in the original case is always the Plaintiff, even if they are now the one paying support. The labels do not change based on who is asking for modification. "by and through [himself / herself / undersigned counsel]": If you are filing without a lawyer, write "himself" or "herself" and you are the "pro se" movant. If an attorney is filing for you, they will sign as undersigned counsel.

PARAGRAPH 1, Jurisdiction and Existing Order

"On or about [date], this Court entered a [Decree / Order]": Enter the date and type of the order you want to modify. If it was a divorce decree that included child support, write "Decree of Divorce." If it was a standalone paternity or support order, describe it accurately. If there have been prior modifications, reference the most recent modification order date and amount. That is the "existing order."

"requiring [Plaintiff / Defendant] to pay $_____ per month": Enter the current court-ordered amount, not what is actually being paid. If the payor has been paying less, the order amount is still what the order says. The court modifies orders, not informal arrangements.

"for the minor child(ren): ___ (DOB: ___)": List every child covered by the existing order with their full legal name and date of birth. If a child has turned 18 since the order, note that fact here. It is grounds for a downward modification by itself (reduction for emancipated child).

"Continuing, exclusive jurisdiction pursuant to UIFSA, Ark. Code Ann. § 9-17-611": This sentence establishes that this court has authority to act. It is standard boilerplate and must be included. If either party has since moved out of Arkansas, you may need additional paragraphs about UIFSA jurisdiction, consult an attorney.

PARAGRAPH 2, Grounds: 20% Threshold (Primary Route)

Use this version if the new guideline calculation differs from the existing order by 20% or more. This is the presumptive modification standard under Administrative Order No. 10.

"change in the financial circumstances of the parties": Identify specifically what changed, job loss, income increase, new employment, retirement, disability, additional children from a subsequent relationship covered by an order, etc. Be specific. "My income changed" is less persuasive than "I was involuntarily terminated from my position on [date] and am now employed at [new employer] earning $[amount] per month."

"differs from the existing order by twenty percent (20%) or more": Do the math before filing. Current order: $_____. New guideline amount from the worksheet: $_____. Difference: $_____ = ____%. If the difference is 20% or more in either direction (up or down), you qualify for the presumptive modification. If less than 20%, use the material change alternative in the "OR" section.

"A completed Child Support Worksheet is attached hereto as Exhibit A": You must attach the completed worksheet. Without it, the court cannot calculate the new amount. File the original worksheet with the motion. Keep a copy.

PARAGRAPH 2 (Alternative), Grounds: Material Change in Circumstances

Use this version when the 20% threshold is not met but a genuine, ongoing change in circumstances exists. The bar is higher. You must convince the judge the change is material, meaning substantial, ongoing, and not self-induced. Examples that Arkansas courts have recognized as material changes include: involuntary job loss, permanent disability, child's substantial increase in medical needs, change in custody arrangements, emancipation of one child reducing the number of covered children, and significant income increase by the payee parent.

What Arkansas courts have NOT recognized as material change: voluntary quit without good cause, deliberate reduction of income to lower support, temporary unemployment, or personal

financial mismanagement. If the judge believes you reduced your income intentionally, income will be imputed at your prior earning capacity.

PARAGRAPH 3, Completed Worksheet

Fill in the dollar amount from Line 13 of the completed Child Support Worksheet (see Form 2 guidance below). This is the amount you are asking the court to order. It must match the attached worksheet exactly. If there are rounding differences (the court rounds to the nearest dollar), use the rounded figure.

PARAGRAPH 4, Health Insurance

Health insurance is mandatory if available at reasonable cost (generally not exceeding 5% of the parent's gross income). Choose option (a) if insurance is already in place and you want it continued. Choose option (b) if you want the court to order the other parent to obtain coverage. Enter the exact monthly premium attributable to the child.

If insurance is not currently available to either parent at reasonable cost, state that fact and request that the court reserve the issue pending availability. Never omit this paragraph, courts expect it and will ask about it at the hearing.

PARAGRAPH 5, Income Withholding

Income withholding (wage garnishment for child support) is mandatory in Arkansas unless the court makes a specific finding for good cause shown or the parties agree in writing to an alternative arrangement (Ark. Code Ann. § 9-14-801). Always include this request. If the payor is self-employed or has irregular income, the court may modify the withholding mechanism but the obligation to pay does not change.

PARAGRAPH 6, Retroactivity

This paragraph protects both parties by confirming that modification is prospective only. Arkansas does not allow retroactive modification of child support (Ark. Code Ann. § 9-14-234). The effective date is the date of filing. This means: file immediately when you have grounds. Every day you wait is a day the old order continues at the old amount. If you know your income has dropped and you will qualify, file first, gather documents second.

PRAYER FOR RELIEF (WHEREFORE Clause)

Sub-paragraph (a): State the specific dollar amount you are asking for. The court needs a specific number, not "whatever the guidelines say." Take it from Line 13 of the attached worksheet.

Sub-paragraph (b): Income withholding order, always request this.

Sub-paragraph (c): Catch-all "other relief", standard boilerplate, always include.

SIGNATURE BLOCK

"Respectfully submitted": Standard closing. Sign above this line. If you are representing yourself (pro se), write "Pro Se" under your name. You do not need a bar number. If an attorney is signing, they must include their Arkansas Bar number and contact information.

Address: Use your current mailing address. This is where the court will send notices. If you move after filing, you must file a notice of change of address.

VERIFICATION

Arkansas courts require motions regarding child support to be verified under oath. The verification must be notarized. Take the signed-but-unsworn motion to a notary public (available

at most banks, UPS stores, and courthouses) before filing. Sign in front of the notary, do not pre-sign.

"STATE OF ARKANSAS / COUNTY OF ___": Fill in "ARKANSAS" and the name of the county where you are signing in front of the notary. This does not need to match the county of the court.

Notary public signature and commission expiration: The notary fills these in. You do not write anything in the notary block except your signature on the line above "Movant's Signature."

CERTIFICATE OF SERVICE

Arkansas Rules of Civil Procedure Rule 5 requires service of every motion on all other parties. Choose the method of service and fill in the date and the other party's name and address. Options: personal delivery (hand to the other party), first-class mail (place in a sealed envelope, prepaid postage, drop in the mail), certified mail (get a return receipt for proof), or email if the court has ordered electronic service or the parties have agreed in writing.

Important: You must serve the other party on the same day you file, or as soon as practicable thereafter. Keep proof of service, return receipt, process server affidavit, or a printout of the email with delivery confirmation.

If the other party has an attorney of record, serve the attorney, not the party directly.

HOW TO FILE THIS MOTION IN ARKANSAS

Step 1 — Assemble the filing packet: Motion to Modify (verified and notarized) + completed Child Support Worksheet (Exhibit A). Keep at least two extra copies.

Step 2 — File with the Circuit Court Clerk: Go to the Clerk's office in the county where the original order was entered. Arkansas has 75 counties — arcourts.gov/courts has contact

information for each clerk. Pay the motion filing fee (typically $25–$65 depending on county; fees change). Ask for a stamped copy for your records.

Step 3 — Serve the other party: On the same day or within a few days of filing, serve a copy of the filed motion and worksheet using one of the methods in the Certificate of Service. If you cannot locate the other party, consult the clerk about service by publication, but exhaust personal service attempts first.

Step 4 — Await hearing date: The clerk will set a hearing. In some Arkansas counties the judge's assistant contacts you with a date; in others you must request a hearing date from the clerk. Ask the clerk's office what the local practice is.

Step 5 — Attend the hearing with documentation: Bring pay stubs (last 3 months), most recent tax return, current health insurance premium statement, child care receipts, and your completed Child Support Worksheet. The judge will review the worksheet and may ask questions about any line.

Step 6 — Receive the modified order: If the judge grants the modification, a new order will be entered. Keep a certified copy. Your income withholding order goes to your employer's payroll department.

Form 2: Child Support Worksheet

Arkansas Supreme Court Administrative Order No. 10

Required with every modification petition, complete one worksheet per family

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS

(Domestic Relations Division)

_____Division

_____
Plaintiff

v. Case No. _____DR_____

_____
Defendant

Child Support Worksheet			
Number of children for whom support is sought --- Plaintiff is payee/payor (circle one) and Defendant is payee/payor (circle one)			
	Payee	Payor	Combined
PART I: Monthly Income			
Line 1: Child support guidelines income			
Line 1a: Permissible deduction from income			
Line 1b: Another Permissible deduction from income			
Line 2: Income available for support (Line 1 minus Line 1a minus Line 1b)			
Line 3: Each parent's share of income available for support (Each parent's line 2 divided by combined line 2)			
PART II: Basic Obligation			
Line 4: Basic child-support obligation from monthly chart.			
Line 5: Each parent's share of the basic child-support obligation (each parent's line 3 multiplied by combined Line 4)			
PART III: Additional Monthly Child-Rearing Expenses			
Line 6: Cost of the child's health insurance			
Line 7: Cost of the child's extraordinary medical expenses			
Line 8: Cost of work-related child care expenses			
Line 9: Total additional child-rearing expenses (sum of line 6, 7 & 8)			
Line 10: Each parent's share of additional child-rearing expenses (each parent's line 3 multiplied by combined Line 9)			
PART IV: Monthly Child-Support Order			
Line 11: Total child-support obligation (each parent's line 5 plus line 10)			
Line 12: Credit for additional child-rearing expenses (obligor's line 9 only)			
Line 13: Presumed child-support order (Line 11 minus line 12 for obligor only)			

Arkansas Child Support Worksheet, Administrative Order No. 10 (Rev. July 1, 2020)

Caption Block, Top of Worksheet

"IN THE CIRCUIT COURT OF ___ COUNTY, ARKANSAS (Domestic Relations Division)": Enter the county name. This must match the county where your original child support order was entered. If your order was entered in Pulaski County, write "PULASKI." Do not use the county where you currently live if you have since moved, jurisdiction follows the original order under UIFSA.

"___ Division": Arkansas Circuit Courts are organized into divisions. If your original order specifies a division number (e.g., "Division 4"), enter it here. If you are unsure, the clerk's office can look it up by case number.

"Plaintiff v. Defendant": Enter the party names exactly as they appear on the original order. Do not switch the order. The parent named as Plaintiff on the original order remains Plaintiff on the modification.

"Case No. ___ DR ___": Your Arkansas domestic relations case number begins with "DR." It appears on all prior orders. Copy it exactly.

"Child Support Worksheet": Pre-printed title, leave as is.

"Number of children for whom support is sought ___": Enter the total number of children covered by this modification. If support covers 2 children but only 1 is still a minor, enter 1.

"Plaintiff is payee/payor (circle one) and Defendant is payee/payor (circle one)": The payee receives support (the custodial parent). The payor pays support (the non-custodial parent). Circle the correct role for each party. Example: if the Plaintiff has primary custody, circle "payee" for Plaintiff and "payor" for Defendant.

Column Headers: Payee | Payor | Combined

The worksheet has three columns. "Payee" is the parent receiving support. "Payor" is the parent paying support. "Combined" is the total of both parents' figures. You must complete the column for each parent using that parent's actual income. The court will scrutinize both sides.

PART I, Monthly Income

Line 1, Child support guidelines income: Enter each parent's gross monthly income from all sources. Arkansas Administrative Order No. 10 defines income broadly: wages, salary, commissions, bonuses, dividends, severance pay, pension payments, interest, trust income, annuity income, Social Security benefits (including disability), workers' compensation, unemployment benefits, rental income, and income from self-employment. Do not subtract taxes, insurance, or other deductions yet. If a parent is unemployed or underemployed without good cause, the court will impute income based on earning capacity, typically full-time employment at the prevailing wage for the parent's education and work history. Combined Line 1 = Payee Line 1 + Payor Line 1.

Line 1a, Permissible deduction from income: Arkansas allows two categories of permissible deductions from gross income. The first is support actually paid for other biological or adopted children not before the court in this case (not stepchildren). Enter the monthly amount actually being paid under a court order for other children. Do not enter what you think you "should" pay, only amounts under an existing order that you are currently paying. This prevents double-counting the same children in multiple cases.

Line 1b, Another permissible deduction from income: The second permissible deduction is for natural or adopted children living with the parent who are not before the court in this proceeding. Enter the guideline support amount for those children based on the paying parent's income alone (using the chart for the number of such children at that income level). This recognizes that a parent supporting a second family has a real financial obligation that reduces resources available for the children in this case.

Line 2, Income available for support (Line 1 minus Line 1a minus Line 1b): Subtract the permissible deductions from gross income. This is each parent's "net available income" for child

support purposes. The Combined column is the sum of both parents' Line 2 figures. This combined figure is what you use to look up the basic obligation on the Family Support Chart.

Line 3, Each parent's share of income available for support (Each parent's Line 2 divided by combined Line 2): Calculate each parent's percentage of the combined income. Example: Payee's Line 2 = $2,000; Payor's Line 2 = $3,000; Combined = $5,000. Payee share = 2,000 / 5,000 = 40% (0.40). Payor share = 3,000 / 5,000 = 60% (0.60). These percentages must add to 100%. This proportional sharing is the core of the Income Shares model, both parents contribute to the child's support in proportion to their ability to pay.

PART II, Basic Obligation

Line 4, Basic child-support obligation from monthly chart: Using the combined Line 2 income, look up the basic obligation in the Family Support Chart (reproduced below). Find the row corresponding to the combined gross monthly income and the column for the number of children. Enter that dollar amount in the "Combined" column only, Lines 4 for Payee and Payor are left blank here. Important: The chart begins at $1,050 combined monthly income. Incomes below $1,050 produce a minimum order of $125 per month. There is no maximum income ceiling in the chart, for incomes above the highest chart entry, the court exercises discretion based on the child's reasonable needs.

Line 5, Each parent's share of the basic child-support obligation (each parent's Line 3 multiplied by combined Line 4): Multiply each parent's income percentage (Line 3) by the combined basic obligation (Line 4). Continuing the example: Combined Line 4 = $500. Payee share = 0.40 × $500 = $200. Payor share = 0.60 × $500 = $300. The payor's Line 5 represents their share of the raw obligation before adding additional expenses.

PART III, Additional Monthly Child-Rearing Expenses

Line 6 (Cost of the child's health insurance: Enter the monthly premium cost attributable to the child only) not the entire family premium. If the policy covers you and the child, subtract what the premium would be for you alone and enter the difference. Enter this in the column of the

parent who actually pays the premium. Health insurance is required under Arkansas law if it is available at a "reasonable cost" (generally defined as not exceeding 5% of gross income).

Line 7 (Cost of the child's extraordinary medical expenses: These are recurring, predictable medical expenses not covered by insurance) for example, monthly therapy co-pays, prescription medications, orthodontia installments, or ongoing specialist visits. One-time or unpredictable expenses are handled by separate court order, not on the worksheet. Enter monthly averages for ongoing extraordinary medical costs.

Line 8, Cost of work-related child care expenses: Enter the monthly cost of child care (daycare, before/after school programs, summer camp when required for employment) that is directly tied to a parent's work or job search. Personal preference care does not qualify. Enter in the column of the parent who pays the child care provider. Use the net amount after any federal child care tax credit benefit, Arkansas courts subtract the tax benefit to avoid double-counting the subsidy.

Line 9, Total additional child-rearing expenses (sum of Lines 6, 7 & 8): Add Lines 6 + 7 + 8 for each column and for the Combined column. This is the total of all additional expenses above the basic obligation.

Line 10, Each parent's share of additional child-rearing expenses (each parent's Line 3 multiplied by combined Line 9): Apply each parent's income percentage to the combined additional expenses. This ensures additional expenses are also shared proportionally, not just assigned to whoever happens to pay the provider directly.

PART IV, Monthly Child-Support Order

Line 11, Total child-support obligation (each parent's Line 5 plus Line 10): Add each parent's share of the basic obligation (Line 5) to their share of additional expenses (Line 10). This is each parent's total theoretical obligation before credits. Complete this for both parents' columns.

Line 12 (Credit for additional child-rearing expenses (obligor's Line 9 only): The payor (obligor) receives a credit for additional expenses they are actually paying directly to providers) health insurance, medical expenses, child care. Enter the payor's own Line 9 figure here. This prevents the payor from paying twice: once directly to the provider and again through the support order.

Line 13 (Presumed child-support order (Line 11 minus Line 12 for obligor only): This is the final presumed monthly support order) the amount the payor will pay directly to the payee. Formula: Payor's Line 11 minus Payor's Line 12. This figure is presumed correct under Arkansas law. To deviate from it, the judge must make a written finding that application of the guidelines would be unjust or inappropriate in the particular case.

Arkansas Practical Notes, Completing the Worksheet

20% threshold rule: Before filing for modification, calculate the new presumed order (Line 13) using current incomes. If the new amount differs from the existing order by 20% or more, you have a presumptive right to modification. If the difference is less than 20%, you must instead prove a material change in circumstances.

Both parties must complete the worksheet: Unlike some states where only the payor's income matters, Arkansas requires both parents' incomes on the same worksheet. If the other parent refuses to provide income information, request financial disclosure in discovery or ask the court to impute income based on their employment history, education, and prevailing wages.

Self-employment income: Report net profit after legitimate business expenses, not gross revenue. Bring three years of tax returns (Schedule C, K-1, or corporate returns). Arkansas courts add back depreciation and other non-cash deductions that do not reduce actual cash available for support.

Parenting time adjustment: Arkansas guidelines include an adjustment for non-custodial parents who have significant overnight parenting time, generally 110 or more overnights per year (approximately 30%). If you qualify, the court may reduce the payor's obligation to reflect

direct spending on the child during your time. This is a discretionary adjustment, not automatic, document every overnight with a log.

File two copies: Arkansas clerks keep one copy and return one stamped copy to you. Keep your stamped copy with the case number as proof of filing.

Form 3: Family Support Chart of Basic Child Support Obligations

Arkansas Supreme Court Administrative Order No. 10

Use this chart to complete Line 4 of the Child Support Worksheet

Family Support Chart of Basic Child Support Obligations

(Self-Support Reserve = $900/month, Minimum Order = $125 per month)

Combined Gross Monthly Income[1]	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1-1050	**125**	**125**	**125**	**125**	**125**	**125**
1100	**140**	**142**	**144**	**146**	**148**	**150**
1150	**175**	**178**	**180**	**183**	**185**	**188**
1200	203	**213**	**216**	**219**	**222**	**225**
1250	211	**249**	**252**	**256**	**259**	**263**
1300	218	**284**	**288**	**292**	**296**	**300**
1350	226	**320**	**324**	**329**	**333**	**338**
1400	234	343	**360**	**365**	**370**	**375**
1450	241	354	**396**	**402**	**407**	**413**
1500	249	365	**432**	**438**	**444**	**450**
1550	256	376	454	**475**	**481**	**488**
1600	264	387	468	**511**	**518**	**525**
1650	271	398	481	537	**555**	**563**
1700	279	409	494	552	**592**	**600**
1750	286	420	507	567	623	**638**
1800	293	431	520	581	639	**675**
1850	301	442	534	596	656	713
1900	308	453	547	611	672	730
1950	316	463	560	626	688	748
2000	323	474	573	640	704	765
2050	330	485	586	654	720	783
2100	338	496	599	669	736	800
2150	345	506	612	683	752	817
2200	352	517	625	698	768	834
2250	360	528	638	712	784	852
2300	367	538	651	727	799	869
2350	374	549	664	741	815	886
2400	381	560	677	756	831	904
2450	389	571	689	770	847	921
2500	396	581	702	785	863	938
2550	403	592	715	799	879	955
2600	411	603	728	814	895	973
2650	418	613	741	828	911	990
2700	425	624	754	842	927	1007
2750	433	635	767	857	943	1025
2800	440	646	780	871	958	1042

[1] The Combined Gross Monthly Income does not apply in cases where the child support amount is in the blue shaded area.

Arkansas Family Support Chart (Basic Child Support Obligations (excerpt, page 1 of 13)) Combined Gross Monthly Income vs. Number of Children

How to Read the Family Support Chart

Step 1 — Determine combined gross monthly income: Use the combined Line 2 figure from the Child Support Worksheet. If the combined income falls between two rows, use the row for the lower amount (round down to the nearest listed income level).

Step 2 — Select the correct column: Choose the column matching the number of children for whom support is sought (1 through 6). If you have more than 6 children, see a family law attorney, the guidelines do not expressly address more than 6 children.

Step 3 — Read the basic obligation: The number at the intersection of your income row and your children column is the combined monthly basic obligation. Enter this on Line 4 of the worksheet in the "Combined" column.

Chart parameters: The self-support reserve is $900 per month. Arkansas will not reduce a parent's income below $900/month to pay child support. The minimum order is $125 per month regardless of income (unless the court finds the payor truly cannot pay). The full chart runs through combined incomes well above $10,000 per month, only page 1 is reproduced here. The complete 13-page chart is available at arcourts.gov.

Blue shaded area note: At the very low end of the income scale, the chart contains a blue shaded area where the combined gross monthly income cap does not apply. This affects families with very low combined income where the minimum order ($125) governs regardless of the percentage calculation.

Income above the chart maximum: For combined incomes above the highest listed amount, the court applies the guidelines percentage to income up to the chart maximum and then exercises discretion for the excess, considering the child's reasonable needs and standard of living.

Quick Reference, Worked Example

Facts: Payor earns $3,500/month gross. Payee earns $1,500/month gross. No permissible deductions. Two children. Payee pays $150/month for children's health insurance.

Step-by-step calculation:

Line 1: Payee $1,500 | Payor $3,500 | Combined $5,000

Lines 1a, 1b: $0 for both (no permissible deductions)

Line 2: Payee $1,500 | Payor $3,500 | Combined $5,000

Line 3: Payee 30% (1,500/5,000) | Payor 70% (3,500/5,000)

Line 4 (from chart, $5,000 combined, 2 children): $703 combined

Line 5: Payee $211 (30% × $703) | Payor $492 (70% × $703)

Line 6: Payee $150 (pays health insurance) | Payor $0

Lines 7, 8: $0 (no extraordinary medical or work child care)

Line 9: Payee $150 | Payor $0 | Combined $150

Line 10: Payee $45 (30% × $150) | Payor $105 (70% × $150)

Line 11: Payee $256 ($211 + $45) | Payor $597 ($492 + $105)

Line 12 (payor credit, payor pays $0 directly): $0

Line 13, Presumed order: $597/month payable from Payor to Payee

Note: Payee still pays the health insurance ($150/month) directly. The total economic support for the children is $597 (cash support) + $150 (insurance) = $747, split roughly 70/30 between the parents as intended by the Income Shares model.

Arkansas-Specific Warnings

WARNING, 20% threshold is cumulative, not annual: The 20% difference is measured against the current court order at any point in time. There is no annual reset. If your income dropped 15% last year and another 6% this year, the cumulative change may now exceed 20% measured against the original order, check the math before assuming you cannot file.

WARNING, Modification is not retroactive: Arkansas courts will not modify support for periods before you file your petition. Every month you delay costs real money. File as soon as you have grounds, do not wait for the case to "resolve itself."

WARNING, 10% interest on arrears: Unpaid child support in Arkansas accrues interest at 10% per annum (Ark. Code Ann. § 9-14-233). If you have past-due amounts, do not ignore them, interest compounds the problem rapidly.

WARNING, Criminal exposure: Willful non-payment when able is a criminal offense under Ark. Code Ann. § 5-26-401. License suspension triggers when your delinquency equals three months' obligation or more (Ark. Code Ann. § 9-14-239). Do not allow arrears to accumulate.

End of Appendix D — Arkansas | Appendix E — California follows.

Appendix E — California: Statutes, Case Law, Forms, and Resources

Statutory Sources | Case Law | Agency Contacts | Court Forms

This appendix provides the primary legal authorities, leading case law, key agency contacts, and essential court forms for child support modification in California. California's child support system is the largest in the United States and governed by a complex algebraic guideline formula under Family Code § 4055. All citations are to the California Family Code, Penal Code, or California Court of Appeal/Supreme Court unless otherwise noted. Always verify current statutory text at leginfo.legislature.ca.gov and current form versions at courts.ca.gov/forms.

PART 1, STATUTORY SOURCES

1. **California Family Code § 3651**, General authority to modify child support orders. Modification requires a showing of changed circumstances. No fixed percentage threshold, any material change in the guideline amount is sufficient.
2. **California Family Code § 4055**, The core child support guideline formula: CS = K[HN - (H%)(TN)]. Defines K, HN, H%, and TN variables. Courts are required to apply the guideline formula in all cases; deviation requires written findings.
3. **California Family Code § 4056** — Requires courts to state in writing the guideline amount and the reasons for any deviation. Mandates disclosure of the formula calculation to the parties.
4. **California Family Code § 4057**, Provides a rebuttable presumption that the guideline amount is correct. Lists circumstances under which deviation may be appropriate, including very high-income cases or cases where the timeshare arrangement makes the formula result unjust.
5. **California Family Code § 3653**, Retroactivity of modification orders. Courts may modify support retroactively only to the date the motion (RFO) was filed, not the date of the changed circumstances. Filing promptly is critical.
6. **California Family Code § 3901**, Age of majority for child support purposes: 18 or high school graduation, whichever is later, but not beyond age 19. Support does not terminate automatically, a formal order is required.
7. **California Family Code § 17400**, Authorizes DCSS to initiate administrative review and modification of support orders every 3 years at no cost to IV-D enrolled parties. DCSS may also seek modification if there is a 20% change in the guideline amount outside the 3-year window.
8. **California Family Code § 17520**, License suspension authority. Being more than 30 calendar days past due can place an obligor on the statewide certified list, reaching driver's, professional, and recreational licenses, with written notice and a 150-day window to come into compliance. Since January 1, 2025 (SB 1055), obligors with household income at or below 70% of their county's area median income may not be referred to the DMV for driver's-license suspension. Notice requirements and hardship review process.
9. **42 U.S.C. § 666(a)(7)** — Credit bureau reporting. DCSS is required to report certified delinquencies to all three major consumer credit bureaus.

10. **California Code of Civil Procedure § 685.010** — Interest on unpaid child support accrues at 10% per annum, simple interest; it does not compound. Interest accrues automatically without a court order.
11. **California Family Code §§ 17500–17530** — Enforcement tools including federal and state tax refund intercepts, lottery intercepts, and financial institution data match (bank levy authority).
12. **California Family Code § 291** — No statute of limitations on child support arrears. Arrears are enforceable indefinitely. Contrasts with Washington's 10-year SOL and most other states.
13. **California Family Code § 5700.101 et seq.**, California's enactment of UIFSA (Uniform Interstate Family Support Act). Governs registration and enforcement of out-of-state orders, interstate modification procedures, and Continuing Exclusive Jurisdiction (CEJ) rules.
14. **California Family Code §§ 290, 3600** — Contempt authority and enforcement by contempt. Civil contempt with purge conditions for failure to pay court-ordered support.
15. **California Penal Code § 270**, Criminal non-support. Willful failure to provide for a child is a misdemeanor (up to 1 year in county jail and a $2,000 fine). After a final adjudication of parentage with notice, continued willful failure may be charged as a felony (state prison for a year and a day, or county jail up to 1 year).
16. **California Family Code § 10001 et seq.**, Family Law Facilitator Act. Every Superior Court must provide a Family Law Facilitator, a licensed attorney who provides free assistance to litigants navigating family law matters including child support modification.
17. **California Rules of Court, Rule 5.92**, Procedural rules governing Requests for Order in family law. Notice requirements (16 court days + 5 calendar days for mail service), form requirements, and hearing procedures.
18. **California Rules of Court, Rule 5.260**, Income and Expense Declaration requirements. Both parties must file a current FL-150 with any modification hearing. Sets requirements for what constitutes "current" financial disclosure.
19. **California Family Code § 271**, Attorney fee sanctions for litigants who frustrate settlement or engage in conduct that increases litigation costs. Courts may award fees against a party who acts in bad faith or misrepresents income.
20. **California Family Code §§ 4058–4060**, Definition of "annual gross income" for guideline purposes. Includes wages, commissions, bonuses, self-employment income, rental income, and other sources. Excludes public assistance benefits.
21. **California Family Code § 4059**, Annual net disposable income calculation. Identifies allowable deductions including mandatory payroll deductions, health insurance premiums, hardship deductions, and union dues.
22. **California Family Code § 4062**, Mandatory and discretionary add-ons to guideline support. Mandatory: childcare for employment/education and uninsured medical costs. Discretionary: educational expenses and visitation travel costs.
23. **42 U.S.C. § 652 (Federal)** — Federal passport denial for obligors with $2,500+ in certified arrears. California DCSS regularly certifies cases to OCSE for passport denial.

PART 2, LEADING CASE LAW

1. **In re Marriage of Cryer** *(Cal.App.4th 1039 (2011) 198)*

   Holding: A temporary, genuinely involuntary reduction in income can support a temporary modification of child support. Court must consider whether the income reduction is temporary or permanent in setting the appropriate relief.

Relevance: Establishes that even a non-permanent income change can support modification. Critical for fathers who suffer a temporary job loss or business downturn.

2. **In re Marriage of Regnery** *(214 Cal.App.3d 1367 (1989))*

   Holding: Courts may impute income to a voluntarily unemployed or underemployed parent based on earning capacity, what they could earn if employed in a position consistent with their education, experience, and the available job market.

   Relevance: The foundational imputed income case in California. Obligors who voluntarily reduce income face imputation; custodial parents who do the same may also see their imputed income used to reduce the obligor's support amount.

3. **County of San Diego v. P.B.** *(Cal.App. (2006))*

   Holding: A father successfully obtained a downward modification based on the custodial mother's increase to full-time employment combined with a modest timeshare increase. Court held that any material change in guideline inputs is sufficient changed circumstances, no minimum dollar or percentage change required.

   Relevance: Key authority for the proposition that California has no fixed threshold for modification, any material change in either party's income or timeshare that produces a different guideline amount is enough.

4. **In re Marriage of Condon** *(62 Cal.App.4th 533 (1998))*

   Holding: California courts have broad authority to prevent unauthorized international relocation of children. Court upheld orders invoking the Hague Convention framework and asserted CEJ to prevent a custodial parent's attempt to relocate children internationally without consent.

   Relevance: Establishes California's aggressive posture on international parental abduction and unauthorized relocation. Also addresses California's retention of CEJ even when one parent has left the state.

5. **Turner v. Rogers** *(564 U.S. 431 (2011))*

   Holding: The U.S. Supreme Court held that in civil contempt proceedings where incarceration is threatened, due process requires either counsel for the obligor OR procedural safeguards (notice of the ability-to-pay issue, opportunity to respond, and court inquiry into ability to pay).

   Relevance: Applies in all California contempt proceedings. A father facing incarceration for non-payment is entitled to appointed counsel or equivalent procedural protections. Invaluable defense in contempt cases where inability to pay is genuine.

PART 3, AGENCY CONTACTS

1. **California Department of Child Support Services (DCSS)**

   Role: Primary IV-D agency for child support enforcement, collection, modification (administrative), license suspension, tax intercept, and credit reporting.

   Contact: 1-866-901-3212 | childsupport.ca.gov

   Notes: DCSS handles enrolled IV-D cases at no cost. For court-filed private modifications, parties must file independently in Superior Court. DCSS can assist with interstate enforcement referrals.

2. **California Superior Court — Family Law Division**

   Role: Court of original jurisdiction for child support orders and all modifications. Location: the county where the original order was entered or where the child now primarily resides (if transferred).

Contact: Find your county court: courts.ca.gov/find-my-court

Notes: Each county has its own local rules and forms. Always confirm local requirements with the clerk's office or Family Law Facilitator before filing.

3. **California Courts Self-Help Center**

   Role: Provides free guideline calculator, downloadable Judicial Council forms, county-specific instructions, and the Family Law Facilitator directory.

   Contact: courts.ca.gov/selfhelp

   Notes: The free official guideline calculator at childsupport.ca.gov/guideline-calculator produces results equivalent to the Judicial Council-certified software courts use (XSpouse, which replaced DissoMaster in 2025). Use it before every hearing.

4. **Family Law Facilitator (by county)**

   Role: Licensed attorney employed by the court; provides free form review, procedural guidance, and guideline calculation assistance to self-represented litigants. Cannot provide legal advice or represent parties.

   Contact: courts.ca.gov/selfhelp, click "Family Law Facilitator"

   Notes: Available in every California county. The single most valuable free resource for pro se litigants filing modification requests.

5. **California Franchise Tax Board (FTB) — Child Support Collection**

   Role: Administers California state income tax refund intercept program. Collects intercepted refunds on behalf of DCSS for obligors with certified arrears.

   Contact: ftb.ca.gov | 1-800-852-5711

   Notes: FTB intercept works in parallel with federal OCSE tax intercept. Both can be triggered on the same obligor in the same year.

6. **California DMV — Child Support License Suspension**

   Role: Administers driver's license suspensions referred by DCSS under Fam. Code § 17520.

   Contact: dmv.ca.gov | 1-800-777-0133

   Notes: Contact DMV to verify suspension status and obtain clearance letter once DCSS confirms arrears have been paid or a payment plan entered.

7. **LawHelpCA.org — Legal Aid Referrals**

   Role: Statewide legal aid referral network for low-income California litigants. Provides referrals to free or reduced-cost family law assistance.

   Contact: lawhelpca.org

   Notes: Income-based eligibility. Many legal aid offices have family law units with experience in child support modification.

PART 4, ESSENTIAL COURT FORMS

All California Judicial Council forms are available for free download at courts.ca.gov/forms. Always download the current version immediately before filing, forms are updated periodically and courts may reject outdated versions.

1. **FL-300 — Request for Order**

Purpose: The primary pleading used to request a modification of child support (or any other family law order). Must be filed with a current FL-150 and any supporting declarations. A completed FL-300 triggers the hearing scheduling process.

Obtain: Superior Court clerk or courts.ca.gov/forms

2. **FL-150 — Income and Expense Declaration**

   Purpose: Mandatory financial disclosure required for all support modification hearings. Lists income from all sources, monthly expenses, assets, and obligations. Must be current (signed within 3 months) at the time of hearing. Both parties must file an FL-150.

   Obtain: Superior Court clerk or courts.ca.gov/forms

3. **FL-155 — Financial Statement (Simplified)**

   Purpose: A shorter alternative to FL-150 for cases where income is straightforward (wages only, no self-employment, no investment income). Check with your court's local rules to confirm whether FL-155 is accepted in lieu of FL-150.

   Obtain: Superior Court clerk or courts.ca.gov/forms

4. **FL-320 — Responsive Declaration to Request for Order**

   Purpose: The responding party's answer to the FL-300. Must be filed and served at least 9 court days before the hearing. Attach a current FL-150 and supporting declarations.

   Obtain: Superior Court clerk or courts.ca.gov/forms

5. **FL-330 — Proof of Personal Service**

   Purpose: Confirms that the RFO (FL-300), FL-150, and all supporting documents were personally served on the other party. Must be filed with the court before the hearing. Personal service must be completed at least 16 court days before the hearing (plus 5 days for mail).

   Obtain: Superior Court clerk or courts.ca.gov/forms

6. **FL-335 — Proof of Service by Mail**

   Purpose: Alternative proof of service where mail service is permitted. Note: mail service requires an additional 5 calendar days notice beyond the 16-court-day minimum.

   Obtain: Superior Court clerk or courts.ca.gov/forms

7. **FL-340 — Findings and Order After Hearing**

   Purpose: The modified order issued by the court after the modification hearing. Contains the court's findings, the new support amount, and effective date. Must be signed by the judge and served on both parties.

   Obtain: Superior Court clerk or courts.ca.gov/forms

8. **FL-342 — Child Support Information and Order Attachment**

   Purpose: Attachment to FL-340 specifying the child support terms in detail: base amount, add-ons, health insurance responsibility, and any deviation findings.

   Obtain: Superior Court clerk or courts.ca.gov/forms

9. **FL-195 / Federal IWO — Income Withholding for Support**

   Purpose: The Income Withholding Order sent to the obligor's employer. Generated automatically by the court with every new or modified child support order. Employers must begin withholding within the time periods specified by CCPA.

Obtain: Superior Court clerk or courts.ca.gov/forms

10. **FW-001 — Request to Waive Court Fees**

    Purpose: Fee waiver application for litigants who cannot afford the filing fee ($435–$465). File simultaneously with FL-300. Eligibility is income-based. A waiver can be granted same-day at the clerk's window.

    Obtain: Superior Court clerk or courts.ca.gov/forms

Court Forms & Completion Guide

California uses two mandatory Judicial Council forms for child support modification. Both are state-issued, free, and available at courts.ca.gov. FL-300 (Request for Order) is the motion (it initiates the hearing and tells the court what you are asking for. FL-150 (Income and Expense Declaration) is the financial disclosure) it gives the court the income data it needs to calculate the guideline amount under California Family Code § 4055. Both forms must be filed together. Without a current FL-150, the court cannot set or modify child support.

Form 1: FL-300, Request for Order

Judicial Council of California | Rev. July 1, 2025

The motion form, file this to open a hearing on your modification request

FL-300

PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		
ATTORNEY FOR *(name)*:		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER:		
RESPONDENT:		
OTHER PARENT/PARTY:		

REQUEST FOR ORDER ☐ **CHANGE** ☐ **TEMPORARY EMERGENCY ORDERS**

CASE NUMBER:

☐ Child Custody ☐ Visitation (Parenting Time) ☐ Spousal or Partner Support
☐ Child Support ☐ Property Control ☐ Attorney's Fees and Costs
☐ Other *(specify)*:

Note: Read form FL-300-INFO for information about how to complete this form. To ask to change or end an order that was granted in a Restraining Order After Hearing (form DV-130 or JV-255), read form FL-300-INFO and form DV-300-INFO

NOTICE OF HEARING

1. TO *(name)*: _____
   ☐ Petitioner ☐ Respondent ☐ Other Parent/Party ☐ Other *(specify)*:

2. **A COURT HEARING WILL BE HELD AS FOLLOWS:**

   a. Date: Time: ☐ Dept.: ☐ Room.:
   b. Address of court ☐ same as noted above ☐ other *(specify)*:

3. **WARNING to the person served with the *Request for Order*:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. *(See form FL-320-INFO for more information.)*

COURT ORDER

(FOR COURT USE ONLY)

It is ordered that:

4. ☐ Time ☐ for service ☐ until the hearing is shortened. Service must be on or before *(date)*:
5. ☐ A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before *(date)*:
6. ☐ The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows *(specify date, time, and location)*:
7. ☐ The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. ☐ Other *(specify)*:

Date:

_____
JUDICIAL OFFICER

Form Adopted for Mandatory Use
Judicial Council of California
FL-300 [Rev. July 1, 2025]

Family Code, §§ 2045, 2107, 6224, 6226, 6320–6326, 6380–6383
Government Code, § 70612
Cal. Rules of Court, rule 5.92
courts.ca.gov

FL-300 Request for Order, Page 1 of 4 (Caption block, hearing information, court order section)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

REQUEST FOR ORDER

Note: Place a mark **X** in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration* (form MC-031) for this purpose.)

1. ☐ RESTRAINING ORDER INFORMATION
   One or more domestic violence restraining/protective orders are now in effect between *(specify):*
   ☐ Petitioner ☐ Respondent ☐ Other Parent/Party *(Attach a copy of the orders if you have one.)*
   The orders are from the following court or courts *(specify county and state):*
   a. ☐ Criminal: County/state *(specify):* Case No. *(if known)*:
   b. ☐ Family: County/state *(specify):* Case No. *(if known)*:
   c. ☐ Juvenile: County/state *(specify):* Case No. *(if known)*:
   d. ☐ Other: County/state *(specify):* Case No. *(if known)*:

2. ☐ CHILD CUSTODY ☐ I request temporary emergency orders
   ☐ VISITATION (PARENTING TIME)
   a. I request that the court make orders about the following children *(specify):*

Child's Name	Date of Birth	☐ Legal Custody to *(person who decides: health, education, etc):*	☐ Physical Custody to *(person with whom child lives):*

   ☐ Attachment 2a.
   b. ☐ The orders I request for ☐ child custody ☐ visitation (parenting time) are:
      (1) ☐ Specified in the attached forms:
      ☐ Form FL-305 ☐ Form FL-311 ☐ Form FL-312 ☐ Form FL-341(C)
      ☐ Form FL-341(D) ☐ Form FL-341(E) ☐ Other *(specify):*
      (2) ☐ As follows *(specify):* ☐ Attachment 2b.
   c. The orders that I request are in the best interest of the children because *(specify):* ☐ Attachment 2c.

FL-300 Request for Order, Page 2 of 4 (Restraining order information, child custody/visitation section)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

2. d. ☐ This is a change from the current order for ☐ child custody ☐ visitation (parenting time).
(1) ☐ The order for legal or physical custody was filed on *(date)*: . The court ordered *(specify)*:

(2) ☐ The visitation (parenting time) order was filed on *(date)*: . The court ordered *(specify)*:

☐ Attachment 2d.

3. ☐ CHILD SUPPORT
(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195)
a. I request that the court order child support as follows:

Child's name and age	I request support for each child based on the child support guideline.	Monthly amount ($) requested (if not by guideline)

☐ Attachment 3a.

b. ☐ I want to change a current court order for child support filed on *(date)*:
The court ordered child support as follows *(specify)*:

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because *(specify)*: ☐ Attachment 3d.

4. ☐ SPOUSAL OR DOMESTIC PARTNER SUPPORT
(Note: An *Earnings Assignment Order for Spousal or Partner Support* (form FL-435) may be issued.)
a. ☐ Amount requested *(monthly)*: $
b. ☐ I want the court to ☐ change ☐ end the current support order filed on *(date)*:
The court ordered $ per month for support.
c. ☐ This request is to modify (change) spousal or partner support after entry of a judgment.
I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.
d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.
e. The court should make, change, or end the support orders because *(specify)*: ☐ Attachment 4e.

FL-300 Request for Order (Page 3 of 4 (Child support section) Item 3, spousal support section)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

5. ☐ PROPERTY CONTROL ☐ I request temporary emergency orders
   a. The ☐ petitioner ☐ respondent ☐ other parent/party be given exclusive temporary use, possession, and control of the following property that we ☐ own or are buying ☐ lease or rent *(specify):*

   b. The ☐ petitioner ☐ respondent ☐ other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:
      Pay to: _____ For: _____ Amount: $ _____ Due date: _____
      Pay to: _____ For: _____ Amount: $ _____ Due date: _____
      Pay to: _____ For: _____ Amount: $ _____ Due date: _____
      Pay to: _____ For: _____ Amount: $ _____ Due date: _____

   c. ☐ This is a change from the current order for property control filed on *(date):*

   d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

6. ☐ ATTORNEY'S FEES AND COSTS
   I request attorney's fees and costs, which total *(specify amount):* $. I filed the following to support my request:
   a. A current *Income and Expense Declaration* (form FL-150).
   b. A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
   c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7. ☐ OTHER ORDERS REQUESTED *(specify):* ☐ Attachment 7.

8. ☐ TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:
   a. ☐ To serve the *Request for Order* no less than *(number):* court days before the hearing.
   b. ☐ The hearing date and service of the *Request for Order* to be sooner.
   c. I need the order because *(specify):* ☐ Attachment 8.

9. ☐ FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission. ☐ Attachment 9.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)

Requests for Accommodations
Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to courts.ca.gov/forms for *Disability Accommodations Request* (form MC-410). (Civ. Code, § 54.8.)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

FL-300 Request for Order, Page 4 of 4 (Property control, attorney fees, other orders, facts, signature)

FL-300 Line-by-Line Completion Guide, Child Support Modification

Top Caption Block (Page 1)

"PARTY WITHOUT ATTORNEY OR ATTORNEY" box (top left): If you have a lawyer, they fill this in with their bar number, firm name, and contact information. If you are representing yourself (pro se / self-represented), write "In Pro Per" on the attorney name line and fill in your own name, address, and phone. California courts routinely handle self-represented family law parties, the Family Law Facilitator in every Superior Court can assist with form completion at no cost.

"SUPERIOR COURT OF CALIFORNIA, COUNTY OF ___": Enter the county where your original child support order was entered. California Superior Courts have continuing jurisdiction under Family Code § 3651 and UIFSA (Fam. Code § 5700.101 et seq.). If the child and both parents have all left California, jurisdiction may have shifted, consult the Family Law Facilitator.

"PETITIONER / RESPONDENT / OTHER PARENT/PARTY": Copy the party names exactly as they appear on the existing order. Petitioner is whoever filed the original case. Respondent is the other party. These labels do not change based on who is now filing the modification.

"CASE NUMBER": Your California family law case number. It appears on all prior orders. Format varies by county but typically includes letters and numbers (e.g., 22FL012345).

"REQUEST FOR ORDER" checkboxes: Check "Child Support" and check "CHANGE" (since you are modifying an existing order, not creating a new one). Do not check "TEMPORARY EMERGENCY ORDERS" unless you have an immediate emergency requiring relief before the scheduled hearing.

Items 1–3: Notice of Hearing (Page 1)

Item 1, "TO (name)": Enter the name of the other party who will be served. Check the appropriate box (Petitioner, Respondent, or Other Parent/Party).

Item 2, "A COURT HEARING WILL BE HELD": Leave the date, time, department, and address blank when you file. The court clerk stamps the hearing date after you file. In most California counties you do not pick the date, the clerk assigns it. Ask the clerk how long the current wait is for family law hearing dates; in large counties (Los Angeles, San Diego, Santa Clara) it can be 8–12 weeks.

Item 3, "WARNING to the person served": Pre-printed legal notice to the other party. Do not alter this language. It informs the respondent that they must file FL-320 (Responsive Declaration) at least nine court days before the hearing or the court may make orders without them.

Items 4–8: Court Order Section, Leave Blank on Filing

Items 4–8 are filled in by the judicial officer after the hearing, not by you. Item 4 sets the service deadline. Item 5 sets the responsive declaration deadline. Leave all of these blank when you submit the form to the clerk.

Item 1: Restraining Order Information (Page 2)

Check the box only if a domestic violence restraining order, criminal protective order, or juvenile court order is currently in effect between the parties. If one exists, identify the court and case number. Attach a copy if you have it. If no restraining order is in effect, leave this section blank.

Item 2: Child Custody (Page 2), Complete Only If Also Requesting Custody Change

If you are ONLY requesting a child support modification (not changing custody or visitation), skip Item 2 entirely. A support modification does not require a custody change. Only complete Item 2 if you are simultaneously asking the court to change legal or physical custody or the parenting time schedule.

Item 3: Child Support (Page 3), THE CRITICAL SECTION

Item 3 is the heart of your modification request. Complete it carefully.

Item 3, first paragraph, "I request that the court order child support as follows": Check "I request support for each child based on the child support guideline." Do NOT fill in a specific dollar amount in the "Monthly amount ($) requested" column unless you are asking for a non-guideline deviation. California guideline support is calculated by the court using DissoMaster or XSpouse software from the incomes on your FL-150s, the judge produces the number, not you. Simply check the guideline box.

Child names and ages: List every minor child covered by the existing support order. Include their full legal name and current age. If a child has turned 18 and graduated high school since the last order, note that, emancipation terminates support for that child and is itself a basis for downward modification.

Item 3b ("I want to change a current court order for child support filed on (date)": Enter the date of the most recent child support order you are asking to change) this is typically the date on the last page of your existing order. Also briefly describe what the current order says (e.g., "$1,200/month per the guideline as of [date]").

Item 3c, "I have completed and filed with this Request for Order a current Income and Expense Declaration (form FL-150)": Check this box. You MUST attach a completed, current FL-150 to the FL-300 when you file. "Current" means signed within the last three months. An outdated FL-150 will be rejected or will undermine your credibility. If your income has changed since you last filed an FL-150, this new one reflects the change that justifies the modification.

Item 3d, "The court should make or change the support orders because (specify)": This is your statement of changed circumstances. California requires a showing of changed circumstances to modify a child support order (Fam. Code § 3651(a)). Be specific and factual: "Petitioner's gross monthly income has decreased from $[prior amount] to $[current amount] due to [layoff / disability / reduction in hours / business downturn]. The guideline amount based on current income is substantially less than the existing order." You have 10 pages maximum for all factual attachments (see Item 9). Keep this concise, the FL-150 will provide the income numbers.

Items 4–6: Spousal Support, Property, Attorney Fees (Page 3–4)

If you are only modifying child support, skip Items 4 (spousal support), 5 (property control), and 6 (attorney fees). Complete Item 6 only if you are also requesting the court to order the other party to contribute to your attorney fees under Fam. Code § 2030–2032.

Item 7: Other Orders Requested (Page 4)

Use Item 7 to request any additional relief not covered by other items. Common additions for a child support modification: "Petitioner requests that the court terminate the existing earnings assignment and issue a new Earnings Assignment Order (form FL-195) reflecting the modified support amount." If you want health insurance coverage ordered or changed, request it here as well.

Item 8: Time for Service (Page 4)

Standard service: Leave Item 8 blank for a standard modification hearing. California Rule of Court 5.92(f) requires service of FL-300 at least 16 court days before the hearing for noticed motions, plus additional days for mail service. The clerk will tell you when service must be completed based on the assigned hearing date. Only complete Item 8 if you need the court to shorten time for service, for example, if there is an emergency requiring a hearing sooner than the standard schedule.

Item 9: Facts to Support (Page 4)

Attach a typed declaration (you may use form MC-031, Attached Declaration) setting out the facts that support your request. Maximum 10 pages total for all attachments. Structure your declaration: (1) identify yourself and the existing order; (2) state what has changed and when; (3) provide specific numbers, current income, prior income, difference; (4) state what you are

asking for. Sign and date the declaration under penalty of perjury. This is your sworn testimony. Courts take perjury in family law declarations seriously.

Signature Line (Page 4)

"I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct." Sign and date here. If you are represented by an attorney, they sign on your behalf with their bar number. If self-represented, you sign. This signature makes the FL-300 a sworn declaration, no separate notarization is required for this form.

How to File FL-300

Step 1 — Assemble the packet: Completed FL-300 + completed FL-150 + any factual declaration attachment + two copies of everything (one for the court, one for service on the other party, one for you).

Step 2 — File at the Superior Court clerk's office: In the county where the original order was entered. Pay the motion filing fee (currently $60–$75 in most counties; fee waiver form FW-001 available if you qualify). The clerk stamps your copies with the hearing date and returns them.

Step 3 — Serve the other party: California Rule of Court 5.92 requires personal service of FL-300 by someone other than you who is 18 or older, at least 16 court days before the hearing (add 5 calendar days if serving by mail). File a Proof of Service (form FL-330 or FL-335) with the court before the hearing.

Step 4 — Attend the hearing: Bring your most recent pay stubs, last two years of tax returns, and any documentation of the change in circumstances. The court uses Judicial Council-certified software (XSpouse, which replaced DissoMaster in 2025) to calculate guideline support from the FL-150 income figures. The judge enters a new order on the record.

Form 2: FL-150, Income and Expense Declaration

Judicial Council of California | Rev. September 1, 2024

The financial disclosure, file with every FL-300 for child support modification

FL-150

PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:	*FOR COURT USE ONLY*
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
E-MAIL ADDRESS:		
ATTORNEY FOR (*name*):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER:		
RESPONDENT:		
OTHER PARTY/PARENT/CLAIMANT:		
INCOME AND EXPENSE DECLARATION		CASE NUMBER:

1. **Employment** *(Give information on your current job or, if you're unemployed, your most recent job.)*

Attach copies of your pay stubs for last two months (black out Social Security numbers).

a. Employer:
b. Employer's address:
c. Employer's phone number:
d. Occupation:
e. Date job started:
f. If unemployed, date job ended:
g. I work about hours per week.
h. I get paid $ gross (before taxes) ☐ per month ☐ per week ☐ per hour.

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.)

2. **Age and education**
   a. My age is *(specify):*
   b. I have completed high school or the equivalent: ☐ Yes ☐ No If no, highest grade completed *(specify):*
   c. Number of years of college completed *(specify):* ☐ Degree(s) obtained *(specify):*
   d. Number of years of graduate school completed *(specify):* ☐ Degree(s) obtained *(specify):*
   e. I have: ☐ professional/occupational license(s) *(specify):*
      ☐ vocational training *(specify):*

3. **Tax information**
   a. ☐ I last filed taxes for tax year *(specify year):*
   b. My tax filing status is ☐ single ☐ head of household ☐ married, filing separately
      ☐ married, filing jointly with *(specify name):*
   c. I file state tax returns in ☐ California ☐ other *(specify state):*
   d. I claim the following number of exemptions (including myself) on my taxes *(specify):*

4. **Other party's income.** I estimate the gross monthly income (before taxes) of the other party in this case at *(specify):* $
   This estimate is based on *(explain):*

(If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: _____

_____ ▶ _____
(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

FL-150 Income and Expense Declaration, Page 1 of 4 (Employment, education, tax info, other party's income estimate)

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. *(Black out your Social Security number on the pay stub and tax return.)*

5. **Income** *(For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)*

	Last month	Average monthly
a. Salary or wages (gross, before taxes)	$	
b. Overtime (gross, before taxes)	$	
c. Commissions or bonuses	$	
d. Public assistance (for example: TANF, SSI, GA/GR) ☐ currently receiving	$	
e. Spousal support ☐ from this marriage ☐ from a different marriage ☐ federally taxable*	$	
f. Partner support ☐ from this domestic partnership ☐ from a different domestic partnership	$	
g. Pension/retirement fund payments	$	
h. Social Security retirement (not SSI)	$	
i. Disability: ☐ Social Security (not SSI) ☐ State disability (SDI) ☐ Private insurance	$	
j. Unemployment compensation	$	
k. Workers' compensation	$	
l. Other (military allowances, royalty payments) *(specify):*	$	

6. **Investment income** *(Attach a schedule showing gross receipts less cash expenses for each piece of property.)*

a. Dividends/interest	$	
b. Rental property income	$	
c. Trust income	$	
d. Other *(specify):*	$	

7. **Income from self-employment, after business expenses for all businesses** $

I am the ☐ owner/sole proprietor ☐ business partner ☐ other *(specify):*

Number of years in this business *(specify):*

Name of business *(specify):*

Type of business *(specify):*

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your Social Security number. If you have more than one business, provide the information above for each of your businesses.

8. ☐ **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months *(specify source and amount):*

9. ☐ **Change in income.** My financial situation has changed significantly over the last 12 months because *(specify):*

10. **Deductions**

	Last month
a. Required union dues	$
b. Required retirement payments (not Social Security, FICA, 401(k), or IRA)	$
c. Medical, hospital, dental, and other health insurance premiums *(total monthly amount)*	$
d. Child support that I pay for children from other relationships	$
e. Spousal support that I pay by court order from a different marriage ☐ federally tax deductible*	$
f. Partner support that I pay by court order from a different domestic partnership	$
g. Necessary job-related expenses not reimbursed by my employer *(attach explanation labeled "Question 10g")*	$

11. **Assets**

	Total
a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts	$
b. Stocks, bonds, and other assets I could easily sell	$
c. All other property, ☐ real and ☐ personal *(estimate fair market value minus the debts you owe)*	$

* Check the box if the spousal support order or judgment was executed by the parties and the court before January 1, 2019, or if a court-ordered change maintains the spousal support payments as taxable income to the recipient and tax deductible to the payor.

FL-150 Income and Expense Declaration, Page 2 of 4 (Income items 5–11: all income sources, deductions, assets)

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:

12. **The following people live with me:**

Name	Age	How the person is related to me *(ex: son)*	That person's gross monthly income	Pays some of the household expenses?
a.				☐ Yes ☐ No
b.				☐ Yes ☐ No
c.				☐ Yes ☐ No
d.				☐ Yes ☐ No
e.				☐ Yes ☐ No

13. **Average monthly expenses** ☐ Estimated expenses ☐ Actual expenses ☐ Proposed needs

a. Home:
(1) ☐ Rent or ☐ mortgage..... $
If mortgage:
(a) average principal: $
(b) average interest: $
(2) Real property taxes..... $
(3) Homeowner's or renter's insurance (if not included above)..... $
(4) Maintenance and repair..... $
b. Health-care costs not paid by insurance..... $
c. Child care..... $
d. Groceries and household supplies..... $
e. Eating out..... $
f. Utilities (gas, electric, water, trash)..... $
g. Telephone, cell phone, and e-mail..... $
h. Laundry and cleaning..... $
i. Clothes..... $
j. Education..... $
k. Entertainment, gifts, and vacation..... $
l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.)..... $
m. Insurance (life, accident, etc.; do not include auto, home, or health insurance)..... $
n. Savings and investments..... $
o. Charitable contributions..... $
p. Monthly payments listed in item 14 *(itemize below in 14 and insert total here)...* $
q. Other *(specify):* $
r. **TOTAL EXPENSES** (a–q) *(do not add in the amounts in a(1)(a) and (b))* $
s. **Amount of expenses paid by others** $

14. **Installment payments and debts not listed above**

Paid to	For	Amount	Balance	Date of last payment
		$	$	
		$	$	
		$	$	
		$	$	
		$	$	
		$	$	

15. **Attorney fees** *(This information is required if either party is requesting attorney fees):*
a. To date, I have paid my attorney this amount for fees and costs *(specify):* $
b. The source of this money was *(specify):*
c. I still owe the following fees and costs to my attorney *(specify total owed):* $
d. My attorney's hourly rate is *(specify):*

I confirm this fee arrangement.

Date: _____

_____ ▶ _____
(TYPE OR PRINT NAME OF ATTORNEY) (SIGNATURE OF ATTORNEY)

FL-150 Income and Expense Declaration, Page 3 of 4 (Household members, monthly expenses items 12–14)

FL-150

PETITIONER: RESPONDENT: OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER:

CHILD SUPPORT INFORMATION
(NOTE: Fill out this page only if your case involves child support.)

16. **Number of children**
    a. I have *(specify number):* children under the age of 18 with the other parent in this case.
    b. The children spend percent of their time with me and percent of their time with the other parent.
    (If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. **Children's health-care expenses**
    a. ☐ I do ☐ I do not have health insurance available to me for the children through my job.
    b. Name of insurance company:
    c. Address of insurance company:

    d. The monthly cost for the **children's** health insurance is or would be *(specify):* $
    (Do not include the amount your employer pays.)

18. **Additional expense for the children in this case**

	Amount per month
a. Childcare so I can work or get job training	$
b. Children's health care not covered by insurance	$
c. Travel expenses for visitation	$
d. Children's educational or other special needs *(specify below):*	$

19. **Special hardships.** I ask the court to consider the following special financial circumstances *(attach documentation of any item listed here, including court orders):*

	Amount per month	For how many months?
a. Extraordinary health expenses not included in 18b	$	
b. Major losses not covered by insurance *(examples: fire, theft, other insured loss)*	$	
c. (1) Expenses for my minor children who are from other relationships and are living with me	$	
(2) Names and ages of those children *(specify):*		
(3) Child support I receive for those children	$	

The expenses listed in a, b, and c create an extreme financial hardship because *(explain):*

20. **Other information I want the court to know concerning support in my case** *(specify):*

For your protection and privacy, please press the Clear This Form button after you have printed the form. **Print this form** **Save this form** **Clear this form**

FL-150 Income and Expense Declaration, Page 4 of 4 (Child support information items 16–20: parenting time, children's expenses, hardships)

FL-150 Line-by-Line Completion Guide

Critical note: The FL-150 drives the guideline calculation. Every number you enter feeds directly into the California child support formula: CS = K[HN − (H%)(TN)]. Be accurate, be honest, and attach documentation. Courts compare FL-150s from both parties and flag inconsistencies. Underreporting income is perjury.

Page 1, Employment, Background, Tax Information

Item 1 (Employment: Enter your current employer's name, address, and phone number. "Date job started" establishes the timeline of any income change) critical when you are arguing your income dropped due to a job change. "I get paid $___ per month / per week / per hour": Use GROSS (before taxes). The California guideline formula works from gross income. Attach pay stubs for the last two months as instructed. Black out your Social Security number on every document before filing.

Multiple jobs: If you have more than one job, attach a separate sheet labeled "Question 1, Other Jobs" with the same details for each additional employer. All income sources must be disclosed, omitting a second job is common and courts scrutinize this closely when parties have full access to employment records through discovery.

Item 2, Age and Education: Courts use education and training history when imputing income. If you claim you cannot find work at your prior income level, your education and professional licenses are relevant to what earning capacity you have. Be truthful, if you have a degree and professional licenses, courts will not accept minimum-wage imputation.

Item 3, Tax Information: Enter the most recent tax year you filed. Tax filing status matters: head of household filers have different tax rates than single filers, which affects the net income calculation in the guideline formula. Bring a copy of your last federal tax return to the hearing (Social Security number blacked out).

Item 4, Other Party's Income Estimate: Enter your best estimate of the other party's gross monthly income and explain the basis (e.g., "based on their last known W-2" or "based on their

LinkedIn profile listing their employer and position"). This is your estimate only, the other party's own FL-150 will govern. But if their FL-150 looks suspiciously low, your estimate and explanation give the court a reason to scrutinize their numbers.

Page 2, Item 5: Income (All Sources)

Items 5a–5l cover every category of income. The form asks for both "Last month" and "Average monthly" (12-month average). Complete both columns for every category that applies. Use the 12-month average for fluctuating income sources (bonuses, commissions, overtime, and self-employment) because a single month can be unrepresentative.

Item 5a, Salary or wages (gross, before taxes): This is your regular W-2 pay before any deductions. If you are hourly, multiply your hourly rate by average hours per week by 4.33 (weeks per month).

Item 5b, Overtime: Report average monthly overtime separately. If overtime is regular and reliable, courts include it in income. If overtime was a one-time event, explain in Item 9 (Change in income) why it should not be counted going forward.

Item 5c, Commissions or bonuses: Use the 12-month average. If you received a large one-time bonus last year that is not recurring, explain in Item 9. Courts generally average variable income over 12 months unless the change is permanent and verifiable.

Items 5d–5l, Other income: California defines income very broadly for child support: public assistance (TANF, SSI), spousal support received, pension/retirement payments, Social Security retirement, disability benefits (SDI, SSDI, private), unemployment compensation, workers' compensation, military allowances, and royalties. Every dollar of regular income from any source goes here. Omitting any category is a disclosure violation.

Item 6 (Investment income: Report dividends, interest, rental property income (net of cash expenses) attach a schedule), and trust income. Note: depreciation on rental property is a non-cash deduction that some courts add back when calculating income available for support.

Item 7, Self-employment income: Enter net profit after legitimate business expenses. Attach a profit and loss statement or Schedule C from your last federal return (Social Security number blacked out). California courts scrutinize self-employment income heavily, personal expenses run through a business do not reduce income for support purposes. If you own a business, expect the other party to subpoena business records.

Item 8, Additional income (one-time): Report lottery winnings, inheritances, lawsuit settlements, or other one-time receipts in the last 12 months. These are generally not ongoing income but must be disclosed. The court decides what weight to give one-time events.

Item 9, Change in income: THIS IS YOUR MOST IMPORTANT ENTRY IF YOU ARE SEEKING A DOWNWARD MODIFICATION. Explain specifically what changed, when it changed, and why it is permanent or ongoing. Example: "My gross monthly salary decreased from $8,500 to $5,200 effective March 1, 2026, when my employer reduced all senior staff to a 32-hour workweek due to [reason]. I attach a letter from my employer confirming the reduction." The court will compare your current income to the income used in the last support order to determine if the change is sufficient to justify modification.

Item 10 (Deductions: Only specific deductions are allowed under California guidelines) required union dues, required retirement contributions (not voluntary 401k), health insurance premiums you pay for yourself and the children (not employer-paid portion), and child support you pay under court order for children from other relationships (not informal payments). Do not list income taxes here, the guideline formula calculates tax impact separately using your filing status and exemptions.

Item 11, Assets: Report cash and deposit accounts, liquid investments, and other property. Assets are relevant to attorney fee requests and to the court's overall assessment of the financial picture. A parent with $200,000 in savings but claiming low income will face close judicial scrutiny.

Page 3, Items 12–14: Household Members and Monthly Expenses

Item 12, People living with you: List everyone living in your household, their relationship to you, and their gross monthly income. If a new partner contributes to household expenses, this information is relevant to the court's assessment of your actual financial need. New partner income is NOT directly added to your income for guideline purposes, but courts can consider the reduced housing cost when evaluating hardship claims.

Item 13, Average monthly expenses: Report your actual current expenses. The form has columns for "Estimated expenses," "Actual expenses," and "Proposed needs." For a modification where you are the payor seeking a reduction: complete "Actual expenses" accurately. Do not inflate expenses to make yourself look needier, courts see inflated expense declarations routinely and discount them. The guideline formula does not directly use your expense figures (it uses income), but expense information supports hardship arguments and attorney fee requests.

Item 13a, Rent or mortgage: For a mortgage, break out the principal and interest separately as the form requires. Real property taxes and insurance go in Items 13a(2) and 13a(3). If you are renting, enter the monthly rent.

Item 14, Installment payments and debts: List car payments, credit card minimum payments, student loans, personal loans, and other regular debt payments. Include the creditor name, purpose, monthly payment, total balance owed, and date of last payment.

Page 4, Items 16–20: Child Support Information

Item 16 (Number of children and parenting time: Item 16b is critical: "The children spend ___% of their time with me and ___% with the other parent." Parenting time percentage (H% in the formula CS = K[HN − (H%)(TN)]) is the single most powerful variable in the California guideline) it has as much impact on the support amount as income. Even a 5–10% difference in parenting time percentage can shift the support amount by hundreds of dollars per month. Use the actual

schedule from your parenting plan. If the schedule has changed since the last order, a changed parenting schedule IS a changed circumstance justifying modification, state this explicitly in your FL-300 Item 3d and attach a current parenting calendar or agreement.

Calculating H%: Count the number of overnight periods per year the child spends with you. Divide by 365 to get H%. Example: 130 overnights / 365 = 35.6%. The court's software uses your H% to calculate how much each parent spends directly on the child and adjusts the support obligation accordingly. Higher H% for the payor = lower support obligation.

Item 17, Children's health insurance: Check whether you have health insurance available for the children through your job. If yes, provide the insurance company name, address, and the monthly cost for the children specifically (not the entire family premium). California courts are required to address health insurance in every child support order (Fam. Code § 3751). If one parent has insurance available at reasonable cost, the court will order them to maintain it; the cost is factored into the support calculation.

Item 18, Additional expenses for the children: 18a: Child care costs so you can work (not personal preference care). Enter actual monthly child care payments. Attach documentation. 18b: Children's un-reimbursed medical expenses (recurring, not one-time). 18c: Travel costs for visitation (if significant and court-ordered). 18d: Educational or special needs costs (tutoring, therapy, private school if currently ordered or agreed). These additional expenses are added to the base guideline amount and shared between parents proportionally.

Item 19, Special hardships: California law (Fam. Code § 4071) allows the court to deviate downward from guideline support in cases of special hardship. Item 19 is where you document extraordinary circumstances: catastrophic medical expenses not covered by insurance, major uninsured casualty losses, or support obligations for minor children from other relationships living with you. Attach documentation for every hardship claimed, medical bills, insurance denial letters, court orders for other children. Without documentation, the hardship claim will be disregarded.

Item 20 (Other information: Use this for anything that does not fit elsewhere) for example, upcoming income changes ("I am starting a new job on [date] at $[amount]"), unusual

expenses, or context about the income figures that the court needs to understand your declaration.

California-Specific Notes for Modification Filers

The guideline formula: CS = K[HN − (H%)(TN)]. K is a fraction of income allocated to child support (tables in Fam. Code § 4055(b)(3)). HN is the high earner's net monthly disposable income. H% is the high earner's approximate percentage of time with the children. TN is the total net monthly disposable income of both parents combined. You do not calculate this by hand, the court's software does. Your job is to give accurate FL-150 numbers.

Changed circumstances requirement: Unlike the flat 20% threshold in Arkansas or Idaho, California requires a showing of "changed circumstances" without a specific percentage trigger (Fam. Code § 3651(a)). Courts have found changed circumstances based on: income change, change in parenting time, loss of employment, new children from a subsequent relationship (limited circumstances, Fam. Code § 4057.5), and expiration of a temporary support order. A significant income change, generally 20% or more, will almost always satisfy the changed circumstances standard.

Family Law Facilitator: Every California Superior Court is required by law (Fam. Code § 10001 et seq.) to provide a Family Law Facilitator, a licensed attorney who assists self-represented parties with family law forms at no charge. Before you file, visit the Facilitator's office to have your FL-300 and FL-150 reviewed. They can also help you run the guideline calculation on DissoMaster to know your expected new support amount before you go to the judge.

DCSS administrative modification: If your case is being enforced by the California Department of Child Support Services (DCSS), you can request a free administrative review every three years (or sooner with a change of circumstances) under Fam. Code § 17400. DCSS will calculate a new guideline amount and, if both parties agree, issue a stipulated modification without a court hearing. If either party contests, the case goes to court. The administrative route is faster and free, ask your local DCSS office if your case qualifies.

California-Specific Warnings

WARNING (Imputed income at earning capacity: If the court finds you are voluntarily unemployed or underemployed, it will impute income at your earning capacity) the amount you could earn based on your education, training, and work history. "I quit to spend more time with the kids" does not reduce support. "I was laid off and cannot find comparable work" may, if you document a genuine job search with specific employers and responses.

WARNING, 10% interest on arrears: Unpaid California child support accrues simple interest at 10% per annum (Code Civ. Proc. § 685.010). There is no statute of limitations on collection of child support arrears (Fam. Code § 291). A $10,000 arrearage left unpaid for five years grows to roughly $15,000 in principal and interest.

WARNING, Modification effective from filing date only: California courts may order modification retroactive only to the date of filing the motion (Fam. Code § 3653). File immediately when you have grounds. Every month of delay locks in the old amount.

WARNING, License suspension trigger (30 calendar days past due): DCSS is required to refer delinquent accounts to licensing agencies when the account is more than 30 calendar days past due (Fam. Code § 17520, which defines non-compliance as more than 30 calendar days in arrears). All state-issued professional, occupational, and driver's licenses are subject to suspension. If you hold a professional license, delinquency is an immediate career risk.

End of Appendix E — California | Appendix F — Colorado follows.

Appendix F — Colorado: Statutes, Case Law, Forms, and Resources

Statutory Sources | Case Law | Agency Contacts | Court Forms

This appendix provides the primary legal authorities, leading case law, key agency contacts, and essential court forms for child support modification in Colorado. Colorado uses the Income Shares model under C.R.S. § 14-10-115 with a 10% guideline threshold for modification. All statutory references are to the Colorado Revised Statutes. Current statutes: leg.colorado.gov. Current forms: courts.state.co.us/forms.

PART 1, STATUTORY SOURCES

1. **C.R.S. § 14-10-115**, Core child support statute. Establishes the Income Shares model, the Colorado Child Support Guidelines, and procedures for calculating basic support obligations. Subsection (13) sets age of majority at 19 for child support purposes.
2. **C.R.S. § 14-10-122**, Modification authority. A court may modify child support upon a showing of changed circumstances that are substantial and continuing. The 10% rule: if the new guideline calculation differs by 10% or more, that constitutes a substantial and continuing change. Subsection (5): modification effective from date of filing only.
3. **C.R.S. § 14-14-104**, Enforcement of child support obligations. Each missed installment becomes a judgment by operation of law when due and unpaid. Support judgments are enforceable for 20 years from each installment's due date (C.R.S. § 13-52-102(2)), a far longer window than ordinary debts but not an indefinite one.
4. **C.R.S. § 26-13-126**, License suspension authority. Triggers when the obligor owes more than six months' worth of support and is paying less than 50% of the current monthly obligation. Applies to driver's, professional, occupational, and recreational licenses. The obligor has 30 days from notice to pay, negotiate a payment plan, or request an administrative hearing.
5. **C.R.S. § 14-14-111**, Criminal non-support. Willful failure to pay support is a class 1 misdemeanor if the monthly obligation is less than $500, and a class 5 felony if the monthly obligation is $500 or more, or if arrears exceed 6 months. Conviction requires restitution of arrears owed.
6. **C.R.S. § 14-10-129**, Parental relocation statute. Requires court approval (or written consent) before the custodial parent may relocate the child when it would substantially change the parenting plan. Must file a notice of relocation and motion if applicable.
7. **C.R.S. § 14-5-101 et seq.**, Colorado's enactment of UIFSA (Uniform Interstate Family Support Act). Governs Continuing Exclusive Jurisdiction (CEJ), registration and enforcement of out-of-state orders, and interstate modification procedures.
8. **C.R.S. § 14-14-106** — Interest on child support arrears: 10% compounded annually for support due on or after July 1, 2021; 12% compounded monthly for older arrears. Interest accrues automatically on each missed payment. (The general 8% judgment rate in C.R.S. § 5-12-102 does not govern child support.)
9. **C.R.S. § 14-10-115(7)(b)(II)** — Self-employment income provisions. Courts must add back depreciation, depletion, and non-cash deductions when calculating gross income for self-employed parents.

10. **C.R.S. § 14-10-115(3)**, Definition of gross income for child support purposes. Includes wages, salary, self-employment income, rental income, interest, dividends, trust income, workers' compensation, unemployment benefits, and other regular income sources.
11. **C.R.S. § 14-10-115(8)**, Imputed income provisions. Courts may impute income to a voluntarily unemployed or underemployed parent based on demonstrated earning capacity, historical earnings, and available job market conditions.
12. **C.R.S. § 14-10-115(9)**, Parenting time (overnight) credit in the guideline calculation. The number of annual overnights with each parent affects the allocation of the basic support obligation. Accurate overnight counts are essential for precise calculations.
13. **C.R.S. § 14-10-115(11)**, Mandatory add-ons: health insurance premiums and work-related childcare costs are added to the basic support obligation and allocated proportionally to income. These are calculated separately from the base guideline amount.
14. **Colorado Rules for Child Support Guidelines (Supreme Court Rule)**, The Colorado Supreme Court has adopted child support guidelines as court rules. The JDF 1820 worksheet implements these rules. Courts must follow the guidelines unless written findings support deviation.
15. **C.R.S. § 26-13-114**, CSS administrative review process. Authorizes the 3-year administrative review of CSS-enrolled cases at no cost to parties. CSS may issue administrative modification orders without court involvement in IV-D cases.

PART 2, LEADING CASE LAW

1. **In re Marriage of Poepke** *(Colo. App. 2003)*

   Holding: Trial court's imputation of income to a voluntarily underemployed parent was affirmed. Court must base support on earning capacity, not actual earnings, when a parent deliberately reduces income.

   Relevance: Foundational Colorado imputed income case. Obligors cannot manufacture a modification by voluntarily reducing their income. Courts will use demonstrated earning capacity, historical wages, and market conditions to determine the appropriate income figure.

2. **In re Marriage of Plummer** *(Colo. App. 1994)*

   Holding: The 10% threshold in C.R.S. § 14-10-122 operates as a rebuttable presumption that a substantial and continuing change exists, not as an absolute bar. Courts may modify support even where the change is below 10% if other factors establish substantial and continuing changed circumstances.

   Relevance: Clarifies the 10% rule's function: it is a safe harbor, not a ceiling. A smaller percentage change may still support modification if the evidence of substantial and continuing change is strong.

3. **In re Marriage of Connell** *(Colo. App. 2001)*

   Holding: An increase in the custodial parent's income is a valid ground for downward modification of the obligor's support obligation, even without any change in the obligor's own income. The Income Shares model considers both parents' incomes symmetrically.

   Relevance: Critical authority for fathers seeking downward modification when the custodial parent receives a significant raise or returns to full-time employment. A father's income need not have changed to qualify.

4. **In re Marriage of Van Inwegen** *(Colo. App. 1990)*

Holding: Modification of child support is effective as of the date the motion is filed, not the date of the hearing or the date the changed circumstances arose. Courts have no authority to make modification retroactive beyond the filing date.

Relevance: Establishes the retroactivity rule codified in § 14-10-122(5). Filing promptly is the only way to protect against accumulating arrears at the old rate while a modification motion is pending.

5. **Turner v. Rogers** *(564 U.S. 431 (2011))*

Holding: Due process requires procedural safeguards before a court may incarcerate an obligor for civil contempt in a child support case, including notice of the ability-to-pay issue, an opportunity to respond, and a judicial inquiry into ability to pay.

Relevance: Applies in all Colorado contempt proceedings. A father who genuinely cannot pay cannot be jailed without the court first addressing ability to pay. Request appointed counsel or invoke Turner protections at any contempt hearing.

PART 3, AGENCY CONTACTS

1. **Colorado Division of Child Support Services (CSS) — CDHS**

Role: Primary IV-D agency. Manages enforcement, wage withholding, license suspension, tax intercept, credit reporting, and 3-year administrative reviews for enrolled cases.

Contact: (303) 866-4300 | childsupport.state.co.us | Local offices in each county

Notes: CSS-enrolled cases qualify for free 3-year administrative reviews. Always contact CSS before filing a court motion, the free review is faster and cheaper.

2. **Colorado District Court — Domestic Relations Division**

Role: Court of original jurisdiction for child support orders and modifications. File in the county where the original order was entered or where the child currently resides (if transferred).

Contact: courts.state.co.us/find | Court locations and clerk contact by county

Notes: Filing fee approximately $195 for a Motion to Modify. Fee waiver (JDF 205) available for low-income litigants.

3. **Colorado Judicial Branch Self-Help Center**

Role: Free JDF forms, county-specific instructions, online child support calculator, and family law facilitator directory for self-represented litigants.

Contact: courts.state.co.us/selfhelp

Notes: The online calculator produces results consistent with the JDF 1820 worksheet. Use it before every hearing to independently verify the guideline amount.

4. **Colorado Legal Services**

Role: Statewide free legal aid for low-income Colorado residents. Family law units in regional offices handle child support modification cases.

Contact: coloradolegalservices.org | 1-888-coloradolegal (1-888-265-3645)

Notes: Income-based eligibility. Emergency intake available at most offices.

5. **Colorado Attorney General — Child Support Division**

Role: Provides online child support calculator and enforcement information. The AG's office participates in federal-state child support enforcement programs.

Contact: coag.gov/child-support | 720-508-6000

6. **Colorado DMV — License Suspension Unit**

   Role: Administers driver's license suspensions referred by CSS under C.R.S. § 26-13-126.

   Contact: dmv.colorado.gov | 303-205-5600

   Notes: Contact DMV to verify suspension status and obtain clearance once CSS confirms arrears have been resolved or a payment plan is established.

PART 4, ESSENTIAL COURT FORMS

All Colorado Judicial Council (JDF) forms are available free at courts.state.co.us/forms. Always download the current version immediately before filing, forms are updated periodically and clerks may reject outdated versions.

1. **JDF 1403 — Motion to Modify Child Support**

   Purpose: The primary pleading to initiate a court modification of child support. Must be filed with a completed JDF 1820 worksheet and a current JDF 1111 Sworn Financial Statement.

   Obtain: Colorado Judicial Branch: courts.state.co.us/forms

2. **JDF 1820 — Child Support Guidelines Worksheet**

   Purpose: The mandatory calculation worksheet implementing Colorado's Income Shares formula. Both parents' incomes, overnights, health insurance, and childcare costs are entered. The worksheet must be attached to every JDF 1403 filing.

   Obtain: Colorado Judicial Branch: courts.state.co.us/forms

3. **JDF 1111 — Sworn Financial Statement**

   Purpose: Mandatory financial disclosure for both parties in any child support hearing. Colorado's equivalent of California's FL-150, lists income from all sources, monthly expenses, assets, and obligations. Must be current (sworn within 3 months) at the time of hearing.

   Obtain: Colorado Judicial Branch: courts.state.co.us/forms

4. **JDF 1404 — Order re: Child Support**

   Purpose: The modified support order issued by the court after a modification hearing. Contains the new support amount, effective date, and any deviation findings. Must be signed by the judge and served on both parties.

   Obtain: Colorado Judicial Branch: courts.state.co.us/forms

5. **JDF 1216 — Proof of Service**

   Purpose: Confirms that the Motion to Modify and all supporting documents were personally served on the other party. Must be filed with the court. Colorado requires personal service under C.R.C.P. Rule 4.

   Obtain: Colorado Judicial Branch: courts.state.co.us/forms

6. **JDF 205 — Motion to File Without Payment of Filing Fee**

   Purpose: Fee waiver application for litigants who cannot afford the approximately $195 filing fee. File simultaneously with JDF 1403. Income-based eligibility.

   Obtain: Colorado Judicial Branch: courts.state.co.us/forms

7. **JDF 1111A — Income and Expense Schedule (Attachment to JDF 1111)**

   Purpose: Supplemental form providing detailed income and expense itemization. Required in contested cases and whenever income documentation is complex.

   Obtain: Colorado Judicial Branch: courts.state.co.us/forms

8. Federal IWO — Income Withholding for Support (Federal Form)

Purpose: Mandatory Income Withholding Order sent to the obligor's employer upon entry of any new or modified support order. Employer must implement withholding within 5 business days of receipt.

Obtain: Colorado Judicial Branch: courts.state.co.us/forms

COLORADO OFFICIAL COURT FORMS, HOW TO COMPLETE THEM

Colorado courts block programmatic PDF downloads, so two of the four forms below are original model forms derived entirely from public-domain statutes (C.R.S. §§ 14-10-115 and 14-10-122) and Colorado Judicial Branch conventions. Two forms are official documents from courts.state.co.us. Always download the current official versions at courts.state.co.us before filing, Colorado updates its forms periodically.

Form 1: Model Motion to Modify Child Support

Model form, derived from C.R.S. § 14-10-122 and Colorado Judicial Branch pleading conventions. This is the primary document you file to begin the modification process. Obtain the current official form (JDF 1110) at courts.state.co.us if available.

DISTRICT COURT, _____ COUNTY, COLORADO
Court Address: _____

In re the Marriage of / Parental Responsibilities of:

Petitioner:
_____,

and

Respondent:
_____,

▲ COURT USE ONLY ▲

Case No.: _____

Division: _____ Courtroom: _____

MOTION TO MODIFY CHILD SUPPORT

[Petitioner / Respondent] (hereinafter "Moving Party"), by and through [himself / herself / undersigned counsel], moves this Court pursuant to C.R.S. § 14-10-122 to modify the existing child support order and in support states:

1. EXISTING ORDER. On or about _____, _____, this Court entered a [Decree of Dissolution / Separation Agreement / Prior Modification Order / Stipulation] requiring [Petitioner / Respondent] to pay child support in the amount of $_____ per month for the following minor child(ren): _____ (DOB: _____); _____ (DOB: _____).

2. JURISDICTION. This Court has continuing exclusive jurisdiction to modify the child support order pursuant to the Uniform Interstate Family Support Act, C.R.S. § 14-5-611, because [both parties and the child(ren) remain in Colorado / state specific basis for Colorado jurisdiction].

3. GROUNDS FOR MODIFICATION. Since entry of the existing order there has been a substantial and continuing change of circumstances such that the existing order is presumptively inadequate under C.R.S. § 14-10-122(1)(a). Specifically: [describe the change — e.g., Moving Party's gross monthly income has changed from $_____ to $_____; Responding Party's gross monthly income has changed from $_____ to $_____; a change in the number of overnights; a change in the child(ren)'s needs; other specific, ongoing, and substantial change.] Application of the Colorado Child Support Guidelines, C.R.S. § 14-10-115, to the current circumstances results in a presumptive guideline amount that differs from the existing order. See attached Worksheet A (JDF 1820).

4. FINANCIAL DISCLOSURE. Moving Party has completed and attaches the Sworn Financial Statement (JDF 1111 SC) and the Colorado Child Support Worksheet (JDF 1820) as required by C.R.C.P. 16.2 and the applicable Local Rules.

5. HEALTH INSURANCE. [Select: (a) The child(ren) is/are currently covered under health insurance maintained by [Petitioner / Respondent] at a cost of $_____ per month for the child(ren)'s portion only. Movant requests that this coverage continue. | (b) Health insurance is available to [Petitioner / Respondent] through employment or other group plan at a reasonable cost. Moving Party requests the Court order that party to obtain and maintain coverage pursuant to C.R.S. § 14-10-115(10).]

6. INCOME ASSIGNMENT. Moving Party requests that any modified support order include an income assignment pursuant to C.R.S. § 14-14-111.5, to be served on the obligor's employer or income source.

7. EFFECTIVE DATE. Moving Party understands that pursuant to C.R.S. § 14-10-122(1)(b) the modification shall be effective no earlier than the date of the filing of this Motion, unless the Court finds good cause for an earlier date.

8. ARREARAGE. [Select: (a) There is no arrearage owed under the existing order. | (b) The [Petitioner / Respondent] owes an arrearage of approximately $_____ as of _____, _____. Moving Party requests that the Court establish a repayment schedule.]

WHEREFORE, Moving Party respectfully requests that this Court:

a. Modify the existing child support order to the presumptive guideline amount of $_____ per month, or such other amount as the Court finds just;

b. Enter or continue an Income Assignment Order;

c. Establish a reasonable arrearage repayment schedule (if applicable);

d. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

_____

[Moving Party's Printed Name]
[Address]
[City, State, ZIP]
[Phone Number]
[Email Address — optional]
Pro Se / Atty. Reg. No. _____ (if attorney)

CERTIFICATE OF SERVICE

I hereby certify that on _____, _____, a true and correct copy of the foregoing Motion to Modify Child Support, Sworn Financial Statement, and Child Support Worksheet was served upon [Petitioner / Respondent] by: [ ] hand delivery [ ] first-class U.S. mail, postage prepaid [ ] e-filing (ICCES) [ ] email (if agreed), addressed to:

_____

[Other Party's Name and Address / Attorney's Name and Address]

_____

[Moving Party's Signature]

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Derived from public domain materials: C.R.S. §§ 14-10-115, 14-10-122, 14-14-111.5; C.R.C.P. Rule 16.2; Colorado Judicial Branch JDF form conventions. Not a substitute for legal advice. Consult an attorney for your specific circumstances.

LINE-BY-LINE COMPLETION GUIDE, MOTION TO MODIFY CHILD SUPPORT

CAPTION BLOCK (Top of Page 1)

Court Name: Write the full name of the Colorado District Court where your case is filed, e.g., 'District Court, Jefferson County, Colorado.' Child support matters are in District Court (not County Court).

Court Address: Enter the courthouse address. Find it at courts.state.co.us/Courts/Court_Address.cfm.

Petitioner / Respondent: Use the exact names as they appear in your original decree or order. Do not use nicknames.

Case No.: Copy the full case number from your existing order, it typically appears as a year followed by DR (Domestic Relations) and a sequence number, e.g., '2019DR1234.'

Division / Courtroom: Leave blank, the court clerk will assign this when you file.

PARAGRAPH 1, EXISTING ORDER

Fill in the date your original support order was entered, the type of order (Decree of Dissolution, Separation Agreement, Stipulation, etc.), the name of the party ordered to pay, the current monthly amount, and each child's full name and date of birth. If there have been prior modifications, use the date and amount from the most recent order.

PARAGRAPH 2, JURISDICTION

If both parties and the child(ren) currently live in Colorado, state that. If one party has moved out of state, Colorado retains jurisdiction if it entered the original order and the child or one parent still lives here (UIFSA, C.R.S. § 14-5-611). If all parties have left Colorado, you may need to transfer jurisdiction to the new home state.

PARAGRAPH 3, GROUNDS FOR MODIFICATION

Colorado's modification standard under C.R.S. § 14-10-122(1)(a): there must be a 'substantial and continuing change of circumstances' such that the existing order is presumptively inadequate. There are two ways to meet this standard:

Option A, Guidelines deviation: The existing order varies from the current guideline amount by 10% or more. Compute the guideline amount on Worksheet A and compare.

Option B (Specific change: Describe the change in concrete, verifiable terms) for example: 'Moving Party's gross monthly income has decreased from $4,500 to $2,800 due to involuntary layoff on [date]' or 'The child's parenting time schedule changed from X to Y overnights per year as of [date].' Vague statements like 'things are different' will not suffice.

⚠ RED FLAG, Voluntary income reduction: If you voluntarily took a lower-paying job, the court may impute your former income under C.R.S. § 14-10-115(5)(b)(I). You must show the change was involuntary or in good faith.

PARAGRAPH 4, FINANCIAL DISCLOSURE

You are required to attach the Sworn Financial Statement (JDF 1111 SC) and a completed Child Support Worksheet (JDF 1820 (Worksheet A or JDF 1821) Worksheet B) whenever you file a motion affecting support. C.R.C.P. 16.2(e)(1) mandates this disclosure. Filing without these attachments will result in the motion being rejected or delayed.

PARAGRAPH 5, HEALTH INSURANCE

Select option (a) if insurance is already in place, enter the child's share of the monthly premium (not the total family premium). Select option (b) if insurance is available but not currently being provided. Under C.R.S. § 14-10-115(10), the court is required to address health insurance coverage in every child support order.

PARAGRAPH 6, INCOME ASSIGNMENT

Colorado law requires automatic income assignment (wage withholding) in all new or modified support orders under C.R.S. § 14-14-111.5. Leave this paragraph as-is, the court will issue the income assignment order automatically unless there is a written agreement to waive it.

PARAGRAPH 7, EFFECTIVE DATE

Under C.R.S. § 14-10-122(1)(b), any modification takes effect no earlier than the date of filing. Unlike some states, Colorado does not use the service date, the filing date controls. File as soon as your circumstances change to protect your effective date.

PARAGRAPH 8, ARREARAGE

Arrears are the amount past due under the existing order. Even after modification, arrears from the old order remain owed. The court can establish a repayment schedule, but it cannot retroactively reduce arrears that accrued before the filing date. If you are unsure of the exact arrearage, contact the Colorado Child Support Services (CSS) unit in your county.

PRAYER FOR RELIEF

Fill in the guideline amount from your completed Worksheet A on line (a). Leave the remaining paragraphs as written, they track the standard relief courts grant in Colorado modification cases.

SIGNATURE BLOCK

Sign with your legal name as it appears in the case. Enter your current address, phone, and email. If you have an attorney, the attorney signs and adds their registration number. If self-represented (pro se), write 'Pro Se' where the bar number would go.

CERTIFICATE OF SERVICE

Complete the date, your chosen service method, and the other party's name and address (or their attorney's if represented). In Colorado, service must be made on the other party before or at the time of filing. ICCES (Colorado's e-filing system) sends electronic service automatically to registered attorneys.

FILING STEPS, MOTION TO MODIFY (COLORADO)

Step 1 — Gather documents. Assemble: this Motion, completed JDF 1111 SC, completed Worksheet A or B, and copies of recent pay stubs (3 months), tax returns (last 2 years), and proof of any change in circumstances.

Step 2 — File with the District Court. File through Colorado's ICCES e-filing portal (icces.courts.state.co.us) if you have an account, or in person at the District Court clerk's office in your county. Pay the filing fee, fee waiver (IFP) is available if your income qualifies.

Step 3 — Serve the other party. E-filing through ICCES automatically serves registered attorneys. For pro se respondents, use personal service or certified mail and file a Certificate of Service.

Step 4 — Attend the hearing. The court will set an initial status conference or hearing. Bring originals and copies of all financial documents. The other party has the right to file a response within the time set by the court.

Step 5 — Colorado Child Support Services. If CSS is involved (IV-D case), contact your county CSS unit. They can assist with enforcement, calculation, and may attend the hearing.

Form 2: Model Worksheet A, Child Support Obligation (Sole/Primary Physical Care)

Model form, derived from C.R.S. § 14-10-115 (income shares model). Use this worksheet when one parent has the child(ren) more than 273 overnights per year (less than 93 overnights for the other parent). If both parents have 93+ overnights each, use Worksheet B (JDF 1821) instead. Download the official JDF 1820 at courts.state.co.us.

STATE OF COLORADO

CHILD SUPPORT WORKSHEET A

Sole or Primary Physical Care

(Model form derived from C.R.S. § 14-10-115 — Public Domain)

Case Name:	_____	**Case No.:**	_____
Court:	_____	**Date:**	_____

		COLUMN A Petitioner	COLUMN B Respondent
PART I — MONTHLY GROSS INCOME [C.R.S. § 14-10-115(5)(a)]			
1.	Gross Monthly Income from all sources (wages, salary, tips, overtime, bonuses, commissions; self-employment; rental income; interest/dividends; Social Security; disability; pensions; workers' comp; unemployment; gifts; trust income; and other recurring income)	$_____	$_____
2.	Self-Employment Adjustments: Reasonable business expenses not already deducted (enter as negative)	($_____)	($_____)
3.	Imputed Income (if voluntarily unemployed/underemployed, per C.R.S. § 14-10-115(5)(b))	$_____	$_____
4.	**ADJUSTED GROSS MONTHLY INCOME (Line 1 minus Line 2, plus Line 3)**	$_____	$_____
PART II — COMBINED INCOME AND BASIC OBLIGATION [C.R.S. § 14-10-115(7)]			
5.	COMBINED ADJUSTED GROSS MONTHLY INCOME (Line 4A + Line 4B)	$_____	
6.	Basic Child Support Obligation — from Schedule of Basic Support Obligations (look up Line 5 and number of children)	$_____	
7.	Each Parent's Pro-Rata Share of Combined Income: Petitioner: Line 4A ÷ Line 5 = _____% Respondent: Line 4B ÷ Line 5 = _____%	$_____	$_____
PART III — ADDITIONAL EXPENSES [C.R.S. § 14-10-115(8)–(11)]			
8.	Monthly Child Care Costs (work/school-related; net of federal tax credit)	$_____	$_____
9.	Monthly Children's Health Insurance Premium (child's share only)	$_____	$_____
10.	Monthly Extraordinary Medical Expenses (uninsured/unreimbursed > $250/year)	$_____	$_____
11.	Monthly Other Extraordinary Expenses (education, extracurricular, etc. — by agreement or court order)	$_____	$_____
12.	**TOTAL ADDITIONAL EXPENSES (Lines 8 + 9 + 10 + 11)**	$_____	$_____
PART IV — TOTAL CHILD SUPPORT OBLIGATION			
13.	**TOTAL CHILD SUPPORT OBLIGATION (Line 6 + Line 12)**	$_____	$_____

Form 2 — Model Worksheet A: Sole/Primary Physical Care (Page 1 of 2)

14.	Each Parent's Share of Total Obligation: Petitioner: Line 13 × Line 7A% = $_____ Respondent: Line 13 × Line 7B% = $_____	$_____	$_____
PART V — ADJUSTMENTS AND FINAL OBLIGATION			
15.	Parenting Time Adjustment — overnights with obligor per year: _____ (If obligor has 93+ overnights, use Worksheet B instead)	$_____	
16.	Child Care / Health Insurance Payments Made Directly (subtract what obligor pays)	($_____)	($_____)
17.	Other Adjustments (specify): _____	$_____	$_____
18.	**PRESUMPTIVE GUIDELINE CHILD SUPPORT OBLIGATION (Line 14 — paying parent's amount, adjusted by Lines 15–17)**	$_____	
19.	Deviation from Guidelines (if any; attach findings required by C.R.S. § 14-10-115(3)(b))	$_____	$_____
20.	**FINAL MONTHLY CHILD SUPPORT ORDER**	$_____	

Signature: _____	Signature: _____
Printed Name: _____	Printed Name: _____
Date: _____	Date: _____
[ ] Petitioner [ ] Respondent [ ] Attorney	[ ] Petitioner [ ] Respondent [ ] Attorney

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Derived from public domain: C.R.S. § 14-10-115; Colorado Judicial Branch JDF 1820 worksheet structure. For the current official Schedule of Basic Support Obligations, see courts.state.co.us. Not a substitute for legal advice. Consult a Colorado family law attorney for your specific circumstances.

Form 2 — Model Worksheet A: Sole/Primary Physical Care (Page 2 of 2)

LINE-BY-LINE COMPLETION GUIDE, WORKSHEET A

HEADER FIELDS

Case Name: Same as the caption on your motion. Case No.: same case number. Date: date you are completing the worksheet. Court: the name of the Colorado District Court.

PART I, MONTHLY GROSS INCOME (Lines 1–4)

Line 1, Gross Monthly Income: Include all income from all sources before any deductions. Colorado's definition under C.R.S. § 14-10-115(5)(a) is extremely broad and includes: wages, salary, tips, overtime, bonuses (average last 3 years), commissions, self-employment income, rental income, interest and dividends, Social Security benefits (including the child's derivative benefit), disability payments, workers' compensation, unemployment benefits, trust income, gifts, and any other regular source of money. Do NOT include: public assistance (TANF, SNAP), SSI, or the child's own income.

Line 2, Self-Employment Adjustments: Subtract legitimate, documented business expenses that are ordinary and necessary but have not already reduced your Line 1 figure. Do not subtract depreciation of personal assets, personal living expenses, or any expense that inflates the deduction to lower income artificially.

Line 3 (Imputed Income: If either parent is voluntarily unemployed or underemployed, the court may impute income based on earning capacity) typically the median wage for that person's occupation and education level in the local area (Bureau of Labor Statistics). Leave at $0 if neither party's situation applies; courts add this, not parents.

Line 4, Adjusted Gross Monthly Income: Line 1 minus Line 2, plus Line 3. Complete Column A for the Petitioner and Column B for the Respondent.

PART II, COMBINED INCOME AND BASIC OBLIGATION (Lines 5–7)

Line 5, Combined Income: Add Line 4A + Line 4B. This single combined figure is the key to the Schedule of Basic Support Obligations.

Line 6, Basic Child Support Obligation: Look up the combined Line 5 income AND the number of children in the official Schedule of Basic Support Obligations (published by the Colorado Supreme Court). The schedule is a table, find the row closest to your Line 5 amount and read across to the correct column for the number of children. ⚠ Always use the current schedule. It is updated periodically by the Supreme Court.

Line 7, Pro-Rata Shares: Divide each parent's Line 4 by Line 5 to get their percentage share. These percentages determine how shared expenses are allocated.

PART III, ADDITIONAL EXPENSES (Lines 8–12)

Line 8 (Child Care Costs: Enter work-related or school-related child care costs) but reduce them by the federal child care tax credit amount available to the parent paying for care. Include only the actual monthly cost, not hypothetical future costs.

Line 9, Health Insurance Premium: Enter only the child's portion of the premium. If the plan covers the parent and child together, subtract the employee-only rate from the family rate to estimate the child's share.

Line 10, Extraordinary Medical: For support calculated before March 1, 2026, uninsured or unreimbursed medical expenses exceeding $250 per year per child may be added; HB 25-1159 removed that threshold for later calculations, so uninsured medical costs are shared from the first dollar. Recurring costs (orthodontics, therapy) qualify; one-time past expenses do not.

Line 11, Other Extraordinary Expenses: Private school tuition, specialized activities, or other agreed or court-ordered expenses. Both parties must agree or the court must order these, you cannot add them unilaterally.

Line 12, Total Additional Expenses: Sum of Lines 8 through 11.

PART IV, TOTAL OBLIGATION (Lines 13–14)

Line 13, Total Obligation: Line 6 plus Line 12. This is the full cost of supporting the children, shared between both parents.

Line 14, Each Parent's Share: Multiply Line 13 by each parent's Line 7 percentage. The obligor (paying parent) owes their percentage share of the total obligation.

PART V, ADJUSTMENTS AND FINAL OBLIGATION (Lines 15–20)

Line 15, Parenting Time Adjustment: Count the obligor's overnights per year. Colorado provides a parenting time credit for the non-custodial parent under C.R.S. § 14-10-115(8). If overnights reach 93 or more, switch to Worksheet B entirely.

Line 16 (Direct Payments: Subtract amounts the obligor already pays directly for child care or health insurance premiums) this avoids double-counting.

Line 17, Other Adjustments: Note any court-ordered deviations or credits.

Line 18, Presumptive Guideline Amount: This is the amount the court is presumed to order unless a deviation is warranted. It must be within 10% of this figure or the order is presumptively inadequate and subject to modification.

Line 19, Deviation: If either party requests a deviation, the court must make specific written findings under C.R.S. § 14-10-115(3)(b) explaining why the guideline amount is unjust or inappropriate.

Line 20, Final Order Amount: The amount the court enters as the monthly support obligation.

⚠ RED FLAG, Shared / Equal parenting time: If parenting time is or becomes roughly equal (each parent getting 150–183+ overnights), the basic obligation shifts significantly. Run both worksheets and present both to the court.

Form 3: JDF 1111 SC, Sworn Financial Statement

Official Colorado Courts form (courts.state.co.us). Required in all proceedings affecting financial matters, including child support modification. This is your sworn disclosure of all income, assets, debts, and monthly expenses. Intentional misrepresentation is perjury under Colorado law.

❑District Court ❑Denver Juvenile Court _____ County, Colorado Court Address: _____ In re: ❑The Marriage of: ❑The Civil Union of: ❑Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent:	▲ **COURT USE ONLY** ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:	Case Number: Division Courtroom

SWORN FINANCIAL STATEMENT

I, _____ (full name) ❑am ❑am not currently employed.

I am employed ____ hours per week. I am paid ❑weekly ❑bi-weekly ❑twice a month ❑monthly.

My pay is based on a ❑Monthly Salary ❑Hourly rate of $_____ ❑Other: _____

Date employment began _____.

My occupation is: _____ Name of employer: _____

Address of employer: _____

If unemployed, what date did you last work? _____

I am unemployed due to ❑disability ❑involuntary layoff at work ❑other: _____

This household consists of _____ adult(s), and _____ minor child(ren).

I believe the monthly gross income of the other party is $_____.

Annual gross income (last tax year 20__) for Petitioner $ _____, ❑Co-Petitioner/Respondent $ _____

1. Monthly Income (Convert annual, bi-monthly, and weekly amounts to monthly amounts.)

Gross Monthly Income (before taxes and deductions) from salary and wages, including commissions, bonuses, overtime, self-employment, business income, other jobs, and monthly reimbursed expenses.	$	Social Security Benefits (SSA) ❑SSDI (Disability insurance – entitlement program) ❑SSI (supplemental income – need based)	$
Unemployment & Veterans' Benefits		Disability, Workers' Compensation	
Pension & Retirement Benefits		Interest & Dividends	
Public Assistance (TANF)		Other - _____	
		Total Monthly Income	
Miscellaneous Income			
Royalties, Trusts, and Other Investments		Contributions from Others	
Dependent Children's monthly gross income. Source of Income: _____		All other sources, i.e. personal injury settlement, non-reported income, etc.	
Rental Net Income		Expense Accounts	
Child Support from Others		Other - _____	
Spousal/Partner Support from Others		Other - _____	
		Total Monthly Miscellaneous Income	
		Total Income	

Form 3 — JDF 1111 SC: Sworn Financial Statement (Page 1 of 7, pages 1–4 shown)

2. Monthly Deductions (Mandatory and Voluntary)

Mandatory Deductions	**Cost Per Month**		**Cost Per Month**
Federal Income Tax		State/Local Income Tax	
PERA/Civil Service		Social Security Tax	
Medicare Tax		Other - _____	
Deductions		**Total Mandatory**	
Voluntary Deductions	**Cost Per Month**		**Cost Per Month**
Life and Disability Insurance		Stocks/Bonds	
Health, Dental, Vision Insurance Premium Total number of people covered on Plan ➔		Retirement & Deferred Compensation	
Child Care (deducted from salary)		Other - _____	
Flex Benefit Cafeteria Plan		Other - _____	
		Total Voluntary Deductions	
		Total Monthly Deductions	

3. Monthly Expenses

Note: List regular monthly expenses below that you pay on an on-going basis and that are not identified in the deductions above.

A. Housing

	Cost Per Month		**Cost Per Month**
1st Mortgage		2nd Mortgage	
Insurance (Home/Rental) & Property Taxes (not included in mortgage payment)		Condo/Homeowner's/Maintenance Fees	
Rent		Other - _____	
		Total Housing	

B. Utilities and Miscellaneous Housing Services

	Cost Per Month		**Cost Per Month**
Gas & Electricity		Water, Sewer, Trash Removal	
Telephone (local, long distance, cellular & pager)		Property Care (Lawn, snow removal, cleaning, security system, etc.)	
Internet Provider, Cable & Satellite TV		Other - _____	
		Total Utilities and Miscellaneous Housing Services	

C. Food & Supplies

	Cost Per Month		**Cost Per Month**
Groceries & Supplies		Dining Out	
		Total Food & Supplies	

D. Health Care Costs (Co-pays, Premiums, etc.)

Form 3 — JDF 1111 SC: Sworn Financial Statement (Page 2 of 7)

	Cost Per Month		Cost Per Month
Doctor & Vision Care		Dentist and Orthodontist	
Medicine & RX Drugs		Therapist	
Premiums (if not paid by employer)		Other - _____	
		Total Health Care	

E. Transportation & Recreation Vehicles (Motorcycles, Motor Homes, Boats, ATV, Snowmobiles, etc.)

	Cost Per Month		Cost Per Month
Primary Vehicle Payment		Other Vehicle Payments	
Fuel, Parking, and Maintenance		Insurance & Registration/Tax Payments (yearly amount(s) ÷12)	
Bus & Commuter Fees		Other - _____	
		Total Transportation	$ 30.00

F. Children's Expenses and Activities

	Cost Per Month		Cost Per Month
Clothing & Shoes		Child Care	
Extraordinary Expenses i.e. Special Needs, etc.		Misc. Expenses, i.e. Tutor, Books, Activities, Fees, Lunch, etc.	
Tuition		Other - _____	
		Total Children's Expenses and Activities	

G. Education for you - Please identify status: ❑Full-time student ❑Part-time student

	Cost Per Month		Cost Per Month
Tuition, Books, Supplies, Fees, etc.		Other - _____	
		Total Education	

H. Maintenance (Spousal/Partner Support) & Child Support (that you pay)

	Cost Per Month		Cost Per Month
Maintenance		Child Support	
❑This family		❑This family	
❑Other family		❑Other family	
		Total Maintenance and Child Support	

I. Miscellaneous (Please list on-going expenses not covered in the sections above)

	Cost Per Month		Cost Per Month
Recreation/Entertainment		Personal Care (Hair, Nail, Clothing, etc.)	
Legal/Accounting Fees		Subscriptions (Newspapers, Magazines, etc.)	
Charity/Worship		Movie & Video Rentals	
Vacation/Travel/Hobbies		Investments (Not part of payroll deductions)	
Membership/Clubs		Home Furnishings	
Pets/Pet Care		Sports Events/Participation	
Other - _____		Other - _____	
Other - _____		Other - _____	
Other - _____		Other - _____	
Other - _____		Other - _____	

Total Miscellaneous	

Total Monthly Expenses (Totals from A – I)	

4. Debts (unsecured)

List unsecured debts such as credit cards, store charge accounts, loans from family members, back taxes owed to the I.R.S., etc. **Do not** list debts that are liens against your property, such as mortgages and car loans, because that payment is already listed as an expense above, and the total of the debt is shown elsewhere as a deduction from value where that asset is listed, such as under Real Estate or Motor Vehicles.

For name on account, "P" = Petitioner, "C/R" = Co-Petitioner or Respondent, "J" = Joint.

Name of Creditor	Account Number (last 4-digits only)	P	C/R	J	Date of Balance	Balance	Minimum Monthly Payment Required	Reason for Which Debt was Incurred
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
		❑	❑	❑				
Unsecured Debt Balance								→**Total Minimum Monthly Payment**

SWORN FINANCIAL STATEMENT SUMMARY
(INCOME/EXPENSES)

Total Income (from Page 1)	$ _____	**A**
Total Monthly Deductions (from Page 2)	$ _____	**B**
Total Monthly Net Income (A minus B)	**$ _____**	
Total Monthly Expenses (from Page 3)	$ _____	**C**
Total Minimum Monthly Payment Required - Debts Unsecured (from Page 4)	$ _____	**D**

Form 3 — JDF 1111 SC: Sworn Financial Statement (Page 4 of 7)

LINE-BY-LINE COMPLETION GUIDE, JDF 1111 SC

SECTION 1, PERSONAL INFORMATION

Enter your full legal name, date of birth, address (where you actually live), and employer information. If self-employed, enter your business name and type. List your occupation and how long you have been in your current position. These facts establish your earning capacity baseline.

SECTION 2, INCOME

Gross Monthly Income: Report your total gross income from all sources before taxes and deductions, identical to Line 1 of Worksheet A. Use actual amounts for regular income and a 3-year average for irregular income (bonuses, commissions, overtime). Attach the most recent 3 months of pay stubs and your last 2 years of federal tax returns.

Income from other sources: List separately, rental income, investment income, side business income, government benefits, alimony received, etc.

Monthly deductions from paycheck: FICA (Social Security and Medicare), state and federal income tax withholding, mandatory retirement contributions, union dues, health insurance premiums. These are listed for information but income is calculated on gross, not net.

SECTION 3, MONTHLY EXPENSES

List your actual recurring monthly expenses, housing (rent/mortgage), utilities, food, transportation, health insurance, child care, clothing, medical, and other necessary costs. Be accurate and conservative: inflating expenses to appear less able to pay is perjury and will be scrutinized against bank statements, credit card records, and tax returns.

Child-related expenses: List costs you pay for the child(ren), child care, activities, clothing, school costs. These feed into Lines 8–11 of Worksheet A.

SECTION 4, ASSETS

Disclose all assets: bank accounts (checking, savings, money market), retirement accounts (401(k), IRA, pension), real estate, vehicles, business interests, investments, and any other property of value. Include approximate current market values, not purchase prices. Omitting assets is perjury and will result in sanctions if discovered.

SECTION 5, DEBTS AND LIABILITIES

List all current debts: mortgage balance, car loans, student loans, credit card balances, medical debt, personal loans. Include the creditor name, monthly payment, total owed, and whether the debt is joint or individual. Child support arrears, if any, should be listed here as well.

VERIFICATION / OATH

Sign the JDF 1111 SC in front of a notary public OR sign under penalty of perjury as allowed under C.R.C.P. 16.2. The signature affirms that everything is true and complete to the best of your knowledge. ⚠ Do not sign before a notary until the form is complete and you have reviewed every line.

Form 4: JDF 1821, Worksheet B: Child Support Obligation (Shared Physical Care)

Official Colorado Courts form, Rev. July 1, 2023. Use this worksheet ONLY when both parents have 93 or more overnights per year with the child(ren) (approximately 25.5% or more time for each parent). If the non-custodial parent has fewer than 93 overnights, use Worksheet A instead.

_____ County District/Juvenile Court Court Address:	
Petitioner: _____ and Co-Petitioner/ Respondent: _____	▲ Court Use Only ▲
Attorney or Party Without Attorney (My name and address): Phone Number: E-mail: FAX Number: Atty. Reg.#:	Case Number: Division: Courtroom:

Worksheet B – Child Support Obligation: Shared Physical Care

Children	Date of Birth	Children	Date of Birth

	Mother	Father	Combined
1. Monthly Gross Income	$	$	
a. Plus maintenance (spousal/partner support) received (See Spousal Maintenance Calculation on page 2)	+	+	
Minus maintenance paid (See Spousal Maintenance Calculation on page 2)	-	-	
b. Minus ordered child support payments for other children pursuant to §14-10-115(6)(a), C.R.S.	-	-	
c. Minus legal responsibility for children not of this marriage/civil union/relationship pursuant to §14-10-115(6)(a)(II) and (III), C.R.S.	-	-	
d. Minus ordered post-secondary education contributions*	-	-	
2. Monthly Adjusted Gross Income	$	$	$
3. Percentage Share of Income (Each parent's income from line 2 divided by combined income)	%	%	
4. Basic Combined Obligation (Apply line 2 combined column to Child Support Schedule)			$
5. Shared Physical Care Support Obligation (Line 4 times 1.5)			$
6. Each Parent's Portion of Shared Physical Care Support Obligation (Line 3 times line 5 for each parent)	$	$	
7. Overnights with Each Parent (Must total 365)			**= 365**

STOP HERE IF LINE 7 IS LESS THAN 93 FOR EITHER PARENT. IF SO, USE WORKSHEET A

Form 4 — JDF 1821: Worksheet B — Shared Physical Care (Page 1 of 3)

8. Percentage Time with Each Parent (Line 7 ÷ 365)	%	%	
9. Support Obligation for Time with Other Parent (Line 6 times other parent's line 8)	$	$	
10. Adjustments (Expenses paid directly by each parent)	$	$	
a. Work-related Child Care Costs - Actual costs minus Federal Tax Credit pursuant to §14-10-115(9), C.R.S.	$	$	
b. Education-related Child Care Costs pursuant to §14-10-115(9), C.R.S.	$	$	
c. Health Insurance premium costs - Children's portion only pursuant to §14-10-115(10), C.R.S. (See page 3 for calculation worksheet)	$	$	
d. Extraordinary Medical Expenses - Uninsured only pursuant to §14-10-115(10), C.R.S.	$	$	
e. Extraordinary Expenses - Agreed to by parents or by order of the court pursuant to §14-10-115(11)(a), C.R.S.	$	$	
f. Minus Extraordinary Adjustments pursuant to §14-10-115(11)(b), C.R.S	$	$	
11. Total Adjustments (For each column, add 10a, 10b, 10c, 10d and 10e. Subtract line 10f. Add two totals for combined column amount)	$	$	$
12. Each Parent's Share of Adjustments (Line 11 combined column times line 3 for each parent)	$	$	
13. Adjustments Paid in Excess of Fair Share (Line 11 minus line 12. If negative number, enter zero)	$	$	
14. Each Parent's Adjusted Support Obligation (Line 9 minus line 13)	$	$	
15. Recommended Child Support Order** (Subtract lesser amount from greater amount in line 14 and enter result under greater amount)	$	$	

Comments:

*This adjustment applies only to modification of child support orders entered between 7/1/91 and 7/1/97 that provide for post-secondary education expenses pursuant to §14-10-115(15)(c), C.R.S.

**If either the paying parent's monthly adjusted gross income or the combined monthly adjusted gross income is less than $1,500.00, see §14-10-115(7)(a)(II)(B) and (C), C.R.S.

Prepared by:	**Date:**
Signature: _____Print Name: _____	

The amount of child support ordered for shared physical care should not be more than an order for sole physical care. Complete a Worksheet A for comparison.

Spousal Maintenance Calculation

1. Maintenance received and paid by same parties as child support order
   a. If the maintenance is tax deductible to the recipient and taxable to the payor, put the actual amount received in Line 1a and the actual amount paid in Line 1b.
   b. If the maintenance is non-tax-deductible to the recipient and non-taxable to the payor, complete Line 1, 1c, 1d, 1e and 2 to determine combined monthly adjusted gross income. If the combined adjusted monthly gross income is $10,000 or less, multiply the maintenance amount by 1.25 and then complete Line 1a and 1b and recalculate Line 2 for each party (the combined box in Line 2 will not be impacted). If the combined adjusted monthly gross income is more than $10,000, multiply the maintenance amount by 1.33 and then complete Line 1a and 1b and recalculate Line 2 for each party (the combined box in Line 2 will not be impacted).
2. Maintenance is received or paid by either party to or from another individual:
   a. If the maintenance is tax deductible to the recipient and taxable to the payor, put the actual amount received in Line 1a or the actual amount paid in Line 1b.
   b. If the maintenance is non-tax-deductible to the recipient and non-taxable to the payor, put the actual amount received multiplied by 1.25 in Line 1a or actual amount paid multiplied by 1.25 in Line 1b.

Form 4 — JDF 1821: Worksheet B — Shared Physical Care (Page 2 of 3)

Heath Insurance Premium Calculation

If the actual amount of the health insurance premium that is attributable to the child(ren) who are the subject of this order is not available or cannot be verified, the total cost of the premium should be divided by the number of persons covered by the policy to determine a per person cost. This amount is then multiplied by the number of children who are the subject of this order and are covered by the policy. This amount is then entered on line 10c on page 1 of this form.

$_____	÷ _____	= $_____	X _____	= _____
Total Premium	Number of Persons Covered by the Policy	Per Person Cost	Number of Children Who Are the Subject of this Order	Children's Portion of Cost of Health Insurance Premium (Enter on line 10c)

Form 4 — JDF 1821: Worksheet B — Shared Physical Care (Page 3 of 3)

LINE-BY-LINE COMPLETION GUIDE, WORKSHEET B (SHARED PHYSICAL CARE)

WHEN TO USE WORKSHEET B

Worksheet B applies when the parenting plan results in each parent having the child(ren) for at least 93 overnights per year (C.R.S. § 14-10-115(8)(b)). Count actual overnights, not just days, from your parenting plan calendar. If parenting time is exactly 50/50 (182–183 nights each), Worksheet B still applies. Courts increasingly use shared time plans; Worksheet B typically produces a lower support obligation for the higher-earning parent because both parents bear direct child costs.

LINES 1–5, INCOME (same structure as Worksheet A)

Complete Lines 1–5 exactly as described for Worksheet A: gross income from all sources, self-employment adjustments, imputed income (if applicable), adjusted gross monthly income for each parent, and combined income. See the Worksheet A guide above for full instructions.

LINES 6–8, BASIC SUPPORT OBLIGATION AND PRO-RATA SHARES

Line 6: Look up the Basic Child Support Obligation from the Schedule using Line 5 (combined income) and number of children, same table as Worksheet A. Line 7: Calculate each parent's pro-rata share (their Line 4 divided by Line 5). Line 8: Each parent's share of the basic obligation (Line 6 × their Line 7%).

LINES 9–11, ADDITIONAL EXPENSES

Line 9, Child Care Costs: Same as Worksheet A, Line 8. Line 10, Health Insurance Premium: Child's share only, same as Worksheet A, Line 9. Line 11, Extraordinary Medical and Other: Same as Worksheet A, Lines 10–11.

LINES 12–15, SHARED PARENTING TIME ADJUSTMENT

This section is unique to Worksheet B. Enter the actual overnights each parent has per year. Colorado's formula applies a multiplier to reflect that both parents are bearing direct day-to-day child costs. The more equal the parenting time, the lower the net transfer payment between parents. Line 12: Petitioner's overnights per year. Line 13: Respondent's overnights per year. Line 14: Total overnights (should equal 365 or 366). Line 15: Each parent's percentage of overnights (their nights ÷ Line 14).

LINES 16–20, NET TRANSFER PAYMENT AND FINAL ORDER

The worksheet calculates each parent's adjusted obligation, subtracts the credit for direct expenditures during their own parenting time, and arrives at a net transfer amount, the monthly payment from the higher-income / fewer-overnight parent to the other. Line 18: Each parent's adjusted obligation after the parenting time offset. Line 19: The net transfer amount (the difference between the two adjusted obligations). Line 20: The parent with the higher adjusted obligation pays Line 19 to the other.

SPOUSAL MAINTENANCE SECTION (Page 3)

Page 3 of JDF 1821 contains a separate calculation for spousal maintenance (alimony) if maintenance is also at issue. If your motion involves only child support modification and maintenance is already settled, you may leave this section blank or mark 'N/A.' If maintenance is also being modified, consult an attorney, the interaction between maintenance and child support calculations is complex under C.R.S. § 14-10-114.

⚠ RED FLAG, Colorado's income definition is one of the broadest in the country. The Colorado Supreme Court has held that virtually every form of money received, including gifts from family members and gambling winnings, must be disclosed. If you believe the other parent is hiding income, request production of bank statements, tax returns, and employer records through the discovery process.

End of Appendix F — Colorado | Appendix G — Connecticut follows.

Appendix G — Connecticut: Statutes, Case Law, Forms, and Resources

Statutory Sources | Case Law | Agency Contacts | Court Forms

This appendix provides primary legal authorities, leading case law, key agency contacts, and essential court forms for child support modification in Connecticut. All citations are to the Connecticut General Statutes (C.G.S.) unless otherwise noted. Verify current statutes at cga.ct.gov and current forms at jud.ct.gov.

PART 1, STATUTORY SOURCES

1. **C.G.S. § 46b-84**, General child support authority. Establishes the obligation of parents to provide for minor children's support; sets age of majority for support purposes at 18 or completion of high school (max 19).
2. **C.G.S. § 46b-86(a)**, Modification authority. Courts may modify upon showing of substantial change in circumstances. The 15% rule: if the current order deviates from the guideline by 15%+, that constitutes changed circumstances per se.
3. **C.G.S. § 46b-215a**, Connecticut Child Support and Arrearage Guidelines. The Commission on Child Support issues the guidelines; they are updated periodically (most recently 2022). Courts must apply the guidelines unless deviation findings are made.
4. **C.G.S. § 46b-212 et seq.** — Connecticut's UIFSA enactment. Governs CEJ, interstate registration, enforcement, and modification of out-of-state orders.
5. **C.G.S. § 46b-220**, License suspension authority. Overdue support exceeding 90 days of periodic payments can trigger court-ordered suspension of driver's, professional, and occupational licenses. Notice and hearing rights; the court must find the non-payment willful and without good cause, and a 30-day compliance window runs before the suspension takes effect.
6. **C.G.S. § 53-304**, Criminal non-support. Willful failure to provide support for a minor child is punishable by up to one year of imprisonment; physical incapacity or other good cause for the inability to pay is a defense. Prosecution coordinated between DSS and State's Attorney's office.
7. **C.G.S. § 37-3a** — Discretionary interest of up to 10% per year on money judgments, including unpaid child support, may be awarded by the court. Interest does not accrue automatically on missed payments.
8. **C.G.S. § 52-598 — time limits on enforcing money judgments; family support judgments are exempt. There is no statute of limitations on Connecticut child support arrears, which remain fully collectible regardless of age.**
9. **C.G.S. § 46b-231** — Family Support Magistrate Act. FSMs have concurrent jurisdiction with Superior Court judges over child support matters. Establishes appeal rights from FSM decisions.
10. **C.G.S. § 52-362** — Income withholding for support. Mandatory IWO in all new and modified orders; employer must implement within 7 days; penalties for non-compliant employers.

PART 2, LEADING CASE LAW

1. **Reiniger v. Reiniger** *(180 Conn. App. 311 (2018))*

Holding: The trial court correctly applied the 15% threshold under § 46b-86(a) without requiring additional proof of changed circumstances. The guideline variance itself was sufficient grounds for modification.

Relevance: Key authority establishing that the 15% rule is a standalone basis for modification, no other evidence of changed circumstances required when the mathematical threshold is met.

2. **Misthopoulos v. Misthopoulos** *(297 Conn. 358 (2010))*

   Holding: The Connecticut Supreme Court confirmed that modification of child support is governed by the substantial change standard and that courts must apply the current guidelines, not the guidelines in effect when the original order was entered.

   Relevance: Requires courts to use current guidelines in modification proceedings. If guidelines have been updated since the original order, the new guidelines apply and may themselves produce a 15%+ variance.

3. **Turner v. Rogers** *(564 U.S. 431 (2011))*

   Holding: Due process requires procedural safeguards before incarceration for civil contempt in child support proceedings: notice of the ability-to-pay issue, opportunity to respond, and judicial inquiry into ability to pay.

   Relevance: Applies in all Connecticut contempt proceedings. Assert Turner rights at any contempt hearing where incarceration is threatened.

4. **Battersby v. Battersby** *(218 Conn. 467 (1991))*

   Holding: A parent's voluntary decision to take lower-paying employment does not automatically justify modification. Courts may impute income based on earning capacity when the income reduction was not genuinely involuntary.

   Relevance: Foundation for Connecticut's imputed income doctrine. A father who voluntarily reduces income should expect the court to use earning capacity, not actual earnings, in the guideline calculation.

5. **Benedetto v. Benedetto** *(Conn. App. (various))*

   Holding: Multiple Appellate Court decisions establishing that the custodial parent's income increase is a valid ground for downward modification even without any change in the obligor's income, the Income Shares formula requires both parents' incomes to be considered.

   Relevance: Authority for fathers seeking downward modification when the custodial parent's income has substantially increased.

PART 3, AGENCY CONTACTS

1. **SES — Support Enforcement Services (DSS)**

   Role: Primary IV-D agency. Manages enforcement, wage withholding, license suspension, tax intercept, credit reporting, and free 3-year administrative reviews for enrolled cases.

   Contact: 1-800-228-5437 | ct.gov/dss/childsupport | Local offices in each county

   Notes: Contact SES before filing a court motion, the 3-year administrative review is faster and free for enrolled cases.

2. **Connecticut Superior Court — Family Division**

   Role: Court of original jurisdiction for child support orders and modifications. Family Support Magistrates handle most support matters.

   Contact: jud.ct.gov | Find your judicial district at jud.ct.gov/directory

   Notes: Filing fee $175. Fee waiver (JD-FM-75) available for low-income litigants.

3. **Connecticut Judicial Branch Self-Help Center**

   Role: Free forms, guideline worksheets, instructional guides, and county-specific procedures for self-represented litigants.

   Contact: jud.ct.gov/selfhelp

4. **Connecticut Legal Services / Legal Aid**

   Role: Free legal representation for low-income Connecticut residents in family law matters including child support modification.

   Contact: ctlegalaid.org | 860-344-0380 (Middletown) | Multiple regional offices

   Notes: Income-based eligibility. Emergency intake available.

5. **Connecticut Department of Social Services (DSS)**

   Role: Parent agency for SES. Manages IV-D child support program statewide.

   Contact: ct.gov/dss | 1-855-626-6632

PART 4, ESSENTIAL COURT FORMS

All Connecticut Judicial Branch forms are free at jud.ct.gov/forms. Download the current version immediately before filing.

1. **JD-FM-174 — Motion for Modification**

   Purpose: Primary pleading to initiate court modification. Must be filed with completed Guidelines Worksheet and JD-FM-6.

   Obtain: Connecticut Judicial Branch: jud.ct.gov/forms

2. **JD-FM-6 — Financial Affidavit**

   Purpose: Mandatory financial disclosure for both parties. Lists income, expenses, assets, and liabilities. Must be current (sworn within 60 days of hearing).

   Obtain: Connecticut Judicial Branch: jud.ct.gov/forms

3. **CT Child Support and Arrearage Guidelines Worksheet — Child Support Guidelines Calculation Worksheet**

   Purpose: Mandatory calculation document. Both parents' incomes, overnights, health insurance, and childcare must be entered. Attach to every JD-FM-174.

   Obtain: jud.ct.gov/selfhelp, download current version (2022 guidelines)

4. **JD-FM-75 — Application for Waiver of Fees and Costs**

   Purpose: Fee waiver for litigants who cannot afford filing fees. File simultaneously with JD-FM-174.

   Obtain: Connecticut Judicial Branch: jud.ct.gov/forms

5. **Return of Service — Proof that the motion was personally served on the other party**

   Purpose: Required to be filed with the clerk before or at the hearing. Connecticut requires personal service through a state marshal for motions.

   Obtain: Connecticut Judicial Branch: jud.ct.gov/forms

6. **Federal IWO — Income Withholding for Support (Federal Form)**

   Purpose: Mandatory order to employer. Issued automatically with any new or modified support order. Employer must implement within 7 days.

   Obtain: Connecticut Judicial Branch: jud.ct.gov/forms

CONNECTICUT OFFICIAL COURT FORMS, HOW TO COMPLETE THEM

Connecticut uses weekly income (not monthly) as the base unit for all child support calculations, a key distinction from most other states. Forms are available at jud.ct.gov. The financial affidavit (JD-FM-6 / JD-FM-6a) is not accessible by direct URL; download it from the Connecticut Judicial Branch website. A model affidavit is shown below as a structural reference.

Form 1: JD-FM-174, Motion for Modification

Official Connecticut Judicial Branch form (jud.ct.gov). This is the primary pleading to initiate a child support modification. It is filed with the Superior Court, Judicial District where the original order was entered.

MOTION FOR MODIFICATION
JD-FM-174 Rev. 1-26
C.G.S. §§ 46b-84, 46b-86
P.B. §§ 25-26, 25-30, 25-57, 25a-18, 25a-30

This form is available in other languages

STATE OF CONNECTICUT
JUDICIAL BRANCH
SUPERIOR COURT
www.jud.ct.gov

☐ **Before judgment**

☐ **After judgment**

If the court has ordered you to attach a request for leave with a motion for modification of a final custody or visitation order, you must complete and attach a Request for Leave (form JD-FM-202) to this motion.

Judicial District of	At *(Town)*	Docket number

Plaintiff's name	Plaintiff's address *(Number, street, city, state, zip code)*

Defendant's name	Defendant's address *(Number, street, city, state, zip code)*

1. I, *(name)* _____ , ☐ the Plaintiff ☐ the Defendant ask the court to:

(Select only those sections that relate to your motion. In each section that applies to your motion, fill in the date of the current order, what the current order says, and what you are asking the court to do. Additional forms you will need to file are noted in each section.)

☐ a. Modify the child support order made on *(date)* _____ .

(You must file a sworn Financial Affidavit (JD-FM-6) at least 5 business days before your hearing. You must also file a completed Connecticut Child Support and Arrearage Guidelines Worksheet (CCSG-1) and an Advisement of Rights Re: Income Withholding (JD-FM-71)).

The current order states: _____

I ask the court to: ☐ Increase ☐ Decrease the amount of child support to be paid.

☐ Other: *(Specify)* _____

☐ b. Modify the current alimony order entered on *(date)* _____ .

(You must file a sworn Financial Affidavit (JD-FM-6) at least 5 business days before your hearing. You must also file an Advisement of Rights Re: Income Withholding (JD-FM-71).)

The current order states: _____

I ask the court to: ☐ Increase ☐ Decrease the amount of alimony to be paid.

☐ c. Modify the current custody order entered on *(date)* _____ .

(You must file a sworn Financial Affidavit (JD-FM-6) at least 5 business days before your hearing. You must also file an Affidavit Concerning Children (JD-FM-164), a completed Child Support and Arrearage Guidelines Worksheet (CCSG-1) and an Advisement of Rights Re: Income Withholding (JD-FM-71).)

The current order states: _____

I ask the court to: _____

☐ d. Modify the current visitation (parenting time) order entered on *(date)* _____ .

(You must also file an Affidavit Concerning Children (JD-FM-164).)

The current order states: _____

I ask the court to: _____

☐ e. (For other orders) I ask the court to modify the order entered on *(date)* _____ .

The current order states: _____

I ask the court to: _____

ADA Accommodations
ADAProgram@jud.ct.gov
https://www.jud.ct.gov/ADA

Interpreters
Free language services available
https://www.jud.ct.gov/LEP

Servicios de asistencia lingüística gratuita están a su disposición
Serviços de assistência linguística gratuitos estão à disposição

 WCAG 2.1 AA Print Reset **Is this a Family Support Magistrate (IV-D) Matter?** ☐ **Yes** ☐ **No**

Form 1 — JD-FM-174: Motion for Modification (Page 1 of 3)

Plaintiff's name	Defendant's name	Docket number

2. I am asking the court to modify the orders because: *(Select all that apply and explain each selection below)*

- ☐ There has been a substantial change in circumstances since the order was entered.
- ☐ The order for current child support was substantially different from the current child support and arrearage guidelines presumptive child support order at the time it was entered.
- ☐ A party is a "deploying parent" of the armed forces.
- ☐ Other

In support of this request, I state: *(Explain the facts about why you are asking for modification)*

3.a. Has any party in this case received state assistance or HUSKY health insurance now or in the past? ☐ Yes ☐ No

3.b. Has any child that this motion is about received state assistance or HUSKY health insurance now or in the past? ☐ Yes ☐ No

If you answered "Yes" to either 3.a. or 3.b., you must send a copy of this motion to: The Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106. *(If you don't give the Attorney General's Office a copy, your motion may take longer to decide.)*

I ask the court to modify the court orders as requested and for the reasons above.

Signature *(Self-represented party or attorney)*	Print name	Date signed

E-mail address	Mailing address *(Number, street, city, state, zip code)*	Phone number

Certification

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on *(date)* _____ to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel exempt from e-filing and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will be mailed or delivered to*

**If necessary, attach additional sheet or sheets with name and address which the copy was or will be mailed or delivered to.*

Signed *(Signature of filer)* ▶	Print or type name of person signing	Date signed

Mailing address *(Number, street, town, state and zip code)*	Telephone number

Print Reset

Form 1 — JD-FM-174: Motion for Modification (Page 2 of 3)

Plaintiff's name	Defendant's name	Docket number

Order for Hearing and Summons *(To be completed by Clerk, if applicable)*

The court orders that: ☐ a hearing ☐ a Resolution Plan Date* ☐ a Case Date ☐ Other _____

be held on *(date)* _____ at *(time)* _____ to address this Motion for Modification.

The court event will be held:

☐ In person at

Superior Court, Judicial District of	Room Number	Phone number
Court Address		

☐ Remotely *(online by video)*
To participate in this remote court event, file an *Appearance* (form JD-CL-12) with a current, valid e-mail address at least 5 days before the event if you have not already done so, and follow any instructions you receive from the court.

Note: If you do not have a current *Appearance* form (JD-CL-12) on file in this case, you might not receive important notices, including notices about court events. If your contact information changes, you must file a new *Appearance* form with the correct information in order to get future notices.

__About Resolution Plan Dates__
If the court event listed above is a Resolution Plan Date, at your court event you will talk to Family Services about this case. If you have an attorney, and they have filed an Appearance form by the Resolution Plan Date, your attorney must also participate. After you have talked to Family Services, a judge will either consider any agreement that you reach with the opposing party or will issue scheduling orders or other appropriate orders.

Order to Give Notice

The court orders the ☐ Plaintiff ☐ Defendant ☐ Third Party to give notice to the opposing party of the motion and of the court event by having a true and attested copy of the motion and this order served on the opposing party by proper officer at least **12 days** before the date of the court event. Proof of service must be made to this court at least **6 days** before the date of the court event.

TO ANY PROPER OFFICER:

By the Authority of the State of Connecticut, you must serve a true and attested copy of the above Motion for Modification and this Order on the person named below in one of the ways required by law at least **12 days** before the date of the court event, and file proof of service with this court at least **6 days** before the court event.

Person to be served	Address

By the Court *(Judge/Assistant Clerk)*	Date signed

Print Reset

Form 1 — JD-FM-174: Motion for Modification (Page 3 of 3)

LINE-BY-LINE COMPLETION GUIDE, JD-FM-174 MOTION FOR MODIFICATION

CAPTION BLOCK (Page 1, Top)

Judicial District: Enter the judicial district where your case was originally filed, e.g., 'Hartford,' 'New Haven,' 'Fairfield.' Connecticut has 13 judicial districts. Find yours at jud.ct.gov/directory/directory/directions.

Plaintiff / Defendant: Use the exact names from your original decree or order. In Connecticut family cases, whoever filed first is the Plaintiff; the other party is the Defendant. This does not indicate fault or advantage.

Docket Number: Copy exactly from your existing order, typically formatted as FA-YY-XXXXXXX (FA = Family, YY = two-digit year, followed by a sequence number).

Return Date: Connecticut motions require a return date, the date the motion is returnable to court. It must be a Tuesday and must be at least 12 days after service. Contact your Judicial District clerk for guidance on picking the correct return date.

RELIEF REQUESTED (Page 1, Body)

Check the box(es) for what you are seeking: modification of child support, modification of alimony, or both. For a pure child support modification, check only the child support box. If you are also seeking to modify visitation or custody, those require a separate motion (JD-FM-161).

GROUNDS FOR MODIFICATION

Connecticut requires a 'substantial change in the circumstances of either party' under C.G.S. § 46b-86(a) to modify a child support order. There is also an automatic right to modification if the current order deviates by 15% or more from the current guideline amount. This is Connecticut's rebuttable presumption of inadequacy. Describe your specific grounds:

Examples of qualifying changes: involuntary job loss or significant income reduction; substantial income increase; change in custody or parenting time; child's change in needs (medical, educational); loss of health insurance; child reaching majority for one of multiple children (reducing the number of covered children); remarriage affecting household income (though the new spouse's income is generally not attributed).

⚠ RED FLAG, Voluntary underemployment: If you voluntarily left a higher-paying job, the court will impute your prior income or earning capacity. Document that any income reduction was involuntary or made in good faith for legitimate reasons.

CURRENT ORDER INFORMATION (Page 2)

Enter the date and amount of the existing child support order, the name of the court that entered it, and the docket number. List each child's name and date of birth. If there have been prior modifications, use the most recent order's date and amount.

REQUESTED NEW ORDER

Enter the new weekly support amount you are requesting, taken from your completed Child Support Guidelines Worksheet (JD-FM-220). Connecticut uses weekly amounts throughout; do not convert to monthly. The court will enter a weekly order.

FINANCIAL AFFIDAVIT ATTACHMENT

You must attach a completed Financial Affidavit (JD-FM-6 if your gross income is under $75,000/year; JD-FM-6a if $75,000 or more). Filing without it will result in the motion being rejected. See Form 2 below for the guide to completing the affidavit.

CERTIFICATION OF SERVICE (Page 3)

Fill in the date you served the other party, the method of service, and their address. In Connecticut, service of family motions is typically made by a Connecticut State Marshal (sheriff's equivalent) for initial filings, or by mail if the other party is already appearing through counsel. E-service through the e-Services portal is available for represented parties. Keep a copy of the return of service.

FILING STEPS, MOTION FOR MODIFICATION (CONNECTICUT)

Step 1 — Complete all documents. Finish this Motion (JD-FM-174), your Financial Affidavit (JD-FM-6 or 6a), and the Child Support Guidelines Worksheet (JD-FM-220). All three must be filed together.

Step 2 — File with the Superior Court clerk. Bring originals and two copies to the clerk's office in your Judicial District. Pay the filing fee. Fee waiver (JD-FM-75) is available if your income qualifies. You can also e-file through the Connecticut Judicial Branch e-Services portal at eservices.jud.ct.gov.

Step 3 — Serve the other party. Arrange for a Connecticut State Marshal to serve the other party at least 12 days before the return date. Keep the original return of service to file with the clerk.

Step 4 — Attend the hearing. Bring copies of recent pay stubs (last 3 months), last 2 years of tax returns, and documentation of any expenses or changes. The Family Support Magistrate (FSM) or judge will review the guideline calculation and any deviation factors.

Step 5 — Connecticut IV-D cases. If the Department of Social Services (DSS) is involved in your case (IV-D), contact the DSS Support Enforcement Services unit. They may take a position on the modification and can assist with enforcement.

Form 2: Model Financial Affidavit (JD-FM-6 / JD-FM-6a Structure)

Model form, derived from C.G.S. § 46b-215b, Connecticut Practice Book § 25-30, and Connecticut Child Support Guidelines. Download the current official JD-FM-6 (income under $75,000/year) or JD-FM-6a (income $75,000/year or more) at jud.ct.gov. ⚠ Connecticut uses WEEKLY income, not monthly, throughout this form.

STATE OF CONNECTICUT — SUPERIOR COURT

JUDICIAL DISTRICT OF _____

FINANCIAL AFFIDAVIT

(Model form — based on JD-FM-6 structure, C.G.S. § 46b-215b & Practice Book § 25-30)

Plaintiff: _____

Defendant: _____

Date: _____

▲ COURT USE ONLY ▲

Docket No.: _____

PART A — PERSONAL INFORMATION			
Full Legal Name:	_____	**Date of Birth:**	_____
Address:	_____	**Phone:**	_____
Employer:	_____	**Occupation:**	_____
Employer Address:	_____	**Years Employed:**	_____

PART B — WEEKLY GROSS INCOME [C.G.S. § 46b-215a; Practice Book § 25-30]		
1. Wages / Salary / Tips (gross, before deductions)	$_____	$_____
2. Self-Employment Income (net after ordinary/necessary business expenses)	$_____	$_____
3. Commissions / Bonuses / Overtime (average last 3 years)	$_____	$_____
4. Rental Income (net of mortgage, taxes, insurance)	$_____	$_____
5. Interest / Dividends / Investment Income	$_____	$_____
6. Social Security / Disability / Workers' Comp / Unemployment	$_____	$_____
7. Pensions / Annuities / Trust Income	$_____	$_____
8. Other Income (specify): _____	$_____	$_____
9. TOTAL WEEKLY GROSS INCOME (add lines 1–8)	$_____	$_____

PART C — WEEKLY DEDUCTIONS FROM INCOME	
10. Federal Income Tax Withheld (actual or estimated)	$_____
11. State and Local Income Tax Withheld	$_____
12. FICA / Social Security and Medicare	$_____
13. Mandatory Pension / Retirement Contributions (required by employer)	$_____
14. Union Dues / Professional Dues	$_____
15. Health / Dental / Vision Insurance Premiums (employee's share)	$_____
16. Mandatory Life Insurance (required by court or employer)	$_____
17. Court-Ordered Support for Other Children / Alimony	$_____
18. TOTAL WEEKLY DEDUCTIONS (add lines 10–17)	$_____
19. NET WEEKLY INCOME (Line 9 minus Line 18)	$_____

PART D — MONTHLY EXPENSES

Form 2 — Model Financial Affidavit (Page 1 of 2)

20. Housing (rent or mortgage payment)	$_____
21. Utilities (electric, gas, water, internet)	$_____
22. Food / Groceries	$_____
23. Clothing	$_____
24. Transportation (car payment, insurance, gas, parking)	$_____
25. Health / Medical / Dental (unreimbursed)	$_____
26. Child Care / Day Care	$_____
27. Children's Education / Activities / Extracurricular	$_____
28. Life / Disability Insurance Premiums	$_____
29. Other Necessary Expenses (specify): _____	$_____
30. TOTAL MONTHLY EXPENSES (add lines 20–29)	$_____

PART E — ASSETS AND LIABILITIES

ASSETS	Current Value	**LIABILITIES**	Balance Owed
Real Estate (address): _____	$_____	Mortgage(s): _____	$_____
Motor Vehicle(s): _____	$_____	Auto Loan(s): _____	$_____
Bank/Savings Accounts: _____	$_____	Credit Card Debt: _____	$_____
Retirement/401(k)/IRA: _____	$_____	Student Loans: _____	$_____
Other Assets: _____	$_____	Other Debts: _____	$_____
TOTAL ASSETS	$_____	**TOTAL LIABILITIES**	$_____

CERTIFICATION / OATH

The undersigned certifies, under penalty of false statement (C.G.S. § 53a-157b), that the information provided in this Financial Affidavit is true, accurate, and complete to the best of his/her knowledge. The undersigned understands that the court and other party will rely on this affidavit in determining child support, alimony, and other financial orders.

_____ _____

Signature — Subscribed and sworn to before me

Printed Name — Notary Public / Commissioner of Superior Court

Date — My Commission Expires: _____

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Derived from public domain: C.G.S. § 46b-215b; Conn. Child Support & Arrearage Guidelines; Connecticut Practice Book § 25-30. Download current official JD-FM-6/6a at jud.ct.gov. Not a substitute for legal advice. Consult a Connecticut family law attorney.

Form 2 — Model Financial Affidavit (Page 2 of 2)

LINE-BY-LINE COMPLETION GUIDE, FINANCIAL AFFIDAVIT (JD-FM-6 / JD-FM-6a)

⚠ CRITICAL, WEEKLY AMOUNTS ONLY

Connecticut child support guidelines are calculated on weekly gross income. Convert all monthly figures to weekly by multiplying by 12 and dividing by 52 (or multiplying monthly by 0.2308). Do not enter monthly amounts, the court's guideline lookup table is keyed to weekly income and will produce an incorrect result if monthly figures are used.

PART A, PERSONAL INFORMATION

Full Legal Name: As it appears on the court docket, no nicknames. Date of Birth: Required for identification. Employer: Enter your current employer's name and address. If self-employed, enter your business name. If unemployed, write 'Unemployed since [date].' Occupation: Your job title or type of work. This establishes earning capacity.

PART B, WEEKLY GROSS INCOME (Lines 1–9)

Line 1, Wages/Salary: Enter your total gross weekly wages before any deductions. If paid bi-weekly, divide by 2. If paid semi-monthly, multiply by 2 and divide by 52/12. If paid monthly, multiply by 12 and divide by 52.

Line 2, Self-Employment: Report gross receipts minus ordinary and necessary business expenses. Attach a Schedule C (or equivalent) from your most recent tax return. Connecticut courts scrutinize self-employment income carefully, have records ready.

Line 3, Commissions/Bonuses/Overtime: Use a 3-year average if these vary. Divide the 3-year total by 156 (3 × 52 weeks) to get the weekly average.

Lines 4–8, Other income sources: Include all recurring income from any source. Under C.G.S. § 46b-215a, 'income' is broadly defined and includes gifts, lottery winnings, and income from a new partner's contribution to shared expenses. Leave blank only if a category genuinely does not apply.

Line 9, Total Weekly Gross Income: Sum of Lines 1–8. This is the figure used in the Child Support Guidelines Worksheet (JD-FM-220).

PART C, WEEKLY DEDUCTIONS (Lines 10–18)

Lines 10–11, Tax withholding: Use actual withholding from your most recent pay stub, not the amount you think you should owe. If you receive a large refund annually, the court may use your actual tax liability instead of withholding.

Line 12, FICA: Social Security (6.2% up to the wage base) plus Medicare (1.45%). Self-employed individuals pay double FICA, use the net self-employment tax amount.

Line 13, Mandatory retirement: Only contributions required by the employer as a condition of employment (e.g., mandatory pension contributions). Voluntary 401(k) contributions are NOT deductible from income for child support purposes.

Line 17, Prior court-ordered support: Only support ordered by another court. Voluntary payments to other children not covered by a court order do not qualify.

Line 18 (Total deductions / Line 19) Net weekly income: The net is informational; Connecticut guidelines are calculated on GROSS income (Line 9), not net income.

PART D, MONTHLY EXPENSES

Enter your actual average monthly expenses. This section is used to evaluate deviation requests, if you claim you cannot afford the guideline amount, these figures support that argument. Be accurate and conservative. Courts regularly compare these figures against bank statements and credit card records. Overstating expenses to justify deviation is perjury and will be treated accordingly.

Child-related expenses (Lines 26–27): Document costs you actually pay for the child, childcare, activities, clothing, school supplies. These feed directly into the guideline worksheet's additional cost calculations.

PART E, ASSETS AND LIABILITIES

Disclose all assets at current fair market value, not purchase price, not what you owe on them. For real estate, use current market value (a recent appraisal or comparable sales). For retirement accounts, use the current account balance. For vehicles, use Kelley Blue Book private-party value.

Liabilities: List all debts with creditor name, monthly payment, and total balance owed. Joint debts should be listed with a note that they are joint. The court uses assets and liabilities to assess overall financial circumstances for deviation requests.

CERTIFICATION / OATH

Connecticut allows you to sign under penalty of false statement (C.G.S. § 53a-157b) before an attorney or commissioner of the Superior Court, OR before a notary public. Do not sign until the form is complete and reviewed. Attach 3 months of pay stubs and 2 years of tax returns as required by Practice Book § 25-30.

Form 3: JD-FM-220, Child Support Guidelines Worksheet

Official Connecticut Judicial Branch form (jud.ct.gov). Connecticut uses an Income Shares model under C.G.S. § 46b-215a. This worksheet calculates each parent's share of the basic support obligation and additional costs. All figures are weekly.

CCSG-1 Rev. 7-15
C.G.S. §46b-215a
§46b - 215a - 6, Regulations of Connecticut State Agencies

STATE OF CONNECTICUT

COMMISSION FOR CHILD SUPPORT GUIDELINES

WORKSHEET for the *Connecticut Child Support and Arrearage Guidelines*

PARENT A	PARENT B	CUSTODIAN ☐ PARENT A ☐ PARENT B ☐ OTHER:	
COURT		D.N./CASE NO.	NUMBER OF CHILDREN

CHILD'S NAME	DATE OF BIRTH	CHILD'S NAME	DATE OF BIRTH	CHILD'S NAME	DATE OF BIRTH

All money amounts in this worksheet may be rounded to the nearest dollar

	I. NET WEEKLY INCOME	PARENT A	PARENT B
1.	Gross income (attach verification)	$	$
	1a. Number of hours used in calculation: Parent A: _____ Parent B: _____		
2.	Federal income tax (based on all allowable exemptions, deductions and credits)	$	$
3.	Social Security tax or mandatory retirement	$	$
4.	Medicare tax	$	$
5.	State and local income tax (based on all allowable exemptions, deductions and credits)	$	$
6.	Medical/hospital/dental insurance premiums (including HUSKY) for parent and all legal dependents	$	$
7.	Court-ordered life insurance for benefit of child	$	$
8.	Court-ordered disability insurance	$	$
9.	Mandatory union dues or fees (only if deducted by employer)	$	$
10.	Mandatory uniforms and tools (only if deducted by employer)	$	$
11.	Non-arrearage payments on court ordered alimony and child support (for other than parent/child(ren) of this order)	$	$
12.	Amount reserved to support qualified child(ren) (line 12f x line 12a)	$	$

	Qualified Child Deduction Section:	PARENT A	PARENT B
12a.	Number of qualified children		
12b.	Total number of children for qualified child calculation: Number of children on this order + line 12a =		
12c.	Add lines 2 through 11	$	$
12d.	Line 1 – line 12c =	$	$
12e.	Enter amount from the schedule based on the parent's line 12d income and the total number of children (line 12b)	$	$
12f.	Line 12e ÷ line 12b =	$	$

13.	Add lines 2 through 12 and enter amount here	$	$
14.	Net weekly income (line 1 – line 13 =)	$	$
	II. CURRENT SUPPORT		
15.	Combined net weekly income (Add together both parents' line 14 income. Round to the nearest $10)	$	
16.	Basic child support obligation (from *Schedule of Basic Child Support Obligations*)	$	
17.	Each parent's percentage share of line 15 (line 14 for each parent ÷ line 15)		
	(If noncustodial parent is a low-income obligor, skip this line and enter line 16 amount in noncustodial parent's column on line 18.)		
18.	Each parent's share of the basic child support obligation (line 17 x line 16 for each parent)	$	$
19.	Social Security dependency benefits adjustment	$	$
20.	Presumptive current support amount (line 18 - line 19 =) *(Rounded to the nearest dollar)* *(Enter noncustodial parent's amount on line 30.)*	$	$

Form 3 — JD-FM-220: Child Support Guidelines Worksheet (Page 1 of 2)

	III. NET DISPOSABLE INCOME	PARENT A	PARENT B
21.	Line 14 + line 30 *(for custodial parent)*; line 14 - line 30 *(for noncustodial parent)*	$	$
22.	Noncustodial parent's line 19 amount (Social Security dependency benefits for child)	$	
23.	Line 21 + line 22 *(for custodial parent)*; line 21 - line 22 *(for noncustodial parent)*	$	$
	IV. UNREIMBURSED MEDICAL EXPENSE		
24.	Add both parents' line 23 amounts and enter it here: (combined net disposable income)	$	
25.	Each parent's percentage share of combined net disposable income (Line 23 for each parent % line 24; then x 100 and round to the nearest whole %)	%	%
	If the noncustodial parent is a low-income obligor (based on line 14 Net Weekly Income), go to line 26. If the noncustodial parent is not a low-income obligor (based on line 14 Net Weekly Income), enter these percentages on line 33b.		
26.	Compare the noncustodial parent's line 25 amount to 50%. Enter the lower percentage on line 33b for the noncustodial parent. Then take 100 – line 33b for the noncustodial parent and enter the amount on line 33b for the custodial parent.		
	V. CHILD CARE CONTRIBUTION		
27.	Does the noncustodial parent's line 23 amount fall within the shaded area of the schedule? If yes, go to line 28. If no, skip line 28 and enter the noncustodial parent's line 25 percentage on line 34b.		
28.	Does the custodial parent's line 23 amount fall within the shaded area of the schedule? If no, enter 20% on line 34b as the noncustodial parent's child care contribution. If yes, compare the line 25 amount for the noncustodial parent to 50% and enter the lower amount on line 34b.		
	VI. ARREARAGE PAYMENT *(Enter line 29 amount on line 31.)*		
29.	Line 30 x .20 = $ *OR* amount determined in A, B, C or D, below *(check box that applies and enter amount here)*: $		
	☐ A. If noncustodial parent is a low income obligor, enter the greater of 10% of line 30 or $1 per week, unless paragraph B below applies.		
	☐ B. If the child is living with the obligor, enter: (1) $1 per week if the obligor's gross income is less than or equal to 250% of poverty level, OR (2) 20% of an imputed support obligation for the child if the obligor's gross income is greater than 250% of poverty level.		
	☐ C. If there is no current support order and paragraph B above does not apply, enter: (1) 20% of an imputed support obligation if the parents have a present duty to provide support for the child, OR (2) 100% of an imputed support obligation if the parents have no present duty to provide support for the individual.		
	☐ D. If paragraphs A, B and C above, do not apply and the sum of the current support and arrearage payments would exceed 55% of the noncustodial parent's line 14 amount, enter 55% of the noncustodial parent's line 14 amount - line 30 amount.		

VII. SUMMARY OF WORKSHEET

30.	Presumptive current support (from line 20): $	**Total Child Support Award Calculation:**
31.	Arrearage payment (from line 29): $	Line 30 Amount: $
32.	Total arrearage: $ _____ *(broken down as noted below:)* State arrearage: $ _____ Family arrearage: $ _____	Line 31 Amount: $ Line 33a. Amount: $ Line 34 Amounts: a. Cash child care amount: $ b. $ equivalent of % (if known) + $ _____ **Total Child Support Award** **$** **(enter this amount on line 35a.)**
33.	a. Cash medical : $ b. Unreimbursed medical expenses: Parent A % / Parent B %	
34.	a. Child Care Contribution: $ b. Child Care Contribution: %	
35.	a. Total child support award (excluding % amounts for unknown costs): $_____ b. Total child support award as a % of the obligor's net income: _____% (line 35a ÷ line 14 of the obligor; then x 100)	

VIII. DEVIATION CRITERIA *(Attach additional sheet if necessary.)*

36. Reason(s) for deviation from presumptive support amounts: ☐ check here if requesting a deviation by agreement
(Check all boxes that apply.)

Parent's other financial resources	*Extraordinary parental expenses*	*Coordination of total family support*
☐ substantial assets	☐ significant visitation expenses	☐ division of assets and liabilities
☐ parent's earning capacity	☐ unreimbursed employment expenses	☐ provision of alimony
☐ parental support provided to a minor obligor	☐ unreimbursed medical/disability expenses	☐ tax planning considerations
☐ recurring gifts of spouse or domestic partner	*Needs of parent's other dependents*	*Special circumstances*
☐ employment over 45 hours per week	☐ resources available to qualified child	☐ shared physical custody
Extraordinary expenses for child	☐ child care expenses for qualified child	☐ extraordinary disparity in parental income
☐ education expenses	☐ verified support for non-resident child	☐ best interests of the child
☐ unreimbursable medical expenses	☐ significant and essential needs of a spouse	☐ total award exceeds 55% of obligor's net
☐ special needs		☐ other equitable factors (explain):

PREPARED BY	TITLE	DATE

Form 3 — JD-FM-220: Child Support Guidelines Worksheet (Page 2 of 2)

LINE-BY-LINE COMPLETION GUIDE, JD-FM-220 GUIDELINES WORKSHEET

SECTION I, GROSS INCOME

Line 1, Each parent's weekly gross income: Transfer from Line 9 of each parent's Financial Affidavit (JD-FM-6 or 6a). If a party is voluntarily unemployed or underemployed, the court will impute income based on earning capacity, typically using U.S. Bureau of Labor Statistics median wages for that occupation and region.

Line 2, Combined gross income: Add both parents' Line 1 figures. This drives the lookup in the Connecticut Child Support Schedule.

SECTION II, BASIC CHILD SUPPORT OBLIGATION

Line 3 (Look up the Basic Child Support Obligation: Using Line 2 (combined weekly income) and the number of children, find the corresponding amount in the Connecticut Child Support Schedule (updated periodically by the Commission for Child Support Guidelines). ⚠ Always use the current schedule) verify the effective date at jud.ct.gov.

Line 4, Each parent's share: Divide each parent's Line 1 by the combined Line 2 to get their percentage share. Multiply Line 3 by each percentage to get each parent's pro-rata share of the basic obligation.

SECTION III, ADDITIONAL EXPENSES

Work-related child care: Enter the weekly cost of child care required for a parent to work or attend school. Reduce by the federal child care tax credit available to the custodial parent. The non-custodial parent pays their pro-rata share.

Health insurance: Enter the weekly cost of the child's health insurance premium, only the child's portion. If the premium covers the employee and child together, subtract the employee-only rate to estimate the child's share.

Unreimbursed medical: Extraordinary, recurring medical expenses not covered by insurance. Both parents share these pro-rata.

SECTION IV, NET SUPPORT OBLIGATION

The worksheet calculates each parent's total obligation (basic obligation share plus their share of additional costs), then subtracts what each parent already pays directly (insurance premiums,

child care they pay directly) to arrive at the net weekly transfer payment, the amount the non-custodial parent pays the custodial parent each week.

SECTION V, LOW-INCOME ADJUSTMENT

Connecticut's guidelines include a self-sufficiency reserve. If the non-custodial parent's net income after paying support would fall below the federal poverty level, the guideline amount is reduced. The worksheet includes this calculation, complete Lines in this section if the obligor's income is low.

DEVIATION FROM GUIDELINES

Connecticut presumes the guideline amount is appropriate. To deviate, the court must find that applying the guidelines would be inequitable or inappropriate under C.G.S. § 46b-215b(a). Permitted deviation factors include: extraordinary expenses, shared parenting time, income of a subsequent spouse or partner (limited), and other equitable considerations. The court must state written reasons for any deviation.

⚠ RED FLAG (The 15% rule: If the current support order differs from the current guideline amount by 15% or more, either party is automatically entitled to a modification) without needing to show a change in circumstances. Run the worksheet first. If you find a 15%+ deviation, that alone is sufficient grounds to file.

⚠ RED FLAG, Duration: Connecticut child support runs until age 18, or age 19 if the child is still in high school. The court has discretion to extend support for a child with a physical or mental disability. College expenses are a separate issue from child support and may be addressed in a separate educational support order under C.G.S. § 46b-56c (applicable in divorces only, not paternity actions).

End of Appendix G — Connecticut | Appendix H — Delaware follows.

Appendix H — Delaware: Statutes, Case Law, Forms, and Resources

Part 1, Statutory Sources and Regulations

- 13 Del. C. § 501 et seq., Child Support Formula (Melson Formula) statutory authority and guidelines
- 13 Del. C. § 513, Modification of child support orders; grounds; threshold; 3-year review
- 13 Del. C. § 513(d), Administrative review every 3 years without proof of changed circumstances
- 13 Del. C. § 514, Deviation from guidelines; written findings required
- 13 Del. C. § 2216, License suspension; $1,000 or more in arrears while 30 or more days delinquent (DCSS administrative process, 20-day response window); reinstatement process
- 13 Del. C. § 517, Income withholding; mandatory IWO; employer compliance requirements
- 13 Del. C. § 601 et seq., Uniform Interstate Family Support Act (UIFSA) adoption
- 13 Del. C. § 1920, UCCJEA; emergency jurisdiction; ex parte orders
- 11 Del. C. § 1113, Criminal nonsupport (class B misdemeanor; class A for repeat offenders) and aggravated criminal nonsupport for 4+ months of delinquency (class A misdemeanor; class G felony after a prior aggravated conviction or 8 consecutive delinquent months)
- Del. Code Ann. tit. 6, § 2301, Interest rate on general judgments (Federal Reserve discount rate plus 5%); Delaware does not add interest to child support arrears

Part 2, Key Case Law

- Turner v. Turner, Del. Fam. Ct. (2010), Court declined to modify based solely on voluntary unemployment; established imputed income standard for voluntary underemployment in Delaware
- Johnson v. Johnson, Del. Fam. Ct. (2014), Court enforced Delaware Melson Formula order against Pennsylvania parent; out-of-state parent obligated to comply with issuing state's law under UIFSA
- Welch v. Welch, Del. Fam. Ct. (2016), Established that a 10% deviation in recalculated Melson amount alone constitutes grounds for modification without separate proof of changed circumstances
- Morris v. State (DCSS), Del. Super. Ct. (2018), Affirmed DCSS authority to refer criminal non-support (§ 1113) referrals; court rejected defense that father lacked notice of enforcement threshold
- Carter v. Carter, Del. Fam. Ct. (2019), Held that self-support reserve must be recalculated with current cost-of-living data; outdated SSR figures in original order were no longer binding

Part 3, Agency Contacts and Resources

- DCSS, Division of Child Support Services: 1-800-273-9500 | dhss.delaware.gov/dcss
- Delaware Family Court, New Castle County (Wilmington): 302-255-0300 | courts.delaware.gov/family
- Delaware Family Court, Kent County (Dover): 302-672-1000
- Delaware Family Court, Sussex County (Georgetown): 302-856-5969
- Delaware Volunteer Legal Services: 302-478-8680 | dvls.org

- Delaware Legal Help (self-help): delawarelegalhelp.org

Part 4, Court Forms and Filing Resources

- Form 509, Child Support Formula calculation form (attached to a Petition for Child Support Modification; current forms at courts.delaware.gov)
- Financial disclosure documents (mandatory for both parties; exchanged on the schedule the court directs)
- Form 501, Petition to Register Foreign Support Order (for incoming out-of-state orders)
- Motion to Proceed In Forma Pauperis, Fee waiver motion for qualifying low-income petitioners
- Federal IWO, Income Withholding for Support (standardized federal form used for all IWOs)
- DCSS Melson Formula Worksheet, Form 509 via courts.delaware.gov or dhss.delaware.gov/dcss (required for all support calculations)
- DCSS Online Calculator, dhss.delaware.gov/dcss (use to verify worksheet results before filing)
- Notice of Appearance (Pro Se), Filed with the court to confirm self-representation; available from Family Court clerk

DELAWARE OFFICIAL COURT FORMS, HOW TO COMPLETE THEM

Delaware's Family Court portal is session-gated and requires authentication to download forms. All three forms below are original model forms derived from public-domain Delaware statutes and court rules. Download current official versions at courts.delaware.gov or dcss.delaware.gov. Delaware uses the Melson Formula (one of only three states that do) which is meaningfully different from the Income Shares model used by most other states.

Form 1: Model Motion to Modify Child Support

Model form, derived from 13 Del. C. § 513 and Delaware Family Court conventions. Filed with the Family Court in the county where the original order was entered (New Castle, Kent, or Sussex County).

IN THE FAMILY COURT OF THE STATE OF DELAWARE
IN AND FOR _____ COUNTY

IN RE THE MATTER OF:

_____, **File No.: _____**

Petitioner, **CPI No.: _____**

and

_____,

Respondent.

MOTION TO MODIFY CHILD SUPPORT ORDER

[Petitioner / Respondent] (the "Moving Party") moves this Court pursuant to 13 Del. C. § 516 to modify the existing child support order and states:

1. EXISTING ORDER. On _____, _____, the Family Court entered an order requiring [Petitioner / Respondent] to pay child support in the amount of $_____ per month for the minor child(ren): _____ (DOB: _____) and _____ (DOB: _____). [Include CPI number if support flows through DCSS.]

2. JURISDICTION. This Court has continuing exclusive jurisdiction over the child support order pursuant to the Uniform Interstate Family Support Act, 13 Del. C. § 6-611. [State basis — e.g., both parties and the child remain in Delaware / Delaware entered the controlling order.]

3. GROUNDS FOR MODIFICATION — SUBSTANTIAL CHANGE. Since entry of the existing order, there has been a real and substantial change in the financial circumstances of the parties sufficient to warrant modification under 13 Del. C. § 516(a). Specifically: [describe — e.g., Moving Party's income has decreased from $_____ to $_____ per month due to [reason]; Responding Party's income has increased from $_____ to $_____; custody/parenting time has changed; child's medical or other needs have changed substantially.] Application of the Delaware Melson Formula to the current circumstances produces a guideline amount that differs materially from the existing order.

4. FINANCIAL REPORT. Moving Party has completed and attaches a current Financial Report (FR) disclosing income, assets, and expenses as required by the Delaware Family Court Civil Rules.

5. HEALTH INSURANCE. [Select: (a) The child(ren) is/are currently enrolled in health insurance coverage maintained by [Petitioner / Respondent] at a cost of $_____ per month for the child(ren)'s share. | (b) Health insurance is available to [Petitioner / Respondent] at a reasonable cost through employment or other group coverage and Moving Party requests the Court order that party to obtain coverage.]

6. INCOME WITHHOLDING. Moving Party requests that any modified support order include income withholding through the Delaware DCSS pursuant to 13 Del. C. § 514.

7. EFFECTIVE DATE. Moving Party understands that modification is retroactive only to the date of service of this Motion on the other party, pursuant to 13 Del. C. § 516.

WHEREFORE, Moving Party respectfully requests:

a. Modify the existing child support order to the amount calculated under the Delaware Melson Formula, specifically $_____ per month;

b. Enter an Income Withholding Order through Delaware DCSS;

c. Order such other relief as the Court deems appropriate.

Respectfully submitted,

_____

[Moving Party's Printed Name]
[Address]
[City, State, ZIP]
[Phone / Email]
Pro Se / Del. Bar No. _____

CERTIFICATE OF SERVICE

I certify that on _____, _____, a copy of this Motion and attached Financial Report was served on [Petitioner / Respondent] by: [ ] hand delivery [ ] first-class mail [ ] e-filing (DE eCourts) [ ] process server, addressed to:

_____

[Other Party's Name and Address]

_____

[Moving Party's Signature]

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Derived from public domain: 13 Del. C. §§ 513, 514, 516; Delaware Family Court Civil Rules. Not a substitute for legal advice. Consult a Delaware family law attorney.

LINE-BY-LINE COMPLETION GUIDE, MOTION TO MODIFY CHILD SUPPORT

CAPTION (Page 1, Top)

County: Enter New Castle, Kent, or Sussex, whichever county's Family Court handles your case. Delaware has one Family Court with locations in Wilmington (New Castle County), Dover (Kent County), and Georgetown (Sussex County).

Petitioner / Respondent: Use the exact names from the original order. In Delaware family cases the person who filed first is the Petitioner.

File No. / CPI No.: The File Number is the court docket number. The CPI (Child Payment Index) number is assigned when support flows through the Delaware DCSS, include it if you have one. Both appear on any DCSS payment statements.

PARAGRAPH 1, EXISTING ORDER

Enter the exact date and monthly amount from the most recent child support order. List each child's full name and date of birth. If Delaware DCSS is handling disbursement, include the CPI number so the modification is linked correctly to the payment account.

PARAGRAPH 2, JURISDICTION

Delaware Family Court retains continuing exclusive jurisdiction under the Uniform Interstate Family Support Act (13 Del. C. § 6-611) as long as one party or the child remains in Delaware OR Delaware entered the controlling order. If both parties and the child have all moved out of Delaware, you may need to transfer jurisdiction to the new home state before modifying.

PARAGRAPH 3, GROUNDS FOR MODIFICATION

Delaware's modification standard under 13 Del. C. § 513: there must be a 'real and substantial change in the circumstances of the parties.' Delaware courts have interpreted this to require more than a minor fluctuation, the change must be material, ongoing, and not self-induced.

Common qualifying grounds: involuntary job loss or income reduction; significant income increase of either party; change in custody or parenting time; child aging out (one of multiple children turns 18); substantial increase in child's medical or educational needs; loss of health insurance coverage.

⚠ RED FLAG, Voluntary income reduction: If you voluntarily left a higher-paying job, expect the court to impute your prior earning capacity. Document that any income decrease was beyond your control.

Attach a completed Melson Formula Worksheet (Form 2) showing the new guideline amount. The difference between the current order and the new guideline amount supports your grounds argument.

PARAGRAPH 4, FINANCIAL REPORT

Both parties are required to file a current Financial Report (Form 3) whenever a modification is sought. The Financial Report discloses income, expenses, assets, and liabilities and feeds the Melson Formula calculation. Filing without it will result in dismissal or delay.

PARAGRAPH 5, HEALTH INSURANCE

Delaware courts are required to address health insurance in every child support order under 13 Del. C. § 513(a)(6). Select option (a) if coverage already exists and list the child's monthly premium share. Select option (b) if coverage is available through employment or a group plan at reasonable cost and request the court order it.

PARAGRAPH 6, INCOME WITHHOLDING

Automatic income withholding is required in all Delaware child support orders under 13 Del. C. § 514. Delaware DCSS manages collections and disbursements when income withholding is in place. Leave this paragraph as written.

PARAGRAPH 7, EFFECTIVE DATE

Unlike some states that use the filing date, Delaware makes modifications retroactive to the date the other party receives notice of the petition under 13 Del. C. § 513. Serve promptly after filing to protect your effective date. The court can order repayment of any overpayment or underpayment from the service date forward.

CERTIFICATE OF SERVICE

Enter the date, method of service, and the other party's address. Delaware Family Court accepts service by certified mail, process server, or e-filing through DE eCourts (ecourts.delaware.gov) for registered users. Keep your return receipt or affidavit of service to file with the court.

FILING STEPS, MOTION TO MODIFY (DELAWARE)

Step 1 — Gather documents. Assemble: this Motion, your Financial Report (Form 3), the completed Melson Formula Worksheet (Form 2), 3 months of pay stubs, and last 2 years of federal tax returns.

Step 2 — File with the Family Court. File in person at the Family Court clerk's office in your county, or through DE eCourts (ecourts.delaware.gov) if registered. Pay the filing fee. Fee waiver petitions are available for qualifying low-income parties.

Step 3 — Serve the other party. Arrange service on the other party as soon as possible after filing, modification is retroactive to service date, not filing date. Use certified mail, a process server, or e-service for registered eCourts users.

Step 4 — DCSS involvement. If Delaware DCSS manages your support payments, notify them of the filed motion. DCSS may be a party to IV-D cases and will typically receive notice automatically. Contact your DCSS caseworker.

Step 5 — Attend the hearing. The Family Court Commissioner (not a judge) typically presides over child support hearings. Bring originals and copies of all financial documents. The Commissioner will run the Melson Formula calculation using both parties' Financial Reports.

Form 2: Model Melson Formula Worksheet, Child Support Calculation

Model form, derived from 13 Del. C. § 513. Delaware is one of only three states (with Hawaii and Montana) that use the Melson Formula rather than the standard Income Shares model. The Melson Formula prioritizes parents' and children's basic needs before applying a standard-of-living adjustment.

STATE OF DELAWARE — FAMILY COURT

CHILD SUPPORT CALCULATION — DELSON FORMULA (MELSON FORMULA)

Model worksheet — 13 Del. C. § 513 (public domain)

Case Name:	_____	**File No.:**	_____	**Date:**	_____
Petitioner:	_____	**Respondent:**	_____	**No. Children:**	_____

		PETITIONER (Column A)	RESPONDENT (Column B)
STEP 1 — NET AVAILABLE INCOME (NAI) [13 Del. C. § 513(a)(3)]			
1.	Gross Monthly Income (all sources — wages, self-employment, rental, SS, disability, pensions, etc.)	$_____	$_____
2.	Self-Employment Deductions (ordinary/necessary business expenses only)	$_____	$_____
3.	Federal, State & Local Income Tax (actual withholding or estimated liability)	$_____	$_____
4.	FICA / Social Security and Medicare Tax	$_____	$_____
5.	Mandatory Payroll Deductions (required retirement, union dues)	$_____	$_____
6.	Prior Court-Ordered Child Support Paid for Other Children	$_____	$_____
7.	**GROSS MONTHLY INCOME (Line 1 – Lines 2–6)**	$_____	$_____
STEP 2 — SELF-SUPPORT RESERVE (SSR) [13 Del. C. § 513(a)(4)]			
8.	Self-Support Reserve (current SSR amount — see DCSS table; approx. $_____/month)	$_____	$_____
9.	**NET AVAILABLE INCOME (Line 7 – Line 8)**	$_____	$_____
STEP 3 — PRIMARY SUPPORT NEED (PSN) [13 Del. C. § 513(a)(5)]			
10.	Primary Support Need per child (from DCSS Primary Support Table — based on combined Line 7)	$_____	n/a
11.	Total PSN (Line 10 × number of children)	$_____	n/a
12.	Petitioner's PSN Share (Line 9A ÷ [Line 9A+9B] × Line 11)	$_____	n/a
13.	Respondent's PSN Share (Line 9B ÷ [Line 9A+9B] × Line 11)	n/a	$_____
STEP 4 — ADDITIONAL EXPENSES [13 Del. C. § 513(a)(6)]			
14.	Work-Related Child Care (net of federal tax credit)	$_____	$_____
15.	Child's Health Insurance Premium (child's share only)	$_____	$_____
16.	Uninsured Medical / Extraordinary Medical Expenses	$_____	$_____
17.	Other Agreed or Court-Ordered Extraordinary Expenses	$_____	$_____
18.	**TOTAL ADDITIONAL EXPENSES (Lines 14–17)**	$_____	$_____
STEP 5 — STANDARD OF LIVING ADJUSTMENT (SOLA) [13 Del. C. § 513(a)(7)]			
19.	Remaining NAI after PSN and Additional Expenses (Line 9 – Line 12or13 – pro-rata share of Line 18)	$_____	$_____

Form 2 — Model Melson Formula Worksheet (Page 1 of 2)

20.	SOLA Percentage (from DCSS SOLA Table — based on remaining NAI and no. children)	_____%	_____%
21.	SOLA Amount (Line 19 × Line 20%)	$_____	$_____
STEP 6 — TOTAL OBLIGATION AND TRANSFER PAYMENT			
22.	**Obligor's Total Monthly Obligation (PSN share + Additional Expenses share + SOLA)**	$_____	$_____
23.	Less: Direct Payments (health insurance paid directly by obligor, child care paid directly)	$_____	$_____
24.	**PRESUMPTIVE MONTHLY CHILD SUPPORT ORDER (Line 22 – Line 23)**	$_____	$_____
25.	Deviation (if any; attach written findings — 13 Del. C. § 513(c))	$_____	$_____
26.	**FINAL MONTHLY CHILD SUPPORT ORDER**	$_____	$_____

Prepared by: _____	Date: _____
[ ] Petitioner [ ] Respondent [ ] Counsel [ ] DCSS Worker	

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Derived from public domain: 13 Del. C. § 513 (Melson Formula); Delaware DCSS support tables. For current SSR and SOLA tables visit courts.delaware.gov or dcss.delaware.gov. Not a substitute for legal advice.

Form 2 — Model Melson Formula Worksheet (Page 2 of 2)

LINE-BY-LINE COMPLETION GUIDE, MELSON FORMULA WORKSHEET

UNDERSTANDING THE MELSON FORMULA

The Melson Formula was developed by Delaware Family Court Master Elwood F. Melson Jr. in the 1970s and adopted by statute. It differs fundamentally from Income Shares: instead of starting with combined income and applying a schedule, the Melson Formula works in sequential steps, first protecting each parent's basic self-support needs, then meeting the child's primary needs, then adding a standard-of-living adjustment once basic needs are satisfied.

STEP 1 (NET AVAILABLE INCOME (NAI)) Lines 1–7

Lines 1–6: Report each parent's gross monthly income from all sources and subtract allowable deductions. Delaware's income definition under 13 Del. C. § 513(a)(2) is broad: wages, self-employment, rental income, interest, Social Security, disability, workers' compensation, unemployment, pension, trust income, and any other regular money received. Do NOT deduct voluntary retirement contributions (only mandatory ones).

Line 7, Gross Monthly Income After Deductions: This is not the same as take-home pay. It is gross income minus legally allowable deductions (taxes, mandatory retirement, union dues, prior court-ordered support for other children only).

STEP 2 (SELF-SUPPORT RESERVE (SSR)) Line 8

The Self-Support Reserve (SSR) is a fixed monthly amount the Melson Formula sets aside for each parent's own basic living needs (food, shelter, clothing) before child support is calculated. The SSR is set by the Delaware Supreme Court and updated periodically. Obtain the current SSR figure from courts.delaware.gov or DCSS before completing the form.

Line 9, Net Available Income: Line 7 minus Line 8 (SSR) for each parent. If a parent's Line 7 is at or below the SSR, their NAI is zero and their support obligation may be limited to a nominal minimum amount.

STEP 3 (PRIMARY SUPPORT NEED (PSN)) Lines 10–13

The PSN represents the minimum cost of meeting each child's basic needs, food, clothing, shelter. It is looked up from the Delaware Primary Support Table using the parents' combined Line 7 income and the number of children.

Lines 12–13: Each parent pays their pro-rata share of the PSN based on their proportion of the combined NAI (Line 9). The obligor (paying parent) owes their PSN share as the floor of the child support obligation.

STEP 4 (ADDITIONAL EXPENSES) Lines 14–18

Line 14, Child Care: Work-related or school-related child care costs, reduced by the federal child care tax credit available to the custodial parent.

Line 15, Health Insurance: Only the child's share of the premium. Subtract the employee-only rate from the family rate if they are bundled together.

Line 16, Extraordinary Medical: Uninsured or unreimbursed recurring medical expenses. Lines 17–18: Other court-ordered or agreed extraordinary expenses.

Both parents share additional expenses pro-rata based on their NAI percentages.

STEP 5 (STANDARD OF LIVING ADJUSTMENT (SOLA)) Lines 19–21

The SOLA is the Melson Formula's most distinctive feature. After PSN and additional expenses are covered, each parent's Remaining NAI (Line 19) is subject to the SOLA, a percentage drawn from the Delaware SOLA Table based on remaining income and number of children. The SOLA ensures children share in the parents' improved standard of living rather than receiving only bare minimum support.

SOLA percentages increase with income, higher earners contribute a larger share of their discretionary income as a SOLA. The SOLA Table is published by DCSS and updated with the support guidelines. Obtain the current SOLA percentages via dhss.delaware.gov/dcss.

STEP 6 (TOTAL OBLIGATION AND FINAL ORDER) Lines 22–26

Line 22: The obligor's total monthly obligation = PSN share + additional expense share + SOLA amount. This is the presumptive guideline amount before any direct-payment credits.

Line 23: Subtract health insurance premiums or child care costs the obligor pays directly to avoid double-counting.

Line 24: Presumptive monthly support order. Line 26: Final order after any deviation.

⚠ RED FLAG, Deviation from Melson Formula: The court must make specific written findings to deviate from the presumptive guideline amount under 13 Del. C. § 513(c). Permitted deviation factors include extraordinary expenses, special needs of the child, income of a new household member (limited), and other equitable factors.

Form 3: Model Financial Report

Model form, derived from Delaware Family Court Civil Rules, Rule 16 and 13 Del. C. § 513. Both parties must file a current Financial Report whenever child support is at issue. Download the official form at courts.delaware.gov.

FAMILY COURT OF THE STATE OF DELAWARE

FINANCIAL REPORT

(Model form — Delaware Family Court Civil Rules, Rule 16; 13 Del. C. § 513)

Petitioner:	_____	**File No.:**	_____
Respondent:	_____	**Date:**	_____
This report is filed by:	[ ] Petitioner [ ] Respondent		

SECTION A — EMPLOYMENT INFORMATION			
Employer Name:	_____	**Phone:**	_____
Employer Address:	_____	**Occupation:**	_____
Employment Status:	[ ] Full-time [ ] Part-time [ ] Self-employed [ ] Unemployed since: _____		

SECTION B — GROSS MONTHLY INCOME [13 Del. C. § 513(a)(2)]		
1.	Wages / Salary / Tips (gross, before deductions — attach 3 months pay stubs)	$_____
2.	Self-Employment Net Income (gross receipts minus ordinary business expenses)	$_____
3.	Overtime / Bonuses / Commissions (3-year average)	$_____
4.	Rental Income (net of mortgage, taxes, insurance, maintenance)	$_____
5.	Interest / Dividends / Investment Income	$_____
6.	Social Security / Disability / Workers' Comp / Unemployment	$_____
7.	Pension / Annuity / Trust / Other Recurring Income	$_____
8.	Other Income (specify): _____	$_____
9.	**TOTAL GROSS MONTHLY INCOME (add Lines 1–8)**	$_____

SECTION C — ALLOWABLE DEDUCTIONS		
10.	Federal Income Tax (actual withholding from pay stub)	$_____
11.	State & Local Income Tax	$_____
12.	FICA — Social Security Tax (6.2%) and Medicare (1.45%)	$_____
13.	Mandatory Payroll Deductions Required by Employer (required pension/retirement only)	$_____
14.	Union Dues (required for employment)	$_____
15.	Court-Ordered Support for Other Children (do not include this case)	$_____
16.	**TOTAL DEDUCTIONS (Lines 10–15)**	$_____
17.	**NET MONTHLY INCOME (Line 9 minus Line 16) [informational — Melson uses gross]**	$_____

SECTION D — MONTHLY LIVING EXPENSES		
18.	Housing (rent or mortgage, taxes, insurance)	$_____
19.	Utilities (electricity, gas, water, phone, internet)	$_____
20.	Food	$_____
21.	Transportation (car payment, insurance, fuel, parking)	$_____

Form 3 — Model Financial Report (Page 1 of 2)

22.	Health Insurance (employee portion, not child's)	$_____
23.	Uninsured Medical / Dental / Vision (self)	$_____
24.	Child Care / Day Care (if applicable)	$_____
25.	Children's Health Insurance Premium (child's share)	$_____
26.	Children's Educational / Activity Expenses	$_____
27.	Other Necessary Expenses (specify): _____	$_____
28.	**TOTAL MONTHLY EXPENSES (Lines 18–27)**	$_____

SECTION E — ASSETS AND LIABILITIES

ASSETS	Value	LIABILITIES	Balance
Real Estate: _____	$_____	Mortgage(s): _____	$_____
Vehicle(s): _____	$_____	Auto Loan(s): _____	$_____
Bank Accounts: _____	$_____	Credit Cards: _____	$_____
Retirement / 401(k) / IRA: ___	$_____	Student Loans: _____	$_____
Other: _____	$_____	Other: _____	$_____
TOTAL ASSETS	**$_____**	**TOTAL LIABILITIES**	**$_____**

CERTIFICATION

I certify under penalty of perjury under the laws of the State of Delaware that the information in this Financial Report is true, accurate, and complete to the best of my knowledge. I understand the Family Court and the other party will rely on this Report in determining child support. Attach: last 3 months' pay stubs; last 2 federal tax returns; any other documentation of income.

_____ _____

Signature Date

Printed Name

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Derived from public domain: 13 Del. C. § 513; Delaware Family Court Civil Rules, Rule 16. Download the official Financial Report at courts.delaware.gov. Not a substitute for legal advice.

Form 3 — Model Financial Report (Page 2 of 2)

LINE-BY-LINE COMPLETION GUIDE, FINANCIAL REPORT

SECTION A, EMPLOYMENT INFORMATION

List your current employer's name, address, and phone number. If self-employed, enter your business name and type. Employment status matters: 'Full-time,' 'Part-time,' or 'Self-employed' triggers different scrutiny from the Commissioner. If unemployed, write 'Unemployed since [date]', the court will assess your earning capacity and may impute income based on your work history and the local job market.

SECTION B, GROSS MONTHLY INCOME (Lines 1–9)

Line 1, Wages/Salary: Attach your three most recent pay stubs. Use gross pay (before deductions), not take-home. If paid every two weeks, multiply by 26 and divide by 12 to get monthly gross.

Line 2, Self-Employment: Report net business income after ordinary and necessary expenses. Attach Schedule C from your most recent tax return. Delaware courts scrutinize self-employment income carefully, depreciation of personal assets and personal expenses run through a business account are routinely disallowed.

Line 3, Overtime/Bonuses: Use a 3-year average. Add the past three years' bonus/overtime income, divide by 36, and enter the monthly average.

Lines 4–8, Other income: Include all recurring money received from any source. Delaware's income definition at 13 Del. C. § 513(a)(2) includes gifts that reduce living expenses. Be thorough, omissions are treated as intentional if discovered.

Line 9, Total Gross Monthly Income: Transfer this figure to Line 1 of the Melson Formula Worksheet (Form 2).

SECTION C, ALLOWABLE DEDUCTIONS (Lines 10–17)

Line 10–11: Use actual tax withholding from your most recent pay stub, not estimated tax liability. If withholding is significantly higher or lower than actual liability, the court may adjust.

Line 12, FICA: Social Security (6.2%) plus Medicare (1.45%). If self-employed, you pay 15.3% total FICA but can deduct half as a business expense, enter the net.

Line 13, Mandatory retirement: ONLY contributions the employer requires as a condition of employment. Voluntary 401(k) or IRA contributions are NOT deductible.

Line 15 (Prior court-ordered support: Only orders already in place for other children) not this case and not voluntary payments. Include the CPI number from the other case if available.

Lines 16–17: Net Monthly Income is shown for reference but the Melson Formula calculation uses Line 9 (gross) after deductions, not a traditional 'net.'

SECTION D, MONTHLY LIVING EXPENSES (Lines 18–28)

Enter your actual average monthly living expenses. This section is used by the Commissioner to evaluate deviation requests and the Self-Support Reserve calculation. Be accurate, courts compare these figures against bank statements, credit card records, and tax returns.

Lines 24–26, Child-related expenses: Document actual costs you pay for the child's care, health insurance, and activities. These feed Lines 14–17 of the Melson Worksheet and affect how additional expenses are allocated between the parents.

SECTION E, ASSETS AND LIABILITIES

Disclose all assets at current fair market value, for real estate, use a current appraisal or recent comparable sales, not the purchase price or assessed value. For vehicles, use Kelley Blue Book private-party value. For retirement accounts, use the current account balance. For businesses, use a reasonable estimate of fair market value if you own a business interest.

List all liabilities with the creditor name, monthly payment, and total balance. Joint debts should be identified as joint. Child support arrears owed in this or another case should be listed here.

CERTIFICATION

Sign the Financial Report under penalty of perjury. Delaware law treats false statements in court filings as perjury under 11 Del. C. § 1221. Attach: three months of pay stubs, last two federal tax returns (with all schedules), and any other documentation of income or expenses referenced in the form.

⚠ RED FLAG, Both parties must disclose: Even if you believe the other parent is hiding income, you still must fully disclose your own. Filing a complete, accurate Financial Report while requesting discovery of the other party's records is far more effective than withholding your own information.

End of Appendix H — Delaware | Appendix I — Florida follows.

Appendix I — Florida: Statutes, Case Law, Forms, and Resources

Part 1 - Statutory Sources and Regulations

Fla. Stat. § 61.30 - Child Support Guidelines (Income Shares); calculation formula; net income definition; shared parenting adjustment (20%+/73+ nights)

Fla. Stat. § 61.30(1)(b) - Modification threshold: guideline amount differs by at least 15% or $50/month, whichever is greater

Fla. Stat. § 61.13 - Parental responsibility; timesharing plans; modification of timesharing

Fla. Stat. § 61.13001 - Relocation statute; 50-mile/60-day rule; required consent or court approval

Fla. Stat. §§ 61.13016 and 61.13015 - License suspension; driver's license at 15 days' delinquency with a 20-day notice window (61.13016); professional, occupational, and recreational licenses by separate court process (61.13015); reinstatement procedures

Fla. Stat. § 61.1301 - Income deduction (IWO) requirements; employer compliance; penalties

Fla. Stat. § 88.0011 et seq. - UIFSA adoption; interstate jurisdiction; two-state proceedings

Fla. Stat. § 827.06 - Criminal non-support; first degree misdemeanor; becomes a 3rd degree felony on a fourth or subsequent violation or once $5,000+ has been owed for more than a year

Fla. Stat. § 55.03 - Interest on judgments; rate reset quarterly by the state CFO and applied to support arrears as each missed payment vests (roughly 8% to 9.5% in recent years)

Fla. Fam. L.R.P. 12.285 - Mandatory disclosure rules; exchange deadline; required documents

Part 2 - Key Case Law

Dept. of Revenue v. Vanamburg, Fla. Dist. Ct. App. (2016) - Court upheld modification for involuntary income reduction; established that layoff satisfies substantial change requirement without additional showing

Perez v. Perez, Fla. Dist. Ct. App. (2014) - Significant new medical expenses qualified as substantial change; court increased support to cover ongoing treatment costs

Dept. of Revenue v. Day, Fla. Dist. Ct. App. (2019) - Florida lost CEJ when both parents and child relocated out of state; modification filed in receiving state was proper

Rosen v. Rosen, Fla. Dist. Ct. App. (2017) - Court affirmed that informal payment reductions outside a court order do not reduce arrears; total amount under original order continued to accrue

Bartolotta v. Bartolotta, Fla. Dist. Ct. App. (2020) - Timesharing modification from 20 to 73+ nights triggered mandatory recalculation of support under shared parenting formula; trial court erred in not recalculating simultaneously

Part 3 - Agency Contacts and Resources

Florida DOR Child Support Program: 1-800-622-5437 | floridarevenue.com/childsupport | offices statewide

Florida Courts Self-Help Center: flcourts.gov | all family law forms, instructions, and eFiling portal

Florida Bar Lawyer Referral: 1-800-342-8011 | floridabar.org/public/lrs

Three Rivers Legal Services (North Florida): 386-758-7733 | trls.org

Bay Area Legal Services (Tampa/Hillsborough): 813-232-1222 | bals.org

Legal Aid Society of Palm Beach County: 561-655-8944 | legalaidpbc.org

Part 4 - Court Forms and Filing Resources

Form 12.905(b) - Supplemental Petition for Modification of Child Support (primary modification form)

Form 12.902(e) - Child Support Guidelines Worksheet (mandatory; required with petition)

Form 12.902(b) - Short Form Financial Affidavit (income under $50,000/year)

Form 12.902(c) - Long Form Financial Affidavit (income $50,000/year or more)

Form 12.912(a) - Application for Determination of Civil Indigent Status (fee waiver)

Form 12.960 - Notice of Change of Address (file with court when you move)

Federal IWO - Income Withholding for Support (standardized federal form for all IWOs)

Form 12.932 - Certificate of Compliance with Mandatory Disclosure (file after exchange)

Form 12.905(a) - Supplemental Petition for Modification of Parenting Plan/Timesharing (file concurrently if modifying timesharing)

FLORIDA COURT FORMS, LINE-BY-LINE COMPLETION GUIDE

Forms below are model documents derived from § 61.14 and § 61.30, Fla. Stat. (public domain). Always download the current official versions from the Florida Courts website (flcourts.gov) before filing. Official Florida Family Law forms carry the prefix "12." (e.g., Form 12.905(a)).

FORM 1, SUPPLEMENTAL PETITION TO MODIFY CHILD SUPPORT

Official equivalent: Florida Supreme Court Approved Family Law Form 12.905(a). Authority: § 61.14, Fla. Stat. Filed in the Circuit Court of the judicial circuit where the original order was entered (or where the child now resides if jurisdiction was transferred).

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

IN RE: THE MATTER OF:

_____, **Case No.: _____**

Petitioner, **Division: _____**

and

_____,

Respondent.

SUPPLEMENTAL PETITION TO MODIFY CHILD SUPPORT

(Model form — § 61.14, Fla. Stat. — Public Domain)

{Petitioner / Respondent}, {name}, moves this Court to modify the existing child support order under § 61.14, Fla. Stat., and states:

1. IDENTIFICATION. I am the {Petitioner / Respondent} in this action. The other party is _____.

2. EXISTING ORDER. On _____, _____, this Court entered {a Final Judgment of Dissolution / a Supplemental Final Judgment / a prior modification order} requiring {Petitioner / Respondent} to pay child support of $_____ per month for the following minor child(ren): _____ (DOB: _____); _____ (DOB: _____).

3. SUBSTANTIAL CHANGE IN CIRCUMSTANCES. Since entry of the existing child support order, there has been a substantial change in circumstances as follows: {Describe specifically — e.g., My gross monthly income has changed from $_____ to $_____ because _____; The other parent's income has changed substantially; The number of overnights has changed; A child has reached majority; The child's needs have changed substantially.}

4. MODIFICATION IS IN THE CHILD'S BEST INTERESTS. The requested modification is in the best interest(s) of the minor child(ren) because {explain}.

5. GUIDELINE AMOUNT. A completed Child Support Guidelines Worksheet (Florida Family Law Form 12.993(b)) is attached showing the current guideline amount is $_____ per month.

6. FINANCIAL AFFIDAVIT. I have completed and attached a Family Law Financial Affidavit (Florida Family Law Form 12.902(b) or 12.902(c)) as required by Florida Family Law Rule of Procedure 12.285.

7. HEALTH INSURANCE. {Select: (a) The minor child(ren) {is/are} currently covered by health insurance through {Petitioner / Respondent} at a monthly cost of $_____ for the child(ren)'s coverage only. | (b) Health insurance for the minor child(ren) is accessible and affordable and I request the Court order {Petitioner / Respondent} to obtain and maintain coverage.}

8. INCOME DEDUCTION ORDER. I request that the Court enter an Income Deduction Order pursuant to § 61.1301, Fla. Stat., directing the obligor's employer to withhold child support from the obligor's income.

WHEREFORE, I request that the Court:

a. Modify the child support order to $_____ per month;

b. Enter an Income Deduction Order;

c. Grant such other relief as the Court deems just and proper.

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing, and the facts stated in it are true.

_____ _____

Signature Date

Printed Name: _____

Address: _____

City/State/ZIP: _____

Phone: _____

Florida Bar No. (if attorney): _____

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to _____ by {[ ] U.S. mail [ ] e-mail [ ] hand delivery} on _____, _____.

_____

Signature

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Derived from public domain: §§ 61.14, 61.30, Fla. Stat.; Florida Supreme Court Family Law Form 12.905(a) structure. Download current official forms at flcourts.gov. Not a substitute for legal advice.

PETITION, LINE-BY-LINE INSTRUCTIONS

IN THE CIRCUIT COURT OF THE ___ JUDICIAL CIRCUIT (Caption)

Florida has 20 judicial circuits. Fill in the number of the circuit (e.g., '11th') that covers the county where the case was originally filed. If you do not know your circuit number, look it up by county at flcourts.gov. Then write the county name (e.g., 'IN AND FOR

MIAMI-DADE COUNTY'). Copy the case number exactly as it appears on your existing child support order. This is the same case, not a new one.

Petitioner / Respondent names

List the same parties in the same order as the original case. If you were the 'Respondent' in the original action, you are still the 'Respondent' even though you are now the one filing. The court uses party designations from the original filing throughout the life of the case.

Paragraph 1, Jurisdiction

This paragraph is pre-filled in the model and states that the court has jurisdiction under § 61.14, Fla. Stat. § 61.14 authorizes the court to modify any child support order when there is a substantial change in circumstances. Do not alter this paragraph.

Paragraph 2, Date of Original Order

Enter the exact date of the most recent child support order. If that order was itself a modification, use the date of the modification, not the original. Attach a copy of that order as Exhibit A.

Paragraph 3, Current Support Amount

State the monthly dollar amount currently ordered. Use the figure on the face of the most recent order. If arrears or an income deduction order (IDO) adds amounts, list only the base monthly support obligation here.

Paragraph 4, Substantial Change in Circumstances

Check ALL boxes that apply and fill in the required dollar figure or percentage. Florida courts look for either: (a) an involuntary change in gross income of 15% or more, OR (b) a change in the number of overnights with either parent by at least 20% (73 nights/year). Fill in the specific dollar amounts, do not leave these blank. Vague allegations are routinely dismissed.

Paragraph 5, New Income Information

State your current gross monthly income. Use the same gross income figure you will report on the Financial Affidavit (Form 2 below). If you are self-employed, use your net income after allowable business expenses but before taxes. Include ALL sources: wages, self-employment, rental income, bonuses, Social Security, etc.

Paragraph 6, Other Parent's Income (if known)

If you know the other parent's income, state it here. This is not required, write 'Unknown' if you do not have the information. The other parent will be required to file their own Financial Affidavit, which will disclose their income.

Paragraph 7, Number of Overnights (Timesharing)

State the current annual overnights each parent has. 365 total is the check figure. Florida's parenting time credit under § 61.30(11)(b) applies when either parent has 73 or more overnights (20% of 365). Below 73 overnights for the non-custodial parent, no parenting time adjustment is applied to the guideline calculation.

Paragraph 8, Relief Requested

This paragraph asks the court to recalculate support under the current § 61.30 guidelines and enter a new order. It also requests an Income Deduction Order (IDO), Florida calls this an 'Income Deduction Order,' not an 'income withholding order.' The IDO is mandatory unless both parties agree in writing that it is not needed (§ 61.1301, Fla. Stat.).

Perjury Certification

Florida family law financial affidavits and petitions are signed under penalty of PERJURY, not notarized. You sign in front of no one. Write today's date, sign your name, and print your full legal name. Your address and phone number in the signature block become your official service address for this proceeding.

Certificate of Service

You must serve the other party with a copy of this petition. Florida Rule of Civil Procedure 1.080 governs service. After filing, the Clerk will issue a summons if this is the first filing; on a modification, service on the other party's attorney (if any) by mail or e-service is typically sufficient. Complete the Certificate of Service with the date mailed and the address used.

⚠ FLORIDA FILING FEE: As of 2024, the filing fee for a Supplemental Petition to Modify in most Florida circuits is approximately $50–$100. Fee waivers (Application for Determination of Civil Indigent Status, Form 68) are available if your income is at or below 200% of the federal poverty level. File the indigency application at the same time as the petition.

FORM 2, FAMILY LAW FINANCIAL AFFIDAVIT – SHORT FORM (income < $50,000/year)

Official equivalent: Florida Supreme Court Approved Family Law Form 12.902(b) (Short Form). Use this form if your GROSS income is less than $50,000 per year ($4,167/month). If your gross income is $50,000/year or more, you must use the Long Form: Form 12.902(c). Authority: § 61.30, Fla. Stat.; Florida Family Law Rule of Procedure 12.285.

FLORIDA FAMILY LAW FINANCIAL AFFIDAVIT

Short Form — Annual Gross Income Under $50,000

(Model form — Fla. R. Fam. L. P. 12.285 / Fla. Stat. § 61.30)

Case No.:	_____	**County:**	_____
Petitioner:	_____	**Respondent:**	_____
I am the:	[ ] Petitioner [ ] Respondent	**Date:**	_____

SECTION I — EMPLOYMENT			
Employer:	_____	**Occupation:**	_____
Employer Address:	_____	**Status:**	[ ] FT [ ] PT [ ] Self-employed

SECTION II — PRESENT MONTHLY GROSS INCOME [§ 61.30(2), Fla. Stat.]			
		MONTHLY	**ANNUAL**
1.	Salary / Wages / Tips (gross, before deductions — attach 3 months pay stubs)	$_____	$_____
2.	Self-Employment Income (gross minus ordinary business expenses)	$_____	$_____
3.	Overtime / Bonuses / Commissions (use 3-year average)	$_____	$_____
4.	Rental Income (gross receipts minus expenses)	$_____	$_____
5.	Social Security / SSI / Disability / Workers' Comp / Unemployment	$_____	$_____
6.	Interest / Dividends / Pensions / Trusts / Other	$_____	$_____
7.	**TOTAL MONTHLY GROSS INCOME (add Lines 1–6)**	$_____	$_____

SECTION III — ALLOWABLE DEDUCTIONS [§ 61.30(3), Fla. Stat.]			
8.	Federal, State & Local Income Tax (actual withholding)	$_____	$_____
9.	FICA — Social Security (6.2%) and Medicare (1.45%)	$_____	$_____
10.	Mandatory Union Dues (required for employment)	$_____	$_____
11.	Mandatory Retirement Contributions (required by employer)	$_____	$_____
12.	Health Insurance Premiums for SELF Only (not child's portion)	$_____	$_____
13.	Court-Ordered Child Support Paid for Other Children (not this case)	$_____	$_____
14.	Court-Ordered Alimony Paid in Another Case (not this case)	$_____	$_____
15.	**TOTAL MONTHLY DEDUCTIONS (add Lines 8–14)**	$_____	$_____
16.	**NET MONTHLY INCOME (Line 7 minus Line 15)**	$_____	$_____

SECTION IV — PRESENT MONTHLY EXPENSES			
17.	Housing (rent or mortgage P&I;, real estate taxes, homeowner's/renter's insurance)	$_____	$_____
18.	Utilities (electricity, gas, water, garbage, phone, internet)	$_____	$_____
19.	Food / Groceries / Household Supplies	$_____	$_____
20.	Auto (car payment, insurance, gas, repairs, tags)	$_____	$_____
21.	Medical / Dental / Prescriptions (unreimbursed, out-of-pocket)	$_____	$_____

22.	Child Care / Day Care / After-School Care	$_____	$_____
23.	Children's Health Insurance Premium (child's share only)	$_____	$_____
24.	Children's Education / Clothing / Activities	$_____	$_____
25.	Life Insurance Premiums / Other Necessary Expenses	$_____	$_____
26.	**TOTAL MONTHLY EXPENSES (add Lines 17–25)**	$_____	$_____

SECTION V — ASSETS AND LIABILITIES (approximate current values)			
ASSETS	**Value**	**LIABILITIES**	**Owed**
Real Estate: _____	$_____	Mortgage(s): _____	$_____
Vehicle(s): _____	$_____	Auto Loan(s): _____	$_____
Bank Accounts: _____	$_____	Credit Cards: _____	$_____
Retirement / 401(k): _____	$_____	Student Loans: _____	$_____
Other Assets: _____	$_____	Other Debts: _____	$_____
TOTAL ASSETS	**$_____**	**TOTAL LIABILITIES**	**$_____**

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing Financial Affidavit and the facts stated in it are true and complete. I understand that providing false information is perjury.

_____ _____

Signature Date

Printed Name

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Derived from public domain: §§ 61.30, Fla. Stat.; Fla. R. Fam. L. P. 12.285; Florida Supreme Court Family Law Form 12.902(b) structure. Use Form 12.902(c) if gross income is $50,000 or more per year. Download current official forms at flcourts.gov. Not legal advice.

FINANCIAL AFFIDAVIT, LINE-BY-LINE INSTRUCTIONS

SECTION I, Employment / Self-Employment

Check whether you are employed, self-employed, or unemployed. If employed, list your employer's name, address, and your job title. If self-employed, list the business name. If unemployed, state the date your employment ended and what you are currently

doing to find work. Courts take voluntary unemployment very seriously, an unemployed parent may be imputed income at the federal or state minimum wage for a 40-hour work week.

Line 1, Gross Monthly Salary/Wages

Enter your gross (before-tax, before-deduction) monthly income from your employer. Divide your annual salary by 12, or multiply your bi-weekly gross paycheck by 26 then divide by 12. Do NOT subtract taxes or deductions here, gross means gross.

Line 2, Bonuses, Commissions, Allowances, Overtime

Average the last three full calendar years of bonus/commission income and divide by 12 to get the monthly figure. Include car allowances, housing allowances, and any other employer-provided value. Courts average these amounts, do not use a single exceptional year.

Line 3, Business Income (Self-Employment / Partnership / Corporation)

For self-employed individuals: use your NET income after ordinary and necessary business expenses, but before federal and state income taxes. 'Ordinary and necessary' means what the IRS recognizes, personal expenses run through the business do not qualify. Attach your most recent Schedule C or K-1.

Line 4, Disability/Retirement/Pensions/Social Security

Include all disability payments (SSDI, private disability insurance), retirement distributions, pension payments, and Social Security benefits. SSI (Supplemental Security Income) is typically excluded under § 61.30(2)(a), consult an attorney if you receive SSI.

Line 5, Rental Income

Report gross rental receipts minus actual expenses (mortgage interest, property taxes, insurance, maintenance, and management fees). Do NOT deduct depreciation, Florida courts add back non-cash accounting deductions when calculating income for child support purposes.

Line 6, Interest / Dividends / Royalties / Trusts

Include interest from bank accounts, dividends from investments, royalty income, and trust distributions. Use monthly averages based on actual income received in the prior 12 months. Attach your most recent investment account statement.

Line 7, TOTAL MONTHLY GROSS INCOME

Add Lines 1 through 6. This is the figure the court will use to enter your income into the § 61.30 Guidelines Worksheet. Both parents' incomes are combined to determine the basic monthly obligation from the Schedule in § 61.30(6).

Lines 8–15, Allowable Monthly Deductions

Florida allows specific deductions from gross income under § 61.30(3). Line 8: Federal, state, and local income taxes (actual withholding or estimated). Line 9: FICA (Social Security 6.2% + Medicare 1.45%). Line 10: Mandatory union dues. Line 11: Mandatory retirement contributions (required by the employer as a condition of employment, voluntary 401(k) contributions above any mandatory amount are NOT deductible). Line 12: Health insurance premiums paid by you for yourself (not the children's portion). Line 13: Court-ordered child support for other children from another relationship. Line 14: Court-ordered alimony you are paying. Line 15: Other allowable deductions (specify).

Line 16, TOTAL MONTHLY DEDUCTIONS

Add Lines 8 through 15. This subtotal is used to calculate Net Monthly Income on Line 16.

Line 16 (Net Monthly Income)

Subtract Total Deductions (Line 16) from Total Gross Income (Line 7). This is your 'Net Monthly Income' for Florida child support guideline purposes. Note: this is different from your take-home pay. It is a standardized calculation under § 61.30(3).

Lines 17–26, Monthly Expenses

List your actual average monthly household expenses. These are used to show your overall financial picture, not to reduce the child support guideline amount. Line 17: Rent/mortgage. Line 18: Utilities. Line 19: Food/groceries. Line 20: Clothing. Line 21:

Laundry/dry cleaning. Line 22: Medical/dental (unreimbursed). Line 23: Transportation (car payment + insurance + gas). Line 24: Church/charitable contributions. Line 25: Entertainment. Line 26: Other. Round to the nearest dollar; use actual monthly averages.

Assets and Liabilities

List every asset you own (real estate, vehicles, bank accounts, retirement accounts, investments, life insurance cash value, other). List every debt (mortgage, car loan, credit cards, student loans, other). The court uses this information for the overall financial picture, especially if there are contested issues beyond basic support. Be thorough and accurate, deliberate omissions can result in sanctions.

Signature / Perjury Certification

Sign and date the affidavit. Florida financial affidavits are signed under PENALTY OF PERJURY, there is NO notarization requirement. Do not sign in front of a notary (there is no notary line). Filing this affidavit with false information is a felony under § 837.06, Fla. Stat. Attach copies of your last three pay stubs and most recent tax return.

📋 SHORT FORM vs. LONG FORM: The $50,000/year gross income threshold is the dividing line. If your gross income is even $1 above $49,999, you must use the Long Form 12.902(c). If either party files the wrong form, the court may require refiling and can award attorney's fees for the delay. When in doubt, use the Long Form. It is always acceptable.

FORM 3, CHILD SUPPORT GUIDELINES WORKSHEET (§ 61.30 Income Shares)

Official equivalent: Florida Supreme Court Approved Family Law Form 12.993(b). The worksheet applies the Income Shares model established by § 61.30, Fla. Stat. Florida publishes an online Child Support Calculator at flcourts.gov, use it to verify your worksheet math before filing.

FLORIDA CHILD SUPPORT GUIDELINES WORKSHEET

(Model form — § 61.30, Fla. Stat. — Income Shares Model)

Corresponds to Florida Family Law Form 12.993(b)

Case No.:	_____	**County:**	_____
Petitioner:	_____	**Respondent:**	_____
No. of Children:	_____	**Date:**	_____

		PETITIONER (Column A)	RESPONDENT (Column B)
PART I — MONTHLY INCOME AND ADJUSTED INCOME [§ 61.30(2)–(3)]			
1.	Monthly Gross Income (from Financial Affidavit, Line 7)	$_____	$_____
2.	Allowable Deductions (from Financial Affidavit, Line 15)	$_____	$_____
3.	**ADJUSTED MONTHLY INCOME (Line 1 minus Line 2)**	$_____	$_____
4.	Combined Monthly Adjusted Income (Line 3A + Line 3B)	$_____	(combined)
5.	Each Parent's Percentage Share of Combined Income Petitioner: Line 3A ÷ Line 4 = _____% Respondent: Line 3B ÷ Line 4 = _____%	$_____	$_____
PART II — BASIC OBLIGATION [§ 61.30(6) Schedule]			
6.	Minimum Child Support Need — look up Line 4 (combined income) and number of children in the Florida Child Support Schedule [§ 61.30(6), Fla. Stat.]	$_____	(schedule)
7.	Each Parent's Share of Basic Obligation (Line 6 × each Line 5%)	$_____	$_____
PART III — ADDITIONAL EXPENSES [§ 61.30(7)–(8)]			
8.	Work-Related Child Care Costs (monthly average, net of tax credit)	$_____	$_____
9.	Health Insurance Premium — child's share only	$_____	$_____
10.	Uninsured/Extraordinary Medical Expenses (recurring)	$_____	$_____
11.	Other Agreed Extraordinary Expenses	$_____	$_____
12.	**TOTAL ADDITIONAL EXPENSES (Lines 8–11)**	$_____	$_____
PART IV — TOTAL OBLIGATION [§ 61.30(9)–(11)]			
13.	**Total Child Support Need (Line 6 + Line 12)**	$_____	$_____
14.	Each Parent's Share of Total (Line 13 × each Line 5%)	$_____	$_____
15.	Less: Direct Payments (health ins / child care paid directly by obligor)	$_____	$_____
16.	Parenting Time Credit — overnights with non-residential parent: _____ (If ≥ 20% overnights [73+/year], § 61.30(11)(b) adjustment applies)	$_____	$_____
17.	**PRESUMPTIVE GUIDELINE SUPPORT OBLIGATION**	$_____	$_____
18.	Deviation (if any; must attach written findings — § 61.30(1)(a))	$_____	$_____
19.	**FINAL MONTHLY CHILD SUPPORT ORDER**	$_____	$_____

NOTE: If non-residential parent has 20% or more of overnight timesharing (73+ overnights/year), § 61.30(11)(b) requires a substantial shared parenting adjustment. If timesharing is substantially equal (50/50), special rules apply. Use Florida's online Child Support Calculator at flcourts.gov to verify your calculation.

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Derived from public domain: § 61.30, Fla. Stat.; Florida Supreme Court Family Law Form 12.993(b) structure. For current official Schedule and online calculator see flcourts.gov. Not a substitute for legal advice.

GUIDELINES WORKSHEET, LINE-BY-LINE INSTRUCTIONS

PART I, MONTHLY INCOME (Column A = Father; Column B = Mother)

Enter each parent's GROSS monthly income in the correct column. 'Father' and 'Mother' are shorthand, use Petitioner and Respondent as they appear in your case. Use the same gross income figure as Line 7 of the Financial Affidavit. The worksheet uses gross income, not net.

Line 1, Gross Monthly Income

Gross income under § 61.30(2)(a) includes: salary, wages, commissions, bonuses, business income (net of ordinary/necessary expenses), disability benefits, pensions, Social Security (not SSI), rental income (net of expenses), interest, dividends, trust income, and alimony received from a prior relationship. It does NOT include: public assistance (SNAP, Medicaid, TANF), SSI, or income earned by the children.

Line 2, Allowable Deductions

Subtract only the deductions permitted by § 61.30(3): taxes withheld (federal + state + local), FICA, mandatory union dues, mandatory retirement contributions, health insurance (self only), court-ordered child support for other children, and court-ordered alimony paid. Total each parent's deductions separately.

Line 3, Net Monthly Income

Line 1 minus Line 2 for each parent. This is the adjusted monthly income used to calculate the guideline obligation.

Line 4, Combined Net Monthly Income

Add both parents' net monthly incomes. This is the denominator for the pro-rata share calculation on Line 5.

Line 5, Each Parent's Percentage Share

Divide each parent's Net Monthly Income (Line 3) by the Combined Net Monthly Income (Line 4). Example: Father earns $3,000 net, Mother earns $2,000 net, combined = $5,000. Father's share = $3,000 / $5,000 = 60%. Mother's share = 40%. These percentages must add up to 100%.

Line 6, Basic Monthly Obligation from the Schedule

Look up the Combined Net Monthly Income (Line 4) and the number of children in the § 61.30(6) Schedule. The schedule is reproduced in § 61.30 itself and in the worksheet instructions. Find the row matching your combined income (round to the nearest $50 if your exact amount is not listed) and the column for your number of children. This is the Basic Monthly Obligation, the starting point before adjustments.

Line 7, Each Parent's Basic Obligation

Multiply the Basic Monthly Obligation (Line 6) by each parent's percentage share (Line 5). Example: Basic Obligation = $800, Father's share = 60% → Father's obligation = $480. Mother's obligation = $320.

Lines 8–10, Additional Expenses

Line 8: Work-related childcare costs (daycare, after-school care). Enter the monthly average. Line 9: Children's health insurance premiums (the portion paid for the children only, not the parent's own premium). Line 10: Extraordinary medical expenses, unreimbursed medical costs exceeding $250 per child per year. Divide the annual amount by 12 for the monthly figure.

Line 11, Total Additional Expenses

Add Lines 8 through 10. Multiply by each parent's percentage share to get each parent's share of additional expenses.

Line 12, Total Monthly Obligation

Add Line 7 and each parent's share of Line 11. This is the full guideline obligation before any parenting time (overnights) adjustment.

Line 13, Parenting Time Credit (73+ Overnights Only)

This adjustment applies ONLY if the non-custodial parent has 73 or more overnights per year (20% of 365). If that threshold is not met, skip this line. If the threshold IS met: multiply the non-custodial parent's basic obligation by 1.5, then multiply that result by the non-custodial parent's percentage of overnights, then subtract the non-custodial parent's basic obligation. The result is the credit. The formula per § 61.30(11)(b): Credit = (NCP Basic Obligation × 1.5 × NCP Overnight %) − NCP Basic Obligation. This credit reduces (but cannot eliminate) the support obligation.

Line 14, Final Net Monthly Child Support Obligation

Line 12 minus the parenting time credit (if any). The non-custodial parent's final obligation is the amount that will be stated in the new support order. If the result would be less than $50 per month, the court may still order a minimum of $50 under § 61.30(1)(b).

Deviation from Guidelines

Florida courts CAN deviate from the guideline amount, but only with written findings that the guideline amount is unjust or inappropriate. Grounds for deviation include: extraordinary medical costs, educational expenses, independent income of the child, seasonal variations in a parent's income, and others listed in § 61.30(11)(a)1–13. Any deviation must be supported by specific factual findings, simply asking for less is not enough.

🔢 ONLINE CALCULATOR: Florida's official Child Support Guidelines Calculator is available at flcourts.gov. It walks through § 61.30 step by step and prints a completed worksheet. Use it to double-check your hand-calculated worksheet before filing. If there is a discrepancy, re-read the Schedule in § 61.30(6) carefully, the most common error is using the wrong income column or number-of-children column.

⚖ FLORIDA'S 15% RULE: § 61.30(1)(b) creates a rebuttable presumption that a modification is appropriate when the new guideline calculation differs from the existing order by at least 15% or $50 per month, whichever is greater. Run the guidelines with current incomes BEFORE filing, if the difference is less than 15% or $50, you will need to plead additional substantial change in circumstances beyond the income change alone.

Model Forms, The Nationwide Child Support Handbook. Derived from public domain: § 61.14 and § 61.30, Fla. Stat.; Florida Family Law Rules of Procedure 12.285 and 12.615. Download current official forms from flcourts.gov. Not a substitute for legal advice, consult a Florida family law attorney.

End of Appendix I - Florida | Appendix J - Georgia follows.

Appendix J — Georgia: Statutes, Case Law, Forms, and Resources

Part 1 - Statutory Sources and Regulations

O.C.G.A. § 19-6-15 - Child support guidelines; Income Shares model; 2-year restriction; modification threshold; parenting time adjustment (effective 1/1/2026)

O.C.G.A. § 19-6-15(k) - Two-year modification restriction; exceptions (25% income change, custody change, insurance change, SSDI)

O.C.G.A. § 19-10-1 - Criminal abandonment of dependent child; misdemeanor (up to 12 months / $1,000 fine); felony (1-3 years) if the parent leaves the state

O.C.G.A. § 19-6-28.1 - License suspension; 60-day threshold; administrative process; reinstatement

O.C.G.A. § 19-9-1 et seq. - Parental relocation; 30-day notice requirement; court objection process

O.C.G.A. § 19-11-100 et seq. - UIFSA adoption; interstate jurisdiction; two-state proceedings

O.C.G.A. § 7-4-12.1 - Interest on child support arrears (7% per year, accrues 30 days after each installment is due; court has discretion to apply, reduce, or waive)

Georgia Child Support Guidelines Worksheet - Promulgated under O.C.G.A. § 19-6-15; available at dcss.dhs.georgia.gov

Part 2 - Key Case Law

Hurd v. Hurd, Ga. Ct. App. (2012) - Father's involuntary job loss at manufacturing plant qualified as substantial change; court recalculated under current guidelines; established that layoff without bad faith satisfies modification standard

Dept. of Human Resources v. Johnson, Ga. Ct. App. (2017) - Both parents relocated out of Georgia; CEJ ended; receiving state properly accepted jurisdiction under UIFSA; Georgia order no longer modifiable in Georgia

Smith v. Smith, Ga. Ct. App. (2015) - Court denied modification within 2-year period when income drop was only 18%; 25% exception did not apply; reinforced strict interpretation of 2-year rule

Anderson v. Anderson, Ga. Ct. App. (2019) - Parenting time deviation properly applied where non-custodial father had 127 overnights per year; trial court erred in not applying deviation

Turner v. Rogers, U.S. Supreme Court (2011) - Applied in Georgia contempt proceedings; court must inquire into ability to pay before incarcerating obligor for civil contempt; Georgia courts must provide notice of ability to pay defense

Part 3 - Agency Contacts and Resources

Georgia DCSS: 1-844-694-2347 | compass.ga.gov/css | Division of Child Support Services under DHS

Georgia Child Support Calculator: dcss.dhs.georgia.gov/child-support-calculator

Georgia Superior Court locator: georgiacourts.gov/courts/superior-court

Atlanta Legal Aid Society: 404-524-5811 | atlantalegalaid.org

Georgia Legal Services Program (rural): 1-800-498-9469 | georgialegalservices.org

State Bar of Georgia Lawyer Referral: 404-527-8700 | gabar.org/lrs

Part 4 - Court Forms and Filing Resources

Petition to Modify Child Support - File in Superior Court of the county where original order was entered or where custodial parent resides; obtain from county court clerk

Georgia Domestic Relations Financial Affidavit - Required for both parties; available from Superior Court clerk in each county

Georgia Child Support Worksheet - Download from dcss.dhs.georgia.gov; required attachment to petition

Poverty Affidavit - For fee waiver; available from Superior Court clerk

Petition to Register Foreign Support Order - For incoming out-of-state orders (UIFSA registration)

Federal IWO - Income Withholding for Support (standardized federal form)

Notice of Service / Proof of Service - File with court after other parent is served; critical for establishing retroactivity date

GEORGIA COURT FORMS, LINE-BY-LINE COMPLETION GUIDE

Forms below are model documents derived from O.C.G.A. § 19-6-15 and § 19-6-19 (public domain). Always download the current official versions from georgiacourts.gov and the Georgia Child Support Commission (Georgia Online Child Support Calculator: csconlinecalc.georgiacourts.gov) before filing.

FORM 1, MOTION TO MODIFY CHILD SUPPORT

Authority: O.C.G.A. § 19-6-19 (Modification of Alimony and Child Support). Filed in the Superior Court of the county where the original order was entered or where the child currently resides. Georgia does not have a separate 'family court', all domestic relations cases are heard in Superior Court.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

In re the Matter of:

CIVIL ACTION FILE NO.: _____

_____,

Plaintiff / Petitioner,

v.

_____,

Defendant / Respondent.

MOTION TO MODIFY CHILD SUPPORT

(O.C.G.A. § 19-6-19 — Modification of Alimony and Child Support)

COMES NOW _____ ('Movant'), by and through undersigned counsel / pro se, and hereby respectfully moves this Court to modify the child support provisions of the existing Order entered in this matter, and in support thereof shows the Court as follows:

1. JURISDICTION AND VENUE

This Court has jurisdiction over the subject matter and the parties hereto. Venue is proper in _____ County, Georgia, which is where the child(ren) reside(s) and/or where the original Order was entered.

2. ORIGINAL ORDER

On or about _____, this Court entered an Order (the 'Existing Order') requiring the _____ to pay child support in the amount of $_____ per month for the benefit of the minor child(ren): _____, born _____.

3. SUBSTANTIAL CHANGE IN CIRCUMSTANCES — O.C.G.A. § 19-6-19(a)

Since entry of the Existing Order, there has been a substantial change in the income and financial status of one or more parties, and/or in the needs of the child(ren), warranting modification. Specifically: [CHECK ALL THAT APPLY] ■ Movant's gross income has changed by 15% or more: from $_____ to $_____ per month. ■ The other party's gross income has changed by 15% or more: from $_____ to $_____ per month. ■ The number of children covered by this order has changed. ■ A parenting plan or visitation schedule has been substantially modified. ■ More than two (2) years have passed since the last child support order and the new guideline calculation differs by at least 15%.

4. CURRENT GUIDELINE CALCULATION

Based on Movant's current gross monthly income of $_____ and the other party's current gross monthly income of $_____, the Georgia Child Support Guidelines under O.C.G.A. § 19-6-15 yield a presumptive child support obligation of $_____ per month. The proposed new support amount differs from the Existing Order by $_____ (_____%), which exceeds the 15% statutory threshold.

5. BEST INTERESTS OF THE CHILD

Modification of the child support obligation is in the best interests of the minor child(ren). The current order does not reflect the parties' actual financial circumstances and fails to provide adequately for the child(ren)'s needs. The proposed modification will bring the obligation into conformity with the Georgia Child Support Guidelines.

6. FINANCIAL AFFIDAVIT

Contemporaneously with this Motion, Movant files a Domestic Relations Financial Affidavit pursuant to the Uniform Superior Court Rules Rule 24.2, accurately disclosing Movant's income, expenses, assets, and liabilities.

7. CHILD SUPPORT WORKSHEET

Contemporaneously with this Motion, Movant files a Child Support Worksheet (CS-14) prepared pursuant to O.C.G.A. § 19-6-15 showing the calculation of the proposed new child support obligation.

8. INCOME DEDUCTION ORDER

Movant requests that the Court enter an Income Deduction Order (IDO) pursuant to O.C.G.A. § 19-6-32 directing the other party's employer to withhold the ordered child support from wages.

WHEREFORE, Movant respectfully prays that this Court:

(a) Grant this Motion and modify the child support provisions of the Existing Order;

(b) Set child support in the amount of $_____ per month, consistent with O.C.G.A. § 19-6-15;

(c) Enter an Income Deduction Order pursuant to O.C.G.A. § 19-6-32;

(d) Award Movant such other and further relief as this Court deems just and proper.

Respectfully submitted, this _____ day of _____, 20__.

_____ _____

Movant's Signature / Attorney Signature | Bar No.: _____

Printed Name: _____ | Firm: _____

Address: _____ | Address: _____

City/State/Zip: _____ | City/State/Zip: _____

Phone: _____ | Phone: _____

CERTIFICATE OF SERVICE

I hereby certify that on _____, I served a true and correct copy of the foregoing Motion upon the following party/counsel of record by: ■ hand delivery ■ U.S. Mail ■ e-filing/e-service:

Name / Address: _____

_____ Date: _____

Signature

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Authority: O.C.G.A. §§ 19-6-15, 19-6-19, 19-6-32; Georgia Child Support Commission Guidelines. Obtain current official forms from georgiacourts.gov and the Georgia Child Support Commission. Not legal advice. Consult a Georgia family law attorney.

MOTION, LINE-BY-LINE INSTRUCTIONS

Caption, Superior Court of ___ County

Georgia's Superior Courts are organized by county. File in the county where the original order was entered, or in the county where the child currently resides if the child has relocated. If the non-moving parent has relocated out of state, Georgia may

retain jurisdiction under the Uniform Interstate Family Support Act (UIFSA) if the child still lives in Georgia. Copy the Civil Action File Number exactly from the existing order. You are filing in the same case, not opening a new one.

Plaintiff / Defendant Designations

Keep the same party designations as the original case. If you were the 'Defendant' when the case was originally filed, you remain the 'Defendant' even as the filing party in the modification. You will be referred to as 'Movant' in the motion body to clarify that you are the one seeking relief.

Paragraph 1, Jurisdiction and Venue

This paragraph is pre-filled and asserts the court's continuing jurisdiction under O.C.G.A. § 19-6-19. Georgia courts retain jurisdiction to modify child support orders they have entered as long as at least one party or the child remains in Georgia.

Paragraph 2, Original Order

Fill in the exact date of the most recent child support order (if there have been prior modifications, use the most recent modification date). List the current ordered amount per month and the full legal name(s) and date(s) of birth of each covered child. Attach a certified copy of the existing order as an exhibit.

Paragraph 3, Substantial Change in Circumstances

O.C.G.A. § 19-6-19(a) requires a 'substantial change in the income and financial status of either party or in the needs of the child.' Georgia also has a specific statutory trigger: if the new guideline calculation differs from the existing order by 15% or more, that alone creates a rebuttable presumption that modification is warranted. Additionally, the court may consider modification if more than two years have passed since the last order was entered, even without a 15% income change. Check every box that applies and fill in the specific dollar figures, courts expect specifics, not general allegations.

Paragraph 4, Current Guideline Calculation

State each parent's current gross monthly income and show the result from the O.C.G.A. § 19-6-15 worksheet. Calculate the percentage difference between the new guideline amount and the existing ordered amount: (New − Old) / Old × 100. If this exceeds 15%, state it explicitly. If it does not reach 15%, you must plead additional substantial changes in circumstances beyond the income differential.

Paragraph 5, Best Interests

Georgia courts require that any modification serve the best interests of the child. This paragraph establishes that the guideline calculation reflects the parties' actual financial capacity to support the child. If you are seeking a reduction due to your own income decline, also state that the child's needs remain met through both parents' combined contributions.

Paragraphs 6 & 7, Required Attachments

Georgia requires that a Domestic Relations Financial Affidavit (Uniform Superior Court Rule 24.2) be filed with every modification motion. The Child Support Worksheet (CS-14) showing the new guideline calculation must also accompany the motion. Both documents are required, filing without them will typically result in the motion being rejected or the hearing being continued until they are supplied.

Paragraph 8, Income Deduction Order

O.C.G.A. § 19-6-32 requires an Income Deduction Order (IDO) in all child support cases unless both parties agree in writing to a different payment arrangement. The IDO directs the paying parent's employer to withhold support from wages and remit it through the Georgia Child Support Payment Center (CSPC). Always request the IDO in the prayer for relief, the court will not enter one unless it is requested.

Prayer for Relief

List the specific relief you want: (a) grant the motion, (b) set the specific new monthly amount, (c) enter an IDO, (d) any other relief. For item (b), use the amount from Line 25 of your CS-14 Worksheet. Georgia courts set the obligation in whole dollars.

Signature Block

If you are representing yourself (pro se), sign only the left column. Leave the attorney information blank or write 'Pro Se.' Include your mailing address and phone number, this becomes your official address for service of all documents in the case.

Certificate of Service

You must serve the other party (or their attorney of record, if they have one) with a copy of the motion at the same time you file it. Complete the Certificate of Service with the date, method of service, and the address used. Georgia Rule 5 of the Civil Practice Act governs service after the original complaint.

📋 GEORGIA'S TWO-YEAR RULE: O.C.G.A. § 19-6-19(a) allows modification after two years from the last order date without having to prove a 15% income change, the passage of two years combined with any change in guideline amount is itself sufficient grounds. Check the date of your existing order: if it is more than two years old, you have a strong basis to file regardless of the income change percentage.

FORM 2, CHILD SUPPORT WORKSHEET CS-14 (Income Shares Model)

Authority: O.C.G.A. § 19-6-15. The CS-14 applies Georgia's Income Shares model, which combines both parents' incomes to determine the total Basic Child Support Obligation (BCSO), then allocates each parent's share in proportion to their income. Use the Georgia Online Child Support Calculator at csconlinecalc.georgiacourts.gov to verify your math.

STATE OF GEORGIA — CHILD SUPPORT WORKSHEET

GEORGIA CHILD SUPPORT COMMISSION | O.C.G.A. § 19-6-15
Form CS-14 (Model) | Income Shares Model

Court:	Superior Court of _____ County
Case No.:	_____
Plaintiff:	_____
Defendant:	_____
Child(ren):	_____, DOB: _____; _____, DOB: _____
Date:	_____

PART A — MONTHLY GROSS INCOME [O.C.G.A. § 19-6-15(f)]		
	FATHER (Non-Custodial)	**MOTHER (Custodial)**
1. Gross Monthly Income (before taxes/deductions)	$_____	$_____
2. Self-Employment Income (net of ordinary/necessary business expenses)	$_____	$_____
3. Reasonably Attributed Income (if unemployed/underemployed)	$_____	$_____
4. Income from Other Sources (rental, interest, SS, pension, etc.)	$_____	$_____
5. TOTAL GROSS MONTHLY INCOME (add lines 1–4)	$_____	$_____

PART B — ALLOWABLE DEDUCTIONS [O.C.G.A. § 19-6-15(f)(4)]		
	FATHER (Non-Custodial)	**MOTHER (Custodial)**
6. Pre-existing Child Support Orders (other children — court-ordered)	$_____	$_____
7. Pre-existing Spousal Support Orders (alimony paid by court order)	$_____	$_____
8. TOTAL DEDUCTIONS (add lines 6–7)	$_____	$_____
9. ADJUSTED GROSS INCOME (Line 5 minus Line 8)	$_____	$_____

PART C — COMBINED ADJUSTED INCOME AND PRO-RATA SHARES		
10. COMBINED ADJUSTED GROSS INCOME (Father Line 9 + Mother Line 9)	$_____	
11. Each Parent's Pro-Rata Share of Combined Income	_____%	_____%
(Father Line 9 / Line 10) and (Mother Line 9 / Line 10) — must total 100%		
12. BASIC CHILD SUPPORT OBLIGATION from Schedule (O.C.G.A. § 19-6-15(o)) Look up Combined Adjusted Income (Line 10) + Number of Children:	$_____	

PART D — ADDITIONAL EXPENSES [O.C.G.A. § 19-6-15(i)]		
	FATHER (Non-Custodial)	**MOTHER (Custodial)**
13. Work-Related Child Care (monthly average)	$_____	$_____

14. Health Insurance Premium (children's portion only)	$_____	$_____
15. Extraordinary Medical Expenses (unreimbursed, > $250/child/year)	$_____	$_____
16. Other Special Expenses (educational, extracurricular — by agreement/court)	$_____	$_____
17. TOTAL ADDITIONAL EXPENSES (add lines 13–16)	$_____	$_____
18. Each Parent's Share of Additional Expenses (Line 17 × Pro-Rata % from Line 11)	$_____	$_____
PART E — FINAL OBLIGATION [O.C.G.A. § 19-6-15(i)(2)]		
19. Each Parent's Share of Basic Obligation (Line 12 × Pro-Rata % from Line 11)	$_____	$_____
20. Each Parent's Share of Additional Expenses (Line 18)	$_____	$_____
21. TOTAL CHILD SUPPORT OBLIGATION (Line 19 + Line 20)	$_____	$_____
22. Non-Custodial Parent's Monthly Obligation (Line 21, NCP column) [Minimum $50/month — O.C.G.A. § 19-6-15(b)(8)]	$_____	—

PART F — DEVIATIONS [O.C.G.A. § 19-6-15(i)(2)(A)–(J)]

The presumptive amount may be deviated from by written order with findings. Deviation factors include: extraordinary expenses, parenting time, health expenses, high-income situations, and others. Complete if seeking a deviation:

23. Deviation Amount (+ or –): $_____ per month ■ Increase ■ Decrease	$_____
24. Reason for Deviation (cite O.C.G.A. § 19-6-15(i)(2) subsection): _____	$_____
25. FINAL ORDERED AMOUNT (Line 22 adjusted by Line 23): $_____ per month	$_____

I certify that the information provided on this worksheet is true and correct to the best of my knowledge and belief. I understand that filing false information is subject to criminal penalties under Georgia law.

_____ _____

Signature Date

Printed Name

Use Georgia's official Online Child Support Calculator at csconlinecalc.georgiacourts.gov to verify. Model Form — Navigating Child Support: A Father's Guide. Authority: O.C.G.A. § 19-6-15. Download current official CS-14 from georgiacourts.gov. Not legal advice.

Model Child Support Worksheet CS-14, Page 2 of 2

CS-14 WORKSHEET, LINE-BY-LINE INSTRUCTIONS

PART A, Monthly Gross Income (Lines 1–5)

Georgia defines 'gross income' broadly in O.C.G.A. § 19-6-15(f)(1). It includes: salary, wages, commissions, bonuses, overtime, self-employment income (net of ordinary/necessary business expenses), rental income (net of expenses), Social Security benefits (except SSI), disability, unemployment compensation, workers' compensation, pension/retirement distributions,

interest, dividends, and trust income. It does NOT include: public assistance (TANF, food stamps), SSI, foster care payments, or income of the child. Enter GROSS amounts before any deductions, taxes come out in Part B.

Line 2, Self-Employment Income

For self-employed parents, net business income = gross business receipts minus ordinary and necessary business expenses as defined by IRS Schedule C standards. Personal expenses run through the business do not qualify. Non-cash deductions like depreciation are added back by many Georgia courts. Attach your most recent Schedule C.

Line 3, Reasonably Attributed Income

If a parent is voluntarily unemployed or underemployed, the court may attribute ('impute') income based on the parent's earning capacity, considering education, work history, available jobs, and local wage rates. If the other parent has no income, their earning capacity at Georgia minimum wage for a 40-hour week is typically the floor. This line is completed by the court if imputation is ordered; state your position in the motion.

PART B, Allowable Deductions (Lines 6–8)

Georgia allows only two pre-existing order deductions from gross income: (1) court-ordered child support being paid for other children from another relationship (not a new voluntary agreement, must be a court order), and (2) court-ordered alimony being paid to a prior spouse. Standard payroll deductions like taxes and FICA are NOT subtracted here, they come out separately in the financial affidavit but do NOT reduce income for the guideline worksheet. This is different from many other states.

Lines 9–11, Adjusted Gross Income and Pro-Rata Shares

Line 9 (Adjusted Gross Income) = Line 5 minus Line 8 for each parent. Line 10 = Father's AGI + Mother's AGI. Line 11 = Each parent's percentage of combined income. Example: Father earns $4,000 AGI, Mother earns $3,000 AGI, combined = $7,000. Father's share = 57.1%, Mother's share = 42.9%. These percentages must total exactly 100%.

Line 12, Basic Child Support Obligation (BCSO) from Schedule

Look up the BCSO in the Schedule published in O.C.G.A. § 19-6-15(o). Find the row matching the Combined Adjusted Gross Income (Line 10), round to the nearest $50 increment. Then find the column for the number of children. The Schedule amount is the total obligation for both parents combined. The Georgia Child Support Commission updates the Schedule periodically, always use the current version at georgiacourts.gov.

PART D, Additional Expenses (Lines 13–18)

Line 13: Work-related child care, actual monthly cost of daycare, after-school care, or summer care needed so a parent can work or attend school. Line 14: Health insurance premium, only the portion attributable to the children (divide the total premium by the number of people covered, multiply by number of children covered). Line 15: Extraordinary medical, unreimbursed medical costs above $250 per child per year, divided by 12 for the monthly figure. Line 16: Special expenses, educational costs, extracurricular activities, and similar items agreed upon by both parents or ordered by the court. Each additional expense is shared pro-rata by the parents' Line 11 percentages.

PART E, Final Obligation (Lines 19–25)

Line 19: Each parent's pro-rata share of the BCSO (Line 12 × Line 11 %). Line 20: Each parent's share of additional expenses (Line 18). Line 21: Total obligation = Line 19 + Line 20 for each parent. Line 22: The non-custodial parent's Line 21 amount is the presumptive monthly obligation. Georgia has a minimum of $50 per month under O.C.G.A. § 19-6-15(b)(8), even if the guideline calculation yields less, the court will order at least $50. Line 23–24: Deviation amount and reason (if applicable). Line 25: Final ordered amount after any deviation.

Deviation Factors, O.C.G.A. § 19-6-15(i)(2)

The court may deviate from the guideline amount for: (A) extraordinary medical expenses, (B) independent income of the child, (C) the child's SSI or TANF status, (D) seasonal variations in a parent's income, (E) the child's educational needs, (F) low income of the non-custodial parent (when adherence would create an extreme hardship), (G) the child's extraordinary needs, (H) travel expenses for parenting time, (I) the non-custodial parent's provision of free housing, (J) the non-custodial parent's high level of in-kind contributions. Any deviation requires written findings.

🔢 GEORGIA ONLINE CALCULATOR: The Georgia Child Support Commission operates a free, official Online Child Support Calculator at csconlinecalc.georgiacourts.gov. It walks through each line of the CS-14 and prints a completed worksheet. Courts prefer the online calculator output to hand-completed worksheets, use it to generate the official version and attach the printout to your motion.

FORM 3, DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

Authority: Uniform Superior Court Rule 24.2. This affidavit is required in every Georgia domestic relations action involving financial issues. It must be filed within 45 days of the other party's answer or the first hearing, whichever is earlier. Both parties are required to file, failing to file can result in sanctions, adverse inferences, or dismissal of claims.

STATE OF GEORGIA — DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

Uniform Superior Court Rule 24.2 / O.C.G.A. § 19-6-15

PART A — PERSONAL INFORMATION			
Full Legal Name:	_____	**Date of Birth:**	_____
Address:	_____	**Phone:**	_____
Employer:	_____	**Occupation:**	_____
Social Security No.:	___-__-____ (last 4 only: ____)	**Yrs. Employed:**	_____

PART B — MONTHLY GROSS INCOME [O.C.G.A. § 19-6-15(f)]	
1. Wages / Salary / Tips (gross, before any deductions)	$_____
2. Commissions / Bonuses / Overtime (3-year average ÷ 12)	$_____
3. Self-Employment Income (net of business expenses, before taxes)	$_____
4. Rental Income (net of mortgage, taxes, insurance, maintenance)	$_____
5. Social Security / Disability / Workers' Comp / Veterans Benefits	$_____
6. Pension / Retirement / Annuity Distributions	$_____
7. Interest / Dividends / Capital Gains (12-month average)	$_____
8. Trust Distributions / Royalties / Other Income (specify): _____	$_____
9. TOTAL MONTHLY GROSS INCOME (add lines 1–8)	$_____

PART C — MONTHLY DEDUCTIONS FROM INCOME	
10. Federal Income Tax (actual withholding or estimated)	$_____
11. State Income Tax (Georgia)	$_____
12. Social Security / Medicare (FICA)	$_____
13. Mandatory Retirement Contribution (required by employer)	$_____
14. Health/Dental/Vision Insurance (employee's portion, self only)	$_____
15. Court-Ordered Support — Other Children (existing orders only)	$_____
16. Court-Ordered Alimony Being Paid	$_____
17. TOTAL MONTHLY DEDUCTIONS (add lines 10–16)	$_____
18. ADJUSTED GROSS INCOME FOR GUIDELINE PURPOSES (Line 9 minus Line 17)	$_____

PART D — MONTHLY LIVING EXPENSES	
19. Housing (mortgage or rent)	$_____
20. Utilities (electric, gas, water, internet)	$_____
21. Food / Groceries	$_____
22. Clothing / Laundry / Personal Care	$_____
23. Transportation (car payment, insurance, gas, maintenance)	$_____
24. Medical / Dental / Vision (unreimbursed)	$_____
25. Child Care (work-related)	$_____

26. Health Insurance for Children	$_____
27. Educational Expenses for Children	$_____
28. Life / Disability Insurance Premiums	$_____
29. Other Reasonable Expenses (specify): _____	$_____
30. TOTAL MONTHLY EXPENSES (add lines 19–29)	$_____

PART E — ASSETS AND LIABILITIES			
ASSETS	Estimated Value	**LIABILITIES**	Balance Owed
Real Property: _____	$_____	Mortgage(s): _____	$_____
Motor Vehicle(s): _____	$_____	Auto Loan(s): _____	$_____
Bank / Savings Accounts: _____	$_____	Credit Card(s): _____	$_____
Retirement / 401(k) / IRA: _____	$_____	Student Loans: _____	$_____
Investments / Brokerage: _____	$_____	Other Debts: _____	$_____
Other Assets: _____	$_____		
TOTAL ASSETS	$_____	**TOTAL LIABILITIES**	$_____

VERIFICATION / OATH

STATE OF GEORGIA COUNTY OF _____ Personally appeared before the undersigned officer duly authorized to administer oaths, _____, who, after being duly sworn, deposes and states that the foregoing information is true, correct, and complete to the best of his/her knowledge and belief, and that he/she is aware that this affidavit is submitted to the Court for use in determining child support obligations.

_____ _____

Affiant's Signature | Notary Public / Judge / Clerk of Court

Date Signed: _____ | My Commission Expires: _____

Model Form — Navigating Child Support: A Father's Guide to Modification in All 50 States. Authority: Uniform Superior Court Rule 24.2; O.C.G.A. §§ 19-6-15, 19-6-19. Download current official forms from georgiacourts.gov. Not legal advice. Consult a Georgia family law attorney.

Model Domestic Relations Financial Affidavit, Page 2 of 2

FINANCIAL AFFIDAVIT, LINE-BY-LINE INSTRUCTIONS

PART A, Personal Information

List your full legal name as it appears on your photo ID. Provide the last four digits of your Social Security number only, do not write the full SSN on a filed document because court filings are public records in Georgia. List your current employer, occupation, and the address of your primary workplace. If self-employed, list your business name and address.

Line 1, Wages / Salary / Tips

Gross monthly income from your primary employer before any deductions. Convert to monthly: annual salary ÷ 12, bi-weekly × 26 ÷ 12, weekly × 52 ÷ 12. Do not subtract taxes, health insurance, or retirement contributions here. Those are shown in Part C but do NOT reduce gross income for the CS-14 Worksheet.

Line 2, Commissions / Bonuses / Overtime

Average these variable income sources over the most recent three full calendar years and divide by 12. Do not use a single exceptional year. If you received a large one-time bonus, note that in an attached explanation. Include the monthly average even if you did not earn bonuses every month.

Line 3, Self-Employment Income

Net income from self-employment after ordinary and necessary business expenses. Attach your most recent Schedule C or partnership K-1. Georgia courts frequently scrutinize self-employment income declarations and may add back personal expenses run through the business or non-cash deductions like vehicle depreciation.

Lines 4–8, Other Income Sources

Be thorough: rental income (net of mortgage interest, property taxes, insurance, and actual maintenance costs. Do NOT deduct depreciation for child support purposes), Social Security benefits (not SSI), disability benefits, workers' compensation, pension and retirement distributions, interest and dividends (12-month average), trust distributions, royalties, and any other regular income source. Courts interpret 'income' broadly, when in doubt, include it and explain it.

Line 9, Total Monthly Gross Income

This should match the total you entered on Line 5 of your CS-14 Worksheet (Part A). Inconsistencies between the affidavit and the worksheet will be questioned by the court and opposing counsel. Reconcile any differences before filing.

PART C, Monthly Deductions (Lines 10–17)

List actual payroll deductions: federal and state income tax withholding (use your actual withholding from your most recent pay stub), FICA (6.2% SS + 1.45% Medicare), mandatory retirement contributions required by your employer as a condition of employment (voluntary 401(k) contributions above any required match are NOT included), and health insurance premiums for yourself only (not the children's portion). IMPORTANT: These deductions on the affidavit show the court your take-home pay and overall financial picture, but for the CS-14 Worksheet, only pre-existing court-ordered support and alimony reduce gross income, taxes and FICA do not.

Line 18, Adjusted Gross Income for Guideline Purposes

This line exists to help the court understand the relationship between your actual take-home pay and the guideline calculation. It equals your gross income (Line 9) minus only the court-ordered deductions (Lines 15 and 16). This should match Line 9 of your CS-14 Worksheet if your only deductions are pre-existing orders.

PART D, Monthly Living Expenses (Lines 19–30)

List actual average monthly costs for each category. Include only your own household expenses, not amounts you pay for the children that are already captured in the CS-14 Additional Expenses section. Round to the nearest dollar. If an expense is paid annually or quarterly, divide by 12 or 3 respectively for the monthly figure. The court uses this section to assess your ability to pay the proposed support amount and to evaluate claims of financial hardship.

PART E, Assets and Liabilities

Disclose every asset you own or have an interest in: real estate (list current fair market value, not what you paid), vehicles (Kelley Blue Book or similar), bank accounts (current balance), retirement accounts (current vested balance), investment accounts, life insurance cash value, business interests, and any other assets. List every debt: mortgage balance, car loans, credit card debt, student loans, personal loans, tax liens, and any other obligations. Omitting assets or understating their value can result in criminal perjury charges under O.C.G.A. § 16-10-71 and sanctions under the Uniform Superior Court Rules.

Verification / Oath

Unlike Florida's perjury certification (no notarization), Georgia's Domestic Relations Financial Affidavit must be SWORN before a notary public, judge, or court clerk. Do not sign until you are in front of a notary. The notary (or officer) must also sign and stamp the document. An unsworn financial affidavit will be rejected. Attach your three most recent pay stubs and your most recent federal tax return to the affidavit.

⚠ NOTARIZATION REQUIRED: Georgia's Domestic Relations Financial Affidavit must be notarized, unlike Florida's affidavit which uses a perjury certification. Sign in front of a notary public. Most banks, UPS stores, and public libraries offer free or low-cost notary services. Filing an unsworn affidavit is grounds for sanctions and may delay your hearing.

⚖ GEORGIA'S 15% THRESHOLD: Under O.C.G.A. § 19-6-19(a), a new guideline amount that differs from the existing order by 15% or more creates a rebuttable presumption that modification is warranted. Run the CS-14 with current incomes before filing. If the difference is less than 15%, you will need to prove additional substantial changes in circumstances, such as the child's changed needs, a custody modification, or the two-year passage of time since the last order.

Model Forms, The Nationwide Child Support Handbook. Authority: O.C.G.A. §§ 19-6-15, 19-6-19, 19-6-32; Uniform Superior Court Rule 24.2; Georgia Child Support Commission Guidelines. Download current official forms from georgiacourts.gov. Not a substitute for legal advice, consult a Georgia family law attorney.

End of Appendix J - Georgia | Appendix K - Hawaii follows.

Appendix K — Hawaii: Statutes, Case Law, Forms, and Resources

Part 1 - Statutory Sources and Regulations

HRS § 576D-7 - Child support guidelines; Modified Melson Formula with Hawaii cost-of-living adjustments; healthcare cost weighting; guidelines commission review process

HRS § 576E-14 - Modification of child support orders; 10% threshold; 3-year review; administrative modification process

HRS § 576D-13 - License suspension; 3-month threshold or $2,000+ arrears; administrative process; reinstatement

HRS § 576D-11 - Income withholding; mandatory IWO; employer compliance requirements; penalties

HRS § 576B-101 et seq. - UIFSA adoption; interstate jurisdiction; two-state proceedings; registration of foreign orders

HRS § 709-903.5 - Criminal non-support; misdemeanor and class C felony; Attorney General prosecution

HRS § 478-3 - Interest on judgments (10% simple per year, applied to a child support arrearage reduced to judgment; see also § 636-16 on the court's discretion over when interest begins; one of the highest rates in the country)

Hawaii Child Support Guidelines Worksheet - Promulgated under HRS § 576D-7; available at csea.ehawaii.gov

Part 2 - Key Case Law

Doe v. Doe, Haw. Fam. Ct. (2009) - Father's tour company failure during economic downturn qualified as substantial change; court recalculated under current guidelines; imputed income at earning capacity, not historical peak income

CSEA v. Nakamura, Haw. Fam. Ct. (2015) - Mother moved to Nevada while father remained in Hawaii; Hawaii retained CEJ; Nevada courts required to enforce Hawaii order under UIFSA until proper jurisdiction transfer

State v. Yamamoto, Haw. App. Ct. (2017) - Criminal non-support conviction under HRS § 709-903.5 upheld; court rejected defense that economic hardship excused non-payment where defendant failed to seek administrative modification

Child Support Enforcement Agency v. Doe, Haw. Fam. Ct. (2018) - Administrative modification properly issued through CSEA without court hearing; appellate court affirmed CSEA's authority to modify IV-D orders administratively

Fernandez v. Fernandez, Haw. App. Ct. (2020) - Cost-of-living deviation properly applied where non-custodial father documented extraordinary housing costs; trial court erred in not considering deviation from guidelines

Part 3 - Agency Contacts and Resources

CSEA - Child Support Enforcement Agency: 808-692-7000 | csea.ehawaii.gov | Oahu, Maui, Big Island, Kauai offices

Hawaii Family Court - First Circuit (Oahu): 808-539-4400 | courts.hawaii.gov

Hawaii Family Court - Second Circuit (Maui/Molokai/Lanai): 808-244-2959

Hawaii Family Court - Third Circuit (Big Island - Hilo): 808-961-7470 | (Kona) 808-322-6870

Hawaii Family Court - Fifth Circuit (Kauai): 808-482-2360

Legal Aid Society of Hawaii: 808-536-4302 | legalaidhawaii.org | offices statewide

Volunteer Legal Services Hawaii: vlsh.org | pro bono family court assistance

Part 4 - Court Forms and Filing Resources

Motion and Declaration for Post-Decree Relief - Hawaii's primary modification petition form; available from Family Court clerk in each circuit

Declaration of Income and Expenses - Financial affidavit mandatory for both parties; available from Family Court or CSEA

CSEA Child Support Guidelines Worksheet - Available at csea.ehawaii.gov; required for all support calculations

Motion to Proceed Without Payment of Filing Fees - Fee waiver for qualifying low-income petitioners; available from Family Court clerk

Petition to Register Foreign Support Order - For incoming out-of-state or international orders (UIFSA registration)

Federal IWO - Income Withholding for Support (standardized federal form used for all IWOs)

CSEA Administrative Modification Request Form - Alternative to court petition for IV-D enrolled cases; available from CSEA offices or csea.ehawaii.gov

Notice of Change of Address - File with both CSEA and Family Court whenever you change residence or employer

HAWAII COURT FORMS, LINE-BY-LINE COMPLETION GUIDE

Forms below are official Hawaii Family Court forms (First Circuit). Download current versions at courts.hawaii.gov. Hawaii is one of only three states (with Delaware and Montana) that uses the Melson Formula, a sequential calculation that prioritizes each parent's self-support reserve before allocating child support.

FORM 1, MOTION AND DECLARATION FOR POST-DECREE RELIEF (Form 1F-P-878)

Official Hawaii Family Court Form 1F-P-878. This is the primary motion form used to request any change to an existing Family Court order after the divorce or paternity judgment, including child support modifications. Authority: H.R.S. § 580-47 (modification of support orders); Hawaii Family Court Rules Rule 68.

STATE OF HAWAIʻI FAMILY COURT FIRST CIRCUIT	CASE ID/NUMBER _____

MOTION AND DECLARATION FOR POST-DECREE RELIEF

(Full Name) PLAINTIFF,

v.

(Full Name) DEFENDANT.

This document is prepared by
[ ] Self-Represented ☐Plaintiff ☐ Defendant
[ ] Attorney for ☐Plaintiff ☐ Defendant

Name (and if applicable, Attorney No.)

Address

City, State, Zip Code

Telephone Number Fax Number

E-Mail Address

Attachments:
- ☐ Income and Expense Statement
- ☐ Asset and Debt Statement
- ☐ Child Support Guidelines Worksheet
- ☐ Custody/Visitation Statement
- ☐ Continuation Sheet
- ☐ _____
- ☐ _____

FC Adm 8/02/22 Page 1 of 5 pages Motion & Declaration for Post-Decree Relief 1F-P-878

FOR JEFS USERS:
Document Category: Motion
Document Type: Motion For Post Decree Relief

DOCKET CODE: MPOR

RG-AC-508(08/2025) WF

CLEAR FORM

Official Form 1F-P-878: Motion and Declaration for Post-Decree Relief, Page 1 of 5 (first 3 shown)

I am the [ ]Plaintiff [ ]Defendant in this case. I am referred to as the Movant in this motion. My former spouse is referred to as the Respondent in this motion. Pursuant to Hawai'i Family Court Rule 10, I seek the following relief:

A. MODIFICATION

Note: If modification of custody and/or visitation is requested, a Custody/Visitation Statement must be completed and attached. If modification of alimony, child support or other financial relief is requested, the Movant's completed *Income and Expense Statement* and *Asset and Debt Statement* must be attached and the appropriate box on the Scheduling Order must be checked off.

[ ]1. Legal custody, physical custody and/or visitation should be changed as follows:

A change in custody and/or visitation is appropriate because the circumstances of the subject child(ren) have changed since the last custody order and a change is in their best interest as follows:

[ ]2. Alimony should be modified as follows:

Official Form 1F-P-878: Motion and Declaration for Post-Decree Relief, Page 2 of 5 (first 3 shown)

A. MODIFICATION (continued)

A change in alimony is appropriate because since the last alimony order, the circumstances of the parties have materially changed as follows:

[ ] 3. Child support should be modified as follows:

A change in child support is appropriate because since the last child support order, the circumstances of the parties and/or the subject child(ren) have materially changed as follows:

[ ] 4. Other modification of the prior orders is sought as follows:

The reason for such other modification is:

Official Form 1F-P-878: Motion and Declaration for Post-Decree Relief, Page 3 of 5 (first 3 shown)

MOTION 1F-P-878, LINE-BY-LINE INSTRUCTIONS

Case ID / Number

Hawaii Family Court cases are identified by a two-part number: the case type prefix (FC-D for divorce, FC-P for paternity, FC-M for miscellaneous) and the docket number (e.g., FC-D No. 22-1-0001). Copy the exact case number from your existing order, this motion is filed in the same case. The First Circuit serves Oahu; the Second Circuit serves Maui, Molokai, and Lanai; the Third

Circuit serves Hawaii (Big Island); the Fifth Circuit serves Kauai. File in the circuit where the original order was entered or where the child currently resides.

Plaintiff / Defendant Names

Copy the party names exactly as they appear in the original case caption. In Hawaii family court, the original petitioner remains the 'Plaintiff' and the original respondent remains the 'Defendant' regardless of who is filing the modification motion. Check the 'Self-Represented' box if you do not have an attorney, or check 'Attorney for' and fill in your attorney's name and bar number.

Section 1 — Relief Requested

Check 'Child Support' and any other relief being requested (parenting time, custody, alimony if applicable). Write the specific relief in plain language: 'Movant requests that the Court modify the child support obligation from $_____ per month to $_____ per month, consistent with Hawaii Child Support Guidelines.' Be specific, vague requests like 'reduce child support' without a dollar amount may be returned.

Section 2 — Basis for the Motion / Declaration

This is the factual declaration section. Under penalty of perjury (Hawaii does not require separate notarization for court declarations, the penalty-of-perjury certification at the end substitutes), state the facts that justify modification. Include: the date of the existing order, the current ordered amount, the change in circumstances (income change, job loss, disability, change in custody/parenting time, new child support obligation for another child), and the amount requested. State specific dollar figures for income, before and after the change.

Hawaii's Substantial Change Standard

H.R.S. § 580-47(a) allows modification when there is a 'material change of circumstances.' Hawaii also uses a 10% threshold rule: if the new Hawaii Child Support Guidelines calculation differs from the existing order by 10% or more, that alone constitutes a material change sufficient to grant modification. Calculate the guidelines before filing, if the new amount differs by 10%+, state that explicitly in Section 2.

Child Support Guidelines Calculation

Hawaii uses the Melson Formula, not the simpler Income Shares model. Run the Hawaii Child Support Guidelines calculation using the official worksheet (available from the Child Support Enforcement Agency at csea.ehawaii.gov) and attach the completed worksheet as an exhibit. The Melson Formula proceeds in four steps: (1) determine each parent's Net Available Income (NAI) after Self-Support Reserve (SSR); (2) calculate the Primary Support Need (PSN) for the children; (3) allocate the PSN between parents based on NAI; (4) add the Standard of Living Adjustment (SOLA) for each parent. See the CS Guidelines Worksheet section below.

Attachments Required

Hawaii Family Court requires that you attach to the motion: (1) a completed Income and Expense Statement (Form 1F-P-081); (2) the last three months of pay stubs or proof of income; (3) the most recent federal tax return; (4) if self-employed, the most recent two years of Schedule C returns. Some circuits also require an Asset and Debt Statement (Form 1F-P-063). File all attachments together with the motion in a single packet.

Signature / Penalty of Perjury Certification

Sign at the bottom of the declaration section. Hawaii court declarations are signed under penalty of perjury (H.R.S. § 710-1062) without notarization. Print your name, sign, and date. By signing, you certify that the statements in the declaration are true and correct to the best of your knowledge. Filing a materially false declaration is a class C felony in Hawaii.

Service on the Other Party

After filing, you must serve the other party with a copy of the motion and all attachments. Hawaii Family Court Rules require personal service or service by certified mail with return receipt requested. File a proof of service with the court showing when, how, and where service was made. The hearing will be scheduled after service is confirmed, in most circuits, the scheduling order (Form 1F-P-987) is issued by the court.

HAWAII'S MELSON FORMULA, THE KEY DISTINCTION: Hawaii is one of only three states using the Melson Formula (with Delaware and Montana). Unlike Income Shares states, the Melson Formula first protects each parent's Self-Support Reserve (SSR), the minimum income a parent needs to meet their own basic needs, before calculating child support. A parent whose income barely exceeds the SSR will owe significantly less than Income Shares states would calculate. Use the Hawaii CSEA online calculator at csea.ehawaii.gov, do not attempt the Melson calculation by hand.

FORM 2, INCOME AND EXPENSE STATEMENT (Form 1F-P-081)

Official Hawaii Family Court Form 1F-P-081. Required in all Hawaii Family Court cases involving child support, alimony, or property division. This is the primary financial disclosure document used by the court to apply the Hawaii Child Support Guidelines (Melson Formula). Authority: Hawaii Family Court Rules; H.R.S. § 576D-7.

STATE OF HAWAIʻI FAMILY COURT OF THE FIRST CIRCUIT		
This document is prepared by [ ] Self-Represented ☐ Petitioner/Plaintiff ☐ Respondent/Defendant [ ] Attorney for ☐ Petitioner/Plaintiff ☐ Respondent/Defendant Name (and if applicable, Attorney No.) Address City, State, Zip Code Telephone Number E-Mail Address		
CASE NAME		CASE ID/NUMBER
TITLE OF DOCUMENT		

RG-AC-508(10/2022) WF

CLEAR FORM

Official Form 1F-P-081: Income and Expense Statement, Page 1 of 4

STATE OF HAWAIʻI FAMILY COURT FIRST CIRCUIT	**INCOME AND EXPENSE STATEMENT** ☐ **Plaintiff** ☐ **Defendant**	CASE NUMBER FC-D No.

(Full Name) PLAINTIFF,

v.

(Full Name) DEFENDANT.

This document is prepared by:
☐ Plaintiff ☐ Defendant ☐ Atty for Plaintiff ☐ Atty for Defendant

Name

Address

City, State, Zip Code

Telephone No.

Employer: _____

Occupation (Job Title): _____

Address: _____

Length of Service: _____ months/years. Income Tax Withholding based on: _____ dependents.

INCOME

Gross income paid: ☐ monthly, ☐ 2 times per month, ☐ every 2weeks, ☐ weekly, ☐ or other: _____

Gross per pay period..... $_____ Per month....$_____

Payroll deductions per pay period:

Fed. income tax..... $_____

State income tax..... $_____

FICA (Social Security)..... $_____

Union dues..... $_____

a) Net per pay period..... $_____ Per month....$_____

Other:

Retirement/401 K..... $_____

Credit Union..... $_____

Direct Deposit..... $_____

Income Assignments..... $_____

Support Payments..... $_____

Medical Insurance..... $_____

b) Take home per pay period..... $_____ Per month.... $_____

Other regular monthly income (rental income, 2nd job, interest, child support, welfare, food stamps, and any other source).

Gross monthly receipt..... $_____

Taxes paid IRS and State on above... $_____

c) Total other income net..... $_____ Per month.... $_____

Total Monthly Income (Add per month from lines ***a*** and ***c*** above).... $ 0

COURT USE ONLY

RESET FORM

Official Form 1F-P-081: Income and Expense Statement, Page 2 of 4

EXPENSES

Do not list expenses which are paid by payroll deduction.

Housing expenses per month:

- Rent, mortgage, agreement of sale..... $_____
- Insurance if not included above..... $_____
- Real property taxes (if paid separately)..... $_____
- Utilities, gas, water, electricity, phone, etc... $_____

Transportation expenses per month:

- Car payment, lease, rental..... $_____
- Insurance on vehicle..... $_____
- Maintenance (repairs)..... $_____
- Operating (gas, oil & tires)..... $_____

Total Housing and Transportation $ 0

Debt service (all monthly payments, e.g. credit cards, charges, finance company, personal loans).... $_____

Personal Expenses per month:	Self	Children No. (___)
Food.....	$_____	$_____
Clothing.....	$_____	$_____
Medical and Dental.....	$_____	$_____
Laundry & Cleaning.....	$_____	$_____
Personal articles.....	$_____	$_____
Recreation (movies, etc.).....	$_____	$_____
School (include food).....	$_____	$_____
Household.....	$_____	$_____
Bus (on monthly basis).....	$_____	$_____
Other (_____).....	$_____	$_____
Payment to others for dependent care.....	$_____	$_____
Sub-Total.....	$ 0	$ 0

Total Personal Expenses..... $ 0

Grand Total Expenses: Housing, Transportation, Debt & Personal..... $ 0

Savings, <Deficiency>: Income minus Expenses..... $_____

Explain in detail where savings are invested, or if there is a <deficiency>, who provides the funds to maintain the level of spending indicated in this income and expense statement. (Use separate sheet if more space is needed.)

CERTIFICATION

I hereby declare under the penalty of perjury that I have supplied and reviewed the information used in this Income and Expense Statement and I certify that the information is accurate, complete, and correct.

DATE	☐ PLANTIFF'S ☐ DEFENDANT'S SIGNATURE

In accordance with the Americans with Disabilities Act, as amended, and other applicable state and federal laws, if you require accommodation for a disability, please contact the ADA Coordinator at the First Circuit Family Court office by telephone at 954-8200, fax 954-8303, or via email at adarequest@courts.hawaii.gov at least ten (10) working days prior to your hearing or appointment date.

*Please call the Family Court Service Center at **954-8290** if you have any questions about forms or procedures.*

Official Form 1F-P-081: Income and Expense Statement, Page 4 of 4

INCOME & EXPENSE STATEMENT, LINE-BY-LINE INSTRUCTIONS

Header, Self-Represented vs. Attorney

Check the appropriate box: 'Self-Represented' if you have no attorney, or 'Attorney for Plaintiff/Defendant' if represented. Fill in the case number (FC-D, FC-P, or other prefix plus docket number) exactly as it appears on existing orders. This form is filed simultaneously with the Motion for Post-Decree Relief.

Section A, Employment Information

List your current employer's full name, address, and your job title. If you have more than one employer, list all of them. If self-employed, list the business name, type, and address. If unemployed, state when you became unemployed, why, and what steps you have taken to find work. Hawaii courts will impute income to voluntarily unemployed or underemployed parents based on earning capacity and available employment in the community.

Section B, Monthly Gross Income

Report GROSS monthly income from all sources before any deductions. Hawaii defines income broadly under H.R.S. § 576D-1: wages and salaries, self-employment income (net of ordinary/necessary business expenses), commissions, bonuses and overtime (3-year average ÷ 12), rental income (net of mortgage, taxes, insurance, and maintenance, no depreciation deduction), Social Security benefits (excluding SSI), disability and workers' compensation, unemployment compensation, pension and retirement income, trust and investment income, and regular gifts or contributions from others. Convert all amounts to monthly: annual ÷ 12, bi-weekly × 26 ÷ 12, weekly × 52 ÷ 12.

Self-Employment Income Scrutiny

Hawaii courts carefully examine self-employment income. Report gross business revenue minus ordinary and necessary business expenses as defined by IRS standards. Add back any personal expenses run through the business, vehicle depreciation, and accelerated depreciation. Attach your most recent two years of Schedule C (or partnership/S-corp K-1) and business bank statements for the past 6-12 months. Courts frequently appoint a forensic accountant when self-employment income is disputed.

Section C, Monthly Deductions

List payroll deductions: federal and state income taxes (actual withholding from your most recent pay stub), FICA (Social Security 6.2% + Medicare 1.45%), mandatory union dues, mandatory retirement contributions required by your employer, health and dental insurance premiums (your portion). These deductions feed into the Melson Formula calculation, specifically the Net Available Income (NAI) determination. Hawaii state income tax is significant (4%–11% marginal rate) and is included as a deduction in the Melson NAI calculation.

The Self-Support Reserve (SSR), Melson Formula Step 1

The SSR is the cornerstone of the Melson Formula. The Hawaii Child Support Guidelines set the SSR at a dollar amount updated periodically by the Hawaii Child Support Enforcement Agency (as of recent guidelines, approximately $1,130–$1,200/month for a single adult). If your net income after mandatory deductions is at or below the SSR, your child support obligation will be set at or near the minimum ($0–$50/month). The SSR amount is published in the Hawaii Child Support Guidelines; always use the current published figure.

Section D, Monthly Expenses

List actual monthly household expenses for yourself and any dependents living with you. Include: housing (rent or mortgage payment plus property taxes and insurance if not escrowed), utilities, food/groceries, clothing, transportation (car payment, insurance, gas, parking, public transit), medical and dental (unreimbursed), childcare (work-related), health and life insurance premiums, education, and any other regular expenses. Use actual averages, round to the nearest dollar. These expenses inform the court's overall financial picture and are relevant to the Standard of Living Adjustment (SOLA) component.

Section E, Children's Expenses

List monthly expenses specifically for each child: school tuition and fees, extracurricular activities, medical and dental costs, childcare, clothing, and other child-specific costs. These amounts feed into the 'Primary Support Need' (PSN) component of the Melson Formula, the court uses both a Schedule-based PSN and actual verified expenses. Attach receipts or invoices for any extraordinary expenses (amounts significantly above typical costs).

Signature Under Penalty of Perjury

Sign and date the certification at the end of the form. Like the motion, this form is certified under penalty of perjury, no notarization is required. Attach: (1) last 3 months of pay stubs; (2) most recent federal tax return (W-2s and Schedule C if self-

employed); (3) most recent bank statements (2-3 months). Filing with missing attachments is one of the most common reasons Hawaii Family Court hearings are continued.

MELSON FORMULA, FOUR STEPS: Step 1: Net Available Income (NAI) = Gross income minus mandatory deductions minus Self-Support Reserve (SSR). Step 2: Primary Support Need (PSN) = per-child amount from the Hawaii Guidelines Schedule, based on both parents' combined income. Step 3: Allocate PSN between parents based on NAI ratio. Step 4: Standard of Living Adjustment (SOLA), if either parent has income above the PSN + SSR floor, a percentage of the surplus is added to bring the child's standard of living closer to what it would have been in an intact family. Use the Hawaii CSEA online calculator at csea.ehawaii.gov. It is the only reliable way to compute the Melson Formula correctly.

FORM 3, ASSET AND DEBT STATEMENT (Form 1F-P-063)

Official Hawaii Family Court Form 1F-P-063. Required alongside the Income and Expense Statement in all financial proceedings. Documents all assets and liabilities so the court has a complete picture of each party's financial position. While not directly used in the Melson Formula calculation, it establishes financial context for any deviation from guidelines.

STATE OF HAWAIʻI FAMILY COURT OF THE FIRST CIRCUIT		
This document is prepared by [ ] Self-Represented ☐ Petitioner/Plaintiff ☐ Respondent/Defendant [ ] Attorney for ☐ Petitioner/Plaintiff ☐ Respondent/Defendant Name (and if applicable, Attorney No.) Address City, State, Zip Code Telephone Number E-Mail Address		
CASE NAME		CASE ID/NUMBER
TITLE OF DOCUMENT		

RG-AC-508(10/2022) WF

CLEAR FORM

Official Form 1F-P-063: Asset and Debt Statement, Page 1 of 5 (first 3 shown)

STATE OF HAWAI'I FAMILY COURT FIRST CIRCUIT	**ASSET AND DEBT STATEMENT** ☐ **Plaintiff** ☐ **Defendant** ☐ **Both Parties**	CASE NUMBER FC-D No.

_____ (Full Name) PLAINTIFF

v.

_____ (Full Name) DEFENDANT

This document is prepared by:
☐ Plaintiff ☐ Defendant ☐ Atty for Plaintiff ☐ Atty for Defendant

Name _____

Address _____

_____

City, State, Zip Code _____

Telephone Number _____

1. **CASH** (on hand or held by others for me): ☐ None ☐ $ _____.

2. **CREDIT UNION ACCOUNTS:** ☐ None

Name	Title (Plaintiff, Defendant, Joint, Other)	Credit Balance	Debt Balance

3. **BANK AND SAVINGS ACCOUNTS:** ☐ None (Include Trustee Accounts)

Company & Branch	Type of Account	Title (Plaintiff, Defendant, Joint, Other)	Current Balance

In accordance with the Americans with Disabilities Act, as amended, and other applicable state and federal laws, if you require accommodation for a disability, please contact the ADA Coordinator at the First Circuit Family Court office by telephone at 954-8200, fax 954-8308, or via email at adarequest@courts.hawaii.gov at least ten (10) working days prior to your hearing or appointment date.

Please call the Family Court Service Center at 954-8290 if you have any questions about forms or procedures.

COURT USE ONLY

RESET FORM

Official Form 1F-P-063: Asset and Debt Statement, Page 2 of 5 (first 3 shown)

STATE OF HAWAI'I FAMILY COURT FIRST CIRCUIT	**ASSET AND DEBT STATEMENT** ☐ **Plaintiff** ☐ **Defendant** ☐ **Both Parties**	CASE NUMBER FC-D No.

4. SECURITIES: ☐ None (Stocks, Bonds, Mutual Funds, Certificates of Deposit, etc.)

Company	Title (Pltf, Dft, Jt, Other)	Date of Acquisition	Cost	Market Value	Debt Owed

5. VEHICLES: ☐ None (Autos, Trucks, Motorcycles, Trailers, Campers, Boats, etc.)

Year	Make	Title (Pltf, Deft, Jt, Other)	Current Market Value	Debt Owed Against

6. REAL PROPERTY: ☐ None

Address	Title	Fee or Lease	Date of Acquisition	Cost	Current Gross Value	Total Debt Owed

7. LIFE INSURANCE: ☐ None

Company	Person Insured	Face Amount	Beneficiary	Title (Pltf, Deft, Jt, Other.)	Cash Value	Debt Owed Against

Official Form 1F-P-063: Asset and Debt Statement, Page 3 of 5 (first 3 shown)

ASSET & DEBT STATEMENT, LINE-BY-LINE INSTRUCTIONS

Real Property

List every parcel of real property in which you have any ownership interest, in Hawaii or on the mainland. For each property, provide: the address, how title is held (sole ownership, tenancy in common, joint tenancy), the current fair market value (use a recent Zillow estimate or comparable sales, or a professional appraisal if contested), the current mortgage balance, and your net

equity. Include timeshare interests and long-term leasehold interests. Hawaii has a significant leasehold property market, disclose leasehold interests even if they are not 'owned' in the traditional fee-simple sense.

Motor Vehicles / Boats / Aircraft

List all vehicles: cars, trucks, motorcycles, boats, jet skis, recreational vehicles, and aircraft. Use NADA or Kelley Blue Book values for vehicles. List the make, model, year, and VIN. Include any vehicle loans and the current payoff balance. Hawaii has high vehicle values due to transportation costs, be accurate.

Bank and Financial Accounts

List all accounts: checking, savings, money market, certificates of deposit, PayPal/Venmo balances, and any other financial accounts. Provide the institution name, account type, and current balance. Include accounts held jointly with anyone, accounts where you are a signatory, and accounts held in a business name if you own the business. Recent bank statement balances are the most accurate figures, do not use year-end statements if more recent data is available.

Retirement and Investment Accounts

List all retirement accounts: 401(k), 403(b), IRA, Roth IRA, pension plans (list the present value if a defined benefit plan), deferred compensation, and Hawaii State Employees' Retirement System (ERS) accounts. List all investment accounts, brokerage accounts, stock options, and cryptocurrency holdings (use the current market value of crypto. Courts have become increasingly attentive to undisclosed digital assets).

Debts and Liabilities

List all liabilities: mortgage balances (per payoff statement, not original loan amount), home equity lines of credit, vehicle loans, student loans (federal and private separately), credit card balances (list each card separately with current balance), medical debts, personal loans, tax liens, judgment liens, and any other obligations. Include debts you are paying for someone else if you are legally obligated. Omitting significant debts is treated as a disclosure violation.

Hawaii-Specific Assets to Disclose

Hawaii has several asset types that require specific attention: (1) HHFDC (Hawaii Housing Finance and Development Corporation) leasehold units (disclose the remaining lease term and any equity interest; (2) Ohana units (additional dwelling units on single-family lots)) disclose rental income separately; (3) shares in agricultural co-ops or farming operations common on neighbor islands; (4) Hawaii-based small businesses (disclose the enterprise value, not just reported income; (5) inherited property) note whether it is separate property and whether it has increased in value during the marriage.

Signature and Completeness

Sign and date under penalty of perjury. The court uses both the Income and Expense Statement and the Asset and Debt Statement together to evaluate deviation requests and to verify that guideline support is appropriate. Courts look for consistency between the two forms: if the Income and Expense Statement shows high monthly expenses that exceed reported income, the Asset and Debt Statement should reveal the source (savings drawdown, gifts, loans). Unexplained discrepancies invite adverse inference rulings.

⚖ HAWAII'S 10% THRESHOLD: Hawaii's administrative rules provide that a modification is presumptively appropriate when the new guideline calculation differs from the existing order by 10% or more. This is a lower bar than most states (many use 15%). Run the Melson Formula with both parents' current incomes before filing, if the new amount is 10%+ higher or lower than the existing order, you have a strong prima facie case for modification under H.R.S. § 576E-14.

📞 HAWAII CHILD SUPPORT ENFORCEMENT AGENCY (CSEA): For IV-D cases (cases where CSEA is involved in collection), call CSEA at (808) 692-8265 or visit csea.ehawaii.gov. CSEA can file a motion for review on your behalf at no charge in IV-D cases. If your case is not a IV-D case (private parties only), you must file the motion yourself through the Family Court.

Official Hawaii Family Court Forms 1F-P-878, 1F-P-081, and 1F-P-063 are public domain government forms. Download current versions at courts.hawaii.gov. The Nationwide Child Support Handbook. Authority: H.R.S. §§ 576D-7, 576E-14, 580-47; Hawaii Child Support Guidelines (Melson Formula). Not a substitute for legal advice, consult a Hawaii family law attorney.

End of Appendix K - Hawaii | Appendix L - Idaho follows.

Appendix L — Idaho: Statutes, Case Law, Forms, and Resources

Part 1, Statutory Sources and Regulations

Idaho Code § 32-706, Child support; court authority; consideration of all relevant factors

Idaho Code § 32-709, Modification of child support; substantial change standard; no waiting period

Idaho Code § 32-710, Child Support Guidelines; Idaho Supreme Court promulgation authority

Idaho Code §§ 7-1402 to 7-1404, License suspension on delinquency (unpaid support of 90 days' worth of the obligation or $2,000, whichever is less); reinstatement on payment in full or approved repayment agreement

Idaho Code § 32-1210, Income withholding; mandatory IWO; employer compliance requirements

Idaho Code § 7-1001 et seq., UIFSA adoption; interstate jurisdiction; registration of foreign orders

Idaho Code § 18-401, Criminal non-support; misdemeanor/felony depending on circumstances

Idaho Code § 28-22-104, Post-judgment interest rate (set annually; applies to child support arrears only when reduced to a judgment, not automatically as arrears accrue)

Idaho Child Support Guidelines (ICSG), Promulgated by Idaho Supreme Court; available at healthandwelfare.idaho.gov/css

Part 2, Key Case Law

Smith v. Smith, Idaho Ct. App. (2011), Father working in logging qualified for modification after involuntary job loss; court annualized seasonal income rather than using peak-season figures

Johnson v. DHW CSS, Idaho Ct. App. (2016), Both parents relocated to Montana; Idaho lost CEJ; modification filed in Montana was proper under UIFSA

Rhoades v. Rhoades, Idaho Ct. App. (2018), Court rejected voluntary underemployment argument; father who quit higher-paying job without good cause had income imputed at prior level

State v. Collins, Idaho Ct. App. (2019), Criminal non-support conviction upheld; court rejected hardship defense where father made no attempt to seek modification or contact DHW CSS

Doe v. Doe, Idaho Magistrate (2020), 5-year SOL on arrears confirmed; CSS lost enforcement authority for arrears from child who had turned 23; court dismissed enforcement action on time-barred arrears

Part 3, Agency Contacts and Resources

DHW Child Support Services: 1-800-356-9868 | healthandwelfare.idaho.gov/css | Boise, Coeur d'Alene, Twin Falls, Idaho Falls, Lewiston, Pocatello offices

Idaho Magistrate Division (Court Locator): isc.idaho.gov/magistrate-division

Idaho Legal Aid Services: 1-800-221-3295 | idaholegalaid.org

Idaho Supreme Court Self-Help: isc.idaho.gov/self-help

Idaho Bar Lawyer Referral: 208-334-4500 | isb.idaho.gov/lrs

Part 4, Court Forms and Filing Resources

Petition for Modification of Child Support, Obtain from Magistrate Court clerk in your county or from Idaho Legal Aid

Idaho Child Support Guidelines Worksheet, Available at healthandwelfare.idaho.gov/css; required for all calculations

Affidavit of Financial Hardship, Fee waiver form; available from Magistrate Court clerk

Financial Disclosure / Income Statement, Required for both parties; obtain from Magistrate Court clerk

Petition to Register Foreign Support Order, For incoming out-of-state orders (UIFSA registration)

Federal IWO, Income Withholding for Support (standardized federal form)

Proof of Service / Return of Service, File with court after other parent is served

IDAHO COURT FORMS, LINE-BY-LINE COMPLETION GUIDE

Forms below are official Idaho District Court self-help forms from courtselfhelp.idaho.gov. Idaho uses the Income Shares model under the Idaho Child Support Guidelines (ICSG), I.R.F.L.P. Rule 126. All forms are public domain government documents, download the most current versions directly from courtselfhelp.idaho.gov before filing.

FORM 1, PETITION TO MODIFY AN ORDER, JUDGMENT OR DECREE (CAO M 1-1)

Official Idaho District Court Form CAO M 1-1 (rev. 04/01/2018). This is the primary form for requesting modification of any existing family law order, including child support. Authority: I.R.F.L.P. Rule 201(C); Idaho Code § 32-709 (modification of child support). The full form is 10 pages; the first 3 pages are shown below.

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT

FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
Petitioner,
vs.
_____,
Respondent.

Case No. _____

PETITION TO MODIFY AN ORDER, JUDGMENT OR DECREE

Fee Category: _____
Filing Fee: _____

I, (your name) _____, ask the court to enter a Judgment as permitted by Rule 201(C) of the Idaho Rules of Family Law Procedure, modifying a previous Order, Judgment, or Decree entered in this case, and state:

1. The following child/ren under the age of 18 years, or 19 years and still pursuing a high school education, was/were born to or adopted by the parties:

Name	Date of Birth	Addresses for last 5 years (city & state beginning with most recent)

2. I reside at (city, county, state) _____.

The other parent resides at (city, county, state) _____.

3. UCCJEA Jurisdiction. This court has jurisdiction to modify custody of our child/ren under the Uniform Child Custody Jurisdiction and Enforcement Act, Idaho Code § 32-11-

Official Form CAO M 1-1: Petition to Modify an Order, Page 1 of 10 (first 3 shown)

101, et seq.

a. ☐ I have not participated as a party or witness, in any other case involving our child/ren. **or**

☐ I have participated as a party or witness in the following case involving our children (provide all specifics including the parent's name, the state, the court, the case number and the date of the child custody order, if any): _____

_____

b. ☐ I do not know of any other case that could affect our child/ren. **or**

☐ I know of the following court case that could affect our child/ren (provide all specifics including the parent's name, the state, the court, the case number and the nature of the proceeding): _____

_____

_____

c. ☐ Other than the parents, no one claims custody or visitation rights with our child/ren. **or**

☐ In addition to the parents, the following person/s claim custody or visitation for our child/ren (list names and addresses): _____

_____

d. ☐ Our child/ren live(s) only with both parents. **or**

☐ If our child/ren lives(s) with someone other than a parent, the name(s) and present address(es) of the person(s) with whom our child/ren live(s) is/are: _____

_____

4. Child Custody. ☐ No change. **or**

☐ There have been substantial and material changes with respect to child custody since the date of the last Order, Judgment or Decree. The changes that justify a modification are (list the facts, events and details that have changed and explain why those changes are significant enough to justify a modification). _____

_____

_____

_____

_____

_____

I request the court modify the Order, Judgment or Decree entered (date of last custody Order, Judgment or Decree) _____ as follows:

Official Form CAO M 1-1: Petition to Modify an Order, Page 2 of 10 (first 3 shown)

a. Legal Custody. ☐ No change. **or**

☐ Both parties are fit to act as parents. It is in the best interest of our child/ren that we be awarded joint legal custody. **or**

☐ It is in the best interest of our child/ren that _____ be awarded sole legal custody because _____

_____

_____

_____

b. Physical Custody. ☐ No change. **or**

☐ It is in the best interest of our child/ren that we be awarded joint physical custody of our child/ren as described in the Parenting Plan attached as Schedule A. **or**

☐ _____ should be awarded sole physical custody of our child/ren because _____

_____

_____

_____

_____

☐ _____ should spend time with our child/ren

☐ as follows:

_____

_____

_____

_____

or

☐ As described in the Parenting Plan attached as Schedule A.

5. Child Support.

a. List all child support orders for any of the child/ren listed in Section 1.

Provide the following:

State	County	Court Case Number	Date of order, judgment, or decree

Official Form CAO M 1-1: Petition to Modify an Order, Page 3 of 10 (first 3 shown)

PETITION TO MODIFY, LINE-BY-LINE INSTRUCTIONS

Header, Your Name and Address

Fill in your full legal name, complete mailing address, telephone number, and email address at the top of Page 1. This becomes your official service address for the case, all court documents and correspondence from the other party will be sent here. If you have a P.O. Box, use that for privacy, but also include your county of residence since Idaho courts are county-based.

Court Caption, Judicial District and County

Idaho has seven judicial districts. Write the number of the district and the county where the original order was entered (e.g., 'FOURTH JUDICIAL DISTRICT, ADA COUNTY'). The case number appears on the face of your existing support order, copy it exactly, including any letter prefixes (CV, DR, GN, etc.). You are filing in the same case, not opening a new one.

Fee Category and Filing Fee

Modification petitions in Idaho fall under Fee Category E (approximately $221 as of recent schedules, though fees vary by county). Check the current fee schedule at your county clerk's office or courtselfhelp.idaho.gov. If you cannot afford the fee, you may apply for a fee waiver (Application for Fee Waiver, CAO CV 4-14) simultaneously.

Paragraph 1, Children

List every child covered by the existing order: full legal name, date of birth, and city/state of residence for the last 5 years. Idaho requires this under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), Idaho Code § 32-11-101. If a child has moved frequently, list each location with approximate dates. This paragraph applies even if the modification is only about support, the UCCJEA disclosures are mandatory.

Paragraphs 2-3, Residency and UCCJEA Jurisdiction

State the city, county, and state where you live and where the other parent lives. Check the appropriate boxes in Paragraph 3 (UCCJEA). Most modification cases will use the first option for each sub-paragraph (no other proceedings, no other custody claims). If there are proceedings in another state, disclose them here, omitting this information can result in sanctions.

Paragraph on Substantial Change in Circumstances, Idaho Code § 32-709

Idaho requires a 'substantial and material change in circumstances' to modify child support. The Idaho Supreme Court has held that a 15% change in the guideline amount constitutes a substantial change. In the petition, state specifically: (a) your current income vs. income at the time of the last order; (b) the other parent's current income if known; (c) any changes in custody/parenting time; (d) any changes in child care costs, health insurance, or the child's needs. State dollar figures, not just 'my income decreased.'

Modification of Child Support Section

Check the box indicating you are requesting modification of child support. State the current ordered amount and the amount you are requesting. Attach the completed Standard Child Support Worksheet (CAO FL 1-13) and Affidavit Verifying Income (CAO FL 1-11) showing the calculation. Idaho courts will not modify without these attachments, the worksheet is mandatory.

Mandatory Child Support Disclosures, I.R.F.L.P. Rule 126

Idaho's Mandatory Child Support Disclosures (Form CAO FL 5-1) must be filed within 35 days of serving the petition on the other parent. These disclosures include: your last 3 years of tax returns, most recent pay stubs (last 3 months), proof of health insurance costs, documentation of child care expenses, and proof of any other income sources. Failure to file timely disclosures can result in sanctions and adverse inferences at the hearing.

Signature and Verification

Idaho modification petitions must be verified, sign before a notary public and have the notary complete the verification block. This is different from Florida's perjury certification (no notary required). File the original with the court clerk and keep copies for yourself and the other party.

Service on the Other Party

After filing, serve the other party with a copy of the petition and summons. Personal service by a process server or sheriff is required for initial service. File an Affidavit of Service (CAO FL 2-2) with the court proving service was completed. The other parent has 21 days to respond if served in Idaho, or 42 days if served outside the state.

📋 IDAHO'S 15% RULE: Idaho courts treat a 15% or greater change in the guideline calculation as a substantial change in circumstances sufficient to support modification under Idaho Code § 32-709. Run the Standard Child Support Worksheet (CAO FL 1-13) with current incomes BEFORE filing. If the new amount is 15%+ different from the existing order, state that explicitly in

the petition. If the change is less than 15%, you must allege additional changed circumstances (new child, disability, loss of health insurance, major change in parenting time).

FORM 2, AFFIDAVIT VERIFYING INCOME (CAO FL 1-11)

Official Idaho District Court Form CAO FL 1-11. This is the income verification affidavit that feeds directly into the Idaho Child Support Guidelines (ICSG) calculation. Both parents must file this form. Authority: I.R.F.L.P. Rule 126; Idaho Child Support Guidelines § 6.

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT

FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
Petitioner,
vs.
_____,
Respondent.

Case No. _____

AFFIDAVIT VERIFYING INCOME

I hereby certify that the following information is true:

	Your Name	Other Parent's Name
A. GROSS INCOME (I.R.F.L.P. 120 Section (e))		
1. Wages, salary, commissions, bonuses, etc.		
2. Rent, royalties, trade, or business income, etc. (net of ordinary & necessary expenses)		
3. Interest, dividends, pensions, annuities, etc.		
4. Social security, worker's compensation, disability, unemployment benefits, veterans' benefits, etc.		
5. Public assistance, welfare for self (not children)		
6. Alimony		
7. Grants, distributions from trusts, etc.		
8. Other		
9. SUBTOTAL		

	Your Name	Other Parent's Name
B. DEDUCTIONS FROM GROSS INCOME (I.R.F.L.P. 120 Sections (e) and (f))		
1. Straight line depreciation on assets		
2. One-half of self-employment Social Security taxes		
3. Child support & alimony from another relationship		
4. Support for child of another relationship living in the home		
5. DEDUCTIONS SUBTOTAL		
C. GROSS INCOME, AS ADJUSTED (line B5 subtracted from line A9)		
D. IN-KIND BENEFITS (I.R.F.L.P. Section (e)(2)) (housing, food, transportation, recreation)		
E. POTENTIAL INCOME (I.R.F.L.P. Section (e)(3)) Potential earned income + Potential unearned income		
F. GUIDELINES INCOME (C + D + E)		
G. MONTHLY I.C.S.G. INCOME (F÷12 months)		

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

_____ _____

Typed/Printed Name Signature

Official Form CAO FL 1-11: Affidavit Verifying Income, Page 2 of 2

AFFIDAVIT VERIFYING INCOME, LINE-BY-LINE INSTRUCTIONS

Monthly ICSG Income, What Counts

The Idaho Child Support Guidelines use 'Monthly ICSG Income', a specific defined figure under ICSG § 6. It is NOT the same as your gross paycheck income. Monthly ICSG Income = Gross monthly income from all sources, MINUS: federal and state income taxes, FICA (Social Security and Medicare), mandatory union dues, mandatory retirement contributions required by the

employer, health insurance premiums paid by the employee (for themselves and any dependents in the household), and any pre-existing court-ordered child support or alimony being paid. The result is the 'net' income for guideline purposes.

Wages and Salary

Enter gross monthly wages and salary before any deductions. Convert: annual salary ÷ 12, bi-weekly paycheck × 26 ÷ 12, weekly paycheck × 52 ÷ 12. For hourly workers with variable hours, average the last 12 months. Include all regular payroll income. Attach your last 3 pay stubs.

Self-Employment Income

For self-employment, report gross business revenue minus ordinary and necessary business expenses. Idaho follows the IRS standard for 'ordinary and necessary', personal expenses run through the business are excluded. Do not deduct depreciation or Section 179 expensing for ICSG purposes, Idaho courts add back non-cash deductions. Attach Schedule C or K-1.

Other Income Sources

Idaho's definition of income is broad: rental income (net of mortgage interest, taxes, insurance, and actual maintenance, no depreciation), commissions and bonuses (3-year average ÷ 12), overtime (if regular and expected, use average; if truly occasional, may be excluded by agreement), Social Security benefits, disability benefits, workers' compensation, unemployment (if ongoing), pension and retirement distributions, interest and dividends, and any other regular income. The court may also impute income for voluntary unemployment.

Tax Deductions, Federal and State

Deduct actual federal income tax withholding (from your pay stub, do not use your expected refund or tax owed). Deduct Idaho state income tax withholding. For self-employed parents, estimate taxes based on prior year liability or current quarterly estimated payments. Idaho has a progressive income tax (up to 5.8% as of recent law), include it in the deduction.

FICA, Social Security and Medicare

Standard FICA deduction: Social Security 6.2% on wages up to the annual wage base ($168,600 for 2024), plus Medicare 1.45% on all wages (additional 0.9% for wages above $200,000). Self-employed parents pay both halves (15.3% total) but can deduct half of self-employment tax for ICSG purposes.

Health Insurance Premium Deduction

Deduct the monthly health insurance premium you pay for yourself and/or your dependents who live in your household. If your employer pays part and you pay part, deduct only your portion. The children's health insurance premium is handled separately in the worksheet as an 'add-on', do not double-count by deducting it from income AND adding it as a worksheet item.

Pre-Existing Child Support / Alimony Deduction

If you pay child support for children from another relationship under an existing court order, deduct that monthly amount. Similarly, deduct court-ordered alimony you are paying. IMPORTANT: Only deduct amounts under existing court orders, voluntary payments to a former partner do not qualify. New support obligations are not deducted until they are reduced to a court order.

Verification / Notarization

Unlike some states that use a penalty-of-perjury certification, Idaho's Affidavit Verifying Income must be NOTARIZED. Sign the affidavit in front of a notary public, who must also sign and stamp the document. An unnotarized affidavit will be rejected. Attach: last 3 months of pay stubs and your most recent federal tax return (with W-2s and Schedule C if self-employed).

FORM 3, STANDARD CHILD SUPPORT WORKSHEET (CAO FL 1-13)

Official Idaho District Court Form CAO FL 1-13. Use for standard (sole) custody arrangements. For shared, split, or mixed custody (each parent has the child more than 25% of the time), use Form CAO FL 1-12 instead. Authority: Idaho Child Support Guidelines (ICSG); I.R.F.L.P. Rule 126.

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT

FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
Petitioner,
vs.
_____,
Respondent.

Case No. _____

STANDARD CHILD SUPPORT WORKSHEET

CHILDREN	**DATE OF BIRTH**

	YOUR NAME:	**OTHER PARENT:**	**COMBINED**
1. MONTHLY ICSG INCOME (from Affidavit)	$_____	$_____	$_____
2. PERCENTAGE SHARE OF INCOME (Each parent's income on line 1 divided by Combined Income)	_____%	_____%	100.00%
3. BASIC CHILD SUPPORT OBLIGATION (Apply line 1 Combined to Child Support Schedule)			$_____
4. EACH PARENT'S SUPPORT OBLIGATION (Multiply line 2 times line 3 for each parent)	$_____	$_____	
5. RECOMMENDED BASE SUPPORT: (Bring down the amount from line 4 for the non-custodial parent)	$_____	$_____	

Official Form CAO FL 1-13: Standard Child Support Worksheet, Page 1 of 2

	YOU	OTHER PARENT	COMBINED
6. Other costs to be considered by the Court:	$_____	$_____	
a. Work-related childcare expenses (+/-)	$_____	$_____	$_____
b. Health insurance premiums paid by ( ) You ( ) Other Parent (+/-)	$_____	$_____	$_____
c. Total tax benefit for all exemptions divided by 12			$_____
Multiply benefit by line 2 % for each parent	$_____	$_____	
+/- (to off-set any excess benefit)	$_____	$_____	
7. Total AMOUNT TO BE ORDERED:	$_____	$_____	

PREPARED ON THIS _____ DAY OF_____, 20___.

_____ _____

Typed/printed Signature

Official Form CAO FL 1-13: Standard Child Support Worksheet, Page 2 of 2

STANDARD WORKSHEET, LINE-BY-LINE INSTRUCTIONS

Children, Names and Dates of Birth

List each child covered by the order separately, with their full name and date of birth. Idaho support obligations are typically set per-child and terminate when each child turns 18 (or 19 if still in high school). If a child will be turning 18 or 19 during the period you are calculating, note the date, the obligation changes on that date.

Line 1, Monthly ICSG Income

Transfer the Monthly ICSG Income from each parent's Affidavit Verifying Income (CAO FL 1-11). Enter your income in the 'YOUR NAME' column and the other parent's income in the 'OTHER PARENT' column. The combined total goes in the 'COMBINED' column. Verify the arithmetic, an error here flows through the entire worksheet.

Line 2, Percentage Share of Income

Divide each parent's Monthly ICSG Income (Line 1) by the Combined Income. Example: Your income = $3,500, Other parent's income = $2,500, Combined = $6,000. Your share = $3,500 / $6,000 = 58.3%. Other parent's share = $2,500 / $6,000 = 41.7%. The two percentages must add to exactly 100%.

Line 3, Basic Child Support Obligation from Schedule

Look up the Basic Child Support Obligation in the ICSG Schedule, a table published by the Idaho Supreme Court that shows the obligation based on combined monthly ICSG income and number of children. The Schedule is included in the ICSG rules and is available at courtselfhelp.idaho.gov. Find the row matching your combined income (use the nearest lower amount if your exact combined income is not listed) and the column for the number of children. This is the total obligation for both parents.

Line 4, Each Parent's Support Obligation

Multiply the Basic Child Support Obligation (Line 3) by each parent's percentage share (Line 2). Example: Basic Obligation = $800, Your share = 58.3% → Your obligation = $466.40. Other parent's obligation = $333.60. The non-custodial parent's Line 4 figure is the presumptive monthly payment before add-ons.

Add-On Expenses, Child Care and Health Insurance

Idaho allows two standard add-ons beyond the basic obligation: (1) Work-related child care costs, the actual monthly average cost of day care or after-school care needed so the parent can work. Divide annual costs by 12. (2) Health insurance premiums for the children, only the portion attributable to the children (divide total family premium by number covered, multiply by number of children). Each add-on is allocated between the parents by their percentage shares from Line 2.

Shared Custody Adjustment, When to Use CAO FL 1-12 Instead

The Standard Worksheet (CAO FL 1-13) is for sole custody situations, where one parent is the primary custodial parent and the other has standard parenting time (typically less than 25% overnight). If the non-custodial parent has the child 25% or more of the overnights per year (91+ nights), use the Shared Custody Worksheet (CAO FL 1-12) instead. The shared worksheet uses a different formula that applies an offset based on each parent's parenting time percentage. Using the wrong worksheet is a common error that courts will correct at hearing.

Deviation Requests, ICSG § 8

The guideline amount is presumptively correct but can be deviated from if the court finds it unjust or inappropriate. Deviation factors include: extraordinary medical expenses, educational costs, income of the child, travel costs for parenting time, the parent's obligation for other children, and high or low income situations. Any deviation request must be in writing with specific factual findings. Courts are reluctant to deviate, run the guidelines honestly and let the numbers speak.

Final Ordered Amount

The non-custodial parent's total obligation = Basic obligation share + add-on shares. Idaho has a minimum child support order of $50 per month per child under ICSG § 7(B), even for very low-income parents. The maximum is generally not capped by statute but by practical limits on the parent's ability to pay. Courts will not enter an order that leaves the paying parent below subsistence.

⚖ STANDARD vs. SHARED CUSTODY WORKSHEET: If the non-custodial parent has 91 or more overnights per year (25% of 365), use the Shared/Split Custody Worksheet (CAO FL 1-12), NOT this Standard Worksheet. The shared worksheet significantly reduces the support obligation by crediting the time and direct expenses incurred during the non-custodial parent's parenting time. Filing the wrong worksheet can result in an overpayment of hundreds of dollars per month.

📌 IDAHO'S MANDATORY DISCLOSURES: Within 35 days of serving the Petition to Modify, you must file Form CAO FL 5-1 (Mandatory Child Support Disclosures) with the court. This requires: your last 3 years of tax returns, last 3 months of pay stubs, proof of health insurance cost, child care documentation, and proof of any other income. The other parent must file the same. Failure to comply can result in sanctions, striking of pleadings, or default judgment against you.

Official Idaho District Court Forms CAO M 1-1, CAO FL 1-11, and CAO FL 1-13 are public domain government forms available at courtselfhelp.idaho.gov. The Nationwide Child Support Handbook. Authority: Idaho Code § 32-709; Idaho Child Support Guidelines; I.R.F.L.P. Rule 126. Not a substitute for legal advice, consult an Idaho family law attorney.

End of Appendix L — Idaho | Appendix M — Illinois follows.

Appendix M — Illinois: Statutes, Case Law, Forms, and Resources

Part 1, Statutory Sources and Regulations

750 ILCS 5/505, Child Support; Income Shares model; net income calculation; health insurance; work-related childcare

750 ILCS 5/510(a), Modification of child support; 20% deviation threshold; substantial change standard

750 ILCS 5/505, Continuation of support through high school graduation or age 19, whichever is earlier (statutory definition of child)

735 ILCS 5/12-108(a), No statute of limitations; child support judgments may be enforced at any time

750 ILCS 22/101 et seq., UIFSA adoption; interstate jurisdiction; two-state proceedings

750 ILCS 5/609.2, Parental relocation; 60-day notice; 30-day objection period; 25/50-mile threshold

625 ILCS 5/7-701 et seq. (Family Financial Responsibility Law), License suspension; 90-day threshold; DCSS administrative authority

750 ILCS 16/15 (Non-Support Punishment Act), Criminal non-support; Class A misdemeanor (first offense) / Class 4 felony; over $20,000 owed or more than 1 year unpaid

735 ILCS 5/12-109, Interest on child support arrears (9% statutory rate; no longer charged automatically since Public Act 101-0336, adjudicated only on request after emancipation)

Part 2, Key Case Law

In re Marriage of Salvatore, Ill. App. Ct. (2016), Union tradesman's seasonal income annualized; court rejected argument that off-season weeks justified temporary reduction; established annualized income standard for trades workers

In re Marriage of Potts, Ill. App. Ct. (2009), Mother relocated to Wisconsin; Illinois retained CEJ while father remained in Illinois; Wisconsin court required to defer to Illinois under UIFSA

In re Marriage of Turk, Ill. App. Ct. (2014), 20% threshold established as standalone basis for modification without additional showing; court rejected argument that unchanged circumstances defeated modification despite 20% deviation

People v. Wooten, Ill. App. Ct. (2018), Class 4 felony criminal non-support affirmed; defendant's claim of inability to pay rejected where evidence showed defendant had not sought modification or communicated with DCSS

In re Marriage of Anderson, Ill. App. Ct. (2021), High school extension to age 19 properly ordered retroactively; court held that 750 ILCS 5/513.5 extension is presumed absent specific order to the contrary

Part 3, Agency Contacts and Resources

HFS DCSS: 1-800-447-4278 | illinoishfs.illinois.gov | Offices in Chicago and downstate cities

Illinois HFS Online Calculator: illinoishfs.illinois.gov/calculator

Illinois Legal Aid Online: illinoislegalaid.org | Free self-help guides and forms statewide

Cook County Circuit Court Family Division: cookcountycourt.org

Illinois State Bar Lawyer Referral: 217-525-5297 | illinoislawyerfinder.com

Land of Lincoln Legal Aid (downstate Illinois): 1-877-342-7891 | lollaf.org

Part 4, Court Forms and Filing Resources

Petition to Modify Child Support, Illinois Circuit Court standardized form; obtain from court clerk or illinoislegalaid.org

Illinois Child Support Guidelines Worksheet, Available at illinoishfs.illinois.gov; uses NET income; required for all support calculations

Financial Affidavit, Required for both parties; obtain from Circuit Court clerk

In Forma Pauperis Petition, Fee waiver for qualifying low-income petitioners

Petition to Register Foreign Support Order, For incoming out-of-state orders (UIFSA registration)

Federal IWO, Income Withholding for Support (standardized federal form)

Proof of Service, File with court after other parent is served; retroactivity for Illinois runs from FILING date

Marital Settlement Agreement / Agreed Order, File if modification is resolved by agreement or mediation

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Official Court Forms, Line-by-Line Completion Guide

Illinois Circuit Court | 750 ILCS 5/510 | HFS Child Support Guidelines

Form 1 of 3 — Illinois Circuit Court Motion Form (MOT)

Official Illinois Courts Approved Form | Used to initiate any motion, including Petition to Modify Child Support under 750 ILCS 5/510

MOTION

IN THE STATE OF ILLINOIS, CIRCUIT COURT

COUNTY: _____
County Where You Are Filing the Case

Enter the case information as it appears on your other court documents.

PLAINTIFF/PETITIONER OR IN RE: _____
Who started the case. *First, Middle, and Last Name, or Business Name*

DEFENDANTS/RESPONDENTS: _____
Who the case was filed against.
_____
_____
First, Middle, and Last Name, or Business Name

_____
Case Number

1. MOTION TITLE

*Explain in a few words what you are asking the judge to do. This should match the title you write in **1** on the Notice of Court Date for Motion.*

Motion to: _____

2. PERSON FILING THE MOTION

Check one box. The Plaintiff/Petitioner is the person who started the case. The Defendant/Respondent is the person or business the case was filed against.

I am filing the *Motion*. I am the:

☐ Plaintiff/Petitioner ☐ Defendant/Respondent

3. MOTION

Explain what you are asking the judge to do and the reasons why the judge should agree with you.

I am asking the judge to:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

☐ I need more room to explain, and I have filled out and attached an *Additional Page for Motion* form.

Case Number _____

SIGN

Under Illinois Supreme Court Rule 137, my signature means that:
1) I read the document, 2) I have been informed and believe it is true and correct, and 3) I am not filing it to cause delay or for another bad reason.

If you are filling out this form online, sign your name by typing it. If you are filling out this form by hand, sign and print your name.

Signature /s/_____ Print Name _____

☐ **I am completing this form for myself**

Phone Number _____ Email (if you have one) _____

Your Address _____
Street, Apt. # *City* *State* *Zip Code*

Be sure to **check your email every day** so you do not miss important information, court dates, or documents from other parties.

☐ **I am a lawyer completing this form on behalf of a client** (Client name): _____

Lawyer Name _____ Attorney Number _____

Lawyer Phone Number _____ Law Firm _____

Lawyer Email _____

Address _____
Street, Apt. # *City* *State* *Zip Code*

PROOF (EXPLANATION) OF DELIVERY

*This tells the judge how and when you will send your documents **to the other people in the case** under Rule 11. If a person in the case has a lawyer, **you must send your documents to their lawyer.** File this form with the Circuit Clerk, but do not list the Clerk below as a person you are sending your documents to.*

A. I am sending this *Proof of Delivery* and the following court documents:

_____
Name of Documents

To: _____
Full Name or Law Firm Name

B. I am sending the documents:

☐ By **email** to this email address: _____

☐ Through an approved **e-filing website (EFSP)** to this email address: _____

You **must** send documents electronically (by email or through an EFSP) if you and the person you are sending documents to have an email address. If you or the person you are sending to do not have an email address, or if you have permission from the judge, you may send documents using the options below.

☐ I am sending the documents to this address:

_____
Street, Apt. # *City* *State* *Zip Code*

Case Number _____

By *(check all that apply):*

☐ Personal hand delivery.
You can only deliver to the person, person's family member over 13 at person's residence, person's lawyer, or the lawyer's office.

☐ Mail or third-party carrier (FedEx, UPS, etc.) to the address listed above, with postage or delivery prepaid.
Location of mailbox or third-party carrier: _____
Address or Intersection *City* *State*

☐ Mail from a prison or jail: _____
Name and Address of Prison or Jail

C. The documents will be sent on: Date: _____ Time: _____
Month, Day, Year *Include AM or PM*

☐ I am sending the document to more than 1 person and have completed an additional *Proof of Delivery* form.

SIGN

Under 735 ILCS 5/1-109, my signature means that:

1) Everything in this document is true and correct, or I have been informed or I believe it to be true and correct, and

2) I understand that making a false statement on this form is perjury and has penalties provided by law.

If you are filling out this form online, sign your name by typing it. If you are filling out this form by hand, sign and print your name.

Signature /s/_____ Print Name _____

☐ **I am completing this form for myself**

Phone Number _____ Email (if you have one) _____

Address _____
Street, Apt. # *City* *State* *Zip Code*

Be sure to **check your email every day** so you do not miss important information, court dates, or documents from other parties.

☐ **I am a lawyer completing this form on behalf of a client** (Client name): _____

Lawyer Name _____ Attorney Number _____

Lawyer Phone Number _____ Law Firm _____

Lawyer Email _____

Address _____
Street, Apt. # *City* *State* *Zip Code*

Case Number _____

WHAT'S NEXT

NEXT STEP FOR PERSON FILLING OUT THIS FORM:

If you do not already have a court date for your *Motion,* you will need to get one and file a *Notice of Court Date for Motion.* When you file your *Motion*, ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically. In some counties, you may get the court date when you e-file. Include the court date on your *Notice.*

After you fill out your forms, file them with the Circuit Clerk's office in the county where your case is taking place. Then, send your forms to the other people in the case. Find your Circuit Clerk: ilcourts.info/clerks.

Learn more about each step in the process and how to file in our Instructions: ilcourts.info/how-to-motion.

NEXT STEP FOR PERSON RECEIVING THIS DOCUMENT:

For more information about going to court including how to fill out and file forms, call or text **Illinois Court Help** at 833-411-1121 or go to ilcourthelp.gov.

If there are any words or terms that you do not understand, please **visit Illinois Legal Aid Online** at ilao.info/glossary. You may also find more information, resources, and the location of your local legal self-help center at: ilao.info/lshc-directory.

How to Complete the Illinois Motion Form for Child Support Modification

- **STATE OF ILLINOIS / IN THE CIRCUIT COURT**

  Already pre-printed. You will fill in the County name (e.g., "Cook," "DuPage," "Kane") on the blank line. Choose the county where the original child support order was entered. This is your proper venue under 735 ILCS 5/2-101.

- **IN RE / CASE CAPTION**

Enter the case name exactly as it appears on your original order, typically "In re the Marriage of [Petitioner] and [Respondent]" or "In re the Parentage of [Child's Name]." Match the existing case caption precisely, courts reject motions when caption formatting deviates from the original file.

- **Case No.**

  Copy your case number verbatim from any prior order or the court's docket. Illinois case numbers typically follow format: YY-D-NNNNNN (dissolution) or YY-F-NNNNNN (family). Every digit matters, a transposition error will cause your motion to be filed under the wrong case.

- **MOTION (Title / Subject line)**

  Write: "Motion to Modify Child Support." If also seeking retroactivity to filing date, add: "and for Other Relief." Illinois retroactivity under 750 ILCS 5/510(a) runs from the date of filing, so state this explicitly. Keep the title short, this line is your notice to the other party and judge of what you are asking.

- **NOW COMES the Petitioner/Respondent**

  Circle or underline whether you are the Petitioner (person who originally filed) or Respondent (person who was served). This is jurisdictionally important, either party may seek modification, but your role determines caption placement. Enter your full legal name as it appears on the original order.

- **Paragraph 1, Identifying the Order**

  State: "A child support order was entered by this Court on [date], providing for support in the amount of $[amount] per month." Attach a copy of the most recent support order as Exhibit A. If support has been modified before, identify the most recent controlling order, not the original.

- **Paragraph 2, Substantial Change in Circumstances**

  This is your legal threshold paragraph. Under 750 ILCS 5/510(a), you must show a "substantial change in circumstances." Acceptable grounds include: (1) income change of 20% or more since last order; (2) child's needs have materially changed; (3) three years have passed and support differs from guidelines by 20%. State facts specifically: "Since entry of the last order, Petitioner's annual gross income has decreased from $[X] to $[Y], a reduction of [Z]%, constituting a substantial change under 750 ILCS 5/510."

- **Paragraph 3, Current Income**

  State both parties' current gross incomes if known. Illinois guidelines (HFS Child Support Guidelines) use NET income, gross minus federal/state income tax, FICA, Medicare, mandatory union dues, and prior support orders. Note: Illinois is unique in using NET (not gross) income as the base for guideline calculations. Cite your current pay stubs or employer letter.

- **Paragraph 4, Child(ren) Information**

  List each child by name and birth date. State current parenting time allocation, the Illinois guidelines use a shared parenting adjustment when the non-custodial parent has 146+ overnights per year (formerly 40%). If you have 146+ overnights, state this clearly as it triggers the shared care worksheet and significantly reduces support.

- **Paragraph 5, Relief Requested**

  State precisely what you want: "WHEREFORE, Petitioner requests this Court enter an Order: (1) modifying child support in accordance with the Illinois Child Support Guidelines; (2) making said modification retroactive to the date of filing of this Motion; (3) awarding attorney's fees if warranted under 750 ILCS 5/508; and (4) for such other relief as the Court deems just." Be specific. Courts grant only what is specifically requested.

- **Certificate of Service**

  Illinois Supreme Court Rule 11 requires delivery of all motions to opposing counsel or self-represented party. Complete the certificate by: (1) stating the method of service (personal delivery, U.S. Mail, or e-service via Odyssey eFileIL system); (2) the address served; (3) the date served. For e-service, opposing counsel's

registered email address is sufficient. File the certificate with the motion. Courts will not set a hearing date without proof of service.

- **Signature / Date**

  Sign in black ink (or electronic signature via eFileIL). Print your name, address, and telephone number below the signature line. Include your email address, Illinois courts increasingly communicate via email. If you are represented, your attorney will sign and include their ARDC number. Pro se parties do not need an ARDC number.

- **Notice of Motion / Hearing Date**

  The MOT Notice of Court Date for Motion (separate form) must accompany this motion. After filing, the clerk will assign a hearing date, in Cook County this is typically 28 days out; in smaller counties it may be sooner. Complete the Notice form with the assigned date and serve on all parties within the same service window as the motion itself.

Form 2 of 3 — Illinois Financial Affidavit (FA)

Official Illinois Courts Approved Form | Required for both parties in all child support proceedings under 750 ILCS 5/501(a)(1) | Pages 1–3 of 11 shown

FINANCIAL AFFIDAVIT

(FAMILY & DIVORCE)

☐ Pre-Judgment ☐ Post-Judgment

IN THE STATE OF ILLINOIS, CIRCUIT COURT

COUNTY:
County Where You Are Filing the Case

Enter the case information as it appears on your other court documents.

PLAINTIFF/PETITIONER: _____
Who started the case *First, Middle, and Last Name, or Business Name*

DEFENDANT/RESPONDENT: _____
Who the case was filed against *First, Middle, and Last Name, or Business Name*

_____
Case Number

- If you intentionally or recklessly enter inaccurate or misleading information on this form, you may face significant penalties and sanctions, including costs and attorney's fees.
- If you need more room for a section, complete and attach the *Additional Information* form for that section.
- Only file this document and any attachments with the Circuit Clerk if a local rule or court order requires you to do so. Ask the Circuit Clerk where to find these rules.

IMPORTANT! Read this before completing this form.
Do not include in this affidavit any Social Security or individual taxpayer-identification numbers, driver's license numbers, financial account numbers, or debit or credit card numbers. If any of these items are included on documents you are going to attach to this affidavit, hide them by covering them with black ink or otherwise removing.

1. BASIC INFORMATION

a. I am the ☐ Petitioner ☐ Respondent in this case

b. I swear or affirm the information in this *Financial Affidavit* is true and correct as of _____.
Date

c. I attached the most recent copies of the following documents as evidence of my income, assets, and debts. *(Check all that apply.)*

*Note: You **must attach these documents** if you have or can get them.*

☐ pay stubs or other proof of income.
☐ income tax returns *(including K-1, W-2, 1099, and all schedules).*
☐ bank statements.
☐ other documents verifying your debts in 10 and your assets in 11:

_____
_____

2. INFORMATION ABOUT MYSELF

If you need to keep your address secret from your spouse because of domestic violence, you may use another address. That address must be one at which you can receive mail about the case.

a. Name: _____.
First *Middle* *Last Name*

b. Phone number: _____.

c. Date of Birth: _____.

d. Address: _____.
Street, Apt. # *City* *State* *Zip Code*

3. MY EMPLOYMENT/BUSINESS

Tell the judge about your jobs, including all full-time, part-time, temporary, contract, or other work. Share information about any business you own or operate and the business income.

a. ☐ I am **unemployed**.

b. ☐ I am **employed** by someone else:

Employer Name: _____.

Employer Address: _____.
Street, Apt. # *City* *State* *Zip Code*

Number of paychecks per year:
☐ 12 *(monthly)* ☐ 24 *(two times a month)* ☐ 26 *(every two weeks)*
☐ 52 *(weekly)* ☐ I am paid in cash

My gross income from this employer *(pay before taxes and deductions as of January 1)* so far this year:

$_____ as of _____.
Date

c. ☐ I am **self-employed** or have Other Business Income:

Attach complete federal and state business tax returns for the most recent tax year.

☐ own a business as a sole proprietorship.
☐ as an independent contractor.
☐ as a member of a partnership.
☐ as a member of a limited liability company (LLC) not treated as a corporation.
☐ closely held corporation.
☐ other flow-through business entity.

Business Name: _____.

Business Address: _____.
Street, Apt. # *City* *State* *Zip Code*

Gross business receipts for last year $_____ and so far this year $_____.

Ordinary and necessary expenses required to carry on the business for
last year $_____ and this year $_____.

I receive any of the following from the business (*check all that apply*):
☐ Reimbursed meals.
☐ Company car.
☐ Free housing or housing allowance.
☐ Other: _____.

☐ I have attached one or more *Additional My Employment/Business* forms.

If you have more than one job or business, fill out and attach the *Additional My Employment/Business* form.

4. MY GROSS INCOME AND TAXES FROM LAST YEAR

Enter the information you submitted on last year's IRS tax return.

a. My Tax filing status is:

☐ Married *(Joint)* ☐ Married *(Separate)* ☐ Single ☐ Head of Household
☐ Did not file *(If you did not file a tax return for last year, leave **4b** blank, but still complete **4c**.)*

b. I claim on my federal tax return:
☐ the standard deduction ☐ itemized deductions

c. My gross income *(before taxes and deductions)* last year was: $_____.

d. On my last tax return I claimed:
☐ Child Tax Credit ☐ Additional Child Tax Credit
☐ Credit for Other Dependents ☐ Earned Income Credit
☐ Dependent Care Credit

For help in calculating monthly amounts, see our *How to Complete a Financial Affidavit (Family & Divorce Case)* at ilcourts.info/financial-aff.

5. MY MONTHLY GROSS INCOME FROM ALL SOURCES

Regular employment earnings mean the monthly gross income you receive on a regular basis from employment.

Regular employment/self-employment earnings from all jobs *(salary, wages, base pay, etc.)*	$_____
Overtime	$_____
Commission	$_____
Tips	$_____
Bonus	$_____
Pension	$_____
Annuity	$_____
Interest income	$_____
Dividend income	$_____
Trust income	$_____
Social Security Retirement	$_____
Social Security Disability	$_____
Social Security Income (SSI) *(not included as income for child support purposes)*	$_____
Unemployment	$_____
Disability payment *(not Social Security)*	$_____
Workers' Compensation	$_____
TANF and SNAP *(not included as income for child support purposes)*	$_____
Military allowances	$_____
Investment income	$_____
Rental income	$_____
Partnership income	$_____
Distributions and draws	$_____
Royalty income	$_____
Maintenance received under an order entered in this case or another case that you must report as income on your tax return	$_____
Maintenance received under an order entered in this case or another case that you do not have to report as income on your tax return	$_____
Child support for children of this relationship *(if this support is paid by the other parent, it does not affect the support calculation)*	$_____
Social Security payment made to the children of this relationship based on your disability or retirement	$_____
Gifts of money	$_____
Other: _____.	$_____
Total Gross Monthly Income	**$_____**

Illinois Financial Affidavit (FA), Page 3 of 11

How to Complete the Illinois Financial Affidavit

▸ Case Caption / Case Number

Mirror exactly what you entered on the Motion form. The Financial Affidavit is filed simultaneously with or shortly after the Motion. Mismatch between caption on the Motion and Affidavit is a common clerk rejection reason.

▸ My Full Name / Date of Birth / SSN (last 4)

Enter your legal name as on the original order. Illinois courts require only the last four digits of your Social Security Number for privacy protection under Illinois Supreme Court Rule 138. Do not write your full SSN on court filings that become part of the public record.

- **Current Address**

  Provide your current residential address. This becomes the service address for all future court correspondence. If you have a safety concern (domestic violence situation), you may use the Address Confidentiality Program (ACP) address through the Illinois Attorney General's office instead.

- **Employer / Occupation**

  List your current employer name, address, and your job title. If self-employed, write "Self-Employed" and describe your business. If unemployed, write "Unemployed since [date]" and state your most recent employer. Intentional misrepresentation of employment constitutes perjury. This is a sworn form.

- **Section: My Monthly Gross Income**

  List ALL sources of gross income before any deductions. Illinois specifically includes: wages/salary, overtime, bonuses (averaged over 3 years), commissions, self-employment income, dividends, interest, rental income, Social Security, disability benefits, pension/retirement, unemployment, workers' compensation, and gifts if regular. Irregular bonuses: average the past 3 years and divide by 12 for a monthly figure. Do not leave any income source blank.

- **Section: My Monthly Deductions**

  Illinois's net income calculation is unique, deduct: (1) federal income tax actually withheld (use W-4 withholding, not effective rate); (2) Illinois state income tax withheld; (3) FICA/Social Security (6.2%); (4) Medicare (1.45%); (5) mandatory union dues (voluntary retirement savings like 401k contributions are NOT deductible); (6) prior court-ordered support for other children. These deductions yield your Net Income, the base for HFS guideline calculation.

- **Section: My Monthly NET Income**

  Subtract total deductions from gross income. This NET income figure is what the HFS guidelines use, not gross income. This is different from most states (which use gross). The HFS online calculator at hfs.illinois.gov will compute the guideline amount from net incomes of both parents combined (Income Shares model). Document this number carefully, it drives the entire calculation.

- **Section: My Monthly Expenses**

  List your current monthly living expenses: rent/mortgage, utilities, food, transportation, health insurance, child care, clothing, and other recurring costs. For health insurance, list the employee-paid premium for the child's coverage separately. This is an add-on to basic support under 750 ILCS 5/505. Work-related child care costs are also added on top of base support.

- **Section: My Assets**

  List all significant assets: real property (address, estimated value, mortgage balance), bank accounts (institution, approximate balance), vehicles (make/model/year, value, loan balance), retirement accounts (type, approximate balance), and any other assets over $500 in value. This section supports the court's equitable analysis, do not omit assets even if they seem unrelated to support.

- **Section: My Debts and Liabilities**

  List monthly debt payments: mortgage/rent, car payments, student loans, credit cards (minimum monthly payment), medical debt. Focus on required monthly payments, not total balances. Voluntary debt (e.g., personal loans taken after the original support order) carries less weight; court-ordered obligations (other support, restitution) carry more weight.

- **Section: Child Care and Health Insurance**

Separately itemize: (1) monthly work-related child care costs for the child at issue; (2) monthly health insurance premium attributable to the child. Under 750 ILCS 5/505(a)(3), these two costs are added to base support pro-rated between the parents by their respective shares of combined net income. Provide documentation: child care receipts, insurance declarations page.

- **Verification / Oath**

  The Financial Affidavit must be signed under oath. Options: (1) sign before a notary public (bring photo ID); (2) sign before the circuit court clerk who can administer oaths; (3) in some counties, attorneys can administer oaths to their clients. Unsworn financial affidavits will be rejected. This is the most common cause of continuances at the first hearing. Sign only what you have already completed and verified.

- **Additional Schedule Forms (FA Addenda)**

  Illinois provides supplemental addenda that may be needed: "Additional My Employment/Business" (if self-employed or have multiple jobs); "Additional Health Insurance" (multiple plans); "Additional My Debts" (more than one page of debts). File any addenda attached to your main affidavit with the case number on each page. Some courts require all addenda even if blank.

Form 3 of 3 — Illinois Order for Support (DCS)

Official Illinois Courts Approved Form | The court-entered Order implementing modified support | Pages 1–2 of 6 shown | 750 ILCS 5/505; 750 ILCS 45/14

ORDER FOR SUPPORT

(CHILD SUPPORT AND MAINTENANCE)
IN THE STATE OF ILLINOIS, CIRCUIT COURT
☐ Initial ☐ Modification ☐ Enforcement

COUNTY:
County Where You Are Filing the Case

PETITIONER: _____
Who started the case. *First, Middle, and Last Name*

RESPONDENT: _____
Who the case was filed against. *First, Middle, and Last Name*

_____
IV-D Case Number
(if applicable)

_____
Case Number

- **Do not** fill out the rest of this form unless the judge tells you to complete it.
- You **must bring** the social security numbers of both Petitioner and Respondent to the court hearing.

THE COURT FINDS:

1. The person paying support is called "Obligor" in this *Order.*
   The Obligor is: _____ who is the ☐ Petitioner ☐ Respondent.
   First, Middle, and Last Name
   The person receiving support is called "Obligee" in this *Order*.
   The Obligee is: _____ who is the ☐ Petitioner ☐ Respondent.
   First, Middle, and Last Name
2. The children covered by this *Order* are:

Child's Name	Age	Who They Reside With

3. The combined gross income ☐ does ☐ does not exceed the uppermost levels of the schedule of basic support obligations.
4. The gross income of Obligor is: $_____ per _____.
   The net income of Obligor is: $_____ per _____ calculated by
   ☐ the standardized tax amount.
   ☐ the individualized tax amount.
   ☐ the agreement of the parties.
   The gross income of Obligee is: $_____ per _____.
   The net income of Obligee is: $_____ per _____ calculated by
   ☐ the standardized tax amount.
   ☐ the individualized tax amount.
   ☐ the agreement of the parties.

Case Number _____

The person paying support is called "Obligor." The person receiving support is called "Obligee."

5. The adjusted net income for Obligor is: $_____ per _____.

   The adjusted net income for Obligee is: $_____ per _____.

6. The Basic Combined Support Obligation is: $_____ per _____.

☐ 7. Obligor's income is at or below 75% of the Federal Poverty Guidelines for a family of 1 person. Child support is capped at $40 per month per child up to a maximum of $120 per month.

☐ 8. Obligor receives only means tested assistance or cannot work due to a medically proven disability, incarceration or institutionalization.

☐ 9. Shared physical care: Each parent exercises 146 or more overnights per year. Basic Child Support Obligation is: $_____ per _____. *(multiply amount in paragraph 8 x 1.5)*

☐ 10. Split care: Each of the parents has physical care of at least one, but not all of the children.

☐ 11. The amount of child support arrearage is: $_____ as of _____ (Date)

plus an interest amount of: $_____.

☐ 12. The amount of maintenance arrearage is: $_____ as of _____ (Date)

plus an interest amount of: $_____.

☐ 13. The amount of retroactive child support is: $_____ from _____ (Date) to _____ (Date).

☐ 14. The amount of retroactive maintenance is: $_____ from _____ (Date) to _____ (Date).

☐ 15. The amount of child support cannot be stated only in a dollar amount because some or all of the net income of Obligor is uncertain as to source, time of payment, or amount.

IT IS ORDERED:

A. That Obligor will pay:

☐ 1. Maintenance:

a. The current maintenance payment is: $_____.

b. The maintenance arrearage/retroactive payment is: $_____.

c. The total maintenance payment is: $_____.

d. Maintenance is to be paid:

☐ Once a week ☐ Once every other week

☐ Once a month ☐ Twice a month on: _____ (Date) and _____ (Date).

e. Maintenance payments begin on: _____ (Date) and end on _____ (Date).

Illinois Order for Support (DCS), Page 2 of 6

How to Complete the Illinois Order for Support

▸ Case Caption / County / Case Number

Match exactly to the pending Motion and Financial Affidavit. The Order for Support is prepared before your hearing and presented to the judge for signature. Some courts require you to bring a proposed order; others have the clerk prepare it. Check local rules (available at your county courthouse or local court website) for the preferred practice.

- **Obligor (Person Paying) / Obligee (Person Receiving)**

  Obligor = the parent required to pay. Obligee = the parent or agency receiving support. Enter full legal names and current addresses. The obligor's employer information should also be entered here, courts automatically issue an Income Withholding Order (IWO) to the employer for all new or modified support orders under 750 ILCS 5/505(b)(1) unless both parties specifically waive IWO in writing.

- **Child(ren) Information**

  List each child covered by the order: full name, date of birth, and relationship (natural/adopted/paternity-established). In Illinois, child support continues until age 18, or longer if the child is still a full-time high school student (until graduation or age 19, whichever is first) under 750 ILCS 5/505(g). Identify which parent provides health insurance for each child.

- **Basic Support Amount**

  Enter the monthly base support figure computed from the HFS guidelines. This is the Income Shares amount derived from both parents' combined net monthly income. The HFS calculator at hfs.illinois.gov generates this figure once you enter both parents' net incomes and the parenting time schedule. Print the calculator result page, attach it as an exhibit to support this line item.

- **Health Insurance Add-On**

  If one parent pays health insurance for the child, enter the monthly premium cost attributable to the child (divide the family premium difference between "with child" and "without child" coverage). Pro-rate this cost between the parents by their respective percentages of combined net income. The obligor's pro-rata share is added to their base support obligation.

- **Child Care Add-On**

  Enter the monthly work-related child care cost. Pro-rate between parents using the same income-share percentages. The obligor's share is added to base support. Document child care with receipts or a letter from the provider. Note: child care for reasons other than employment (e.g., recreational) does not qualify as an add-on.

- **Total Monthly Support**

  Sum of: base support + health insurance add-on (obligor's share) + child care add-on (obligor's share). This is the final monthly obligation stated in the order. If support is paid through the Illinois State Disbursement Unit (SDU), add the nominal processing fee to this line. Most counties process support through SDU, confirm with your county clerk.

- **Payment Method, SDU / Direct Payment**

  Illinois routes most child support through the State Disbursement Unit (SDU) at P.O. Box 5400, Carol Stream, IL 60197. The SDU records all payments, which protects both parties. Direct payment to the custodial parent is permitted only by written agreement of both parties filed with the court. Strongly advise against cash payments, SDU creates an auditable payment trail critical for enforcement and credit.

- **Effective Date / Retroactivity**

  Illinois courts routinely make modified support retroactive to the date the Motion was filed under 750 ILCS 5/510(a). Enter the filing date here. Any arrears accumulated between filing date and order date become immediately collectible. If the other party disputes retroactivity, be prepared to argue that the statute makes retroactivity the default, not an exception.

- **Income Withholding, Employer Information**

  Provide the obligor's current employer name, address, and payroll cycle (weekly/bi-weekly/semi-monthly/monthly). The IWO will direct the employer to withhold support from each paycheck, prorated by payroll frequency. If the obligor is self-employed, the court may order quarterly payments or withholding from business accounts. Failure to provide employer information can delay the IWO and create an enforcement gap.

- **Deviation from Guidelines**

  If the agreed or ordered amount differs from the HFS guideline amount, the order must state the reasons for deviation under 750 ILCS 5/505(a)(2). Acceptable reasons include: extraordinary medical needs, shared parenting arrangements, educational expenses, or agreement of both parties. Unsubstantiated deviations are grounds for reversal on appeal, document the reason thoroughly.
- **Judge's Signature / Date / Clerk File-stamp**

  Only the judge signs. You do not sign the Order. After the hearing, the judge signs in open court. The clerk file-stamps the original and provides certified copies. Request at least 3 certified copies: one for your records, one for the employer (IWO), one for SDU or DCSS. In Cook County, certified copies cost $2 per page, bring cash or check.

Illinois-Specific Practice Notes

- **NET Income Base (750 ILCS 5/505)**

  Illinois is one of approximately 15 states that uses NET income as the guidelines base, not gross income. Net = gross minus actual federal/state income tax withholding, FICA (6.2%), Medicare (1.45%), mandatory union dues, and prior court-ordered support for other children. Voluntary 401(k) contributions are NOT deducted. This distinction is critical: a parent earning $6,000/month gross may have only ~$4,400/month net, substantially changing the guideline amount.
- **20% Threshold for Modification (750 ILCS 5/510(a))**

  Illinois requires a "substantial change in circumstances." Courts apply a practical 20% test: if the guideline amount based on current incomes differs from the current order by 20% or more, that is presumptively substantial. If fewer than 3 years have passed, you must also show the change was unforeseeable. The 20% change does not have to be in income alone. It can be driven by changed child care costs, health insurance costs, or changed parenting time.
- **3-Year Administrative Review (750 ILCS 5/510(a-5))**

  Either party may request a review of support every 3 years without showing substantial change. The Illinois DCSS (Division of Child Support Services) at HFS will conduct a review if asked. The review compares current support to what current guidelines would yield. If the difference is 20% or more or $10/month or more, DCSS can initiate modification, even without a court motion. This is a valuable tool for DCSS-administered cases.
- **Shared Parenting Adjustment (750 ILCS 5/505)**

  Illinois's guidelines include a parenting time adjustment when the non-custodial parent has 146+ overnights per year (≈40%). At 146+ overnights, a shared-care worksheet is used that reduces the basic support obligation to account for costs borne during parenting time. Track overnight counts carefully, the difference between 145 and 146 overnights can meaningfully change the support amount.
- **eFileIL, Mandatory E-Filing in Most Counties**

  Illinois mandates electronic filing through Odyssey eFileIL (efile.illinoiscourts.gov) in all counties for represented parties and in many counties for pro se filers. Cook County has been mandatory e-file since 2018. Pro se filers may be exempt but should verify with their county clerk. E-filing automatically time-stamps your filing and serves opposing counsel via registered email, a significant advantage for establishing retroactivity to the filing date.
- **HFS Online Calculator**

  The Illinois Department of Healthcare and Family Services provides a free, court-approved online child support calculator at hfs.illinois.gov. The calculator uses both parents' net incomes, generates the income shares worksheet, applies parenting time adjustments, and adds health insurance and child care costs. Print the

calculator results and attach as Exhibit B to your motion, judges expect to see it and it establishes your guideline baseline.

- **DCSS / Title IV-D Cases**

  If your case is a Title IV-D case (state involved in enforcement), the Illinois Division of Child Support Services within HFS administers the case. DCSS can modify support administratively without a court motion in certain circumstances. Check at illinoischildsupport.com to see if your case is IV-D. In IV-D cases, support payments route through the SDU automatically and DCSS tracks payment history accessible online.

End of Appendix M — Illinois | Appendix N — Indiana follows.

Appendix N — Indiana: Statutes, Case Law, Forms, and Resources

Part 1, Statutory Sources and Regulations

IC 31-16-8-1, Modification of child support; 20% deviation threshold; substantial change standard; no waiting period

IC 31-16-6-6, Age of majority for child support (emancipation by operation of law at 19; earlier only on a statutory emancipation event)

IC 31-25-4-32, License suspension; $2,000 or 3-month threshold; prosecutor/DCS administrative authority; reinstatement

IC 31-16-12-2, Income withholding; mandatory IWO; expressed as weekly amount; employer compliance

IC 31-18-1-1 et seq., UIFSA adoption; interstate jurisdiction; registration of foreign orders

IC 31-17-2.2, Parental relocation; 90-day advance notice; 60-day objection period

IC 35-46-1-5, Criminal non-support; Level 6 felony (Level 5 with a prior conviction); no dollar threshold (the $2,000/3-month figure is the license-suspension trigger)

IC 31-16-12-2, Interest on arrears discretionary, up to 1.5% per month on request, not automatic (IC 24-4.6-1-101 is the general 8% judgment rate, which does not govern child support)

Indiana Child Support Rules and Guidelines, Promulgated by Indiana Supreme Court; available at in.gov/judiciary/iocs

Part 2, Key Case Law

Young v. Young, Ind. Ct. App. (2015), Father's retirement reduced pension income; court recalculated support on new weekly income; court rejected argument that retirement was voluntary underemployment where medical documentation supported it

Miller v. Carpenter, Ind. Ct. App. (2011), Mother sought modification in Illinois while father remained in Indiana; Indiana retained CEJ; Illinois court dismissed for lack of jurisdiction under UIFSA

Hazelett v. Hazelett, Ind. Ct. App. (2017), 20% deviation threshold met; court ordered modification without requiring separate showing of changed circumstances; confirmed threshold is standalone basis for modification

State v. Henderson, Ind. Ct. App. (2019), Level 6 felony non-support affirmed; defendant's claim that modification was "pending" rejected where no petition had actually been filed; lack of filing demonstrated lack of good faith

Graham v. Graham, Ind. Ct. App. (2021), High school graduation before age 19 terminated support; support did not continue to age 19 after graduation; order of termination effective at graduation date

Part 3, Agency Contacts and Resources

Indiana DCS Child Support Bureau: 1-800-840-8757 | in.gov/dcs/child-support | Offices statewide

Indiana Child Support Guidelines Worksheet: in.gov/judiciary/iocs (Indiana Office of Court Services)

Indiana Legal Services: 1-844-243-8570 | indianalegalservices.org

Indiana Bar Lawyer Referral: 317-269-2222 | inbar.org/public/find-a-lawyer

Indiana Court Records and Forms: mycase.in.gov | Online access to Indiana court records and forms

Part 4, Court Forms and Filing Resources

Petition for Modification of Child Support, File in Circuit or Superior Court of original county; obtain from clerk or Indiana Legal Services

Indiana Child Support Guidelines Worksheet, Required for all calculations; uses WEEKLY income; available at in.gov/judiciary/iocs

Financial Statement / Affidavit, Required for both parties; obtain from court clerk

Motion to Proceed In Forma Pauperis, Fee waiver; available from court clerk

Petition to Register Foreign Support Order, For incoming out-of-state orders (UIFSA registration)

Federal IWO, Income Withholding for Support (standardized federal form; expressed in weekly amount for Indiana orders)

Notice of Intent to Relocate, Required under IC 31-17-2.2; file 90 days before planned relocation

Motion to Terminate Child Support, File when child reaches 19 or graduates high school; do not rely on automatic termination

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Official Court Forms, Line-by-Line Completion Guide

Indiana Supreme Court | IC 31-16-8-1 | Indiana Child Support Guidelines

Form 1 of 3 — Child Support Obligation Worksheet (CSOW)

Indiana Supreme Court Official Form | Required for all child support proceedings | Indiana Child Support Guidelines, Guideline 3

Worksheet – Child Support Obligation

Each party shall complete their portion of the worksheet, sign the form and file it with the court. This worksheet is required in all proceedings establishing or modifying child support.

IN RE: **CASE NO:**
FATHER:
MOTHER:

CHILD SUPPORT OBLIGATION WORKSHEET (CSOW)

Children	DOB	Children	DOB

	FATHER	MOTHER	
1. WEEKLY GROSS INCOME			
A. Subsequent Children Multiplier Credit (.065 .097 .122 .137 .146 .155 .164 .173)			
B. Child Support (Court Order for Prior Born)			
C. Child Support (Legal Duty for Prior Born)			
D. Maintenance Paid			
E. WEEKLY ADJUSTED INCOME (WAI) Line 1 minus 1A, 1B, 1C and 1D			
2. PERCENTAGE SHARE OF TOTAL WAI	%	%	
3. COMBINED WEEKLY ADJUSTED INCOME (Line 1E)			
4. BASIC CHILD SUPPORT OBLIGATION Apply CWAI to Guideline Schedules			
A. Weekly Work-Related Child Care Expense of each parent			
B. Weekly Health Insurance Premium – (Children's portion)			
5. TOTAL CHILD SUPPORT OBLIGATION (Line 4 plus 4A and 4B)			
6. PARENT'S CHILD SUPPORT OBLIGATION (Line 2 times Line 5)			
7. ADJUSTMENTS			
A. ( ) Obligation from Post-Secondary Education Worksheet Line J.	+	+	
B. ( ) Payment of work-related child care by each parent. (Same amount as Line 4A)	-	-	
C. ( ) Weekly Health Insurance Premium (Children's portion)	-	-	
D. ( ) Parenting Time Credit from Parenting Time Credit Worksheet(s)	-	-	
8. RECOMMENDED CHILD SUPPORT OBLIGATION			

I affirm under penalties for perjury that the foregoing representations are true.

Dated:	**Father:**
	Mother:

Uninsured Health Care Expense to be paid_____ **% by Father;** _____**% by Mother.**

Indiana Child Support Obligation Worksheet (CSOW), Page 1 of 1

How to Complete the Indiana Child Support Obligation Worksheet (CSOW)

▸ Case Header, County / Court / Cause Number

Enter the county name, court (e.g., "Superior Court 3," "Circuit Court"), and your cause number exactly as on the existing support order. Indiana cause numbers follow the format: County-Year-Type-Sequence (e.g., 49D01-1805-DR-019833). The CSOW is filed in every child support proceeding and becomes part of the court record, match the caption precisely.

- **Date of Worksheet**

  Enter the date you are completing the worksheet. Courts use this date to understand which income figures were current at time of filing. If incomes have changed between filing and the hearing date, you may need to update the worksheet and refile.
- **Line 1, Gross Weekly Income (Parent A / Parent B)**

  Indiana's guidelines are calculated on a WEEKLY basis, not monthly. Divide annual income by 52 (or monthly by 4.33) to arrive at weekly gross. Include all income: wages, salary, overtime, bonuses (averaged over past 3 years), commissions, self-employment net profit, Social Security, disability, pension, rental income, and interest/dividends. If a parent is voluntarily unemployed or underemployed, the court may impute income based on earning capacity under Guideline 3(A)(2).
- **Line 2, Deductions from Gross Income**

  Subtract: (1) legally obligated support for other children (prior court orders only (not voluntary support); (2) health insurance premiums paid by each parent for their OWN coverage (not the child's) that goes in Line 6). Note: Indiana uses GROSS income as the starting point before most deductions, which is different from states that use net income. Do not subtract taxes or FICA from gross income, Indiana guidelines build tax considerations into the income schedule tables directly.
- **Line 3, Adjusted Gross Weekly Income**

  Line 1 minus Line 2 for each parent. This "adjusted gross" is the figure looked up in the Guideline Schedule (Indiana Child Support Obligation Schedule Table). The Schedule is the primary reference for determining the Basic Child Support Obligation based on combined adjusted gross weekly income. Print and attach the Schedule page showing the applicable income range.
- **Line 4, Combined Adjusted Gross Weekly Income**

  Add Parent A's Line 3 plus Parent B's Line 3. This combined figure is used to enter the Schedule. Find the row matching the combined weekly income amount, then read across to the column matching the number of children. The table value is the total "Basic Child Support Obligation", what both parents owe together for the children's basic needs.
- **Line 5, Basic Child Support Obligation (from Schedule)**

  Look up the combined income from Line 4 in the Indiana Child Support Obligation Schedule (the official table, attached as the 3rd form in this appendix). Find the applicable row (income range) and the column for the number of children. Enter that table value here. Each parent's pro-rata share is then calculated in the next line based on their percentage of combined income.
- **Line 6, Weekly Child Care Costs**

  Enter the weekly cost of work-related child care for the child(ren). Only employment-related child care qualifies, not babysitting for social activities. Divide monthly child care costs by 4.33 to get weekly figure. These costs are added to the Basic Child Support Obligation and split proportionately between the parents. Provide receipts or a letter from the child care provider.
- **Line 7, Weekly Health Insurance Premium for Child**

  Enter the weekly cost of the child's health insurance premium (the incremental cost above employee-only coverage, or the full child rider cost). Divide monthly premium by 4.33. Like child care, this is split proportionately and added to the obligation. Note which parent currently carries the child's coverage, this parent receives credit for this cost in the final calculation.
- **Line 8, Total Child Support Obligation**

  Line 5 + Line 6 + Line 7. This is the total weekly support obligation shared by both parents in proportion to their adjusted gross incomes.
- **Line 9, Each Parent's Pro-Rata Share (%)**

Divide each parent's adjusted gross income (Line 3) by the combined adjusted gross income (Line 4). Express as a percentage. Example: Parent A earns $700/week adjusted, combined is $1,100/week → Parent A's share = 700/1100 = 63.6%. These percentages determine each parent's responsibility for Lines 5, 6, and 7.

- **Line 10, Non-Custodial Parent's Weekly Obligation**

  Multiply the total obligation (Line 8) by the non-custodial parent's pro-rata percentage from Line 9. Then subtract any credits for parenting time (from the PTCW, if applicable) and any health insurance or child care costs already paid directly by the non-custodial parent. The result is the net weekly payment obligation. Multiply by 52 and divide by 12 for the monthly equivalent (though Indiana orders are stated as weekly amounts).

- **Parenting Time Credit (if applicable)**

  If the non-custodial parent has substantial parenting time (typically 52+ overnights per year under Indiana guidelines), complete the PTCW separately and enter the resulting credit on this line. The PTCW calculates a percentage credit based on the number of overnights, reducing the non-custodial parent's obligation to reflect costs they absorb during their parenting time.

- **Signature / Certification**

  Both parties (or their attorneys) should sign the CSOW before submission. In contested cases, each party typically submits their own CSOW with their own income figures, the court reconciles differences. In agreed cases, a joint CSOW signed by both parties is ideal. The judge or magistrate will adopt or adjust the worksheet figures based on evidence presented at hearing.

Form 2 of 3 — Parenting Time Credit Worksheet (PTCW)

Indiana Supreme Court Official Form | Completed when non-custodial parent has 52+ overnights per year | Indiana Child Support Guidelines, Guideline 6

Worksheet – Child Support Obligation

IN RE:	**CASE NO:** FATHER: MOTHER:

PARENTING TIME CREDIT WORKSHEET

Children	**DOB**	**Children**	**DOB**

Line:		
1PT	Enter Annual Number of Overnights	
2PT	Enter Weekly Basic Child Support Obligation – BCSO (Enter Line 4 from Child Support Worksheet)	
3PT	Enter Total Parenting Time Expenses as a Percentage of the BCSO (Enter Appropriate TOTAL Entry from Table PT)	
4PT	Enter Duplicated Expenses as a Percentage of the BCSO (Enter Appropriate DUPLICATED Entry from Table PT)	
5PT	Parent's Share of Combined Weekly Income (Enter Line 2 from Child Support Worksheet)	
6PT	Average Weekly Total Expenses during Parenting Time (Multiply Line 2PT times Line 3PT)	
7PT	Average Weekly Duplicated Expenses (Multiply Line 2PT times Line 4PT)	
8PT	Parent's Share of Duplicated Expenses (Multiply Line 5PT times Line 7PT)	
9PT	Allowable Expenses during Parenting Time (Line 6PT – Line 8PT)	
	Enter Line 9PT on Line 7 of the Child Support Worksheet as the Parenting Time Credit	

Indiana Parenting Time Credit Worksheet (PTCW), Page 1 of 1

How to Complete the Indiana Parenting Time Credit Worksheet (PTCW)

When to Use the PTCW

Complete the PTCW whenever the non-custodial parent has 52 or more overnights per year with the child. Below 52 overnights, no parenting time credit applies. The PTCW is attached to the CSOW and the credit from the PTCW reduces the non-custodial parent's final obligation on the CSOW. If parenting time is in dispute, both

parties may submit competing PTCWs, the court will determine the actual overnight count at hearing based on a parenting time calendar or agreement.

- **Line 1, Number of Overnights Per Year**

  Enter the number of overnights the non-custodial parent will have per year under the parenting time order. Count carefully: a weekend that begins Friday evening (child sleeps there) and ends Sunday afternoon counts as 2 overnights, not 3. Holidays should be counted per the holiday schedule. Use the Indiana Parenting Time Guidelines (IPTG) holiday schedule as a guide if your order incorporates IPTG. Track actuals with a calendar app.

- **Line 2, Parenting Time Credit Percentage**

  The PTCW contains a table that converts overnights into a credit percentage. The scale runs from 0% credit (under 52 overnights) to progressively higher credits as overnights increase. At 182+ overnights (~50/50 custody), the credit percentage is highest. Look up your overnight count in the table and enter the corresponding percentage. This percentage represents the portion of variable child-rearing costs (food, clothing, activities) the non-custodial parent absorbs during their parenting time.

- **Line 3, Variable Costs Component**

  Not all of the Basic Child Support Obligation qualifies for the parenting time credit, only the "variable costs" portion (items that fluctuate with physical custody time, such as food and clothing). Fixed costs like housing and insurance do not vary. The PTCW applies the credit percentage from Line 2 to 40% of the Basic Child Support Obligation (the portion deemed variable under Indiana guidelines). Multiply the CSOW Line 5 by 40%, then multiply by the credit percentage from Line 2.

- **Line 4, Weekly Parenting Time Credit**

  This is the dollar amount subtracted from the non-custodial parent's weekly obligation. Transfer this figure to the CSOW as a credit against the non-custodial parent's calculated share. The credit can never reduce support below zero, if the credit exceeds the calculated obligation, the result is $0, not a payment from the custodial to the non-custodial parent (absent a court order for shared physical custody under IC 31-16-8-1).

- **Documentation of Parenting Time**

  Attach a copy of the current parenting time order or agreed parenting plan showing the overnight schedule. If parenting time has not yet been formally ordered (e.g., you are seeking modification and also a new parenting schedule), use the proposed schedule. If the actual overnight count differs significantly from the order, you may present evidence of actual practice, but courts generally use the order amount unless both parties agree otherwise.

- **Effect on Modification Calculation**

  When seeking modification, a significant change in parenting time (e.g., moving from 52 to 120 overnights) constitutes a "substantial change in circumstances" under IC 31-16-8-1 independently of any income change. Complete the PTCW with the NEW proposed overnight schedule, and compare the resulting CSOW total to the current order, a 20% or greater difference strongly supports modification.

Form 3 of 3 — Indiana Child Support Obligation Schedule (Income Table)

Indiana Supreme Court Official Schedule | Used with CSOW Line 5 | Pages 1–2 of 23 shown | Indiana Child Support Guidelines, Guideline 3(C)

Guideline Schedules for Weekly Support Payments

Combined Weekly Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Maximum Spouse and Child (50%)
100	12	18	22	24	25	27	29	31	50
110	14	20	25	27	28	30	33	35	55
120	16	23	27	30	31	34	36	39	60
130	18	25	30	33	34	37	40	43	65
140	19	27	32	36	37	41	44	47	70
150	21	30	35	38	41	44	47	51	75
160	23	32	37	41	44	48	51	55	80
170	25	34	40	44	47	51	54	59	85
180	27	37	43	47	50	54	58	63	90
190	29	39	45	50	53	58	62	67	95
200	31	41	48	53	56	61	65	70	100
210	33	44	50	56	59	65	69	74	105
220	34	46	53	59	62	68	73	78	110
230	36	48	55	61	65	72	76	82	115
240	38	51	58	64	68	75	80	86	120
250	40	53	60	67	72	78	83	90	125
260	42	56	63	70	75	82	87	94	130
270	44	58	66	73	78	85	91	98	135
280	46	60	68	76	81	89	94	102	140
290	47	63	71	79	84	92	98	106	145
300	49	65	73	82	87	96	102	110	150
310	51	67	76	85	90	99	105	114	155
320	53	70	78	87	93	102	109	118	160
330	55	72	81	90	96	106	112	122	165
340	57	74	84	93	100	109	116	126	170
350	59	77	86	96	103	113	120	130	175
360	60	79	89	99	106	116	123	134	180
370	62	81	91	102	109	119	127	138	185
380	64	84	94	105	112	123	131	141	190
390	66	86	96	108	115	126	134	145	195
400	68	88	99	111	118	130	138	149	200
410	70	91	101	113	121	133	141	153	205
420	72	93	104	116	124	137	145	157	210
430	74	95	107	119	127	140	149	161	215
440	75	98	109	122	131	143	152	165	220
450	77	100	112	125	134	147	156	169	225
460	79	102	114	128	137	150	160	173	230
470	81	105	117	131	140	154	163	177	235
480	83	107	119	134	143	157	167	181	240
490	85	109	122	136	146	161	170	185	245
500	87	112	125	139	149	164	174	189	250

Guideline Schedules for Weekly Support Payments

Combined Weekly Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Maximum Spouse and Child (50%)
510	88	114	127	142	152	167	178	193	255
520	90	116	130	145	155	171	181	197	260
530	92	119	132	148	158	174	185	201	265
540	94	121	135	151	162	178	189	205	270
550	**96**	**123**	**137**	**154**	**165**	**181**	**192**	**209**	**275**
560	98	126	140	157	168	185	196	213	280
570	100	128	142	160	171	188	199	216	285
580	102	131	145	162	174	191	203	220	290
590	104	135	150	168	179	197	209	226	295
600	107	139	156	173	185	202	214	231	300
610	109	144	161	179	190	207	220	237	305
620	112	148	167	184	195	213	225	242	310
630	115	153	172	189	200	218	231	248	315
640	117	157	177	195	206	224	236	253	320
650	120	162	183	200	211	229	242	259	325
660	122	166	188	206	216	234	247	264	330
670	124	170	193	211	221	240	253	270	335
680	126	175	199	216	227	245	258	275	340
690	127	179	204	222	232	250	264	281	345
700	129	184	210	227	237	256	269	286	350
710	131	188	215	233	242	261	275	292	355
720	133	193	220	238	248	266	280	297	360
730	134	197	226	243	253	272	286	303	365
740	136	202	231	249	258	277	291	308	370
750	138	206	236	254	263	282	297	314	375
760	140	210	242	260	269	288	302	319	380
770	141	212	247	265	274	293	308	325	385
780	143	215	253	270	279	298	313	330	390
790	145	218	258	276	284	304	319	336	395
800	146	219	263	281	290	309	324	341	400
810	148	222	269	287	295	314	330	347	405
820	150	225	274	292	300	320	335	352	410
830	152	228	280	297	306	325	341	358	415
840	153	230	285	303	311	331	346	363	420
850	155	233	290	308	316	336	352	369	425
860	157	236	294	314	321	341	358	374	430
870	159	239	298	319	327	347	363	380	435
880	160	240	300	324	332	352	369	385	440
890	162	243	304	330	337	357	374	391	445
900	164	246	308	335	342	363	380	396	450
910	166	249	311	341	348	368	385	402	455

How to Use the Indiana Child Support Obligation Schedule

▸ What the Schedule Shows

The Indiana Child Support Obligation Schedule is a 23-page income table adopted by the Indiana Supreme Court as part of the Child Support Guidelines. It lists combined adjusted gross weekly income amounts in the left column and, for each income level, the total Basic Child Support Obligation for 1 through 6 or more

children across the columns. The table embeds tax considerations, so no separate tax deduction is needed before using it.

- **Step 1, Calculate Combined Adjusted Gross Weekly Income**

  From the CSOW, Line 4: add both parents' adjusted gross weekly incomes. This combined figure is your entry point into the Schedule. Weekly incomes are used (not monthly or annual). If combined income falls between two rows, use the row for the lower amount or interpolate, most practitioners use the lower row as the conservative/safe choice.

- **Step 2, Find the Correct Income Row**

  The Schedule covers weekly combined incomes from under $100/week to over $3,000/week and beyond. Find the row where your combined adjusted gross income falls. The Schedule pages shown here cover the lower-to-mid income ranges. For very high combined incomes (above the Schedule's upper limit), IC 31-16-6-1 permits the court to extrapolate beyond the table using its discretion, typically maintaining the same percentage of income as at the top of the schedule.

- **Step 3, Find the Correct Column (Number of Children)**

  Across the top of the Schedule are columns for 1, 2, 3, 4, 5, and 6 or more children. Select the column matching the number of children covered by this order. If you have children with different custodial parents, use separate worksheets for each household, do not combine children from different households into one column.

- **Step 4, Read the Basic Child Support Obligation**

  The value at the intersection of your income row and children column is the total Basic Child Support Obligation, the combined weekly amount both parents owe collectively for the children's basic needs. Enter this value on CSOW Line 5. Each parent's individual share is then calculated using their respective percentage of the combined income (Line 9 of the CSOW).

- **Step 5, Add Child Care and Health Insurance**

  The Schedule value covers only basic child-rearing costs. Child care (CSOW Line 6) and health insurance (CSOW Line 7) are added separately on top of the Schedule amount. These add-ons are then split proportionately by income share. The final non-custodial parent obligation = (Schedule amount × NCP%) + (child care × NCP%) + (health insurance × NCP%) − parenting time credit (from PTCW) − credit for health insurance if NCP pays it.

- **Schedule Updates and Effective Date**

  Indiana's Child Support Obligation Schedule is periodically updated by the Indiana Supreme Court to reflect economic changes. Always use the currently effective Schedule, check the Indiana Courts website (in.gov/courts/publications/forms) to confirm you have the current version. Using an outdated Schedule is a common error that can result in a calculated amount that differs from what the judge uses, undermining your credibility and potentially requiring a corrected submission.

Indiana-Specific Practice Notes

- **Weekly Calculation (Unique to Indiana)**

  Indiana is one of only a handful of states that states child support in weekly rather than monthly amounts. This matters practically: a support order of "$175 per week" yields $175 × 52 = $9,100 per year, but if you divide by 12, you get ~$758/month, not $175 × 4 = $700/month. Courts and SDU (State Disbursement Unit) track payments weekly. If you are on bi-weekly payroll, employers withhold from each paycheck: weekly support × 2. Semi-monthly payroll: weekly support × 52/24.

- **20% Deviation Threshold (IC 31-16-8-1)**

Indiana courts require a "substantial change in circumstances" to modify support. In practice, courts apply a 20% rule: if the guideline amount based on current circumstances differs from the current order by 20% or more, that is per se substantial. Calculate both CSOW totals (current and proposed) and present the percentage difference. If under 20%, you still may modify if other substantial changes exist (job loss, disability, changed child care needs, changed parenting time).

- **No Waiting Period (IC 31-16-8-1)**

  Unlike many states, Indiana imposes no minimum waiting period between modification petitions. You may file immediately after a prior modification if circumstances have genuinely changed. However, courts have discretion to deny premature motions lacking a true substantial change. Document the precise date of the change event (job loss date, disability onset, etc.) to clearly distinguish your current situation from the last order.

- **Post-Secondary Education (IC 31-16-6-2)**

  Indiana uniquely permits courts to order child support contributions for post-secondary education even after the child turns 19. The court can order both parents to contribute to college expenses (tuition, room, board, books) up to age 21 if the child qualifies. This creates a modification opportunity: as a child approaches college age, either party may petition for a Post-Secondary Education Worksheet (PSEW) to allocate these costs. File the PSEW simultaneously with any modification addressing a child turning 18.

- **Indiana Online Calculator**

  The Indiana Courts provide a free online Child Support Calculator at in.gov/courts/services/child-support-calculator that automatically generates a completed CSOW and PTCW based on your inputs. The calculator uses the current Schedule and guidelines. Print the calculator output and attach it as an exhibit, many Indiana judges prefer the calculator output to handwritten worksheets because it eliminates arithmetic errors.

- **Income Withholding, Automatic (IC 31-16-15-0.5)**

  Indiana mandates income withholding for all child support orders. Upon entry of a new or modified order, the court issues an Income Withholding Order (IWO) to the obligor's employer automatically unless both parties waive withholding in writing and the court approves. Employers must begin withholding within 14 days of receiving the IWO. All payments route through the Indiana State Central Collection Unit (INSCCU/SDU) at P.O. Box 6219, Indianapolis, IN 46206. Do not pay the other parent directly unless the court has explicitly authorized it.

- **Age of Majority, 19 or High School Graduation (IC 31-16-6-6)**

  Indiana support continues until age 19 OR high school graduation, whichever comes first. This is later than the standard 18-year age of majority. If a child is still in high school at 18, support continues through graduation. If the child graduates early, support terminates at graduation. Monitor this carefully, support does not automatically terminate; you must file a Notice of Emancipation with the court to stop withholding from your paycheck.

End of Appendix N — Indiana | Appendix O — Iowa follows.

Appendix O — Iowa: Statutes, Case Law, Forms, and Resources

Part 1, Statutory Sources and Regulations

Iowa Code § 598.21C, Judicial modification of child support; 10% threshold; substantial change standard

Iowa Code § 252H, Administrative modification through CSRU; 2-year review cycle; 10% threshold; appeal to District Court

Iowa Code § 252H.5, CSRU administrative review procedures; notice; income documentation; decision timeline

Iowa Code Chapter 252J, License suspension via certificate of noncompliance; CSRU issues certificate, licensing authority gives 30-day notice before suspension; practical trigger ~90 days or ~$500 in arrears; reinstatement on plan or withdrawal

Iowa Code § 252A.6A, No statute of limitations on Iowa child support arrears

Iowa Code § 252K.101 et seq., UIFSA adoption; interstate jurisdiction; two-state proceedings

Iowa Code § 726.5, Criminal non-support; Class D felony where a parent able to pay fails to support a child under 18 for over one year or more than $5,000

Iowa Code § 535.3, Interest on judgments (10% per year applied to child support arrears; tied with Hawaii for highest in book)

Iowa Child Support Guidelines, Promulgated under § 598.21B; includes shared physical care calculation; available at childsupport.iowa.gov

Part 2, Key Case Law

In re Marriage of Sisson, 843 N.W.2d 866 (Iowa Ct. App. 2014), Father sought modification after income reduction; court applied 10% threshold; established that threshold is measured against CSRU guideline calculation, not original court calculation

In re Marriage of McDermott, 827 N.W.2d 671 (Iowa 2013), Iowa Supreme Court affirmed voluntary underemployment standard; income imputed at earning capacity where father voluntarily left higher-paying position; farm income paper losses scrutinized

State ex rel. Burt v. Burt, 379 N.W.2d 33 (Iowa 1985), Iowa Supreme Court affirmed CEJ; issuing state retains jurisdiction as long as either parent or child remains in Iowa; receiving state's attempted modification was improper

In re Marriage of Weidner, 338 N.W.2d 351 (Iowa 1983), Shared physical care calculation properly applied where both parents had substantial and roughly equal overnight time; court rejected standard calculation as inappropriate for near-equal sharing arrangements

Iowa CSEA v. Brooks, Iowa Ct. App. (2019), Criminal non-support conviction affirmed; defendant's claim of poverty rejected where evidence showed earnings were concealed; willfulness established by pattern of financial activity inconsistent with claimed income

Part 3, Agency Contacts and Resources

Iowa CSRU: 1-888-229-9223 | childsupport.iowa.gov | Des Moines, Cedar Rapids, Davenport, Sioux City, Iowa City offices

Iowa Child Support Guidelines Worksheet: childsupport.iowa.gov/forms | Includes shared physical care worksheet

Iowa Judicial Branch (forms and e-filing): iowacourts.gov

Iowa Legal Aid: 1-800-532-1275 | iowalegalaid.org | Offices statewide

Iowa State Bar Lawyer Referral: 515-697-2200 | iowabar.org/lrs

Iowa 211 (social services connection): dial 211 | 211iowa.org

Part 4, Court Forms and Filing Resources

Petition for Modification of Child Support Order, File in District Court of original or current county; obtain from court clerk or iowalegalaid.org

Iowa Financial Affidavit, Required for both parties; obtain from District Court clerk or iowacourts.gov

Iowa Child Support Guidelines Worksheet (Standard), Available at childsupport.iowa.gov; monthly gross income basis

Iowa Child Support Guidelines Worksheet (Shared Physical Care), Available at childsupport.iowa.gov; use when both parents have substantial overnight time

Application for Fee Waiver, For qualifying low-income petitioners; available from District Court clerk

CSRU Administrative Review Request Form, Available at childsupport.iowa.gov; no court appearance required for IV-D cases

Petition to Register Foreign Support Order, For incoming out-of-state orders (UIFSA registration)

Federal IWO, Income Withholding for Support (standardized federal form)

Return of Service, File with District Court after other parent is served; retroactivity in Iowa runs from service date

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Official Court Forms, Line-by-Line Completion Guide

Iowa District Court | Iowa Code 598.21B | Iowa Court Rules Chapter 9

Note: Iowa generates official court forms through Iowa Interactive Court Forms (lawhelpinteractive.org). The model forms below reflect Iowa Court Rules Ch. 9 and Iowa Code 598.21B and may be used as drafting references.

Form 1 of 3 — Application to Modify Decree re: Child Support

Model form reflecting Iowa Code 598.21B | Iowa Court Rules 9.14 | File in Iowa District Court of county where original decree was entered

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

IN RE THE MARRIAGE OF:

Petitioner:		**Case No.:**	
Respondent:		**Division:**	

APPLICATION TO MODIFY DECREE RE: CHILD SUPPORT

Iowa Code § 598.21B | Iowa Court Rules Chapter 9

PETITIONER'S INFORMATION

Full Legal Name:	
Address:	
City / State / ZIP:	
Phone:	
Email:	
Attorney (if any):	

GROUNDS FOR MODIFICATION (Iowa Code § 598.21C)

- ■ Substantial change in circumstances — income change of 10% or more (Iowa Court Rules 9.14(6)(a))
- ■ Three (3) years have passed since last order and current guideline amount differs by 10% or more
- ■ Child has returned to live with the other parent or been placed in third-party custody
- ■ Substantial change in needs of the child (medical, educational, or other)
- ■ Change in physical care arrangement (overnight custody shift of 20% or more)
- ■ Other substantial change: _____

CURRENT SUPPORT ORDER

Date of Last Order:	
Monthly Support Amount:	$
Court That Entered Order:	

PETITIONER'S CURRENT INCOME

Employer / Source of Income:	
Gross Monthly Income:	$
Net Monthly Income:	$
Other Income (describe):	

RESPONDENT'S INCOME (if known)

Employer / Source of Income:	
Gross Monthly Income:	$
Net Monthly Income:	$

CHILDREN AFFECTED BY THIS APPLICATION

Child's Full Name:	Date of Birth:
Child's Full Name:	Date of Birth:
Child's Full Name:	Date of Birth:

RELIEF REQUESTED

- ■ Modify child support in accordance with current Iowa Child Support Guidelines
- ■ Make modification effective as of the filing date of this Application
- ■ Order income withholding through the Iowa Centralized Collection Unit (CCU)
- ■ Award attorney fees as authorized by Iowa Code § 598.36
- ■ Such other relief as the Court deems just and equitable

CERTIFICATION

I certify under penalty of perjury that the information in this Application is true and correct to the best of my knowledge. I understand that filing a false Application may subject me to legal penalties under Iowa Code § 720.3.

Signature:	
Printed Name:	
Date:	

File with the clerk of the Iowa District Court in the county where the original decree was entered. Serve the other party per Iowa Rule of Civil Procedure 1.442. Attach Iowa Child Support Guidelines Worksheet and Financial Affidavit.

Iowa Application to Modify Decree re Child Support, Page 2 of 2

How to Complete the Iowa Application to Modify Decree re: Child Support

▸ County / Court Caption

Enter the Iowa county where your original support decree was entered. Iowa District Court has statewide jurisdiction over domestic relations matters under Iowa Code 598.2, but venue for modification properly lies in the county of the original decree under Iowa R. Civ. P. 1.801. Copy the Petitioner and Respondent names exactly as on the original decree or most recent order. Copy the case number from any prior order document.

- **Petitioner vs. Respondent**

  In Iowa modification proceedings, the party filing the Application is called the "Applicant" or retains their original Petitioner/Respondent designation from the decree. Either party may seek modification. If you were the Respondent in the original divorce case, you remain the Respondent here but you are the moving party filing the Application. Clarify your role clearly in the opening paragraph.

- **Grounds for Modification (Iowa Code 598.21C)**

  Iowa requires a "substantial change in circumstances" to modify child support. Check all that apply. The most commonly used grounds are: (1) income change of 10% or more since the last order (Iowa Ct. R. 9.14(6)(a) presumes substantial change at 10%); (2) the three-year review trigger, if three years have elapsed and the guideline amount differs by 10% or more; (3) change in physical care arrangement affecting overnights by 20% or more. State specific facts for each ground you check.

- **Current Support Order Information**

  Enter the date of the most recent controlling order (not the original decree if there have been prior modifications). Enter the current monthly support amount exactly as stated in the order. If the order states a weekly or bi-weekly amount, convert to monthly (weekly x 52 / 12) for this field. Attach a copy of the most recent order as Exhibit A.

- **Petitioner's Current Income**

  List your current gross monthly income from all sources. Iowa guidelines use NET monthly income, but this section collects gross as a starting point. You will calculate net on the Worksheet (Form 2). For employed individuals: use your most recent pay stub times 12 divided by 12 (annualize, then divide). For self-employed: use last year's Schedule C net profit divided by 12. For irregular income: average the past 24 months.

- **Respondent's Income (if known)**

  Enter the other parent's income if known. Sources: prior year tax returns (subpoena if needed), pay stubs from prior proceedings, employer records. If unknown, write "Unknown, discovery requested." Iowa courts may order discovery of income information. Alternatively, ask the Iowa Child Support Recovery Unit (CSRU) to access income data through Iowa Workforce Development and IRS records if your case is IV-D.

- **Children Affected**

  List each child by full legal name and date of birth. Iowa support continues until age 18, or through the school year in which the child turns 19 if the child is enrolled in an accredited Iowa school program and a dependent under Iowa Code 598.1(2). List children separately even if they share a birth date (twins). Do not combine children from different households.

- **Relief Requested**

  Check all boxes that apply to your situation. Always include the retroactivity box, Iowa courts may make support modifications retroactive to the date of filing under Iowa Code 598.21C(3). Income withholding through the Iowa Centralized Collection Unit (CCU) is required for all support orders under Iowa Code 252D.1 unless both parties agree to direct payment and the court approves. The CCU processes payments, records them, and provides enforcement.

- **Certification / Signature**

  Sign under oath. Iowa does not always require notarization of the Application itself (unlike the Financial Affidavit), but the application is filed under penalty of perjury. Sign in the presence of the clerk if filing in person. If e-filing through Iowa's EDMS (Electronic Document Management System), your electronic signature certifies the accuracy of the contents. File with the clerk of the Iowa District Court and serve the other party via Iowa R. Civ. P. 1.442 within the same business day.

Form 2 of 3 — Iowa Child Support Guidelines Worksheet

Model form reflecting Iowa Court Rules 9.5–9.12 | Required for all child support proceedings | Iowa uses NET monthly income as the guideline base

IOWA CHILD SUPPORT GUIDELINES WORKSHEET

Iowa Court Rules Chapter 9 | Iowa Code § 598.21B Case No.: _____ County: _____
Date: _____

	PARENT A (Petitioner)	PARENT B (Respondent)
PART A — MONTHLY GROSS INCOME		
1. Gross Monthly Income (all sources — see Iowa Court Rules 9.2)	$	$
2. Child Support Received (court-ordered, for other children)	$	$
3. Spousal Support Received	$	$
4. ADJUSTED GROSS MONTHLY INCOME (Line 1 + Lines 2–3)	$	$
Iowa uses NET income for guideline computation. Deductions allowed: federal/state income tax, FICA, mandatory pension, union dues, prior court-ordered child support.		
PART B — NET MONTHLY INCOME (Iowa Court Rules 9.5)		
5. Federal Income Tax (actual withholding or estimated)	$	$
6. Iowa State Income Tax (actual or estimated)	$	$
7. FICA / Social Security (6.2%) and Medicare (1.45%)	$	$
8. Mandatory Pension / Retirement Contributions	$	$
9. Mandatory Union Dues	$	$
10. Prior Court-Ordered Child Support (other children)	$	$
11. TOTAL DEDUCTIONS (Lines 5 through 10)	$	$
12. NET MONTHLY INCOME (Line 4 minus Line 11)	$	$
PART C — GUIDELINE CALCULATION		
13. Combined Net Monthly Income (Parent A Line 12 + Parent B Line 12)		$
14. Basic Child Support Obligation (from Iowa Schedule — Iowa Ct. R. 9.10)		$
15. Parent A Share (%) = Line 12A ÷ Line 13 × 100		%
16. Parent B Share (%) = Line 12B ÷ Line 13 × 100		%
PART D — ADDITIONAL EXPENSES		
17. Work-Related Child Care Costs (monthly)	$	$
18. Health Insurance Premium for Child (monthly)	$	$
19. Extraordinary Medical Expenses (monthly average)	$	$
20. TOTAL ADDITIONAL EXPENSES (Lines 17–19)	$	$
21. NCP Share of Additional Expenses (Line 20 × NCP%)	$	$
PART E — PHYSICAL CARE ADJUSTMENT (Iowa Ct. R. 9.11)		
22. Non-Primary Parent's Annual Overnights	$	$
23. Physical Care Adjustment % (from Iowa Schedule — 128+ nights)	$	$

Iowa Child Support Guidelines Worksheet, Page 1 of 2

24.	Physical Care Credit (Line 14 × Line 23%)	$	$

PART F — FINAL OBLIGATION

25.	NCP Basic Obligation (Line 14 × NCP%)	$
26.	Plus: NCP Additional Expense Share (Line 21)	$
27.	Less: Physical Care Credit (Line 24)	($_____)
28.	Less: Health Insurance Paid by NCP (Line 18)	($_____)
29.	**TOTAL MONTHLY CHILD SUPPORT OBLIGATION**	**$**

Deviation from guideline amount requires written findings per Iowa Ct. R. 9.12. Attach this worksheet to the Application to Modify. Prepared by: _____ Date: _____

Iowa Child Support Guidelines Worksheet, Page 2 of 2

How to Complete the Iowa Child Support Guidelines Worksheet

▸ Part A, Gross Monthly Income (Line 1)

Enter each parent's gross monthly income from ALL sources. Iowa Court Rule 9.2 defines income broadly: wages, salary, commissions, bonuses (12-month average), self-employment income, Social Security, disability, pension, unemployment, workers' compensation, rental income, interest, dividends, and regular gifts or contributions. Do not net out taxes yet, this line is gross. Imputed income: if a parent is voluntarily unemployed

or underemployed, Iowa Ct. R. 9.4 authorizes imputing income based on earning capacity, recent work history, and prevailing wage rates in the area.

- **Part A, Additional Income (Lines 2–3)**

  Line 2: Add court-ordered child support received for OTHER children (not the children in this case). Line 3: Add spousal support received from this or any other case. These additions increase adjusted gross income and are included to ensure the guidelines capture all financial resources available to each parent. Do not include child support received for the children in THIS case. That would be circular.

- **Part B, Net Monthly Income (Lines 5–12)**

  Iowa's guidelines use NET income, unique among many states. Allowable deductions from gross: (1) federal income tax, use actual withholding per pay stubs, not effective rate; (2) Iowa state income tax withheld; (3) FICA/Social Security at 6.2%; (4) Medicare at 1.45%; (5) mandatory pension contributions (required by employer, not voluntary 401k contributions); (6) mandatory union dues (not optional); (7) prior court-ordered child support for other children. Add all deductions for Line 11, subtract from adjusted gross for Line 12 (Net Monthly Income). This is the cornerstone figure for the calculation.

- **Part C, Basic Child Support Obligation (Lines 13–16)**

  Line 13: Add both parents' net monthly incomes. This combined net income is the entry point for the Iowa Child Support Amount Schedule (Iowa Ct. R. 9.10 Appendix). The Schedule lists combined monthly net income ranges and, for each range and number of children (1 through 6+), the total Basic Child Support Obligation. Find your combined net income row, read the amount for your number of children, and enter it at Line 14. Lines 15–16 calculate each parent's percentage share of combined net income, these percentages drive all subsequent allocations.

- **Part D, Additional Expenses (Lines 17–21)**

  Line 17: Work-related child care costs (monthly). Only costs incurred because the parent is employed or in job training qualify. Line 18: The incremental monthly health insurance premium for the child (the difference between employee-only and employee-plus-child coverage). Line 19: Extraordinary medical expenses, uninsured medical costs exceeding $250 per year per child, averaged monthly. Line 20 sums lines 17–19. Line 21 allocates the non-custodial parent's share (Line 20 times NCP%) to be added to base support.

- **Part E, Physical Care Adjustment (Lines 22–24)**

  Iowa provides a physical care adjustment when the non-primary parent has 128 or more overnights per year (Iowa Ct. R. 9.9). Count overnights carefully using the actual parenting time order or proposed schedule. Enter the annual overnight count at Line 22. At Line 23, apply the Iowa Physical Care Adjustment Table (Iowa Ct. R. 9.9 Appendix) to find the adjustment percentage for that overnight count. Line 24 multiplies the Basic Obligation by that percentage to yield the credit reducing the non-primary parent's obligation. Below 128 overnights: no adjustment applies.

- **Part F, Final Obligation (Lines 25–29)**

  Line 25: Non-custodial parent's share of the basic obligation (Line 14 times NCP%). Line 26: Add NCP's share of additional expenses (Line 21). Line 27: Subtract the physical care credit (Line 24) if applicable. Line 28: Subtract the health insurance premium paid directly by the NCP (Line 18 if NCP pays). Line 29 is the total monthly child support obligation. This is the amount stated in the order. Attach the completed worksheet to the Application to Modify.

- **Deviation from Guidelines (Iowa Ct. R. 9.12)**

  If the court awards support above or below the guideline amount, Iowa Ct. R. 9.12 requires written findings specifying: (1) the guideline amount; (2) the actual amount ordered; (3) the reasons for deviation. Acceptable deviation grounds include extraordinary medical needs, educational costs, special needs of the child, and

situations where strict guideline application would be unjust. The deviation must be in the best interests of the child.

Form 3 of 3 — Iowa Financial Affidavit

Model form reflecting Iowa Code 598.22 | Iowa Court Rules 9.3 | Must be sworn before notary or court official | Required for all CS proceedings

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

FINANCIAL AFFIDAVIT

Iowa Code § 598.22 | Iowa Court Rules 9.3 | Case No.: _____

PARTY INFORMATION	
Full Legal Name:	
Role in Case:	■ Petitioner ■ Respondent
Date of Birth:	
SSN (last 4 digits only):	
Current Address:	
Employer Name / Address:	
Occupation / Job Title:	
Date of Employment:	
MONTHLY INCOME — ALL SOURCES	
Gross Monthly Wages / Salary:	$
Overtime (12-month average):	$
Bonuses / Commissions (12-mo. avg.):	$
Self-Employment Net Income:	$
Social Security / Disability:	$
Unemployment Compensation:	$
Pension / Retirement Income:	$
Rental / Investment Income:	$
Other Income (describe):	$
TOTAL GROSS MONTHLY INCOME:	$
MONTHLY DEDUCTIONS	
Federal Income Tax Withheld:	$
Iowa State Income Tax:	$
FICA / Social Security (6.2%):	$
Medicare (1.45%):	$
Mandatory Pension Contributions:	$
Mandatory Union Dues:	$
Court-Ordered CS (other children):	$
TOTAL DEDUCTIONS:	$
NET MONTHLY INCOME:	$

Iowa Financial Affidavit, Page 1 of 2

MONTHLY EXPENSES	
Rent / Mortgage:	$
Utilities (electric, gas, water):	$
Food / Groceries:	$
Transportation (car, gas, bus):	$
Health Insurance (self only):	$
Child Care (for child at issue):	$
Child's Health Insurance Premium:	$
Medical / Dental (out-of-pocket):	$
Clothing:	$
Student Loans:	$
Credit Cards (minimum payments):	$
Other Recurring Expenses:	$
TOTAL MONTHLY EXPENSES:	$
ASSETS (Approximate Current Value)	
Real Property (address / value):	$
Vehicles (make/model/year/value):	$
Bank / Savings Accounts:	$
Retirement / 401(k) / IRA:	$
Other Assets:	$

VERIFICATION UNDER OATH

I, _____, being first duly sworn, state that I have read the foregoing Financial Affidavit and that the information contained herein is true and correct to the best of my knowledge and belief. I understand that submitting false information constitutes perjury under Iowa Code § 720.3.

Signature:	
Date:	
Notary Public / Court Official:	
My Commission Expires:	

This Affidavit must be sworn before a notary public or court official. Attach to Application to Modify and serve on all parties.

Iowa Financial Affidavit, Page 2 of 2

How to Complete the Iowa Financial Affidavit

▸ Party Information

Enter your full legal name as it appears on the original decree. Check whether you are Petitioner or Respondent. Enter only the last four digits of your Social Security Number, Iowa court records are public and full SSNs must be redacted under Iowa Ct. R. 1.601. Enter your current residential address (or ACP address if

you have a safety concern). Provide your employer's full name and address, this information is used to issue income withholding.

- **Monthly Income, All Sources**

  Report gross monthly income from every source. The Iowa Financial Affidavit is filed under oath, omitting income sources constitutes perjury (Iowa Code 720.3). For employed filers: attach last 3 pay stubs and last 2 years W-2s. For self-employed: attach Schedule C from last 2 years and year-to-date profit/loss statement. For bonus income: average last 36 months. For seasonal workers: average the past 12 months of actual earnings. For investment/rental income: use Schedule E averages.

- **Monthly Deductions**

  List actual deductions from your pay: federal and Iowa state withholding (from pay stub, not computed from tax bracket); FICA (6.2%) and Medicare (1.45%); mandatory pension deductions required by your employment contract (not voluntary). Note: voluntary 401(k), IRA, or other retirement contributions are NOT allowed deductions for Iowa guideline calculations. Prior court-ordered child support for other children is deductible. Voluntary child support payments are not. The NET MONTHLY INCOME line must match Line 12 of the Worksheet.

- **Monthly Expenses**

  List all current recurring monthly expenses. Iowa courts use expense information to assess need for deviation from guidelines and to evaluate ability to pay. Be accurate, courts compare expenses against income to assess credibility. For shared expenses (utilities, food), list only your share. For the child's health insurance, enter the incremental cost of adding the child to your plan (not the total family premium). Child care costs should match what you entered on the Worksheet.

- **Assets**

  List all significant assets with current approximate values. For real property: use Zillow or county assessor value as an estimate; note the outstanding mortgage balance. For vehicles: use Kelly Blue Book value. For retirement accounts: use the most recent statement balance. Iowa courts use asset disclosure primarily for deviation analysis and to assess whether a parent has resources beyond current income. Failure to disclose assets can result in sanctions under Iowa R. Civ. P. 1.201.

- **Verification Under Oath**

  Iowa Financial Affidavits must be sworn, unsigned or unsworn affidavits will be rejected. Options: (1) sign before a notary public (obtain notarization at a bank, UPS Store, or attorney's office, Iowa notaries are widely available); (2) sign before the district court clerk at the courthouse who can administer oaths for free; (3) some attorneys administer oaths to their clients. Bring a valid government-issued photo ID. The notary seal and commission expiration date must be legible on the completed form.

- **Service and Filing**

  File the original Financial Affidavit with the clerk of the Iowa District Court simultaneously with (or within 10 days of) the Application to Modify. Serve a copy on the other party by any method authorized under Iowa R. Civ. P. 1.442: personal service, certified mail, or electronic service if the other party has consented to e-service. If the other party is represented by counsel, serve counsel directly. Attach proof of service to the filed copy.

Iowa-Specific Practice Notes

- **10% Income Change Threshold (Iowa Ct. R. 9.14)**

  Iowa presumes a substantial change in circumstances when income has changed by 10% or more since the last order. This is lower than the 20% threshold used by many other states, making modification more accessible in Iowa. The 10% change can be in either parent's income. Calculate: (current income − prior income) / prior

income x 100. If the result is +/-10% or more, the substantial change presumption applies. Courts may still deny modification if the change is temporary or self-induced.

- **3-Year Automatic Review (Iowa Code 252E.7)**

  Iowa offers a three-year administrative review through the Child Support Recovery Unit (CSRU). Either party may request a review without showing substantial change. If the review reveals the guideline amount would differ by 10% or more from the current order, CSRU can modify administratively. For non-CSRU (private attorney) cases, the three-year review is still available as a ground for court modification without needing to prove individual substantial change beyond the 10% guideline difference.

- **Iowa Child Support Recovery Unit (CSRU)**

  CSRU is Iowa's Title IV-D agency within the Department of Health and Human Services. If your case is a CSRU case (state involved), you can request modification through CSRU at no cost. CSRU has subpoena power to obtain income and asset records. Check iowacourts.state.ia.us to determine if your case is CSRU-administered. In CSRU cases, support is automatically routed through the Iowa Centralized Collection Unit (CCU) at P.O. Box 9433, Des Moines, IA 50306.

- **Iowa Interactive Court Forms**

  Iowa provides free, guided form generation through Iowa Interactive Court Forms at iowacourts.gov (Iowa Interactive Court Forms tab). The guided interview for Child Support Modification asks you questions and generates a completed Application, Worksheet, and Financial Affidavit. The output is court-ready and auto-populated. This tool significantly reduces errors and is recommended for pro se filers. Print and sign the generated forms before filing, the system does not e-file on your behalf.

- **Physical Care vs. Joint Physical Care**

  Iowa distinguishes between primary physical care (one parent is primary) and joint physical care (both parents share substantially equally). Under Iowa Code 598.41(5)(a), joint physical care is preferred when both parents request it. A shift from primary to joint physical care, or from joint back to primary, is a substantial change in circumstances under Iowa Ct. R. 9.14 and supports modification of support. The physical care adjustment worksheet applies at 128+ annual overnights.

- **Retroactivity to Filing Date (Iowa Code 598.21C(3))**

  Iowa courts may make child support modifications retroactive to the date of filing. This is discretionary, not automatic. To maximize retroactivity: (1) file promptly after the qualifying change occurs; (2) include an explicit retroactivity request in the Application; (3) be prepared to show when the substantial change occurred relative to the filing date. Courts are more likely to grant retroactivity when filing was prompt and the other party was promptly served.

End of Appendix O — Iowa | Appendix P — Kansas follows.

Appendix P — Kansas: Statutes, Case Law, Forms, and Resources

Key Statutes

- K.S.A. 20-165 - Supreme Court authority to adopt Child Support Guidelines
- K.S.A. 23-3001 - Child support obligation and modification standard
- K.S.A. 23-3002 - Income definitions and gross income calculation
- K.S.A. 23-3003 - Deviation from guidelines
- K.S.A. 20-1204a - Driver's license restriction in contempt for non-payment; CSS administrative license sanctions in IV-D cases
- K.S.A. 21-5606 - Criminal nonsupport (severity level 10 nonperson felony)
- K.S.A. 23-3104 - UIFSA adoption in Kansas

Key Case Law

- In re Marriage of Thurmond, 265 Kan. 715 (1998) - Material change standard
- In re Marriage of Hohmann, 47 Kan. App. 2d 117 (2012) - Imputed income standard
- State ex rel. Secretary of SRS v. Castro, 31 Kan. App. 2d 710 (2003) - No SOL on arrears
- In re Marriage of Metz, 263 Kan. 189 (1997) - material change safe harbor application
- In re Marriage of Vandenberg, 14 Kan. App. 2d 627 (1990) - Parenting time offset

Official Forms

- Kansas Child Support Worksheet - www.kscourts.org
- Financial Affidavit (Form KC-190) - required with modification motion
- Motion to Modify Child Support (Form KC-185)
- Fee Waiver Application (Form 201)
- Proof of Service (Form KC-196)

State Agency Contact

- Kansas Child Support Services (CSS): 1-888-757-2445
- Website: www.dcf.ks.gov/services/CSS
- Kansas Judicial Branch Self-Help: www.kscourts.org/Self-Help
- Kansas Legal Services (income-qualified): 1-800-723-6953 | www.klsinc.org

Filing Checklist

- Both parents' pay stubs (last 2 months) and tax returns (last 2 years)
- Completed Kansas Child Support Worksheet showing 10%+ difference
- Financial Affidavit (Form KC-190) - sworn and notarized

- Motion to Modify Child Support (Form KC-185)
- Evidence of changed circumstances
- Filing fee or Fee Waiver Application
- Proof of Service after serving the other parent

Official Court Forms, Line-by-Line Completion Guide

Kansas District Court | K.S.A. 23-3001 to 23-3009 | Kansas Supreme Court Rule 139

Note: Kansas courts (kscourts.org) restrict direct PDF access. The model forms below reflect K.S.A. 23-3001 through 23-3009 and Kansas Supreme Court Rule 139 and serve as accurate drafting references for child support modification proceedings.

Form 1 of 3 — Motion to Modify Child Support

Model form reflecting K.S.A. 23-3005(b) | File in District Court of county where original order was entered | Attach Child Support Worksheet and Financial Disclosure

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

Family Law Division

In re the Marriage of:		**Case No.:**	
Petitioner:		**Division:**	
and		**Judge:**	
Respondent:			

MOTION TO MODIFY CHILD SUPPORT

K.S.A. 23-3001 et seq. | Kansas Supreme Court Rule 139

MOVING PARTY INFORMATION

Full Legal Name:	
Role in Case:	■ Petitioner ■ Respondent
Address:	
City / State / ZIP:	
Phone / Email:	
Attorney (if any) / Bar No.:	

CURRENT ORDER INFORMATION

Date of Most Recent Order:	
Current Monthly CS Amount:	$
Kansas DCF Case No. (if IV-D):	

GROUNDS FOR MODIFICATION (K.S.A. 23-3005(b))

■ Material change in circumstances — income of either party has changed by 10% or more

■ Three years have elapsed since last order and current guidelines differ by 10% or more

■ Change in the number of children in the home or custody arrangement

■ Substantial change in child's needs (medical, educational, or other)

■ Loss of employment / involuntary reduction in income

■ Change in health insurance availability or cost

■ Other material change: _____

INCOME INFORMATION

Moving Party Gross Monthly Income:	$
Other Party Gross Monthly Income:	$ (estimated if unknown)
Source of Income Information:	

CHILDREN SUBJECT TO THIS ORDER

Child's Full Name / DOB:	
Child's Full Name / DOB:	

Child's Full Name / DOB: _____

RELIEF REQUESTED

- ■ Modify child support pursuant to current Kansas Child Support Guidelines (SCR 139)
- ■ Make modification retroactive to the date of this Motion (K.S.A. 23-3005(b))
- ■ Modify income withholding order through Kansas Payment Center (KPC)
- ■ Approve attached Kansas Child Support Worksheet (SCR 139 Appendix)
- ■ Award attorney fees and costs (K.S.A. 23-2715)
- ■ Such other relief as the Court deems just and proper

VERIFICATION

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

Signature: _____

Printed Name: _____

Date: _____

CERTIFICATE OF SERVICE

I certify that on _____, a copy of this Motion was served on the opposing party/counsel by: ■ Personal Service ■ First-Class Mail ■ E-Service at the following address: _____

File original with Clerk of the District Court. Attach Kansas Child Support Worksheet and Financial Disclosure Statement. Filing fee required unless fee waiver is granted.

How to Complete the Kansas Motion to Modify Child Support

▸ County / Court Caption

Enter the county of the Kansas District Court where the original support order was entered. Kansas has 31 judicial districts covering all 105 counties. The proper venue for modification under K.S.A. 23-3005(b) is the court that entered the original order, unless a registered foreign order has been transferred. Copy the party names exactly as on the original decree or most recent order.

- **Case Number and Division**

  Copy the case number verbatim from any prior order. Kansas case numbers typically follow the format: YY DM (Domestic) NNNNNN (e.g., 24 DM 001234). The division and judge assignment may appear on prior court documents, include if known. If your case is a Title IV-D case (Kansas DCF involvement), include the DCF case number on a separate line.

- **Grounds for Modification, Material Change (K.S.A. 23-3005(b))**

  Kansas requires a "material change in circumstances" for modification. Courts apply a practical 10% rule: if the guideline amount based on current incomes would differ from the current order by 10% or more, that is presumptively material. Check all applicable boxes and state specific facts. For income change: state the prior income, current income, and percentage change. For the three-year review: state the date of the last order and the guideline amount that would result from current circumstances.

- **Current Order Information**

  Enter the date and amount of the most recent controlling order. If there have been multiple modifications, use the last order, not the original decree. If your case is administered by Kansas DCF Child Support Services (CSS), include your CSS case number, CSS has authority to review and modify administratively in IV-D cases under K.S.A. 23-4,118.

- **Income Information**

  Enter current gross monthly income for both parties. Kansas uses GROSS income as the guideline base, unlike states that use net income, Kansas guidelines build tax effects into the schedule tables. For employed filers: annualize current pay stub, divide by 12. For self-employed: average last two years Schedule C net profit. For imputed income: K.S.A. 23-3005(a) authorizes imputation based on earning capacity and employment history.

- **Children Subject to This Order**

  List each child's full name and date of birth. Kansas support terminates at age 18, or upon graduation from high school if the child is still enrolled in high school (not to extend past age 19) under K.S.A. 23-3001. List each child separately. If a child has become emancipated since the last order, note this, it changes the schedule column used and may significantly reduce the obligation even without an income change.

- **Relief Requested**

  Check all applicable boxes. Always include: (1) retroactivity to filing date (Kansas courts may make modifications retroactive under K.S.A. 23-3005(b); (2) Kansas Payment Center (KPC) income withholding) all Kansas support orders require income withholding through KPC under K.S.A. 23-4,105 unless both parties waive it in writing; (3) approval of the attached worksheet, judges expect a completed Kansas Child Support Worksheet (SCR 139) filed with the motion.

- **Verification and Certificate of Service**

  Kansas does not require notarization of the Motion itself (unlike the Financial Disclosure Statement). Sign under penalty of perjury per K.S.A. 53-601. Serve the other party by any method authorized under K.S.A. 60-205: personal service, first-class mail, or electronic service if agreed. In IV-D cases, serve Kansas CSS as well. File proof of service with the court clerk within the time specified by the court's scheduling order.

Form 2 of 3 — Kansas Child Support Worksheet (SCR 139)

Model form reflecting Kansas Supreme Court Rule 139 | Kansas uses GROSS income, unique among Income Shares states | Required attachment to any motion involving child support

KANSAS CHILD SUPPORT WORKSHEET

Kansas Supreme Court Rule 139 | K.S.A. 23-3001 to 23-3009 Case No.: _____ County: _____ Date: _____

	OBLIGOR (Paying Parent)	OBLIGEE (Receiving Parent)
PART A — GROSS INCOME (Kansas SCR 139(E)(1))		
Kansas uses GROSS monthly income — taxes are not deducted before applying the schedule.		
1. Gross Monthly Income (wages, salary, self-employment, all sources)	$	$
2. Less: Court-Ordered Support for Other Children (prior orders only)	$	$
3. Less: Maintenance Paid per Court Order (to/from this or other case)	$	$
4. ADJUSTED GROSS MONTHLY INCOME (Line 1 minus Lines 2-3)	$	$

PART B — COMBINED INCOME AND SCHEDULE AMOUNT (SCR 139(E)(2))

5.	Combined Adjusted Gross Monthly Income (Obligor L4 + Obligee L4)	$	
6.	Number of Children in This Order		
7.	Basic Child Support Amount (from Kansas CS Schedule, SCR 139 App.)	$	
8.	Obligor Income Share % (Line 4-Obligor / Line 5 x 100)		%
9.	Obligor's Share of Basic Amount (Line 7 x Line 8%)	$	

	OBLIGOR (Paying Parent)	OBLIGEE (Receiving Parent)
PART C — ADDITIONAL EXPENSES (SCR 139(E)(3))		
10. Monthly Child Care Costs (work-related)	$	$
11. Monthly Health Insurance Premium for Child	$	$
12. Extraordinary Medical Expenses (monthly average)	$	$
13. Educational Expenses (agreed or court-ordered)	$	$
14. TOTAL ADDITIONAL EXPENSES (Lines 10-13)	$	$
15. Obligor Share of Additional Expenses (Line 14 x Line 8%)	$	$
PART D — PARENTING TIME ADJUSTMENT (SCR 139(D)(7))		
Kansas applies a parenting time credit when obligor has 35%+ of overnight parenting time.		
16. Obligor's Annual Overnights	$	$
17. Parenting Time Percentage (overnights / 365 x 100)	$	$
18. Parenting Time Adjustment (from SCR 139 Table D — if 35%+)	$	$

PART E — TOTAL MONTHLY SUPPORT OBLIGATION

19.	Obligor's Share of Basic Amount (Line 9)	$	
20.	Plus: Obligor's Additional Expense Share (Line 15)	$	
21.	Less: Parenting Time Adjustment (Line 18)	($	)
22.	Less: Health Insurance Paid by Obligor (Line 11)	($	)

23.	TOTAL MONTHLY CHILD SUPPORT OBLIGATION	$

Prepared by: _____ Date: _____ Deviation from guideline requires written findings per SCR 139(E)(6).

How to Complete the Kansas Child Support Worksheet

▸ Part A, Gross Monthly Income (SCR 139(E)(1))

Kansas is notable for using GROSS monthly income as the guideline base, taxes, FICA, and other payroll deductions are NOT subtracted before applying the schedule. Income includes: wages, salary, overtime (averaged over 12 months), bonuses (averaged over 12 months), commissions, self-employment income (gross minus legitimate business expenses per Schedule C), Social Security, disability, pension, unemployment, rental

income, and investment income. For self-employment, attach Schedule C, courts scrutinize business expense deductions carefully and may disallow personal expenses run through a business.

- **Line 2, Court-Ordered Support for Other Children**

  Subtract only amounts required by prior court orders for children not in this case. Voluntary payments to other children do not qualify. This deduction recognizes existing legal obligations and prevents stacking, a parent cannot be ordered to pay more than they can reasonably afford across all support obligations. Attach copies of prior orders if this deduction is claimed.

- **Line 3, Maintenance (Spousal Support) Deduction**

  Subtract court-ordered maintenance paid to the other party in this case or to a prior spouse. Maintenance received is added to income at Line 1 for the receiving party. Note: under the 2017 Tax Cuts and Jobs Act, maintenance for agreements after December 31, 2018 is no longer deductible for federal income tax, but Kansas guidelines still recognize it as an adjustment to gross income for child support calculation purposes.

- **Part B, Schedule Lookup (SCR 139, Appendix)**

  Combine both parents' adjusted gross incomes (Line 4). Look up this combined amount in the Kansas Child Support Schedule (the official income table in the SCR 139 Appendix, available on the Kansas Courts website). Find the row matching the combined monthly gross income, then select the column for the number of children in this order. The table value is the total Basic Child Support Obligation. Divide by the combined income to get each parent's percentage share. The obligor's percentage times the total obligation is their basic share (Line 9).

- **Part C, Additional Expenses (SCR 139(E)(3))**

  Add work-related child care (Line 10), the child's health insurance premium (Line 11), extraordinary medical (Line 12), and any court-ordered educational expenses (Line 13). Each additional expense is shared proportionately by income percentage, not split 50/50. Line 15 is the obligor's pro-rata share of all additional expenses. Document child care with provider receipts and health insurance with the declarations page showing premium split.

- **Part D, Parenting Time Adjustment (SCR 139(D)(7))**

  Kansas provides a parenting time adjustment when the obligor (paying parent) has 35% or more of the total overnight parenting time (approximately 128+ overnights per year). Count overnights carefully using the court's parenting time order. The adjustment is found in Table D of SCR 139, which provides a sliding scale credit based on the percentage of overnight parenting time. Below 35%: no parenting time adjustment. At 35%: a credit begins that increases as parenting time approaches 50/50. At exactly 50/50, a shared parenting calculation is used.

- **Part E, Total Monthly Obligation (Line 23)**

  Add the obligor's basic share (Line 9) plus their additional expense share (Line 15), then subtract the parenting time adjustment (Line 18) and any health insurance credit for insurance the obligor pays directly (Line 11). Line 23 is the final monthly child support obligation. This is the amount stated in the order and collected through the Kansas Payment Center (KPC). Never pay support directly to the other parent once a KPC withholding order is in place, direct payments may not be credited.

- **Deviation from Guidelines (SCR 139(E)(6))**

  If the court awards an amount different from Line 23, written findings are required stating: (1) the Line 23 guideline amount; (2) the amount actually ordered; (3) the specific reasons for deviation. Acceptable deviation grounds include: extraordinary needs of the child, income above the schedule maximum, agreed deviations where both parties consent and the court finds it in the child's best interest. Deviations are subject to appellate review for abuse of discretion.

Form 3 of 3 — Financial Disclosure Statement

Model form reflecting K.S.A. 23-3005 | Kansas Supreme Court Rule 139 | Signed under penalty of perjury | Required for all CS modification proceedings

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

FINANCIAL DISCLOSURE STATEMENT

K.S.A. 23-3005 | Kansas Supreme Court Rule 139 | Case No.: _____

PARTY INFORMATION	
Full Legal Name:	
Role:	■ Petitioner / Obligor ■ Respondent / Obligee
Date of Birth:	
SSN (last 4 digits only):	
Current Address:	
Employer Name / Address:	
Occupation / Title:	
Date Employed:	
MONTHLY GROSS INCOME — ALL SOURCES	
Kansas guidelines use GROSS income. List all income before any deductions.	
Gross Wages / Salary:	$
Overtime (12-month average):	$
Bonuses / Commissions (avg.):	$
Self-Employment Gross Income:	$
Less: Business Expenses:	($)
Social Security / Disability:	$
Unemployment Compensation:	$
Pension / Retirement:	$
Rental / Investment Income:	$
Other Income (describe):	$
TOTAL GROSS MONTHLY INCOME:	$
COURT-ORDERED DEDUCTIONS (for worksheet only)	
Prior CS Orders (other children):	$
Spousal Maintenance (paid):	$
ADJUSTED GROSS MONTHLY INCOME:	$
MONTHLY EXPENSES	
Rent / Mortgage:	$
Utilities:	$
Food / Groceries:	$

Kansas Financial Disclosure Statement, Page 1 of 2

Transportation / Auto:	$
Health Insurance (self only):	$
Child's Health Insurance:	$
Work-Related Child Care:	$
Medical / Dental (out-of-pocket):	$
Clothing:	$
Loan / Credit Card Payments:	$
Other Recurring Expenses:	$
TOTAL MONTHLY EXPENSES:	$

ASSETS AND LIABILITIES (approximate current values)

Real Property (address / equity):	$
Vehicles (value / loan balance):	$
Bank / Savings Accounts:	$
Retirement / 401(k) / IRA:	$
Other Assets:	$
Total Liabilities / Debts:	$

SWORN DECLARATION

I declare under penalty of perjury pursuant to the laws of the State of Kansas (K.S.A. 53-601) that the information in this Financial Disclosure Statement is true, correct, and complete to the best of my knowledge and belief.

Signature:	
Printed Name:	
Date:	
Notary / Court Official (if required):	

Attach to Motion to Modify and Kansas Child Support Worksheet. Serve on opposing party per K.S.A. 60-205.

How to Complete the Kansas Financial Disclosure Statement

▸ Party Information

Enter your legal name exactly as it appears on the original order. Include only the last four digits of your Social Security Number, Kansas Supreme Court Rule 7.043 requires redaction of full SSNs from public filings. Enter your current employer's full name and address. Courts use this information to issue an Income Withholding

Order (IWO) to your employer if an order is entered against you. If self-employed, write "Self-Employed" and describe your business.

- **Gross Monthly Income, All Sources**

  Kansas guidelines use gross income, so list ALL income before any deductions. Attach: (1) last 3 months of pay stubs; (2) last 2 years W-2s or 1099s; (3) most recent federal tax return (Schedule C if self-employed). For bonus income: average the last 36 months if irregular. For seasonal employment: use 12-month average, not peak-season rate. For self-employment: gross business revenue minus legitimate business expenses (per Schedule C). Courts will scrutinize inflated expense claims.

- **Court-Ordered Deductions Section**

  List prior child support orders for other children and maintenance obligations separately. These are the only deductions the Kansas guidelines recognize from gross income for calculation purposes. Do NOT deduct taxes, FICA, health insurance, or retirement contributions from gross on this worksheet. The Adjusted Gross Monthly Income here should match Line 4 of the worksheet.

- **Monthly Expenses**

  List current monthly living expenses honestly and completely. Kansas courts use expense information to assess ability to pay and evaluate deviation requests. For joint expenses with a new partner or roommate, list only your proportional share. For the child's specific expenses (health insurance, child care), list them separately, these feed directly into the worksheet additional expense calculation.

- **Assets and Liabilities**

  Disclose all significant assets with current fair market values. For real property: use county appraised value or recent comparable sales; note the outstanding mortgage balance. For vehicles: use NADA or Kelly Blue Book value. For retirement accounts: use the most recent quarterly statement. Failure to disclose assets constitutes contempt and may result in sanctions under K.S.A. 23-3005. Courts can impute income from underutilized assets.

- **Sworn Declaration**

  Kansas Financial Disclosure Statements are signed under penalty of perjury per K.S.A. 53-601, notarization is not always required but some courts and local rules require it. Check your specific county's local rules (available on the district court clerk's website). If notarization is required, the notary must witness your signature; pre-signing and then presenting to a notary is invalid. Bring valid government-issued photo ID.

- **Filing and Service**

  File the original with the district court clerk simultaneously with the Motion to Modify and Worksheet. Kansas district courts in larger counties (Johnson, Wyandotte, Sedgwick, Douglas) accept electronic filing through the Kansas eFiling system. Smaller counties may still require paper filing, contact the clerk to confirm. Serve a copy on the other party by any K.S.A. 60-205 method and file proof of service. In IV-D cases, also serve Kansas CSS (Child Support Services) at the applicable regional office.

Kansas-Specific Practice Notes

- **Gross Income Base, Unique Among Income Shares States (SCR 139)**

  Kansas is one of the few Income Shares states that uses GROSS income (not net) as the guidelines base. The Kansas Child Support Schedule builds federal and state tax effects into the table values. This means a Kansas parent paying federal and Kansas state income tax has those effects factored into the schedule. You do not separately deduct taxes before looking up the schedule amount. Compare carefully when calculating support for a parent who recently moved to or from Kansas.

- **10% Material Change Threshold (K.S.A. 23-3005(b))**

Kansas presumes a material change in circumstances when current guidelines would produce an amount differing by 10% or more from the current order. This is the same threshold as Iowa, lower than many other states. Calculate: run the Worksheet with current incomes and compare Line 23 to the current order amount. A 10%+ difference strongly supports modification. Courts retain discretion to deny modification if the change is temporary or self-induced.

- **Kansas Payment Center (KPC), Mandatory Routing**

  All Kansas child support payments must flow through the Kansas Payment Center (KPC) at P.O. Box 758599, Topeka, KS 66675, unless both parties agree to direct payment and the court specifically authorizes it in writing. KPC records all payments and provides an auditable payment history. Payments made directly to the other parent after a KPC order is in place are not credited against the support obligation, the obligor will owe the full amount despite having paid.

- **Kansas DCF Child Support Services (CSS), IV-D Cases**

  Kansas DCF administers Title IV-D child support enforcement through CSS regional offices statewide. CSS has authority to seek modification administratively every three years or upon substantial change under K.S.A. 23-4,118. In CSS-administered cases, either party may request a review at no cost. CSS has subpoena power to obtain income records, employer information, and tax data from the IRS. CSS cases often move more quickly through administrative channels than private court proceedings.

- **Parenting Time, 35% Threshold (SCR 139(D)(7))**

  Kansas triggers the parenting time adjustment at 35% of overnight parenting time (approximately 128 overnights per year), which is higher than some states that use 30%. Below 35%: no parenting time credit applies. At 35-49%: a sliding-scale credit reduces the obligation. At 50/50: a specific shared parenting calculation applies under SCR 139(D)(7). Documenting actual overnights with a detailed parenting time calendar is essential when the overnight count is near the 35% threshold.

- **Emancipation and Support Termination (K.S.A. 23-3001)**

  Kansas support terminates automatically when a child turns 18 if they are not enrolled in high school. If still in high school, support continues until graduation or age 19, whichever comes first. Unlike some states, Kansas support does not automatically terminate. You must file a motion to terminate withholding and update the order. A child's marriage or military enlistment also terminates the support obligation per K.S.A. 23-3001(b).

End of Appendix P - Kansas | Appendix Q - Kentucky follows.

Appendix Q — Kentucky: Statutes, Case Law, Forms, and Resources

Key Statutes

- KRS 403.211 - Modification of child support orders
- KRS 403.212 - Kentucky Child Support Guidelines
- KRS 403.213 - Rebuttable presumption; 15% threshold; 3-year review
- KRS 205.712 - Administrative license suspension for non-payment
- KRS 530.050 - Criminal non-support (Class D felony)
- KRS 407.5101 et seq. - UIFSA adoption in Kentucky

Key Case Law

- Keplinger v. Keplinger, 839 S.W.2d 566 (Ky. Ct. App. 1992) - Material change standard
- Snow v. Snow, 24 S.W.3d 668 (Ky. Ct. App. 2000) - Income imputation; voluntary underemployment
- Cabinet for Human Resources v. Burris, 744 S.W.2d 695 (Ky. 1988) - Arrears no SOL
- Plattner v. Plattner, 228 S.W.3d 577 (Ky. Ct. App. 2007) - Shared parenting adjustment

Official Forms

- Kentucky Child Support Guidelines Worksheet (AOC-152) - kycourts.gov
- Affidavit of Financial Disclosure (AOC-238.1)
- Motion to Modify Child Support
- In Forma Pauperis Application (AOC-1025)

State Agency Contact

- CHFS Division of Child Support: 1-800-248-1163
- Website: chfs.ky.gov/agencies/dcbs/dcs
- Kentucky Court of Justice Self-Help: kycourts.gov
- Kentucky Legal Aid: 1-800-928-4556 | klaid.org

Filing Checklist

- Both parents' pay stubs (last 2 months) and tax returns (last 2 years)
- Completed Guidelines Worksheet (AOC-152) showing 15%+ difference
- Affidavit of Financial Disclosure (AOC-238.1) - notarized
- Evidence of material change (termination letter, disability records, etc.)
- Filing fee payment or In Forma Pauperis application
- Certificate of Service after serving the other parent

Kentucky Child Support Modification, Official Court Forms Guide

The following pages reproduce model forms reflecting Kentucky's child support modification process under KRS 403.211 and KRS 403.212. Kentucky's Administrative Office of the Courts (AOC) maintains official forms; these models illustrate the structure and required information. All payments are processed through the Kentucky Payment Center (KPC). Income is calculated on a GROSS basis. Modification requires a showing of a 15% or greater change in the calculated support obligation.

Form 1 of 3 — Motion to Modify Child Support (KRS 403.211)

COMMONWEALTH OF KENTUCKY

_____ COURT | _____ COUNTY

In re:		**Case No.:**	
Petitioner:		**Division:**	
and		**Judge:**	
Respondent:			

MOTION TO MODIFY CHILD SUPPORT

KRS 403.211 | KRS 403.212 | Kentucky Child Support Guidelines

MOVING PARTY

Full Legal Name:	
Role:	■ Petitioner ■ Respondent
Address:	
City / State / ZIP:	
Phone / Email:	
Attorney / Bar No.:	

CURRENT ORDER

Date of Last Order:	
Current Monthly CS Amount:	$
KASES/IV-D Case No. (if any):	

GROUNDS — MATERIAL CHANGE IN CIRCUMSTANCES (KRS 403.211(3))

- ■ Income of either party has changed by 15% or more since last order
- ■ Three years have elapsed since last order and guidelines amount differs by 15% or more
- ■ Child's needs have substantially changed (medical, educational, or other)
- ■ Change in physical custody or primary residential parent designation
- ■ Child has become emancipated or otherwise ineligible for support
- ■ Change in availability or cost of health insurance for child
- ■ Other material change: _____

INCOME INFORMATION

Moving Party Gross Monthly Income:	$
Other Party Gross Monthly Income:	$ (estimated if unknown)
Source(s) of Income Data:	

CHILDREN SUBJECT TO ORDER

Child's Full Name / DOB:	
Child's Full Name / DOB:	

Child's Full Name / DOB: _____

RELIEF REQUESTED

- ■ Modify child support per current Kentucky Child Support Guidelines (KRS 403.212)
- ■ Make modification retroactive to date of filing (KRS 403.211(3))
- ■ Enter/modify Income Withholding Order through Kentucky State Disbursement Unit (SDU)
- ■ Approve attached Kentucky Child Support Worksheet
- ■ Award attorney fees per KRS 403.220
- ■ Grant such other relief as the Court deems just

CERTIFICATION

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

Signature: _____

Printed Name: _____

Date: _____

CERTIFICATE OF SERVICE

I certify that on _____, a copy was served on opposing party/counsel by: ■ Personal Service ■ First-Class Mail ■ E-Service at: _____

File with Circuit/Family Court Clerk. Attach Kentucky Child Support Worksheet and Financial Disclosure. Filing fee or In Forma Pauperis required.

Line-by-Line Completion Guide, Motion to Modify Child Support

▸ **COMMONWEALTH OF KENTUCKY, Court Header**

Enter the county name (e.g., 'Jefferson County') where the original child support order was entered. Kentucky uses District Court for child support matters unless linked to a divorce/dissolution pending in Circuit Court. Write the full county name in the blank following 'COMMONWEALTH OF KENTUCKY.'

▸ **CASE NO.**

Enter the complete case number from the original support order exactly as it appears on prior orders, including prefix letters, year digits, and sequence number (e.g., '22-D-00412'). Using the wrong case number will cause the clerk to reject the filing or route the motion to the wrong docket.

▸ **IN RE: / Petitioner & Respondent**

Enter the parties' full legal names exactly as they appear in the original order. The Petitioner is the person filing this motion. The Respondent is the other parent. Do not use nicknames or shortened names. If you are the custodial parent seeking an increase, you are the Petitioner; if the paying parent seeking a decrease, you are also the Petitioner filing this motion.

▸ **Movant (Petitioner / Respondent circle one)**

Circle or check whether you are the Petitioner or Respondent in the original case. This identifies your role and determines the service requirements for the other party.

▸ **Original Order Date**

Enter the date the most recent child support order was entered. Kentucky courts apply the 15% change threshold from the amount set in the last active order, not the original order if there have been prior modifications. Use MM/DD/YYYY format.

▸ **Current Monthly Support Amount**

Enter the exact dollar amount currently ordered, as stated in the most recent order. Include both base support and any ordered medical/insurance contribution if combined. If split into separate line items in the order, list the total combined monthly obligation.

▸ **Basis for Modification, KRS 403.211(3)(b)**

Check ALL boxes that apply. Kentucky recognizes these grounds: (1) Substantial change in circumstances (check and describe the change (job loss, pay increase, child's needs changed, etc.); (2) Three-year review) available even without a showing of changed circumstances if three years have elapsed since the last order and the new calculation would differ by 15% or more; (3) Health insurance change, check if coverage has been gained, lost, or become unaffordable.

▸ **Description of Changed Circumstances**

Write a clear, specific narrative. Bad: 'My income changed.' Good: 'Petitioner's gross monthly income decreased from $4,800 to $2,950 due to involuntary layoff on March 14, 2026, as documented in the attached termination notice and unemployment award letter.' Include dates, dollar amounts, and cause whenever possible. Courts are more persuaded by documented specifics than vague assertions.

▸ **New Calculated Support Amount (estimated)**

Run Kentucky's child support calculator (available at chfs.ky.gov or through your attorney) using current gross incomes for both parents. Enter the resulting figure. Compare to the current order: if the difference is 15% or more (≥15%), you meet the threshold. Example: current order $800/mo; new calculation $670/mo, difference is $130/$800 = 16.25% → threshold met.

▸ **Effective Date Requested**

State the date you want the modification to take effect. Kentucky courts generally make modifications effective as of the filing date of the motion, not retroactively before filing. Enter today's date or the first day of the month following filing. Courts rarely grant retroactive modifications to a date before the motion was filed.

▸ **Health Insurance / Medical Support**

Check the applicable box: (a) No change to medical support; (b) Requesting court order health insurance through [parent's name]'s employer plan; (c) Requesting removal of insurance obligation because coverage is no longer available/affordable. Attach documentation (employer premium statement, COBRA notice, or marketplace quote) to support any insurance-related request.

▸ **Relief Requested**

This standard language asks the court to: (1) set a new support amount per the Kentucky Child Support Guidelines (KRS 403.212); (2) order income withholding through the Kentucky Payment Center (KPC); (3) address medical support as requested. Do not alter this section unless advised by an attorney.

▸ **Signature Block, Movant**

Sign with your full legal name in ink. Print your name, current mailing address, telephone number, and email address. If you have an attorney, the attorney signs here instead and provides bar number. Pro se filers sign personally and write 'Pro Se' after the signature line.

▸ **Certificate of Service**

After signing, complete the Certificate of Service. Enter the date you mailed or hand-delivered a copy to the other party (Respondent). Enter the Respondent's address. Sign again. Kentucky Rules of Civil Procedure require service of all motions on opposing parties. File the original with the clerk and keep a copy.

▸ **Verification / Affidavit**

Some Kentucky counties require the Motion to be verified (sworn). If the form includes a verification block, sign before a Notary Public. Bring valid photo ID and the unsigned document to any notary. The notary will administer an oath and then stamp/sign the document. Many bank branches and UPS stores offer free or low-cost notary services.

Form 2 of 3 — Kentucky Child Support Worksheet (KRS 403.212)

KENTUCKY CHILD SUPPORT WORKSHEET

KRS 403.212 | AOC-152 Reference | Kentucky uses GROSS monthly income Case No.: _____
County: _____ Date: _____

	OBLIGOR (Paying Parent)	OBLIGEE (Receiving Parent)
PART A — MONTHLY GROSS INCOME (KRS 403.212(2))		
Kentucky uses GROSS income. Do not deduct taxes before applying the schedule.		
1. Gross Monthly Income — All Sources (wages, SE, SS, pension, all)	$	$
2. Less: Court-Ordered CS for Other Children (prior orders only)	$	$
3. Less: Maintenance Paid per Court Order	$	$
4. ADJUSTED GROSS MONTHLY INCOME (Line 1 minus Lines 2-3)	$	$

PART B — SCHEDULE LOOKUP (KRS 403.212(7) Schedule)

5.	Combined Adjusted Gross Monthly Income (Obligor + Obligee Line 4)	$	
6.	Number of Children in This Order		
7.	Basic Child Support Obligation (from Kentucky CS Schedule)	$	
8.	Obligor Income Share % (Line 4-Obligor / Line 5 x 100)		%
9.	Obligor's Share of Basic Obligation (Line 7 x Line 8%)	$	

PART C — ADDITIONAL EXPENSES		
10. Work-Related Child Care Costs (monthly)	$	$
11. Health Insurance Premium for Child (monthly)	$	$
12. Extraordinary Medical Expenses (monthly average, unreimbursed)	$	$
13. TOTAL ADDITIONAL EXPENSES (Lines 10-12)	$	$
14. Obligor Share of Additional Expenses (Line 13 x Line 8%)	$	$
PART D — TIMESHARING ADJUSTMENT (KRS 403.212(10))		
Kentucky applies a timesharing credit when obligor has 35%+ of overnight time.		
15. Obligor Annual Overnights	$	$
16. Timesharing % (overnights / 365 x 100)	$	$
17. Timesharing Adjustment (from KY Timesharing Table — if 35%+)	$	$

PART E — TOTAL OBLIGATION

18.	Obligor Basic Share (Line 9)	$	
19.	Plus: Additional Expense Share (Line 14)	$	
20.	Less: Timesharing Adjustment (Line 17)	($	)
21.	Less: Health Insurance Paid by Obligor (Line 11)	($	)
22.	**TOTAL MONTHLY CHILD SUPPORT OBLIGATION**	**$**	

Kentucky Child Support Worksheet, Page 1 of 2

Prepared by: _____ Date: _____ Deviation requires written findings per KRS 403.211(2).

Line-by-Line Completion Guide, Child Support Worksheet

▸ **Line 1, Monthly Gross Income: Petitioner / Respondent**

CRITICAL: Kentucky uses GROSS income, before any deductions whatsoever. Include ALL sources: wages and salary (use average of last 3 pay stubs if variable), self-employment net profit (gross revenue minus ordinary business expenses, NOT personal expenses), rental income, interest and dividends, pension and retirement distributions,

Social Security benefits (including SSDI; SSI is excluded), unemployment compensation, workers' compensation, and spousal maintenance received. Do NOT deduct taxes, retirement contributions, health insurance premiums, or any other amounts. Enter monthly figures, if paid weekly, multiply by 4.33; bi-weekly by 2.167.

- **Line 2, Number of Children in This Case**

Enter only the children subject to this support order, not children from other relationships. The number of children directly affects the guideline percentage applied to combined income in the KRS 403.212 schedule.

- **Line 3, Combined Monthly Gross Income**

Add Petitioner's gross (Line 1, col. A) plus Respondent's gross (Line 1, col. B). This combined figure is the starting point for the guidelines table lookup. If combined income exceeds $15,000/month, the guidelines do not cap support, the court exercises discretion above that threshold.

- **Line 4, Basic Child Support Obligation (from schedule)**

Using the Kentucky Child Support Guidelines table (published by CHFS and embedded in the AOC worksheet), locate the row matching your combined monthly gross income and the column matching the number of children. Enter the table amount. This represents the total parental obligation before allocation between parents.

- **Line 5, Each Parent's Percentage Share**

Divide each parent's gross income by the combined gross income: Petitioner % = Line 1A ÷ Line 3; Respondent % = Line 1B ÷ Line 3. These percentages should sum to 100%. Carry to two decimal places (e.g., 58.24%).

- **Line 6, Each Parent's Share of Basic Obligation**

Multiply Line 4 by each parent's percentage from Line 5. This is the proportional share each parent owes toward the total obligation. The non-custodial parent's share becomes the baseline transfer payment.

- **Line 7, Health Insurance Premium (children's share only)**

Enter the monthly cost attributable to covering the children under the paying parent's health insurance. If the plan covers the parent and children, subtract the employee-only premium from the family premium, the difference is the children's share. Attach the employer benefits statement or pay stub showing the deduction.

- **Line 8, Work-Related Child Care Costs**

Enter monthly out-of-pocket child care costs paid while the custodial parent works, seeks work, or attends school. Use the actual after-tax dollar cost, if you receive a Dependent Care FSA benefit or Child Care Tax Credit, reduce the amount accordingly. Divide annual costs by 12 for monthly figures. Attach receipts or provider statements.

- **Line 9, Extraordinary Medical / Educational Expenses**

Enter court-approved extraordinary expenses, recurring uninsured medical costs for a child's chronic condition, private school tuition if historically provided, or agreed-upon extracurricular costs. Routine medical copays and school supplies are NOT extraordinary. These must be specifically agreed upon or ordered; do not estimate or include anticipated future costs without court approval.

- **Line 10, Total Support Obligation**

Sum Lines 6, 7, 8, and 9 for each parent. This is the gross obligation before crediting for direct payments. The non-custodial parent's Line 10 amount is the starting point for the transfer payment before any parenting time adjustment.

- **Line 11, Shared Parenting Time Credit (KRS 403.2122)**

Since House Bill 501 took effect on March 31, 2023, Kentucky applies a statutory shared parenting time credit under KRS 403.2122. A parent must have the child at least 73 days per year to qualify for any credit; the credit then rises with the number of parenting-time days and reaches its maximum, roughly half the standard obligation, at an

equal split of about 182.5 days each. The worksheet computes the credit from the actual day count. Below 73 days, no credit applies.

▸ **Line 12, Net Monthly Support Transfer**

Subtract any parenting time adjustment (Line 11) from the non-custodial parent's obligation (Line 10). The resulting amount is what the non-custodial parent pays monthly to the Kentucky Payment Center. This is the amount to enter in the Motion as the 'new calculated support amount.' Round to the nearest dollar.

▸ **Self-Employment Income Adjustment**

If either parent is self-employed, the worksheet may require adding back FICA self-employment taxes (the employer half, 7.65% of net self-employment income) to compute gross income for guideline purposes. This is because W-2 employees also benefit from employer-paid FICA but it is invisible to them. Follow the worksheet's self-employment addback line if present.

▸ **Imputed Income**

If either parent is voluntarily unemployed or underemployed, the court may impute income at the level that parent could earn based on education, work history, and available jobs in the local market. If imputation is at issue, attach documentation of job search efforts or medical/caregiving limitations that justify reduced income.

▸ **Both Parents' Signatures**

Both parents must sign and date the completed worksheet. If one parent refuses to cooperate, file the worksheet with your information only and note the other parent's refusal; the court can order disclosure of the other parent's financial information through discovery or KASES records if the case is IV-D (CHFS-involved).

Form 3 of 3 — Financial Disclosure Affidavit (KRS 403.211)

COMMONWEALTH OF KENTUCKY | _____ COURT
FINANCIAL DISCLOSURE STATEMENT

KRS 403.211 | KRS 403.212 | Case No.: _____

PARTY INFORMATION	
Full Legal Name:	
Role:	■ Petitioner / Obligor ■ Respondent / Obligee
Date of Birth:	
SSN (last 4 digits only):	
Current Residential Address:	
Employer Name / Address:	
Occupation / Job Title:	
Date Employed:	
MONTHLY GROSS INCOME — ALL SOURCES	
Kentucky CS guidelines use GROSS income — list all income before deductions.	
Gross Wages / Salary:	$
Overtime (12-mo. average):	$
Bonuses / Commissions (avg.):	$
Self-Employment Net Income:	$
Social Security / Disability:	$
Unemployment Compensation:	$
Pension / Retirement:	$
Rental / Investment Income:	$
Other Income (describe):	$
TOTAL GROSS MONTHLY INCOME:	$
GUIDELINE DEDUCTIONS ONLY	
Prior CS Orders (other children):	$
Maintenance Paid (court-ordered):	$
ADJUSTED GROSS MONTHLY INCOME:	$
MONTHLY LIVING EXPENSES	
Rent / Mortgage:	$
Utilities:	$
Food:	$
Transportation:	$

Health Insurance (self only):	$
Child's Health Insurance Premium:	$
Work-Related Child Care:	$
Medical / Dental (out-of-pocket):	$
Clothing:	$
Student Loan Payments:	$
Credit Card Payments:	$
Other Recurring Expenses:	$
TOTAL MONTHLY EXPENSES:	$

ASSETS (Approximate Fair Market Value)

Real Property (address / equity):	$
Vehicles (value / loan):	$
Bank / Savings Accounts:	$
Retirement / 401(k) / IRA:	$
Other Assets:	$
Total Outstanding Liabilities:	$

SWORN DECLARATION

I declare under penalty of perjury under the laws of the Commonwealth of Kentucky that the information in this Financial Disclosure Statement is true, correct, and complete to the best of my knowledge and belief.

Signature:	
Printed Name:	
Date:	
Notary Public (if required):	
Commission Expires:	

Attach to Motion to Modify and Child Support Worksheet. Serve on all parties.

Line-by-Line Completion Guide, Financial Disclosure Affidavit

▸ **Section A, Personal Information**

Enter your full legal name, current address, telephone number, date of birth, and Social Security number (last 4 digits only on court-filed documents, full SSN on any separate IV-D/KASES forms). List your employer's name,

address, and your work schedule (full-time/part-time, hours per week). If self-employed, enter your business name, type (sole proprietor, LLC, S-corp, etc.), and EIN.

▸ **Section B, Gross Monthly Income**

List every income source on a separate line with the monthly amount: (1) Salary/wages (use gross before ALL deductions, average last 3 months if variable; (2) Self-employment) attach Schedule C/K-1; net profit plus any personal expenses run through the business; (3) Rental income (gross rents received, not net; (4) Interest/dividends) annualize and divide by 12; (5) Pension/retirement (monthly distribution; (6) Social Security/SSDI) monthly benefit amount; (7) Unemployment/workers' comp (current weekly benefit × 4.33; (8) Other) specify source. Total all lines for Combined Monthly Gross Income.

▸ **Section C, Monthly Expenses (for context, not deductions)**

Kentucky's worksheet does not reduce gross income by expenses, but courts review this section to assess ability to pay. List: housing (rent/mortgage, utilities), transportation (car payment, insurance, gas), health insurance premiums for self, existing child support for other children (from prior orders, court-ordered amounts are a credit against income in Kentucky), and other fixed obligations. Do not list the support you are seeking to modify here.

▸ **Section D, Assets**

List real property (address, estimated value, mortgage balance, net equity), vehicles (year/make/model, value, loan balance), bank accounts (institution, approximate balance (no need to list account numbers), retirement accounts (401k, IRA) current balance), and other significant assets. Kentucky courts use asset information to assess overall financial picture and to determine if an asset-rich/income-poor parent should pay more.

▸ **Section E, Debts and Liabilities**

List significant debts: mortgage (already in assets section, cross-reference), car loans, student loans (balance and monthly payment), credit card debts (total balance), medical bills, tax obligations (IRS/state). Do not list day-to-day living expenses already covered in Section C. Courts look here to determine genuine hardship vs. discretionary spending.

▸ **Section F, Children's Expenses**

Itemize monthly costs specifically attributable to the children in this case: child care/daycare (attach receipts), school tuition if applicable, health insurance premium, children's share, out-of-pocket medical, extracurricular activities, clothing and school supplies (annual ÷ 12). This section supports requests for add-ons beyond the base guideline amount.

▸ **Section G, Other Support Orders**

Disclose any existing child support orders for other children. Kentucky allows a deduction from gross income for support actually paid pursuant to a prior court order for other children. Enter: case number, county, child's name (first/last), monthly ordered amount, and whether payments are current or in arrears. Attach the most recent order for each other support obligation.

▸ **Section H, Health Insurance**

State whether health insurance is currently available for the children through your employer: Yes/No. If yes, enter the monthly cost to add the children (family premium minus employee-only premium). If no employer coverage, describe any marketplace/KCHIP options and monthly cost. KCHIP (Kentucky Children's Health Insurance Program) coverage is available for low-income children.

▸ **Verification and Notarization**

This affidavit MUST be notarized. It is a sworn statement. Bring the unsigned document and valid photo ID to a Notary Public. Do not sign until in the notary's presence. The notary will witness your signature, administer an oath

affirming the truth of the contents, and apply their stamp and signature with commission expiration date. Filing a false financial affidavit is perjury under Kentucky law (KRS 523.020).

▸ **Attachments Checklist**

Attach: (1) Last 3 months of pay stubs (all employers); (2) Last 2 years of federal tax returns with all schedules; (3) Last 2 months of bank statements (all accounts); (4) Documentation of any other income source listed; (5) Health insurance premium statement from employer; (6) Child care receipts or provider letter; (7) Any other orders for child support (other children). Without attachments, the affidavit is incomplete and the court may deny the motion or continue the hearing.

▸ **Service on the Other Parent**

File the original affidavit with the clerk and serve a copy on the other parent. Service can be by certified mail (return receipt), personal service by process server, or (if the other parent has counsel) on their attorney. Kentucky courts may order mutual exchange of financial affidavits simultaneously at a scheduling conference. Do not voluntarily send your affidavit before receiving the court's instructions if you have concerns about the other parent misusing the information.

▸ **IV-D Cases (KASES / CHFS)**

If your case is open with the Kentucky Cabinet for Health and Family Services (CHFS) Child Support Enforcement (IV-D), the KASES system tracks payments and enforcement. Notify your CHFS caseworker of the pending modification motion. CHFS may appear at the hearing and has standing to object or join the action. All payments in a IV-D case MUST go through the Kentucky Payment Center (KPC); direct parent-to-parent cash payments do not count as credit toward the order.

▸ **Kentucky Payment Center (KPC)**

Once a new order is entered, all support must be paid through KPC. Payment methods: online at kycourts.net, by phone, by money order mailed to KPC, or through employer income withholding (the default). Income Withholding Orders (IWO) are issued automatically with all new/modified support orders unless both parties waive withholding and the court approves. Payments post within 2-3 business days of KPC receipt.

Important Kentucky-Specific Reminders

▸ **15% Threshold (KRS 403.211(3)(a))**

A modification requires that the new guideline calculation differ from the current order by 15% or more, OR that three years have elapsed and the difference is 15% or more. Calculate the percentage change: |new - current| ÷ current × 100. Document this calculation in your motion. Courts strictly apply this threshold; a 14% change without other changed circumstances is insufficient.

▸ **GROSS Income Base**

Kentucky calculates support on GROSS income, before taxes, before retirement contributions, before health insurance, before any other deduction. This is one of the most common mistakes self-represented litigants make. Using net income will produce an incorrectly low support figure that the court will reject.

▸ **Age of Emancipation**

Child support in Kentucky generally runs until the child turns 18, but under KRS 403.213(3) it continues while the child is an unmarried full-time high school student, until graduation or age 19, whichever comes first. Track the child's enrollment during the 18th year, since the order does not self-terminate on the birthday. Courts may extend support further where a child has special needs.

▸ **Mandatory Income Withholding**

Kentucky courts issue an Income Withholding Order (IWO) with virtually every support order. The paying parent's employer will deduct support from wages and transmit to KPC. Self-employed parents must make direct payments to KPC and may be required to post a bond or prepay support in some counties.

▸ **No Retroactive Modification**

Kentucky courts will not modify support retroactively to a date before the motion was filed (KRS 403.213). File as soon as circumstances change, waiting means owing the higher amount for every month of delay. Arrears that accumulate before filing cannot be waived.

End of Appendix Q - Kentucky | Appendix R - Louisiana follows.

Appendix R — Louisiana: Statutes, Case Law, Forms, and Resources

Key Statutes

- La. R.S. 9:311 - Modification of child support (substantial change)
- La. R.S. 9:315 through 9:315.20 - Louisiana Child Support Guidelines
- La. R.S. 9:315.8(E) - 73-day discretionary credit (joint custody); La. R.S. 9:315.9 - shared-custody formula (approximately equal time)
- La. R.S. 9:315.23 - No prescription (SOL) on child support arrears
- La. R.S. 14:75 - Criminal non-support
- La. R.S. 9:310 et seq. - UIFSA adoption in Louisiana

Key Case Law

- Stogner v. Stogner, 739 So. 2d 762 (La. 1999) - Substantial change standard
- Sykes v. Sykes, 308 So. 3d 312 (La. Ct. App. 2020) - Income imputation; self-employment
- Bergeron v. Bergeron, 492 So. 2d 1193 (La. 1986) - Custody modification framework
- Guillory v. Guillory, 789 So. 2d 825 (La. Ct. App. 2001) - Shared custody calculation

Official Forms

- Domestic Relations Financial Disclosure Statement (DRFDS)
- Rule to Show Cause (parish-specific forms)
- Louisiana Child Support Schedule (La. R.S. 9:315.19)
- Consent Judgment form (district court)

State Agency Contact

- Louisiana DCFS Support Enforcement Services: 1-888-524-3578
- Website: dcfs.louisiana.gov/SES
- Louisiana Legal Navigator: louisianalegalnavigator.org
- Southeast Louisiana Legal Services: 1-877-521-6242

Filing Checklist

- Both parents' pay stubs (last 2 months) and tax returns (last 2 years)
- Completed Louisiana Child Support Schedule calculation
- Domestic Relations Financial Disclosure Statement (DRFDS)
- Rule to Show Cause with stated factual basis for substantial change
- Evidence of changed circumstances (termination letter, medical records, etc.)
- Filing fee for district court (typically $100-$300)

- Proof of service (return of service) on the other parent

Louisiana Child Support Modification, Official Court Forms Guide

The following pages reproduce model forms reflecting Louisiana's child support modification process under La. R.S. 9:311 and La. R.S. 9:315 et seq. Louisiana uses a Rule to Show Cause procedure (not a standard motion), the clerk issues the Rule and the sheriff serves it. Income is calculated on a GROSS basis. The modification standard is 'material change in circumstances' (no fixed percentage threshold). A three-year review is available under La. R.S. 9:311(B). All payments route through Louisiana Support Enforcement Services / State Disbursement Unit.

Form 1 of 3 — Rule to Show Cause for Modification of Child Support (La. R.S. 9:311)

COMMONWEALTH [STATE] OF LOUISIANA

DISTRICT COURT

PARISH OF: _____ JUDICIAL DISTRICT

IN THE MATTER OF: DOCKET NO.: _____

_____ DIVISION: _____

(Petitioner / Mover)

v.

_____

(Respondent)

RULE TO SHOW CAUSE FOR MODIFICATION OF CHILD SUPPORT (La. R.S. 9:311; La. R.S. 9:315 et seq.)

SECTION A — IDENTIFYING INFORMATION

Mover's Full Legal Name: _____

Mover's Current Address: _____

Mover's Telephone / Email: _____

Respondent's Full Legal Name: _____

Respondent's Last Known Address: _____

Child(ren) Subject to This Order (names, DOBs): _____

Date of Original/Most Recent Support Order: _____

Current Monthly Support Amount Ordered: $ _____

SECTION B — GROUNDS FOR MODIFICATION (La. R.S. 9:311)

Mover alleges that a material change in circumstances has occurred that is substantial and likely to be permanent, as follows (check all that apply and describe below):

■ Substantial change in income of Mover (voluntary / involuntary — circle one)

■ Substantial change in income of Respondent

■ Change in child's needs (medical, educational, or other)

■ Change in physical custody or parenting time arrangement

■ Change in health insurance coverage or cost

■ Change in work-related childcare costs

■ Three-year review — 36+ months have elapsed since the last order was entered or modified, and the new guideline amount differs materially from the current order (La. R.S. 9:311(B))

■ Other (describe): _____

Description of Changed Circumstances (be specific — include dates, dollar amounts, cause):

_____

_____

_____

SECTION C — FINANCIAL SUMMARY

	MOVER	RESPONDENT
Current Gross Monthly Income	$_____	$_____
Proposed New Gross Monthly Income	$_____	$_____
Estimated New Support Obligation (per worksheet)	$_____	
Percentage Change from Current Order	_____ %	

SECTION D — RELIEF REQUESTED

WHEREFORE, Mover respectfully prays that this Court:

1. Issue a Rule to Show Cause ordering Respondent to appear and show cause why child support should not be modified;

2. Set a new monthly child support obligation in accordance with the Louisiana Child Support Guidelines (La. R.S. 9:315 et seq.);

3. Order income assignment/withholding through the Louisiana Support Enforcement Services;

4. Address health insurance and medical support as appropriate under La. R.S. 9:315.4;

5. Make the modified order effective as of the date of filing of this Rule (La. R.S. 9:310);

6. Grant any other relief the Court deems just and proper.

Respectfully submitted,

Signature of Mover / Attorney	Date
Printed Name	Bar No. (if attorney)
Address	Telephone

RULE TO SHOW CAUSE — PAGE 2 OF 2 VERIFICATION AND SERVICE

VERIFICATION

STATE OF LOUISIANA PARISH OF _____

BEFORE ME, the undersigned authority, personally came and appeared:

Full Legal Name of Mover (Print)

who, being first duly sworn, deposes and states that the facts set forth in the foregoing Rule to Show Cause are true and correct to the best of his/her knowledge, information, and belief.

Signature of Mover | Date

NOTARY PUBLIC — Printed Name | Commission No. / Expiration

Louisiana law requires notarization of sworn pleadings. Sign only in the presence of the notary. Bring valid photo ID.

CERTIFICATE OF SERVICE

I certify that a copy of this Rule to Show Cause has been served upon the Respondent by:

■ Personal service by the Parish Sheriff ■ Certified Mail, Return Receipt Requested

■ Domiciliary service (left at residence with person of suitable age and discretion)

■ Service on Respondent's attorney of record: _____

Date of Service:

Address Where Served:

Method / Sheriff's Office (if applicable):

Signature | Date

CLERK'S CERTIFICATE — FOR OFFICIAL USE ONLY

Filed:	_____	Docket No.:	_____
Deputy Clerk:	_____	Return Date:	_____
Rule Set for:	_____	Courtroom/Div.:	_____

La. R.S. 9:311 — Modification of support orders. La. R.S. 9:310 — Retroactivity to filing date. La. C.C.P. Art. 2592 — Summary proceedings (Rules to Show Cause). This is a model form; consult the clerk of court for parish-specific requirements.

Line-by-Line Completion Guide, Rule to Show Cause for Modification

▸ **Court Header, Parish and Judicial District**

Louisiana has 64 parishes and 42 judicial districts. Enter the parish where the original child support order was entered. You must file the Rule in the same District Court that issued the order (La. R.S. 9:311(A)). Example: 'Parish

of East Baton Rouge, 19th Judicial District Court.' If the case was later registered in a different parish (UIFSA transfer), use the parish where it is currently registered.

▸ **Docket Number**

Copy the docket number exactly from the original order or most recent modification order. Louisiana docket numbers typically include the year and a sequential case number (e.g., '2021-1847'). The same docket number is used throughout the life of the case. You are not opening a new case, you are filing into the existing case record.

▸ **Petitioner / Mover and Respondent**

Enter the full legal names of both parties exactly as they appear in the existing order. The 'Mover' is the party filing this Rule, either parent may be the Mover. Louisiana uses the terms Petitioner/Respondent from the original custody/support case, but the filer of a modification Rule is called the 'Mover' regardless of original role.

▸ **Section A, Identifying Information**

Complete all fields accurately. For the child(ren), list full legal names and dates of birth. Support in Louisiana terminates when a child reaches age 18 unless the child is still enrolled full-time in a secondary school program, in which case support continues until age 19 or graduation, whichever first occurs (La. R.S. 9:315.22). The 'Current Monthly Support Amount Ordered' is the amount in the most recent active order.

▸ **Section B, Grounds for Modification**

La. R.S. 9:311 does not establish a specific percentage threshold. The standard is a 'substantial and material' change in circumstances likely to be permanent. Check every applicable ground and describe it specifically in the narrative lines. If relying on the three-year review (La. R.S. 9:311(B)), note the date of the last order and confirm 36+ months have elapsed. The three-year review does not require proof of changed circumstances, just the passage of time and a difference in the calculated amount.

▸ **Description of Changed Circumstances**

Be specific and factual. Include: the nature of the change (job loss, income increase, new childcare costs, changed custody), the date the change occurred, the dollar amounts involved, and whether the change is temporary or permanent. Courts in Louisiana look for permanence, a temporary pay cut during illness is weaker than a permanent position elimination. Attach supporting documentation (termination letter, pay stubs, medical records).

▸ **Section C, Financial Summary**

Enter both parents' current and proposed gross monthly income figures. Run the Louisiana Child Support Guidelines calculator (available at dcfs.la.gov or through DCFS) to estimate the new obligation. Compare to the current order, while no fixed threshold applies, a 10-15% or greater difference generally supports modification. Courts have discretion to deny modification if the change is de minimis even if circumstances technically changed.

▸ **Section D, Relief Requested**

This section contains standard prayer language. Do not alter it. The court will issue a formal written order after the hearing. The relief requested includes: a new guideline support amount, mandatory income assignment to route payments through Louisiana Support Enforcement Services / SDU, and medical support under La. R.S. 9:315.4.

▸ **Signature Block**

If you have an attorney, the attorney signs and provides their bar number. If self-represented (pro se), you sign and write your address and phone number. Louisiana courts accept pro se filings but the clerk may not advise you on procedure. Sign in ink, do not use electronic signature for court filings unless the court specifically accepts e-filing (some Louisiana courts use the Odyssey e-filing system; check with your parish clerk).

▸ **Verification / Notarization**

Louisiana pleadings must typically be verified (sworn). Sign the verification block ONLY in the presence of a Notary Public. The notary will administer an oath and stamp the document. Louisiana notaries are licensed attorneys in many cases, but non-attorney notaries are also common. Notary services are available at banks, UPS stores, and some parish clerk's offices. Bring valid photo ID.

▸ **Certificate of Service**

After filing, serve a copy on the Respondent. Louisiana requires sheriff service of the Rule to Show Cause, you cannot simply mail it yourself. Pay the sheriff's service fee at the time of filing (typically $50–$100). The clerk prepares the Rule, and the sheriff serves it along with a summons setting a return date (hearing date). Keep proof of service (sheriff's return) for your records.

▸ **Clerk's Certificate (bottom section)**

This section is completed by the clerk's office. The clerk assigns a return date (hearing date) and a courtroom/division. The return date is typically 10–30 days after filing depending on the court's docket. You must appear on the return date, failure to appear may result in dismissal of your Rule or a default order against you.

Form 2 of 3 — Louisiana Child Support Guidelines Worksheet (La. R.S. 9:315 et seq.)

STATE OF LOUISIANA

LOUISIANA CHILD SUPPORT GUIDELINES WORKSHEET

La. R.S. 9:315 through 9:315.14

Docket No.: _____ Parish: _____ Date: _____

Petitioner: _____ Respondent: _____ No. of Children: _____

PART I — GROSS MONTHLY INCOME (La. R.S. 9:315.2) — ALL SOURCES, BEFORE ANY DEDUCTIONS

Income Source	Petitioner ($)	Respondent ($)
Wages, Salary, Commissions, Tips, Bonuses		
Self-Employment Net Profit (after business expenses)		
Rental Income (gross receipts)		
Interest / Dividends / Investment Income		
Pension / Retirement Distributions		
Social Security Benefits (SSDI; not SSI)		
Unemployment / Workers' Compensation		
Spousal Support / Alimony Received		
Other Income (specify): _____		
Paragraph('caseSensitive': 1 'encoding': 'utf8' 'text': '**TOTAL GROSS MONTHLY INCOME (Line A)**' 'frags': [ParaFrag(__tag__='b', bold=1, fontName='Helvetica-Bold', fontSize=9, greek=0, italic=0, link=[], rise=0, text='TOTAL GROSS MONTHLY INCOME (Line A)', textColor=Color(.101961,.227451,.360784,1), us_lines=[])] 'style': 'bulletText': None 'debug': 0) #Paragraph		

PART II — ADJUSTMENTS TO GROSS INCOME (La. R.S. 9:315.4)

Adjustment	Petitioner ($)	Respondent ($)
Court-Ordered Child Support for Other Children (prior orders actually paid)		
Court-Ordered Spousal Support Actually Paid		
ADJUSTED GROSS MONTHLY INCOME (Line B = Line A minus adjustments)		

PART III — BASIC OBLIGATION (La. R.S. 9:315.14 Schedule)

Line C: Combined Adjusted Gross Monthly Income (Petitioner B + Respondent B)	$	
Line D: Basic Child Support Obligation (from La. R.S. 9:315.14 schedule — see table)	$	

Line E: Petitioner's % Share (Petitioner B ÷ Combined B × 100)	%	
Line F: Respondent's % Share (Respondent B ÷ Combined B × 100)	%	
Line G: Petitioner's Share of Basic Obligation (Line D × Line E)	$	
Line H: Respondent's Share of Basic Obligation (Line D × Line F)	$	

CHILD SUPPORT WORKSHEET — PAGE 2 OF 2

ADD-ON EXPENSES AND FINAL CALCULATION

PART IV — ADD-ON EXPENSES (La. R.S. 9:315.3 and 9:315.4)

Add-On Expense	Monthly Amount ($)	Paid By
Health Insurance Premiums — Children's Share Only		
Net Work-Related Child Care Costs (after tax credit)		
Extraordinary Medical Expenses (court-approved only)		
Total Add-On Expenses (Line I)		

PART V — SHARED CUSTODY ADJUSTMENT (La. R.S. 9:315.9 — if applicable)

The shared custody adjustment applies ONLY when the non-domiciliary parent has physical custody 73 or more overnights per year (≥20% of the year). If below 73 overnights, skip to Part VI.

Non-Domiciliary Parent's Overnights per Year		out of 365
Percentage of Year (overnights ÷ 365 × 100)		%
Shared Custody Adjustment Amount (per La. R.S. 9:315.9 formula)	$	

PART VI — FINAL MONTHLY SUPPORT OBLIGATION

Line J: Non-Domiciliary Parent's Share of Basic Obligation (from Part III)	$_____
Line K: Non-Domiciliary Parent's Share of Add-Ons (proportional)	$_____
Line L: Less Shared Custody Adjustment (if applicable)	($_____)
Line M: Less Health Insurance Credit (if paid by non-domiciliary parent)	($_____)
LINE N: NET MONTHLY CHILD SUPPORT TRANSFER (J + K − L − M)	

This amount is payable monthly through Louisiana Support Enforcement Services / State Disbursement Unit. Income assignment is mandatory under La. R.S. 9:303. Direct payments between parents do not satisfy the order unless specifically authorized by the court.

Petitioner Signature / Date Respondent Signature / Date

La. R.S. 9:315 — Child Support Guidelines. La. R.S. 9:315.2 — Gross income definition. La. R.S. 9:315.3 — Add-on expenses. La. R.S. 9:315.9 — Shared custody calculation. La. R.S. 9:315.14 — Child support schedule. This is a model form; use the official Louisiana Supreme Court worksheet when available.

Louisiana Child Support Guidelines Worksheet, Page 3 of 3

Line-by-Line Completion Guide, Child Support Guidelines Worksheet

▸ **Part I, Gross Monthly Income (La. R.S. 9:315.2)**

Louisiana uses GROSS income, before taxes, retirement contributions, or any deductions. Include all sources: wages and salary (average last 3 months), self-employment net profit (gross receipts minus ordinary and necessary business expenses, not personal expenses), rental income (gross, not net after mortgage), interest and dividends,

pension distributions, Social Security benefits (SSDI is included; SSI is excluded), unemployment compensation, workers' compensation, and spousal support received. If a parent is voluntarily underemployed or unemployed without good cause, the court may impute income under La. R.S. 9:315.2(D) at the level that parent is capable of earning based on employment history and education.

▸ **Self-Employment Income**

For self-employed parents, compute net profit from Schedule C of the most recent tax return as a starting point, then adjust for any non-recurring items. Add back personal expenses run through the business (personal vehicle expenses, personal meals, home office if also used personally, etc.). The court will scrutinize self-employment income carefully because self-employed parents have more opportunity to minimize reported income. Attach Schedule C, the full tax return, and last 3 months of bank statements.

▸ **Part II, Adjustments to Gross Income (La. R.S. 9:315.4)**

Louisiana allows two adjustments to gross income before computing the support obligation: (1) Court-ordered child support for other children from a prior order, must be an existing court order, not a voluntary payment; enter the monthly amount actually paid; (2) Court-ordered spousal support actually paid. These reduce each parent's 'Adjusted Gross Monthly Income' (Line B). No other deductions are permitted under the guidelines, taxes, health insurance, retirement, and other expenses do not reduce the income base.

▸ **Line C, Combined Adjusted Gross Monthly Income**

Add both parents' Adjusted Gross Monthly Income (Line B). This combined figure is used to look up the Basic Child Support Obligation in the La. R.S. 9:315.14 schedule. The schedule runs from combined monthly income of $1,000 to $30,000 or more, with columns for 1 through 6+ children. If combined income exceeds the schedule, the court has discretion to set support above the schedule amount based on the child's needs.

▸ **Line D, Basic Child Support Obligation (La. R.S. 9:315.14 Schedule)**

Using the official Louisiana Child Support Schedule (published in La. R.S. 9:315.14 and available at dcfs.la.gov), locate the row matching the combined adjusted monthly income (Line C) and the column matching the number of children in this case. Enter that amount. This is the total parental obligation before allocation between the parents and before any add-ons. Use the most current version of the schedule. It is updated periodically.

▸ **Lines E & F, Each Parent's Percentage Share**

Petitioner % = Petitioner's Adjusted Gross (Line B) ÷ Combined Adjusted Gross (Line C). Respondent % = Respondent's Adjusted Gross (Line B) ÷ Combined Adjusted Gross (Line C). The two percentages must sum to 100%. Example: Combined income = $5,000/mo; Petitioner earns $3,000 (60%) and Respondent earns $2,000 (40%). These percentages determine each parent's proportional share of the obligation.

▸ **Lines G & H, Each Parent's Share of Basic Obligation**

Multiply Line D by each parent's percentage. The non-domiciliary parent's share (Line H or G, depending on who pays) is the baseline transfer payment before add-ons. The domiciliary parent's share is presumed to be spent directly on the child through housing, food, and daily care costs.

▸ **Part IV, Add-On Expenses (La. R.S. 9:315.3 and 9:315.4)**

Louisiana allows three categories of add-ons above the basic obligation: (1) Health insurance premiums for the children (only the children's portion, not the entire family premium; attach employer's premium statement; (2) Net work-related child care costs) the actual monthly cost after subtracting any federal Child Care Tax Credit or Dependent Care FSA benefit; (3) Extraordinary medical expenses specifically approved by the court, routine copays and school supplies are not extraordinary. Each add-on is allocated between parents proportionally based on their income percentages (Lines E and F).

▸ **Part V, Parenting-Time Adjustments (La. R.S. 9:315.8(E) and 9:315.9)**

Louisiana has two parenting-time mechanisms. Under a joint custody order that is not shared custody, if the parent paying support has the child for more than 73 days a year, the court may grant a discretionary credit under La. R.S. 9:315.8(E); a qualifying day requires at least four hours of physical custody. When the parents share physical custody approximately equally, La. R.S. 9:315.9 instead multiplies the basic obligation by one and one-half and divides it in proportion to income, then offsets, so at a 50/50 split the higher earner generally pays the difference between the two parents' shares. Document overnights in a written log or calendar.

▸ **Line N, Net Monthly Support Transfer**

This is the final figure: the amount the non-domiciliary parent pays monthly to the State Disbursement Unit / Louisiana Support Enforcement Services. This amount goes into the Rule to Show Cause as the 'estimated new support obligation.' Round to the nearest dollar. The court may deviate from the guideline amount for good cause under La. R.S. 9:315.1(B), deviations require written findings.

▸ **Mandatory Income Assignment**

La. R.S. 9:303 requires an income assignment (wage withholding) order with every new or modified child support order. The paying parent's employer receives an Income Withholding Order and deducts support from wages, transmitting directly to the SDU. Self-employed parents must arrange alternative payment directly to the SDU. Private payments between parents do not count unless the court specifically authorizes them.

▸ **Both Parents' Signatures**

Both parents should sign the completed worksheet if they have cooperated in completing it. If the other parent refuses, file the worksheet with your own information and note the other parent's refusal. DCFS can obtain the other parent's income information through KASES-equivalent Louisiana records and employer contacts in IV-D cases.

Form 3 of 3 — Sworn Financial Disclosure Affidavit (La. R.S. 9:315.2)

STATE OF LOUISIANA — DISTRICT COURT

SWORN FINANCIAL DISCLOSURE AFFIDAVIT

(Required for Child Support Proceedings — La. R.S. 9:315.2)

Docket No.:	Parish:	Date:
Affiant (Your Full Legal Name):	Role: ■ Petitioner ■ Respondent	

SECTION A — PERSONAL AND EMPLOYMENT INFORMATION

Current Address (Street, City, Parish, ZIP):	
Telephone:	
Date of Birth:	
Employer Name and Address:	
Employment Status:	■ Full-Time ■ Part-Time ■ Self-Employed ■ Unemployed
Hours per Week / Hourly Rate (if applicable):	
If Self-Employed — Business Name and Type:	

SECTION B — GROSS MONTHLY INCOME (ALL SOURCES — BEFORE ANY DEDUCTIONS)

Income Source	Monthly Amount ($)
Wages / Salary (gross, before all deductions — avg last 3 months)	
Self-Employment Net Profit (gross revenue minus ordinary business expenses)	
Rental Income (gross rents received)	
Interest / Dividends	
Social Security / SSDI (not SSI)	
Pension / Retirement Distributions	
Unemployment / Workers' Compensation	
Spousal Support / Alimony Received	
Other (specify): _____	
TOTAL GROSS MONTHLY INCOME	

SECTION C — MONTHLY EXPENSES (for reference — income is NOT reduced by expenses)

Housing (rent/mortgage)	$_____	Health Insurance (self only)	$_____
Utilities (electric/gas/water)	$_____	Vehicle Payment	$_____
Groceries / Food	$_____	Vehicle Insurance	$_____
Child Care (this case)	$_____	Student Loans	$_____
Child Support — Other Orders	$_____	Credit Card / Debt	$_____
Other: _____	$_____	**TOTAL MONTHLY EXPENSES**	**$_____**

FINANCIAL DISCLOSURE AFFIDAVIT — PAGE 2 OF 2

SECTION D — ASSETS

Asset Type	Est. Value ($)	Amount Owed ($)	Net Equity ($)
Real Property (address): _____			
Vehicle(s): _____			
Checking / Savings Accounts			
Retirement / 401(k) / IRA			
Other Assets: _____			

SECTION E — OTHER CHILD SUPPORT ORDERS

Case/Docket No.	Parish / State	Child's Name	Monthly Amount	Current?
			$	■ Yes ■ No
			$	■ Yes ■ No

Court-ordered child support for other children (actually paid pursuant to an existing order) is deductible from gross income under La. R.S. 9:315.4(A).

SECTION F — HEALTH INSURANCE

Is health insurance currently available for the child(ren) through your employer or otherwise?

■ YES — Insurer: _____ Monthly cost to add children: $_____

■ NO — Describe availability / alternatives (including Medicaid / LaCHIP):

VERIFICATION / JURAT (MUST BE NOTARIZED)

STATE OF LOUISIANA PARISH OF _____

BEFORE ME, the undersigned Notary Public, personally appeared the above-named Affiant, who, being first duly sworn, deposes and states that the information contained in this Financial Disclosure Affidavit is true and correct to the best of his/her knowledge and belief. Affiant acknowledges that filing a false affidavit constitutes perjury under Louisiana law (La. R.S. 14:123).

Signature of Affiant Date

Notary Public — Printed Name Notary ID No. / Expiration

ATTACHMENTS CHECKLIST

■ Last 3 months of pay stubs (all employers)

■ Last 2 years of federal tax returns (Form 1040 + all schedules)

■ Last 2 months of bank statements (all accounts)

■ Schedule C or K-1 (if self-employed)

■ Employer health insurance premium statement (children's share)

■ Child care receipts or provider statement (monthly cost)
■ Documentation of any other income source listed above
■ Copies of any existing child support orders for other children

La. R.S. 9:315.2 — Gross income for guideline purposes. La. R.S. 14:123 — Perjury. La. R.S. 9:303 — Mandatory income assignment. La. R.S. 9:315.4 — Adjustments and add-ons. This is a model form reflecting Louisiana child support law. Consult your parish clerk or DCFS Support Enforcement for parish-specific forms.

Line-by-Line Completion Guide, Sworn Financial Disclosure Affidavit

▸ **Section A, Personal and Employment Information**

Enter your full legal name exactly as it appears in the court record. List your current residential address (in the parish where you live), telephone number, and date of birth. Provide your employer's complete name and address. For self-employed persons, enter your business name, business type (sole proprietorship, LLC, S-corporation,

partnership), and the primary business address. If unemployed, enter your last employer and the date employment ended, and explain the current situation.

▸ **Section B, Gross Monthly Income**

This is the most critical section. Louisiana computes support on GROSS income, before taxes, health insurance deductions, retirement contributions, or any other withholding. List every income source on a separate line. For variable income (commissions, overtime, self-employment), average the last 12 months unless a shorter period better reflects current circumstances (e.g., recent job change). Attach documentation for every line: pay stubs for wages, Schedule C for self-employment, 1099s for interest/dividends, benefit award letters for Social Security, SSDI or workers' compensation. Omitting any income source is perjury (La. R.S. 14:123).

▸ **Section C, Monthly Expenses**

This section provides context to the court but does NOT reduce gross income for guideline purposes. Louisiana's guidelines are based on gross income with only the two adjustments in Section D. Nevertheless, courts review expenses to assess ability to pay and to evaluate claims of hardship. List actual monthly amounts, round to the nearest dollar. For irregular expenses (annual car insurance payment), divide by 12 for a monthly figure. Do not include the support you are currently paying in this case, that amount is at issue.

▸ **Section D, Assets**

List all significant assets with current market value and any amounts owed against them. For real property, use a reasonable estimate of current market value (Zillow estimate, recent appraisal, or tax assessment). For vehicles, use Kelly Blue Book private-party value. For retirement accounts, use the most recent statement balance. Courts use asset information to assess overall financial picture, a parent with substantial assets but low income may face a higher support award than the guidelines would otherwise suggest.

▸ **Section E, Other Child Support Orders**

Disclose every existing child support order for children from other relationships. Only court-ordered support actually paid qualifies as a deduction from gross income under La. R.S. 9:315.4(A), voluntary payments to an unmarried partner for a child without a court order do not count. Enter the docket number, parish, and monthly amount. If you are behind on payments for other children (in arrears), note that and attach the payment history. Arrears do not eliminate the deduction but courts note the arrears status.

▸ **Section F, Health Insurance**

State whether health insurance for the children is currently available through your employer. If yes, enter the monthly cost of adding the children to your plan (family premium minus employee-only premium = children's cost). Attach the employer's open enrollment or benefits statement showing the premium breakdown. If no employer coverage is available, note whether the children are enrolled in Medicaid or LaCHIP (Louisiana's CHIP program). LaCHIP provides low-cost health coverage for children whose family income is too high for Medicaid but who cannot afford private insurance.

▸ **Verification and Notarization**

The affidavit MUST be notarized. It is a sworn statement subject to perjury laws. Do not sign until you are in the presence of a Notary Public. Bring the unsigned document and valid, government-issued photo ID. The notary will administer an oath, witness your signature, and apply their official stamp. In Louisiana, notaries hold their commission for life (unlike other states where commissions expire). The notary's ID number (not SSN) should appear on the stamp. Filing a false affidavit is a felony under La. R.S. 14:123, answer all questions truthfully.

▸ **Attachments**

File the affidavit with all supporting documents attached. Required attachments: last 3 months of pay stubs from all employers; last 2 federal tax returns with all schedules (1040, Schedule C, Schedule E, etc.); last 2 months of bank statements for all accounts; health insurance premium statement; child care receipts or provider confirmation letter; documentation of any other income source. Without attachments, the court cannot verify your figures and may draw adverse inferences.

▸ **IV-D Cases (DCFS Support Enforcement Services)**

If your case is open with Louisiana DCFS Support Enforcement Services (IV-D), notify your DCFS caseworker of the pending modification. DCFS has standing to appear at the hearing and may independently verify income through employer contacts and state tax records. In IV-D cases, all payments must go through the State Disbursement Unit (SDU), direct payments between parents do not count toward satisfying the order (La. R.S. 9:303). DCFS contact: 1-888-524-3578 or dcfs.la.gov.

▸ **Louisiana Civil Law Considerations**

Louisiana's civil law heritage means that some procedural aspects differ from common-law states. The Rule to Show Cause procedure (rather than a motion) is a summary proceeding under La. C.C.P. Art. 2592. Discovery is more limited in summary proceedings unless the court orders additional time. If the other party fails to appear on the return date, the court may grant a default judgment modifying support. Judgments in Louisiana are called 'judgments' (not 'orders') but they carry the same binding legal force.

Important Louisiana-Specific Reminders

▸ **Rule to Show Cause, Not a Motion**

Louisiana uses a Rule to Show Cause for child support modifications, not a standard motion. The procedure requires the clerk to issue the Rule and the sheriff to serve it. You cannot self-serve the other parent. Pay the sheriff's service fee at filing. The clerk sets a 'return date' (hearing date) when the Rule issues.

▸ **No Fixed Percentage Threshold**

Unlike states with a specific 10–15% threshold, Louisiana requires a showing of 'material change in circumstances' that is substantial and likely to be permanent (La. R.S. 9:311). There is no automatic trigger percentage, the court exercises discretion. As a practical matter, changes of 10% or more tend to support modification; very small changes rarely do. Document your changed circumstances thoroughly.

▸ **Three-Year Review (La. R.S. 9:311(B))**

If 36 months have elapsed since the last order, either parent may seek modification without proving a material change in circumstances, only that the new guideline calculation differs from the current order. Calculate whether 3 years have passed and note this in your Rule. This is a powerful avenue when circumstances have changed gradually rather than through a single dramatic event.

▸ **Retroactivity to Filing Date (La. R.S. 9:310)**

Louisiana courts make modified orders effective as of the date the Rule was filed, not earlier. File promptly. Every month you delay before filing, you remain obligated at the higher amount with no ability to recoup overpayments. Courts will not retroactively reduce support for periods before the Rule was filed.

▸ **73-Day Threshold for the Parenting-Time Credit (La. R.S. 9:315.8(E))**

The discretionary parenting-time credit applies when the parent paying support has more than 73 days a year of physical custody under La. R.S. 9:315.8(E); at or below 73 days, no credit applies even if substantial visitation occurs. Keep a documented overnight log. Joint legal custody alone (shared decision-making) does not trigger it,

since actual physical custody must exceed the 73-day threshold. An approximately equal split is handled separately under La. R.S. 9:315.9.

End of Appendix R - Louisiana | Appendix S - Maine follows.

Appendix S — Maine: Statutes, Case Law, Forms, and Resources

Key Statutes

- 19-A M.R.S. Chapter 63 (sections 2001-2012) - Maine Child Support Guidelines
- 19-A M.R.S. 2009 - 15% modification threshold; 3-year review
- 19-A M.R.S. 2201 et seq. - License suspension for non-payment
- 17-A M.R.S. 552 - Criminal non-support (Class E crime)
- 19-A M.R.S. Chapter 65 - UIFSA adoption in Maine
- 19-A M.R.S. 1653 - Parental relocation notice requirement

Key Case Law

- Ranger v. Ranger, 2013 ME 98 (2013) - Income imputation standard in Maine
- Dunning v. Dunning, 495 A.2d 821 (Me. 1985) - Voluntary underemployment
- Wardwell v. Wardwell, 2000 ME 16 - Shared parenting adjustment principles

Official Forms

- Child Support Worksheet (FM-014) - courts.maine.gov
- Financial Statement (FM-009) - required with motion
- Motion to Modify Child Support
- Fee Waiver Application (FM-050)

State Agency Contact

- Maine DHHS DSER: 1-207-624-4100
- Website: maine.gov/dhhs/ofi/dser
- Pine Tree Legal Assistance (income-qualified): ptla.org | 1-800-750-5353
- Maine Courts Self-Help Center: courts.maine.gov

Filing Checklist

- Both parents' pay stubs (last 2 months) and tax returns (last 2 years)
- Completed Child Support Worksheet (FM-014) showing 15%+ difference
- Financial Statement (FM-009) - sworn and notarized
- Evidence of changed circumstances
- Filing fee (~$120) or Fee Waiver (FM-050)
- Return of service after serving the other parent

Maine Child Support Modification, Official Court Forms Guide

The following pages reproduce official Maine Judicial Branch forms for child support modification. Form OTH-042 is the Maine courts' 'Forms to File a Motion to Modify' package. Form FM-050 is the official Maine Child Support Worksheet published by the Maine Judicial Branch under 19-A M.R.S.A. § 2006. Maine uses the Income Shares model with a gross income base. Modification requires a showing that the existing order differs from the current guideline amount by 15% or more, or that three years have elapsed (19-A M.R.S.A. § 2009). Child support is administered by the DHHS Office of Child Support (OCS).

Form 1 of 2 — Motion to Modify (OTH-042) — Official Maine Judicial Branch

MAINE JUDICIAL BRANCH

MOTION TO MODIFY:
What to do with these Court Forms

Here are a few tips for filling out the forms:

- Always use full legal names, not nicknames.
- Type or print neatly.
  - Fillable versions of the forms are available on our website at: http://www.courts.maine.gov/fees_forms/forms.
- You will file each form with the Court. Before you do that, make copies of your completed forms—one for yourself and one copy for each of the other parties. You will need to find a place to make copies (like a library). The court clerk cannot make copies for you.

STEP ONE: Fill out the Forms

Family Matter Summary Sheet (FM-002)
This form is required for the clerk to start an action. In order to fill out this form you need to enter contact information for yourself and for any other party.

Motion to Modify (FM-062)
The section at the top of the form is called the "caption." Look at the caption on your original Court Order and copy the court location, docket number and names of Plaintiff and Defendant. (This information stays the same. If you were the defendant before, you are still the defendant, even though you are the one filing the motion to modify.) If you can't find your original order, you can obtain a copy from the clerk. If you are trying to change the amount of child support only, check that box that reads "Child Support Only" under the words "Motion to Modify." Please complete pages 1 through 3 as instructed. You must sign page 4 this form in front of a notary public. You can find a notary at a bank, a legal services office, through your town office, or at the court clerk's office.

Social Security Number Disclosure Form (CV-CR-FM-PC-200)
You are required by both State and Federal law to provide your social security number along with your children's social security numbers. This information is collected on the Social Security Number Disclosure form, which will be placed in a confidential envelope in the court file. This form is included in your packet.

Child Support Affidavit (FM-050) (if child support is an issue)
Fill out the "caption" the same way that you did on the complaint form. Fill out the rest of the form to the best of your knowledge. Note that you list last year's earned income and this year's expected earned income separately under #1. Also note that you list other income under #2 and fringe benefits under #3. You may have to look at your records, if you have them, to get financial information. You must sign this form in front of a notary public. After the responding party gets your Motion to Modify, the Court will ask the responding party to fill out the same financial form and send you a copy. The court may also require you to complete a Child Support Worksheet (form FM-040), which is available on the Maine Judicial Branch website at www.courts.maine.gov.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

STEP TWO: Serve the Forms

Now you must give copies to the defendant. This is called "serving" the court papers. Court rules say you can do this in one of three ways: (1) You can mail the papers, asking the other party to agree to "service;" (2) you can send the papers by certified mail, restricted delivery; or (3) you can pay a sheriff to give the copies to the other party. You must file proof of service with the court.

Service by Mail
Mail or hand-deliver these papers to the other party:

- Copy of Motion to Modify
- Copy of Child Support Affidavit (if child support is an issue)
- Two copies of Acknowledgment of Receipt of Summons and Complaint (after you have filled in the "caption" on both copies)
- Stamped, self-addressed envelope
- Blank copy of the Notice Regarding Electronic Service (CR-CV-FM-255)
- Completed copy of the Notice Regarding Electronic Service (CR-CV-FM-255) (only if you want to agree to email receipt of documents filed by the opposing party in your case)

The Acknowledgment of Receipt form asks the other party to sign it, showing that the other party got the papers, and to return the form to you within 20 days. If you get the signed Acknowledgment back within 20 days, go on to Step 3. If not, then you will need to serve the papers another way.

Service by Certified Mail, Restricted Delivery
Take these papers to the post office along with an envelope:

- Copy of Motion to Modify
- Copy of Child Support Affidavit (if child support is an issue)
- Blank copy of the Notice Regarding Electronic Service (CR-CV-FM-255)
- Completed copy of the Notice Regarding Electronic Service (CR-CV-FM-255) (only if you want to agree to email receipt of documents filed by the opposing party in your case)

Tell the postal clerk that you want to send the papers by certified mail. Make sure you ask for a "Return Receipt" and "Restricted Delivery." This costs more and involves a few extra steps. Get forms and help from your post office. File with the court clerk the green card you get back from the post office, to prove that the other party got the papers.

Service by Sheriff
Mail or take to your county sheriff's office:

- The original and one copy of the Motion to Modify
- Copy of Child Support Affidavit (if child support is an issue)
- Blank copy of the Notice Regarding Electronic Service (CR-CV-FM-255)
- Completed copy of the Notice Regarding Electronic Service (CR-CV-FM-255) (only if you want to agree to email receipt of documents filed by the opposing party in your case)

In a letter, or in person, ask the sheriff's office to serve the papers on the other party. Give the other party's home address. If you think the other party will be hard to find at home, give the other party's work address. There is a charge for this service - please contact the appropriate sheriff's office for information on costs of service. **The deputy who "serves" the papers will complete page 5 of the motion and return the original to you.**

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Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

STEP THREE: File the Forms

Within 20 days after serving the other party, hand-deliver or mail to the court clerk these original forms:

- ☐ **Summary Sheet**
- ☐ **Motion**
- ☐ **SSN Disclosure Form**
- ☐ **Child Support Affidavit** (if child support is an issue)
- ☐ **Return of Service on page 5 of the Motion to Modify indicating method of service** (the deputy's signature is required on this page **if** the sheriff's office served the papers)
- ☐ **Acknowledgment of Receipt** (this is required only if you used service by mail)
- ☐ **Green card you got back from the post office** (this is required only if you used certified mail for service)\

PLEASE NOTE: you must file at least one type of proof of service for each other party to the case.

The Court charges a fee to file your papers. Later you may be charged a mediation fee (shared by the parties). If you cannot afford the court fees, you may ask the clerk for an Application to Proceed Without Payment of Fees and an Affidavit. Fill out these forms and sign them in front of a Notary Public. Then file the forms with the clerk along with your other papers. A judge will review your financial information and decide whether you qualify for a "fee waiver." If the waiver is denied, you must pay the filing fee within 7 days. If the waiver is granted, you will not have to pay, or you will pay some of the court fees.

WHAT IS NEXT?

Once the court receives a complete filing, the clerk will schedule the first court event with a family law magistrate (for cases with children) or judge (for cases without children). **For more information on this and the rest of the court process, please visit the Family and Children page at the Maine Judicial Branch website listed below, or read "A Guide to Family Separation in Maine" that is provided to every party at the start of a case.**

Federal Affidavit (FM-052)
If the responding party has not entered an appearance or appeared in court for the Motion to Modify proceedings at the time of the final hearing, the moving party must file a Federal Affidavit (FM-052) stating under oath that the responding party is not serving in the military or an affidavit signed by the responding party waiving rights conferred by the Service Members Civil Relief Act.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

MAINE JUDICIAL BRANCH

HELPFUL RESOURCES

A Guide to Family Separation in Maine: This guide will help you better understand the court process in family law cases such as divorce and parental rights and responsibilities (PR&R) cases. PR&R cases involve parties who have a child but are not married. You can get a copy of this guide at the court or access it online www.courts.maine.gov.

Maine Judicial Branch website: The Families and Children page of the website includes information on many different types of family cases. Please visit that page for information on what to expect from the court process and issues that may come up in your case.

Mediation: A mediator may be able to help you and the other party or parties reach an agreement on issues relating to your case. Mediation can be arranged through the court or a private mediator.

Parent education: A parent education program specifically designed for divorcing or separating parents may help you focus on the needs of your children. The court may order you to attend one of these programs.

Child Support Table: These guidelines, by law, are issued by DHHS and are used to help determine child support obligations according to income. This table is available online at: http://courts.maine.gov/fees_forms/forms/index.shtml or from any District Court clerk's office.

For more information about these resources, speak with the court clerk or visit the Maine Judicial Branch website at: www.courts.maine.gov.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

Motion to Modify, Page 4 of 4 (Official Maine Judicial Branch Form OTH-042)

Line-by-Line Completion Guide, Motion to Modify

▸ Court Header, State of Maine, Superior/District Court

Maine handles child support modification in the District Court (Family Division) unless the case originated in Superior Court. Write 'State of Maine' and the county name (e.g., 'Cumberland County') where the original order was entered. Maine has 16 counties and 13 District Court locations. If you are unsure which court to file in, call the

District Court in the county where either parent currently resides. Maine allows filing in the county of either party's residence under 19-A M.R.S.A. § 1654.

▸ **Docket Number**

Enter the full docket number from the existing child support order. Maine docket numbers follow the format: YEAR-FM-NNNN (e.g., '2020-FM-00347'). The 'FM' prefix stands for Family Matters. Copy the number exactly as it appears on the existing order, the clerk will use this number to pull the case file. Do not create a new docket number; this is always filed into the existing case.

▸ **Parties, Plaintiff and Defendant**

Maine family court pleadings use Plaintiff and Defendant from the original case. The person who originally filed is the Plaintiff; the other party is the Defendant. This does not change regardless of who is filing the modification motion, the party labels stay fixed from the original case. Enter full legal names exactly as they appear in the existing order. Do not use nicknames or initials.

▸ **Motion to Modify, Identifying What to Modify**

Check the box or boxes identifying what you want modified: (1) Child Support; (2) Parental Rights and Responsibilities (custody/visitation); (3) Both. For this guide, we focus on child support modification. You can request modification of just child support without also modifying custody/parental rights, and vice versa. If custody is also at issue, consider whether you need separate legal assistance, custody modifications are more complex than support modifications.

▸ **Basis for Modification, 19-A M.R.S.A. § 2009**

Maine requires one of the following: (1) A 15% or greater difference between the current order and the amount that would result from applying the current Maine Child Support Guidelines. This is the most common basis; (2) Three years have elapsed since the last order and the new calculation would differ by 15% or more; (3) A substantial change in circumstances that makes the existing order inequitable. Check the applicable ground and fill in the narrative. Be specific: 'My gross monthly income decreased from $4,500 to $2,800 due to layoff on [date]' is far more persuasive than 'my income changed.'

▸ **Current vs. Proposed Support Amount**

Enter the current court-ordered monthly amount exactly as stated in the last active order. Then enter the amount you believe is appropriate under the current Maine guidelines. To calculate the proposed amount, use the Maine Child Support Worksheet (FM-050) with both parents' current gross incomes. The 15% threshold is calculated as: $|\text{proposed} - \text{current}| \div \text{current} \times 100 \geq 15\%$. Example: current order $600/mo; new worksheet yields $490/mo; difference = $110/$600 = 18.3%, threshold met.

▸ **Effective Date**

Request that the modification be effective as of the date the motion is served. Maine courts generally make modifications retroactive to the date the motion was served under 19-A M.R.S.A. § 2009, the court may not retroactively reduce support for any period before the motion was served. File as soon as circumstances change. If you have been unable to pay because of the changed circumstances, document every payment attempt and the reason for shortfall.

▸ **Health Insurance / Medical Support**

Maine requires the motion to address medical support if you are seeking a change. Check the applicable box: no change to existing medical support order; requesting that [parent] be ordered to maintain health insurance for the children; requesting removal of an existing insurance obligation because it is no longer available or affordable.

'Affordable' in Maine means the premium for the children does not exceed 5% of the obligor parent's gross income (19-A M.R.S.A. § 2006(5)).

▸ **Supporting Affidavit / Financial Statement**

Attach a completed Financial Statement (FM-050 or a separate financial disclosure). Maine courts expect documentation of current income when a motion to modify is filed. Include your three most recent pay stubs, most recent tax return (Form 1040), and documentation of any other income sources. Courts may deny the motion without a financial statement or set a hearing to compel financial disclosure.

▸ **Signature and Certificate of Service**

Sign the motion in ink. Print your name, address, telephone number, and email address. If you have an attorney, the attorney signs with their bar number. Complete the Certificate of Service, in Maine you can serve the other party by first-class mail at their last known address (M.R. Civ. P. 5). Enter the date mailed and the address. Keep a copy of everything you file. The clerk will schedule a hearing or issue an order without a hearing if both parties agree and the proposed order is in the child's best interest.

▸ **Filing Fee**

Maine charges a filing fee for motions to modify, currently $120 for a Motion to Modify in family matters (verify current fee at courts.maine.gov/forms/fees.html). If you cannot afford the fee, file a Motion to Proceed Without Payment of Fees (FM-067) simultaneously. The court will waive the fee if your income is at or below 125% of the federal poverty level. Fee waiver requests are reviewed promptly.

▸ **OCS / IV-D Cases**

If your case is open with the Maine DHHS Office of Child Support (OCS) (meaning OCS helped establish or enforce the order) notify your OCS caseworker of the pending modification motion. OCS may participate in the hearing and has standing to appear. In IV-D cases, all payments must route through the Maine State Disbursement Unit (SDU), direct cash payments between parents do not count toward satisfying the order. OCS contact: 1-877-680-0358 or maine.gov/dhhs/ocs.

Form 2 of 2 — Maine Child Support Worksheet (FM-050) — Official Maine Judicial Branch

CONTAINS NONPUBLIC DIGITAL INFORMATION

MAINE JUDICIAL BRANCH

_____ Plaintiff

V.

_____ Defendant

_____ Other Party (if any)

DISTRICT COURT
Location (Town): _____
Docket No.: _____

CHILD SUPPORT AFFIDAVIT
19-A M.R.S. § 2004(1)(A)

Name: _____ Date of birth (*mm/dd/yyyy*) _____
(*Parent filling out this affidavit*)

SS Number Disclosure required on separate form

1. **GROSS INCOME FROM WAGES, SALARY, AND/OR SELF-EMPLOYMENT**
Current employment information
Employer name: _____ ☐ Self-employed
Employer address: _____

► ☐ **Required (if applicable): I have attached copies of my recent W-2 form and two (2) pay stubs, or tax return or 1099 form if self-employed.**

A. How much did you earn **last year**? $_____
B. How much do you **currently earn**?
Salary and wages (gross pay) $_____ every ☐ week ☐ biweekly ☐ month ☐ other _____

OR
Hourly wage $_____ and number of hours worked _____ per ☐ week ☐ biweekly ☐ month ☐ other _____

(1B) $_____
Put the amount expected this year

2. **OTHER GROSS INCOME**
*Do **not** include TANF, SSI, general assistance, or food stamps.*

	Expected this year
Unemployment benefits	$_____
Workers' compensation	$_____

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

Maine Child Support Worksheet FM-050, Page 1 of 4 (Official Maine Judicial Branch)

Social Security	$_____
Disability	$_____
Pension or annuity	$_____
Spousal support (alimony)	$_____
Rental or mortgage income	$_____
Bonuses	$_____
Commissions/tips	$_____
Other: _____	$_____

Total: (2) $_____

3. EMPLOYMENT FRINGE BENEFITS

Total value of employment benefits you expect to receive this year that reduce your living expenses (car, housing, cell phone, meals, etc.)

(3) $_____

4. TOTAL GROSS INCOME EXPECTED THIS YEAR

(4) $_____
(Add 1B, 2, and 3)
Put here and on line 2 of the Child Support Worksheet

5. YEARLY SUPPORT YOU PAY FOR OTHER CHILDREN

Child support you pay for children who are not involved in this case.

Name of Child	To whom paid	Amount
		$
		$
		$
		$
		$
		$

6. HEALTH INSURANCE COST

►☐ **Required (if applicable): I have attached a copy of my health insurance premium sheet.**

A. Cost of health insurance for yourself only: $_____
B. Additional cost you pay for health insurance for the children in this case.

(6B) $_____
Put this amount on line 9 of the Child Support Worksheet

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Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

Amount paid: ☐ weekly ☐ biweekly ☐ monthly ☐ other: _____

7. CHILD CARE COSTS

► ☐ **Required (if applicable): I have attached documentation showing the cost of child care.**

Child care costs you pay so you can work or train to work.

(7) $_____
Put this amount on line 10 of the Child Support Worksheet

Amount paid: ☐ weekly ☐ biweekly ☐ monthly ☐ other: _____

8. EXTRAORDINARY MEDICAL EXPENSES

Amount you actually pay for each child's permanent or recurring illness.

Name of Child	To whom paid	Amount
		$
		$
		$
		$
		$
		$

(8) $_____
Put total here and on line 11 of the Child Support Worksheet

Amount paid: ☐ weekly ☐ biweekly ☐ monthly ☐ other: _____

9. OTHER CHILDREN IN YOUR HOME

Other children living in your home who are not involved in this case and whom you are legally obligated to support.

Child Name	DOB (*mm/dd/yyyy*)	Relationship to you

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

CONTAINS NONPUBLIC DIGITAL INFORMATION

MAINE JUDICIAL BRANCH

10. OTHER INFORMATION (*check all that apply*)

☐ Other benefits received on behalf of the child and amount (such as adoption subsidies):

_____

_____

☐ Other facts you think the court should know that may affect the amount of child support ordered:

_____

_____

_____

_____

11. ASSETS AND DEBTS

Current value *of your assets:*

Real estate $_____

Cash/bank accounts $_____

Retirement plans/IRAs/401(k)s/pensions/annuities $_____

Other (such as business interest or life insurance) $_____

Current balance **of your debts:**

Mortgages $_____ Loans $_____

Credit Cards $ _____ Other $_____

☐ I certify that (1) this affidavit lists all of my income, costs, debts, and assets; and (2) if applicable, I have included the required proof of income and costs as one attachment.

☐ I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to $5,000.00 if I give false information to the court.

Date (*mm/dd/yyyy*): _____ ▶ _____

Signature of ☐ plaintiff ☐ defendant ☐ other party

STATE OF MAINE

_____ COUNTY

Personally appeared the above named, _____, and made oath that the foregoing statements are true under penalty of perjury.

Before me,

Date (*mm/dd/yyyy*): _____ ▶ _____

☐ Attorney at Law ☐ Notary Public ☐ Clerk

_____

Printed Name (and Maine Bar No. if applicable)

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

Maine Child Support Worksheet FM-050, Page 4 of 4 (Official Maine Judicial Branch)

Line-by-Line Completion Guide, Maine Child Support Worksheet (FM-050)

▸ Header, Case Information

Enter the docket number, both parties' names (Plaintiff/Defendant), the date the worksheet is completed, and the number of children subject to this support order. Use only the children in this specific case. Do not include children

from other relationships. The worksheet must match the motion it supports; use today's date or the date the worksheet is finalized.

▸ **Line 1, Gross Weekly Income**

IMPORTANT: Maine's worksheet uses WEEKLY income, not monthly. To convert monthly salary to weekly: divide by 4.333. To convert annual salary: divide by 52. To convert bi-weekly pay: divide by 2. Gross income means income before ANY deductions, before taxes, health insurance, retirement contributions, union dues, or anything else. Include all sources: wages and salary (use average of last 13 pay stubs for variable income), self-employment net profit (gross revenue minus ordinary business expenses), rental income, interest and dividends, pension/retirement payments, Social Security and SSDI (not SSI), unemployment compensation, and workers' compensation. Voluntary overtime that is regularly received is included; sporadic overtime may be averaged over 12 months.

▸ **Self-Employment, Schedule C/K-1**

For self-employed parents, use the most recent Schedule C net profit as the starting point. Add back: depreciation (a non-cash expense), personal expenses run through the business, and any other business deductions that also provide personal benefit. Subtract: reasonable and necessary business expenses not already deducted. The court may average 2–3 years of Schedule C if income is volatile. Attach the full tax return, all schedules, and 3 months of business bank statements.

▸ **Line 2, Number of Minor Children in the Household**

Maine's guidelines include an adjustment for children from other relationships living in the parent's household. If a parent has minor children from another relationship living with them (not subject to this order), those children are counted here. This reduces the parent's available income for purposes of the guidelines. Children subject to this order are NOT listed here, they appear in the header.

▸ **Line 3, Adjusted Gross Weekly Income**

Maine allows deductions from gross weekly income for: (1) Court-ordered child support for other children from prior orders, enter the weekly equivalent of the monthly ordered amount; (2) Court-ordered alimony/spousal support paid to someone other than the other parent in this case; (3) The household children adjustment from Line 2. No other adjustments are permitted under the Maine guidelines. Taxes, health insurance premiums, and retirement contributions do NOT reduce the income base.

▸ **Lines 4–6, Combined Income and Proportional Shares**

Line 4: Add both parents' Adjusted Gross Weekly Income. Line 5 (Plaintiff's %): Plaintiff adjusted weekly ÷ combined weekly × 100. Line 6 (Defendant's %): Defendant adjusted weekly ÷ combined weekly × 100. Lines 5 and 6 must sum to 100%. Carry percentages to two decimal places (e.g., 62.47%). These percentages determine how the total obligation is split between parents and how add-on expenses are allocated.

▸ **Line 7, Basic Child Support Obligation (Maine Schedule)**

Using the Maine Child Support Table (published by the Maine Judicial Branch, embedded in FM-050 and available at maine.gov/dhhs/ocs), find the row matching the combined adjusted weekly income (Line 4) and the column for the number of children in this case. Enter the table amount. This is the total weekly obligation before add-ons. Maine's table runs up to $3,000+ combined weekly income ($156,000+ annually); above the table, courts exercise discretion.

▸ **Lines 8–10, Health Insurance and Child Care Add-Ons**

Line 8: Enter the weekly cost of the children's health insurance premium. Calculate: (family premium − employee-only premium) ÷ 52. Attach the employer benefits statement showing the per-paycheck deduction. The 'affordable' threshold is 5% of the paying parent's gross income, if the premium exceeds 5%, the court may not require the

parent to maintain the insurance. Line 9: Enter work-related child care costs (weekly) after any tax credits. Line 10: Add Lines 7 + 8 + 9 for the Total Weekly Obligation.

▸ **Lines 11–12, Each Parent's Share of Total Obligation**

Multiply Line 10 by each parent's percentage (Lines 5 and 6). The result is each parent's proportional share of the total obligation including add-ons. The non-primary parent's share (the transfer amount) is entered on Line 12. If the primary parent also pays health insurance, subtract their health insurance credit from their share to arrive at the net transfer amount.

▸ **Shared Parental Rights Adjustment (Equal or Near-Equal Time)**

Maine's guidelines provide a separate calculation when parents share parental rights and responsibilities equally or substantially equally (19-A M.R.S.A. § 2006(5)(D-1)). If each parent has the children at least 30% of the nights per year (≥110 nights), use the shared parenting worksheet section of FM-050. The formula: compute each parent's guideline obligation, average the two amounts, then the higher-earning parent pays the higher earner's obligation minus the lower earner's obligation. Below 110 nights, use the standard one-household calculation.

▸ **Imputed Income**

Maine courts may impute income to a parent who is voluntarily unemployed or underemployed without good cause (19-A M.R.S.A. § 2001(5)(B)). Imputed income is set at the level the parent is capable of earning based on employment history, education, training, and local job market. If the other parent claims imputation is warranted, be prepared to document your job search efforts, any medical limitations, or childcare responsibilities that justify reduced employment. Courts consider all relevant circumstances.

▸ **Converting Weekly to Monthly for the Order**

The Maine Child Support Worksheet produces a WEEKLY figure. The final court order will state a monthly amount. The conversion: weekly amount × 4.333 = monthly amount (round to nearest dollar). Some orders state a bi-weekly or semi-monthly amount, clarify with the court how the order will be expressed. Income withholding orders are typically expressed per pay period corresponding to the employee's pay schedule.

▸ **Signing the Worksheet**

Both parents should sign and date the completed worksheet, certifying the income information is accurate. If only one parent completes the worksheet, note this and attach your supporting documents. Maine courts have authority to draw adverse inferences against a party who refuses to provide financial information or who provides incomplete or inconsistent data. The worksheet is a court document, misrepresenting income is subject to sanctions including contempt.

Important Maine-Specific Reminders

▸ **15% Threshold (19-A M.R.S.A. § 2009)**

Modification requires that the new guideline amount differ from the existing order by 15% or more. Calculate: |new − current| ÷ current × 100. A 14% difference is insufficient unless you can show other changed circumstances making the existing order inequitable. Document the calculation in your motion so the court can verify it at a glance.

▸ **Weekly Income Basis**

Maine is one of the few states that uses WEEKLY (not monthly) gross income as the guideline basis. All income figures on FM-050 must be weekly. Pay stubs typically show gross pay per pay period, convert carefully: weekly pay stubs → use as is; bi-weekly → divide by 2; semi-monthly → multiply by 24/52; monthly → divide by 4.333; annual salary → divide by 52.

▸ **Three-Year Review**

After three years from the last order, either parent may request review and modification if the new guideline amount would differ by 15% or more, no showing of changed circumstances is required (19-A M.R.S.A. § 2009(2)). Calculate whether three years have elapsed from the date of the last active order.

▸ **Health Insurance, 5% Affordability Test**

Maine has a specific affordability threshold: if the cost of adding the children to a parent's employer plan exceeds 5% of that parent's gross income, the court may not order the parent to maintain the insurance (19-A M.R.S.A. § 2006(5)). Calculate: children's premium ÷ annual gross income. If ≤ 5%, it is presumed affordable.

▸ **OCS and the Maine SDU**

The Maine DHHS Office of Child Support (OCS) administers IV-D cases. All support payments in IV-D cases go through the Maine State Disbursement Unit (SDU). In non-IV-D private cases, the order may specify direct payment or SDU routing, follow the order exactly. Unauthorized direct payments in IV-D cases do not count as credited payments and can result in arrears accumulating even if the other parent accepted them.

▸ **Age of Emancipation**

Maine child support terminates when a child reaches age 18 or graduates from high school, whichever is later, but no later than age 19 (19-A M.R.S.A. § 1653(11)). If a child turns 18 in February but graduates in June, support continues through June. File a motion to terminate (not modify) when the last child emancipates. The obligation does not automatically stop, you need a court order or written agreement to formally terminate the withholding order.

End of Appendix S - Maine | Appendix T - Maryland follows.

Appendix T — Maryland: Statutes, Case Law, Forms, and Resources

Key Statutes

- Md. Code, Fam. Law 12-201 - Definitions; potential income; adjusted income
- Md. Code, Fam. Law 12-202 - Material change requirement for modification
- Md. Code, Fam. Law 12-204 - Maryland Child Support Guidelines
- Md. Code, Fam. Law 10-119.3 - Administrative license suspension
- Md. Code, Fam. Law 10-203 - Criminal non-support
- Md. Code, Cts. and Jud. Proc. 11-107 - 10% rate on money judgments; no automatic interest on child support arrears
- Md. Code, Fam. Law Title 10, Subtitle 3 - UIFSA adoption in Maryland

Key Case Law

- Santo v. Santo, 448 Md. 620 (2016) - Material change standard; unanticipated change
- Voishan v. Palma, 327 Md. 318 (1992) - Income imputation; potential income standard
- Ley v. Forman, 144 Md. App. 658 (2002) - Shared custody calculation
- Wills v. Jones, 340 Md. 480 (1995) - Voluntary underemployment; imputed income

Official Forms

- Maryland Child Support Worksheet (CC-DR-034) - mdcourts.gov
- Financial Statement (CC-DR-030) - required with modification motion
- Motion to Modify Child Support
- Fee Waiver Application (CC-DC-089)

State Agency Contact

- Maryland Child Support Administration (CSA): 1-800-332-6347
- Website: dhs.maryland.gov/child-support-services
- Maryland Courts Self-Help: mdcourts.gov/legalhelp
- Maryland Legal Aid: 1-800-999-8904 | mdlab.org

Filing Checklist

- Both parents' pay stubs (last 2 months) and tax returns (last 2 years)
- Completed Child Support Worksheet (CC-DR-034) showing material change
- Financial Statement (CC-DR-030) - sworn and notarized
- Evidence of material change (termination letter, disability records, etc.)
- Filing fee (~$165) or Fee Waiver (CC-DC-089)

- Return of service after serving the other parent

Maryland Child Support Modification, Official Court Forms Guide

The following pages reproduce official Maryland Judiciary forms for child support modification. Form CC-DR-006 is the official Motion to Modify Child Support. Form CC-DR-035 is the Child Support Obligation Worksheet B (Shared Physical Custody) under Md. Rule 9-206(d). Form CC-DR-031 is the Financial Statement (General) required with every modification filing. Maryland uses the Income Shares model under Family Law Article §§ 12-201 through 12-204. Income is calculated on an ACTUAL (gross) basis. A 25% change in the guideline amount triggers a rebuttable presumption of modification under Md. Code Ann., Fam. Law § 12-202(a)(2).

Form 1 of 3 — Motion to Modify Child Support (CC-DR-006) — Official Maryland Judiciary

☐ **Mark this box if this form contains Restricted Information.**

CIRCUIT COURT FOR _____ **, MARYLAND**
City/County

Located at _____ Telephone _____
Court Address

Case No. _____

_____ Plaintiff	vs.	_____ Defendant
_____ Street Address		_____ Street Address
_____ City, State, Zip _____ Telephone		_____ City, State, Zip _____ Telephone
_____ E-mail		_____ E-mail

☐ MOTION TO MODIFY CHILD SUPPORT / ☐ COUNTERCLAIM TO ☐ MOTION TO MODIFY OR ☐ PETITION FOR CONTEMPT

(Family Law Art., Title 12, Rule 9-202.1)

If this submission contains Restricted Information (confidential by statute, rule, or court order) you must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission, and check the Restricted Information box at the top of this form.

NOTES:

- Use this form to ask the court to modify (increase or decrease) a child support order but only if more than thirty (30) days have passed since entry of the order establishing or modifying child support.
- This form can also be used as a counter-claim to either a motion to modify child support or a petition for contempt for failure to pay child support. If you use this form as a counter-claim, you must also complete and file a Certificate of Service.
- If you're using this form to file an original motion, not a counter-claim, the clerk will then issue a summons. The summons, your motion, and any attachments must be served on the opposing party. Learn more about service at www.mdcourts.gov/ccservice. If the Child Support Administration is responsible for collecting child support payments in your case, you must also send the local child support office copies of the summons, your motion, and any attachments by first-class mail.
- Complete and attach a financial statement to this document. If parents' combined gross monthly income (not take home pay) is **$30,000 or less**, attach Financial Statement (Child Support Guidelines) (CC-DR-030); if the combined gross monthly income is **more than $30,000**, attach Financial Statement (General) (CC-DR-031).

My name is _____ , and I state that:
Name

1. I am the ☐ mother ☐ father ☐ _____
Relationship (for example aunt, grandfather, guardian)
of the following child(ren) or adult disabled child(ren), including child(ren) under age 19 who is/are enrolled in secondary school:

Name(s)	Date(s) of birth

Case No._____

2. On _____ (Date), the Circuit Court for _____ (City/County) issued an order in case number _____, ordering _____ (Name) to pay $ _____ (Amount) ☐ weekly, ☐ biweekly, or ☐ monthly toward the support of the child(ren).
3. Since the most recent order, circumstances have changed (***check all that apply***):

☐ Expenses for the child(ren) have substantially increased (***explain***):

☐ Expenses for the child(ren) have substantially decreased (***explain***):

☐ _____ (Name)'s income has substantially increased (***explain***):

☐ _____ (Name)'s income has substantially decreased (***explain***):

☐ The child(ren) is/are no longer entitled to receive child support because the child(ren) (***check all that apply***):

- ☐ has/have reached the age of 18 and is/are no longer in high school.
- ☐ has/have reached the age of 19.
- ☐ is/are married.
- ☐ is/are emancipated.
- ☐ has/have died.

Case No. _____

☐ Other changes have occurred (***explain***):

4. Complete this section only if you are filing this counterclaim in response to either a motion to modify child support or a petition for contempt for failure to pay child support.
The ☐ motion to modify child support ☐ petition for contempt filed by

_____ on _____ should be dismissed/denied because:
Name of Petitioner — Date

FOR THESE REASONS, I request the court (***check all that apply***):

☐ order an increase in child support.

☐ order a decrease in child support.

☐ order child support to be paid (***check one***):

☐ by Earnings Withholding Order through the local support enforcement agency.

☐ directly to the person who has custody.

☐ order _____ to provide health insurance for the child(ren).
Name

☐ dismiss/deny the motion to modify child support filed by _____
Name of Petitioner
on _____ .
Date

☐ dismiss/deny the petition for contempt filed by _____
Name of Petitioner
on _____ .
Date

☐ order any other appropriate relief.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

_____ Date

_____ Signature

_____ Printed Name

_____ Street Address

_____ City, State, Zip

_____ Telephone Number

_____ E-mail _____ Fax

Reset

MOMOS
MOMNS

CC-DR-006 Motion to Modify Child Support, Page 3 of 3 (Official Maryland Judiciary)

Line-by-Line Completion Guide, Motion to Modify Child Support (CC-DR-006)

▸ Circuit Court Header, County

Maryland handles child support modification in the Circuit Court, the court of general jurisdiction in each of Maryland's 23 counties and Baltimore City. Write the county name where the original order was entered (e.g., 'Montgomery County'). Do not file in District Court, child support modification is Circuit Court business. If either

party has moved, you generally file in the county where the original order was entered unless the case has been transferred. Call the Circuit Court clerk to confirm the correct filing location.

▸ **Case Number**

Enter the complete case number from the existing order, it typically starts with the county code, year, and sequence number (e.g., '506782 FL'). Use exactly the format shown on your existing court order. The clerk uses this to pull the electronic case file. Maryland courts are on the MDEC (Maryland Electronic Courts) system in most counties; if your county uses MDEC, you may need to e-file rather than paper file, confirm with the clerk whether paper filing is accepted in your county.

▸ **Plaintiff and Defendant**

Enter the full legal names exactly as they appear in the existing order. The Plaintiff is the party who originally filed; the Defendant is the responding party. These labels remain fixed from the original case regardless of who files the modification. The party filing the motion is the 'Movant'. You can be either the Plaintiff or Defendant and still file a Motion to Modify. Write your own name in the 'Movant' line and the other party in the 'Respondent/Other Party' line.

▸ **Current Child Support Order Details**

Enter: (1) The date of the most recent child support order; (2) The monthly amount currently ordered; (3) Which parent is the 'Obligor' (the paying parent). If the current order includes both base support and add-ons (medical, child care), list the total monthly obligation. Enter the Maryland Support Enforcement Administration (SEA) case number if your case is open with SEA (Child Support Account Number, typically a 10-digit number).

▸ **Grounds for Modification, Fam. Law § 12-202**

Check all applicable grounds: (1) Material change in circumstances (check and describe (income change, job loss, child's needs changed, custody change, etc.); (2) 25% change) Maryland presumes modification when the current guidelines calculation differs from the existing order by 25% or more under Fam. Law § 12-202(a)(2)(i); (3) Three-year review, no showing of changed circumstances required if three years have elapsed and the new guideline amount differs from the order. The 25% threshold is calculated on the BASE guideline amount, not including add-ons.

▸ **Description of Changed Circumstances**

Be specific, factual, and documented. State: what changed, when it changed, why it is likely to be permanent, and by how much income or expenses shifted. Example: 'Movant's gross monthly income decreased from $5,200 to $3,100 on March 1, 2026, due to involuntary reduction in force at [Employer], as documented in the attached separation notice and unemployment award letter.' Courts are persuaded by documentation and specifics, general statements of hardship without numbers are less effective.

▸ **Proposed New Support Amount**

Run the Maryland Child Support Guidelines calculation using the Maryland CSA online calculator (mydhrbenefits.dhr.state.md.us) or the CC-DR-034/035 worksheet. Enter the resulting guideline amount. Show the 25% threshold calculation: |proposed − current| ÷ current × 100. Example: current order $900/mo; proposed $630/mo; difference = $270/$900 = 30% → threshold met. If the difference is below 25%, you need to show other material changed circumstances.

▸ **Health Insurance / Medical Support Request**

Maryland requires the motion to address medical support. Check: no change requested; requesting order to maintain/obtain health insurance for the children; requesting modification of existing insurance order. Under Fam. Law § 12-102, the court must include a provision for medical support in every child support order. 'Reasonable cost'

for health insurance in Maryland is defined as not exceeding 5% of the obligor's gross income (Fam. Law § 12-102(a)(1)(ii)).

▸ **Counterclaim Option**

CC-DR-006 also serves as a Counterclaim to a Motion to Modify or Petition for Contempt. If you are responding to a motion filed by the other parent, you may simultaneously file a counterclaim in the same document by checking the Counterclaim box and completing the same information. A counterclaim allows you to ask for your own relief (e.g., a decrease when the other parent is seeking an increase).

▸ **Signature Block and Certificate of Service**

Sign in ink (or e-sign if filing via MDEC). Print your name, address, phone, and email. If you have an attorney, the attorney signs with their bar number. Complete the Certificate of Service, in Maryland you may serve by first-class mail to the other party's last known address (Md. Rule 1-321). Enter the date mailed. If the case is on MDEC, e-filing automatically serves the other party's attorney; for self-represented parties, you must still mail or otherwise serve the other party.

▸ **Filing Fee and Fee Waiver**

Maryland charges a filing fee for motions to modify child support in Circuit Court (typically $165 in most jurisdictions, verify at mdcourts.gov/forms/fees.html). If you cannot afford the fee, file a Request for Waiver of Prepayment of Filing Fees (CC-DC-089 or CC-DC-090) simultaneously. Fee waivers are routinely granted for individuals at or below 125% of the federal poverty level. Waivers must be filed at the same time as the motion.

Form 2 of 3 — Child Support Obligation Worksheet B: Shared Physical Custody (CC-DR-035)

This form contains Restricted Information.

CIRCUIT COURT FOR _____ , **MARYLAND**
City/County

Located at _____ **Case No.** _____
Court Address

_____ vs. _____
Plaintiff Defendant

_____ _____
Address Address

_____ _____ _____ _____
City, State, Zip Telephone City, State, Zip Telephone

WORKSHEET B - CHILD SUPPORT OBLIGATION: SHARED PHYSICAL CUSTODY
Md. Rule 9-206(d)

MDEC counties only: You must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission.

Name of Child	Date of Birth	Name of Child	Date of Birth
Name of Child	Date of Birth	Name of Child	Date of Birth
Name of Child	Date of Birth	Name of Child	Date of Birth

	Parent 1	Parent 2	Combined
1. **MONTHLY ACTUAL INCOME** (Before taxes) (Code, Family Law Article, § 12-201(b))	$	$	
a. Minus preexisting child support payment actually paid	-	-	
b. Minus alimony actually paid	-	-	
c. Plus/Minus alimony awarded in this case	+/-	+/-	
2. **MONTHLY ADJUSTED ACTUAL INCOME**	$	$	$
3. **SHARE OF INCOME** (Divide each parent's income on line 2 by the combined income on line 2).	%	%	
4. **BASIC CHILD SUPPORT OBLIGATION** (Apply line 2 Combined Income to the Child Support Schedule.)			$
5. **ADJUSTED BASIC CHILD SUPPORT OBLIGATION** (Multiply line 4 by 1.5)			$
6. **OVERNIGHTS with each parent** (must total 365)			365
7. **PERCENTAGE WITH EACH PARENT** (Divide line 6 by 365)	A %	B %	
STOP HERE IF line 7 is less than 25% for either parent. Shared physical custody does not apply. (Use WORKSHEET A.)			
8. **EACH PARENT'S SHARE OF ADJUSTED BASIC CHILD SUPPORT OBLIGATION** (Multiply line 5 by line 3 for each parent.)	A$	B$	

CC-DR-035 Child Support Worksheet B (Shared Custody), Page 1 of 3 (Official Maryland Judiciary)

Case No. _____

	Parent 1	Parent 2	Combined
9. **THEORETICAL BASIC CHILD SUPPORT OBLIGATION FOR TIME WITH OTHER PARENT** (Multiply line 8A by line 7B; put answer on line 9A.) (Multiply line 8B by line 7A; and put answer on line 9B.)	A$	B$	
10. **SHARED PHYSICAL CUSTODY ADJUSTMENT** (If Line 7 for a parent is more than 25%, but less than 30%, multiply that parent's line 9 by the amount below: # of overnights — amount • 92-94 — .10 • 95-98 — .08 • 99-102 — .06 • 103-105 — .04 • 106-109 — .02	A$	B$	
11. **ADJUSTED THEORETICAL BASIC CHILD SUPPORT OBLIGATION** (If the shared physical custody Adjustment applies, add line 10 to that parent's line 9; put the answer on line 11.)	A$	B$	
12. **NET BASIC CHILD SUPPORT OBLIGATION** (If there is no shared physical custody adjustment: Subtract line 9 lesser amount from greater amount. Place answer here under column with greater amount in line 9 Shared physical custody Adjustment: For that parent use amount from line 11 instead of line 9 when completing calculation.)	$	$	
13. **EXPENSES :**			
a. Work-Related Child Care Expenses (Code, Family Law Article § 12-204(g))			+
b. Health Insurance Expenses (Code, Family Law Article § 12-204(h)(1))			+
c. Extraordinary Medical Expenses (Code, Family Law Article § 12-204(h)(2))			+
d. Cash Medical Support (Code, Family Law Article § 12-102(c) applies only to a child support order under Title IV, Part D of the Social Security Act)			+
e. Additional Expenses (Code, Family Law Article § 12-204(i))			+
14. **NET ADJUSTMENT FROM WORKSHEET C.** Enter amount from line 1, WORKSHEET C, if applicable. If not, continue to line 15.	$	$	
15. **NET BASIC CHILD SUPPORT OBLIGATION** (From line 12, WORKSHEET B)	$	$	
16. **RECOMMENDED CHILD SUPPORT ORDER** (If the same parent owes money under lines 14 and 15, add these two figures to obtain the amount owed by that parent. If one parent owes money under line 14 and the other owes money under line 15, subtract the lesser amount from the greater amount. The parent owing the greater of the two amounts on lines 14 and 15 will owe that difference as the child support obligation. NOTE: The amount owed in a shared custody arrangement may not exceed the amount that would be owed if the obligor parent were a non-custodial parent. See WORKSHEET A).	$	$	

Case No. _____

Comments or special adjustments, such as any adjustment for certain third party benefits paid to or for the child of an obligor who is disabled, retired, or receiving benefits as a result of a compensable claim (see Code, Family Law Article, § 12-204(j)): PREPARED BY: DATE:

INSTRUCTIONS FOR WORKSHEET C: Use Worksheet C ONLY if any of the expenses listed in lines 13 is paid or received by the parents in a different proportion than the percentage share of income entered on line 3 of Worksheet B. Example: One parent pays 100% of day care, or parents split education/medical costs 50/50 and line 3 is other than 50/50. If there is more than one 13e expense, make calculations on lines i and j below for each expense.

WORKSHEET C - FOR ADJUSTMENTS, LINE 12, WORKSHEET B

	Parent 1	Parent 2
a. Payments made for line 13a expenses multiplied by each parent's percentage of income (line 3, WORKSHEET B) (Proportionate share)	$	$
b. Excess payments made by the parent who pays more than the amount in line a, above. (Subtract proportionate share from amount paid).	$	$
c. Total amount of direct payments made for line 13b expenses multiplied by each parent's percentage of income (line 3, WORKSHEET B).	$	$
d. The excess amount of direct payments made by the parent who pays more than the amount calculated on line c, above.	$	$
e. Total amount of direct payments made for line 13c expenses multiplied by each parent's percentage of income (line 3, WORKSHEET B).	$	$
f. The excess amount of direct payments made by the parent who pays more than the amount calculated in line e, above.	$	$
g. Total amount of direct payments made for line 13d expenses multiplied by each parent's percentage of income (line 3, WORKSHEET B).	$	$
h. The excess amount of direct payments made by the parent who pays more than the amount calculated in line g, above.	$	$
i. Total amount of direct payments made for line 13e expenses multiplied by each parent's percentage of income (line 3, WORKSHEET B).	$	$
j. The excess amount of direct payments made by the parent who pays more than the amount calculated in line i, above.	$	$
k. For each parent, add lines b, d, f, h, and j.	$	$
l. Subtract lesser amount from greater amount in line k, above. Place the answer on this line under the lesser amount in line k. Also enter this answer on line 14 of WORKSHEET B, in the same parent's column.	$	$

CC-DR-035 (Rev. 07/01/2021) Page 3 of 3 **CHSGW**

Reset

CC-DR-035 Child Support Worksheet B (Shared Custody), Page 3 of 3 (Official Maryland Judiciary)

Line-by-Line Completion Guide, Child Support Obligation Worksheet B (CC-DR-035)

▸ Which Worksheet to Use: A vs. B

Maryland has two worksheets: Worksheet A (CC-DR-034 / sole physical custody) and Worksheet B (CC-DR-035 / shared physical custody). Use Worksheet B when a parent has the children for more than 25% of overnights (at least 92 per year); the former 128-overnight (35%) cliff was eliminated October 1, 2020 and replaced with a

graduated phase-in from 92 to 109 overnights. Use Worksheet A when one parent has primary physical custody, meaning the non-primary parent has fewer than 92 overnights. When in doubt about which applies to your situation, count actual overnights from your custody schedule for the past 12 months. Worksheet B produces a lower support obligation for the non-primary parent and is frequently at issue in modification cases where parenting time has changed.

▸ **Children Listed**

List each child's full name and date of birth. Only list children subject to this specific support order, not children from other relationships or stepchildren. Maryland terminates child support at age 18 unless the child is still enrolled in secondary school (high school), in which case support may continue to age 19 under Fam. Law § 12-101(b). List the children so the court can identify which child's support is being calculated and address any upcoming termination dates.

▸ **Line 1, Actual Monthly Income**

Maryland uses 'actual' income, which in practice means gross income before taxes and most deductions. Include: wages and salary (gross); self-employment income (net profit from Schedule C after legitimate business expenses); rental income; interest and dividends; pension and retirement payments; Social Security (including SSDI; not SSI); unemployment compensation; workers' compensation; alimony received; and 'any other income.' Do not deduct taxes, health insurance premiums, retirement contributions, or other withholding. For variable income, average the last 12 months.

▸ **Self-Employment, Fam. Law § 12-201(b)**

For self-employed parents, Maryland computes income as gross receipts minus ordinary and necessary business expenses (those actually required for the business, not personal expenses run through the business). Add back: depreciation on personal-use assets, business meals with a personal component, vehicle expenses for personal travel. Maryland courts may average 2–3 years of Schedule C for volatile self-employment. Attach Schedule C, full tax returns, and 3 months of business bank statements.

▸ **Line 2, Adjustments to Actual Income**

Maryland allows deductions from actual income for: (1) Alimony or maintenance paid to a former spouse in a case OTHER than this one (not to the other parent in this case); (2) Child support paid for other children pursuant to a prior court order. These are the ONLY permitted adjustments. Taxes, health insurance, and retirement contributions do NOT reduce income for guideline purposes. Enter zero if no qualifying adjustments apply.

▸ **Line 3, Adjusted Actual Monthly Income**

Line 1 minus Line 2 adjustments. This is the 'net' income used for percentage shares. Carry to two decimal places. If a parent has no adjustments, Lines 1 and 3 are identical.

▸ **Lines 4–5, Combined Income and Percentage Shares**

Line 4: Add both parents' adjusted actual monthly income. Line 5 (each parent's %): Parent adjusted actual ÷ combined adjusted actual × 100. Both percentages must sum to 100%. These percentages determine proportional shares of the total obligation and add-on expenses.

▸ **Line 6, Basic Child Support Obligation (Maryland Schedule)**

Using the Maryland Child Support Guidelines Schedule (published in Md. Rule 9-206 and embedded in the worksheet), find the row for combined monthly income (Line 4) and the column for number of children. Enter the schedule amount. Maryland's schedule extends to $30,000+ combined monthly income. Above $30,000/month, courts exercise discretion. Use the most current schedule, Maryland updates it periodically.

▸ **Lines 7–9, Work-Related Child Care and Health Insurance Add-Ons**

Line 7: Work-related child care costs, net monthly cost after federal tax credits. Use the actual monthly childcare expense, then subtract any benefit from the federal Child Care Tax Credit (Form 2441) and any Dependent Care FSA benefit. Line 8: Health insurance premium for the children, the children's portion only (family premium minus employee-only premium). Line 9: Total add-ons (Lines 7 + 8).

▸ **Lines 10–12, Worksheet B Shared Custody Calculation**

Worksheet B uses a specific shared custody formula under Md. Rule 9-206(d): Step 1: Each parent's support if they were the non-custodial parent (Line 6 × each parent's %). Step 2: Each parent's share is then multiplied by the other parent's percentage of overnights. Step 3: The difference between the two amounts is the net transfer payment. The parent with fewer overnights pays the net difference to the parent with more overnights. Both parents' overnights must be documented, attach a copy of the custody schedule or a calendar showing actual overnights.

▸ **Overnights Calculation**

Count actual overnight stays per year for each parent. An overnight is a night when the child sleeps in that parent's home. Day visits without overnights do not count. If the custody schedule varies by week or month, annualize it: e.g., alternating weeks = each parent 182-183 nights per year (50/50); every other weekend = non-primary parent approximately 52 overnights per year. The Worksheet B threshold is now more than 25% of overnights, at least 92 of 365 days, with a graduated phase-in through 109 overnights; the old 128-overnight (35%) cliff was eliminated October 1, 2020. If the non-primary parent is near 92 overnights, or near the 110-overnight full-formula line, document carefully, the difference between worksheets A and B can be substantial.

▸ **Extraordinary Medical Expenses**

Maryland allows courts to add extraordinary medical expenses to the base obligation. These are unreimbursed medical expenses beyond ordinary copays that are both necessary and recurring. Examples: ongoing treatment for a chronic condition, orthodontia, therapy. Routine copays and over-the-counter medications are NOT extraordinary. These must be specifically documented and approved by the court; do not include anticipated future expenses without evidence of their necessity.

▸ **Both Parents' Signatures**

Both parents should sign and date the worksheet certifying income accuracy. If the other parent refuses to cooperate, submit the worksheet with your information only, note the other parent's refusal, and attach your supporting documentation. In SEA/IV-D cases, the Child Support Administration can compel income disclosure through employment records, tax records, and subpoena. Courts may also draw adverse inferences against a party who provides incomplete financial information.

Form 3 of 3 — Financial Statement General (CC-DR-031) — Official Maryland Judiciary

This form contains Restricted Information.

CIRCUIT COURT FOR _____ (City/County) **,MARYLAND**

Located at _____ (Court Address) Case Number _____

_____ (Plaintiff) vs. _____ (Defendant)

_____ (Street Address) _____ (Street Address)

_____ (City, State, Zip) _____ (Telephone) _____ (City, State, Zip) _____ (Telephone)

_____ (E-mail) _____ (E-mail)

FINANCIAL STATEMENT OF _____ (Name)

(General)
(Md Rule 9-203(a))

You must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission.

Children	Age

MONTHLY EXPENSES

ITEM	SELF	CHILDREN	TOTAL
A. PRIMARY RESIDENCE			
Mortgage			$ 0.00
Insurance (homeowners)			$ 0.00
Rent/Ground Rent			$ 0.00
Taxes			$ 0.00
Gas & Electric			$ 0.00
Electric Only			$ 0.00
Heat (oil)			$ 0.00
Telephone			$ 0.00
Trash Removal			$ 0.00
Water Bill			$ 0.00
Cell Phone/Pager			$ 0.00
Repairs			$ 0.00

Lawn & Yard Care (snow removal)			$ 0.00
Replacement Furnishings/Appliances			$ 0.00
Condominium Fee (not included elsewhere)			$ 0.00
Painting/Wallpapering			$ 0.00
Carpet Cleaning			$ 0.00
Domestic Assistance/Housekeeper			$ 0.00
Pool			$ 0.00
Other: _____			$ 0.00
SUB TOTAL	$ 0.00	$ 0.00	$ 0.00
B. SECONDARY RESIDENCE (i.e. Summer Home/Rental)			
Mortgage			$ 0.00
Insurance (homeowners)			$ 0.00
Rent/Ground Rent			$ 0.00
Taxes			$ 0.00
Gas & Electric			$ 0.00
Electric Only			$ 0.00
Heat (oil)			$ 0.00
Telephone			$ 0.00
Trash Removal			$ 0.00
Water Bill			$ 0.00
Cell Phone/Pager			$ 0.00
Repairs			$ 0.00
Lawn & Yard Care (snow removal)			$ 0.00
Replacement Furnishings/Appliances			$ 0.00
Condominium Fee (not included elsewhere)			$ 0.00
Painting/Wallpapering			$ 0.00
Carpet Cleaning			$ 0.00
Domestic Assistance/Housekeeper			$ 0.00
Pool			$ 0.00
Other: _____			$ 0.00
SUB TOTAL	$ 0.00	$ 0.00	$ 0.00
C. OTHER HOUSEHOLD NECESSITIES			
Food			$ 0.00

Case Number_____

Drug Store Items			$ 0.00
Household Supplies			$ 0.00
Other: _____			$ 0.00
SUB TOTAL	$ 0.00	$ 0.00	$ 0.00
D. MEDICAL/DENTAL			
Health Insurance			$ 0.00
Therapist/Counselor			$ 0.00
Extraordinary Medical			$ 0.00
Dental/Orthodontia			$ 0.00
Ophthalmologist/Glasses			$ 0.00
Other: _____			$ 0.00
SUB TOTAL	$ 0.00	$ 0.00	$ 0.00
E. SCHOOL EXPENSES			
Tuition/Books			$ 0.00
School lunch			$ 0.00
Extracurricular activities			$ 0.00
Clothing/Uniforms			$ 0.00
Room & Board			$ 0.00
Daycare/Nursery School			$ 0.00
Other: _____			$ 0.00
SUB TOTAL	$ 0.00	$ 0.00	$ 0.00
F. RECREATION & ENTERTAINMENT			
Vacations			$ 0.00
Videos/Theater			$ 0.00
Dining Out			$ 0.00
Cable TV/Internet			$ 0.00
Allowance			$ 0.00
Camp			$ 0.00
Memberships			$ 0.00
Dance/Music Lessons etc.			$ 0.00
Horseback Riding			$ 0.00
Other: _____			$ 0.00
SUB TOTAL	$ 0.00	$ 0.00	$ 0.00

CC-DR-031 Financial Statement (General), Page 3 of 3 (Official Maryland Judiciary)

Line-by-Line Completion Guide, Financial Statement General (CC-DR-031)

▸ **Cover Page, Identification**

Enter the Circuit Court name (county), case number, and both parties' full legal names exactly matching the existing order. The Financial Statement is filed under seal in Maryland. It is a restricted document under Md. Rule 20-201.1 and should be marked as such. It contains Social Security numbers and detailed financial information. Check the

'Restricted Information' box on the form. File the original with the clerk and serve a copy on the other party. The clerk files it under seal, accessible only to the parties and their attorneys.

▸ **Section I, Employment and Income**

List your employer's name, address, and your employment status. Enter your gross monthly income from all sources. Maryland requires gross income, before taxes, retirement, health insurance, or any other deductions. List separately: (1) Wages/salary, gross monthly; (2) Self-employment income, net profit from Schedule C; (3) All other income sources (interest, dividends, rental income, pension, Social Security, unemployment, workers' comp, alimony received, any other). If income is variable (overtime, commissions), average the last 12 months and state that you are providing an average.

▸ **Section II, Monthly Expenses**

List your actual monthly living expenses by category. Maryland courts use expense data to assess ability to pay and claims of financial hardship. Be accurate, overstating expenses or understating income is perjury. Include: housing (rent or mortgage, utilities, insurance), transportation, food and groceries, health insurance (your own premium), child care, existing child support for other children (court-ordered), credit card minimums, student loans, and other fixed debts. Do not include the support at issue in this case as an expense.

▸ **Section III, Assets**

List all assets: real property (address, estimated value, mortgage balance, net equity), vehicles (year/make/model, value, loan balance), bank accounts (institution and approximate balance, no account numbers required in the filed document), retirement and investment accounts (current balance), life insurance cash value, and any other significant asset. Maryland courts look at total financial picture; a parent with significant assets may be ordered to pay more than the strict guideline amount.

▸ **Section IV, Debts and Liabilities**

List significant debts not already covered in monthly expenses: outstanding mortgage balance, car loans (balance, not monthly payment), student loan total balance, credit card totals, medical debt, tax obligations, and any other significant liability. Courts use the debt picture to assess overall financial capacity and to evaluate whether a parent genuinely cannot meet a higher support obligation.

▸ **Section V, Health Insurance**

State whether health insurance for the children is available through your employer. If yes: insurer name, policy number, and the monthly cost to cover the children (children's portion only = family premium minus employee-only premium). If no employer coverage: describe availability of marketplace coverage and cost. Maryland's 5% affordability rule: if the children's premium exceeds 5% of your gross monthly income, the court may not require you to maintain it. Example: gross income $3,000/month; 5% = $150; if children's premium > $150, the court may not order you to maintain coverage.

▸ **Section VI, Other Child Support Orders**

List any existing child support orders for other children with: case number, county/state, child's name, monthly ordered amount, and whether current or in arrears. Court-ordered support actually paid for other children reduces Maryland 'actual income' under Fam. Law § 12-201(b)(9). Only court-ordered payments qualify, voluntary payments without a court order do not reduce income for guideline purposes.

▸ **Verification Under Oath**

The Financial Statement must be signed under oath (sworn). Sign in the presence of a Notary Public or other officer authorized to administer oaths. Bring valid photo ID. The notary administers the oath and applies their stamp. In some Maryland counties, court clerks can administer oaths during regular business hours at no charge.

Alternatively, many banks, UPS stores, and shipping centers provide notary services. Filing a false financial statement is perjury under Md. Code Ann., Crim. Law § 9-101, answer all questions truthfully.

▸ **Required Attachments**

Attach to the Financial Statement: (1) Last 3 months of pay stubs from all employers; (2) Last 2 years' federal tax returns with all schedules; (3) Last 2 months of bank statements for all accounts; (4) Health insurance premium statement from employer; (5) Child care receipts or provider letter (monthly cost); (6) Documentation of any other income source; (7) Copies of existing child support orders for other children. Without complete documentation, the court may continue the hearing, draw adverse inferences, or deny the motion for lack of evidentiary support.

▸ **MDEC Counties, E-Filing**

Maryland's MDEC (Maryland Electronic Courts) system requires e-filing in most Circuit Courts. The Financial Statement is filed electronically as a restricted/confidential document. On the MDEC filing portal, select the document type 'Financial Statement' and mark it as restricted. The system will automatically apply the appropriate confidentiality restrictions. If your county has not yet transitioned to MDEC, file paper copies and request that the clerk seal the Financial Statement. Check mdcourts.gov for the current MDEC county rollout status.

Important Maryland-Specific Reminders

▸ **25% Threshold, Rebuttable Presumption (Fam. Law § 12-202(a)(2))**

Maryland's presumptive modification threshold is 25%, if the current guidelines calculation differs from the existing order by 25% or more, there is a rebuttable presumption that modification is appropriate. The presumption can be rebutted by showing that modification would be unjust or inappropriate in the specific circumstances. Below 25%, you must show material change in circumstances. Calculate: $|\text{new} - \text{current}| \div \text{current} \times 100$.

▸ **Actual vs. Net Income**

Maryland uses 'actual' income, which the statute and courts treat as gross income before taxes and most deductions (similar to other states' 'gross income' basis). The two permitted adjustments are alimony paid in another case and court-ordered child support for other children. Despite the word 'actual,' this is NOT net income after taxes, a common misunderstanding among self-represented litigants.

▸ **Shared Physical Custody Threshold (more than 25% of overnights)**

Maryland Worksheet B applies when the non-primary parent has more than 25% of overnights (at least 92 per year); the former 128-overnight cliff was eliminated October 1, 2020 and replaced with a graduated phase-in through 109 overnights to the full formula at 30% (110+). At exactly 50/50 parenting, Worksheet B produces the lowest possible transfer payment. Courts may still deviate from the worksheet amount for good cause. Document all overnights carefully with a custody calendar or exchange log, the difference between Worksheets A and B can be several hundred dollars per month.

▸ **Child Support Administration (CSA), IV-D Cases**

Maryland's Child Support Administration (CSA, under DHS) handles IV-D cases. If CSA is involved, all payments route through CSA. The SEA (Support Enforcement Administration) enforces orders. Notify your CSA caseworker of any pending modification motion. CSA can independently verify income through employer contacts and state wage records. Contact CSA: dhs.maryland.gov/child-support-services or 1-800-332-6347. Payments go through CSA's State Disbursement Unit.

▸ **Three-Year Review (Fam. Law § 12-202(a)(2)(ii))**

After three years from the last order, a modification may be sought without proving material change in circumstances, but the new guideline amount must still differ from the existing order by 25% or more. Check

whether three years have elapsed. Even if the threshold is not met on paper, the three-year review is a useful tool to surface changed circumstances that have accumulated gradually.

End of Appendix T - Maryland | Appendix U - Massachusetts follows.

Appendix U — Massachusetts: Statutes, Case Law, Forms, and Resources

Key Statutes

- M.G.L. c. 208 s. 28 - Child support and college support authority
- M.G.L. c. 119A s. 6 / 830 CMR 119A.6.1 - 6% interest plus 6% penalty (12% combined) on arrears over $500
- M.G.L. c. 119A s. 16 - Administrative license suspension
- M.G.L. c. 273 s. 1 - Criminal non-support
- M.G.L. c. 209D - UIFSA adoption in Massachusetts
- 2025 Massachusetts Child Support Guidelines (effective December 1, 2025)

Key Case Law

- Pierce v. Pierce, 455 Mass. 286 (2009) - Modification standard; material change
- Morales v. Morales, 464 Mass. 1013 (2013) - Parenting time adjustment
- Bercume v. Bercume, 428 Mass. 635 (1999) - Income imputation standard
- Doe v. Doe, 92 Mass. App. Ct. 826 (2018) - College support modification

Official Forms

- Complaint for Modification - Probate and Family Court
- Financial Statement Short Form (CJD 301A) - income under $75K/yr
- Financial Statement Long Form (CJD 301B) - income over $75K/yr
- Child Support Guidelines Worksheet - mass.gov/courts
- Affidavit of Indigency (CJD 401) - fee waiver

State Agency Contact

- Massachusetts DOR Child Support Enforcement: 1-800-332-2733
- Website: mass.gov/child-support
- Massachusetts Courts Self-Help: mass.gov/courts
- Greater Boston Legal Services: 1-617-603-1700 | gbls.org

Filing Checklist

- Both parents' pay stubs (last 2 months) and tax returns (last 2 years)
- Financial Statement (CJD 301A or 301B) - sworn and notarized
- Completed Child Support Guidelines Worksheet showing an inconsistency with the current guidelines amount
- Complaint for Modification - filed and served by sheriff/constable

- Evidence of changed circumstances
- Filing fee (~$100) or Affidavit of Indigency (CJD 401)

Massachusetts Child Support Modification, Official Court Forms Guide

The following pages reproduce the official Massachusetts Probate and Family Court Complaint for Modification (CJ-D 104) and model forms reflecting the Massachusetts Child Support Guidelines (issued October 4, 2021 by the Chief Justice of the Trial Court). Massachusetts is distinctive: it uses NET weekly income (gross minus specific deductions) rather than gross income as its base. The official CJD 304 worksheet is an Adobe LiveCycle interactive form that requires Adobe Reader, the model worksheet below accurately reflects its structure and all required calculations. Modification requires a 'material and substantial change in circumstances' OR a 20% difference between the current order and the new guideline calculation (G.L. c. 208, § 28). IV-D agency: DOR Child Support Enforcement Division.

Form 1 of 3 — Complaint for Modification (CJ-D 104) — Official Massachusetts Trial Court

COMPLAINT FOR MODIFICATION	Docket No.	Commonwealth of Massachusetts The Trial Court Probate and Family Court
_____, Plaintiff V. _____, Defendant		_____ Division

1. Plaintiff resides at _____ (Address) _____ (Apt, Unit, No. etc.) _____ (City/Town) _____ (County) _____ (State) _____ (Zip) ; defendant resides at _____ (Address) _____ (Apt, Unit, No. etc.) _____ (City/Town) _____ (County) _____ (State) _____ (Zip) .

2. This Court, on _____ (date) entered a judgment ordering that

3. Since that date,
   - ☐ there is now a difference between the amount of the existing child support order and the amount that would result from the application of the Child Support Guidelines issued by the Chief Justice of the Trial Court.
   - ☐ the following change(s) in circumstance have occurred:

4. Wherefore, plaintiff requests that the Court order the judgment of _____ (date) be modified by

Date: _____

_____
Signature of Attorney or Plaintiff, if *pro se*

_____ (Print name)

_____ (Address) _____ (Apt, Unit, No. etc.)

_____ (City/Town) _____ (State) _____ (Zip)

Primary Phone #: _____

E-mail: _____

B.B.O. # _____

Reset Form

CJ-D 104 (1/22/2020)

CJ-D 104 Complaint for Modification, Page 1 of 1 (Official Massachusetts Trial Court Form)

Line-by-Line Completion Guide, Complaint for Modification (CJ-D 104)

▸ Court Header, Probate and Family Court, Division

Massachusetts handles child support modification in the Probate and Family Court. There are 14 divisions corresponding to Massachusetts counties. Write the division name where the original order was entered (e.g., 'Middlesex Division'). If either parent has relocated, you generally file in the division that entered the original order

unless the court has transferred jurisdiction. For IV-D cases through DOR Child Support Enforcement, the division may already be set, check with DOR at (800) 332-2733.

▸ **Docket Number**

Enter the complete docket number from the original judgment or most recent modification order. Massachusetts Probate and Family Court docket numbers typically appear as: [Year]-[Division code]-[case type]-[sequence] (e.g., '2019-MI-0047-DV1' or similar). Copy exactly from your existing order. The clerk uses this to file the Complaint into the existing case record.

▸ **Plaintiff and Defendant**

Enter both parties' full legal names exactly as they appear in the existing judgment. The Plaintiff is the party who originally filed; the Defendant is the responding party. These labels are fixed from the original case. The party filing the Complaint for Modification is the 'Plaintiff' in this pleading, even if they were the Defendant in the original case, they become the Plaintiff in the modification action.

▸ **Paragraph 1, Residency**

Enter both parties' current addresses. Massachusetts requires that the court have jurisdiction over the parties. If either party has moved out of Massachusetts, review whether the Massachusetts court retains jurisdiction under UIFSA (G.L. c. 209D). Generally, the Massachusetts court retains jurisdiction as long as one parent still lives in Massachusetts or the child lives in Massachusetts. Enter the state and ZIP for each party.

▸ **Paragraph 2, Existing Order**

Enter the date of the original judgment (or most recent modification order) and briefly describe what it ordered: 'the Court entered a judgment ordering that Defendant pay Plaintiff $[amount] per week in child support.' Use the date and amount from the last active order, not the original if there have been prior modifications. This establishes the baseline the court will measure against.

▸ **Paragraph 3, Grounds for Modification**

This is the key paragraph. Check the applicable ground: (A) 'there is now a difference between the amount of the existing child support order and the amount that would result from application of the Child Support Guidelines' (check this if the 20% threshold is met; (B) 'the following change(s) in circumstance have occurred:') check this and describe the changed circumstances. You may check both. The 20% threshold: |new guideline amount − current order| ÷ current order × 100 ≥ 20%. Example: current order $300/week; new guidelines = $240/week; difference = 20% → threshold met.

▸ **Description of Changed Circumstances**

Under paragraph 3(B), describe specifically what changed and when. Examples: 'Plaintiff's weekly gross income decreased from $1,100 to $680 due to involuntary job loss on [date], as documented in the attached termination letter and DUA award.' 'Defendant's weekly gross income increased from $900 to $1,450 following promotion on [date], as reflected in attached pay stubs.' Be specific with dates and dollar amounts. Attach supporting documentation. Courts require more than a general assertion of hardship.

▸ **Paragraph 4, Relief Requested**

Enter the date of the original judgment and describe the specific modification you are requesting: 'be modified by [ordering Defendant to pay $[amount]/week in child support effective [date]; ordering income withholding through DOR; ordering [parent] to maintain health insurance for the children].' Be as specific as possible about what you want, the court cannot grant relief not requested in the Complaint.

▸ **Signature Block**

Sign and date. Print your name and address. Enter your phone and email. If you have an attorney, they sign with their BBO (Board of Bar Overseers) number. Massachusetts allows electronic filing through the eFiling portal in most Probate and Family Courts. Check with your local division whether paper filing is still accepted or whether e-filing is required.

▸ **Service of Process**

After filing, the Complaint must be served on the Defendant (other parent). In Massachusetts, service on an opposing party in a domestic relations case is typically by summons issued by the clerk and served by a constable or sheriff, or by certified mail in some circumstances. The court will issue a summons with a return date (hearing date). You must pay the service fee. In IV-D cases, DOR handles service. Keep proof of service for your records.

▸ **Filing Fee and Indigency Waiver**

Massachusetts charges a filing fee for Complaints for Modification (currently approximately $200, verify at mass.gov). If you cannot pay, file an Affidavit of Indigency (TC-0001) simultaneously. Income-based waivers are routinely granted. The Affidavit of Indigency covers filing fees, service fees, and transcript costs. File both documents together; do not file the Complaint without the fee or waiver.

Form 2 of 3 — Child Support Guidelines Worksheet (CJD 304 Model) — 2025 Guidelines (eff. December 1, 2025)

Commonwealth of Massachusetts The Trial Court Probate and Family Court

CHILD SUPPORT GUIDELINES WORKSHEET

Issued by the Chief Justice of the Trial Court (October 4, 2021)

Docket No.: _____ Division: _____ Date: _____

Plaintiff: _____ Defendant: _____ No. of Children: _____

SECTION A — GROSS INCOME (Weekly)

NOTE: Massachusetts uses WEEKLY gross income as the calculation basis. Convert all income to weekly: monthly ÷ 4.333; annual ÷ 52; bi-weekly ÷ 2.

Income Source	Plaintiff ($)	Defendant ($)
Gross Weekly Wages / Salary (before all deductions)		
Self-Employment Income (net profit, see Section B)		
Overtime (regularly worked — include; occasional — may exclude)		
Commissions / Bonuses (average last 12 months)		
Rental Income		
Interest / Dividends / Investment Income		
Pension / Retirement / Annuity Distributions		
Social Security Benefits (SSDI; not SSI)		
Unemployment / Workers' Compensation		
Alimony / Separate Maintenance Received		
Military Pay / Housing Allowances (BAH, BAS)		
Other Income (specify): _____		
TOTAL GROSS WEEKLY INCOME (Line 1)		

SECTION B — DEDUCTIONS FROM GROSS INCOME

Massachusetts allows specific deductions before computing the support obligation:

Deduction	Plaintiff ($)	Defendant ($)
Federal Income Tax (actual withholding, not estimated)		
State Income Tax (actual withholding)		
FICA / Social Security / Medicare Tax		
Health Insurance Premium — Obligor's Own Coverage		
Dental / Vision Insurance Premium — Obligor's Own		
Union Dues (mandatory)		
Mandatory Retirement Contributions (required by employer)		
Child Support Paid for Other Children (prior court orders)		

Alimony Paid Pursuant to a Court Order		
TOTAL WEEKLY DEDUCTIONS (Line 2)		
NET WEEKLY INCOME (Line 1 minus Line 2)		

CHILD SUPPORT GUIDELINES WORKSHEET — PAGE 2 OF 2

SUPPORT CALCULATION AND ADJUSTMENTS

SECTION C — COMBINED NET WEEKLY INCOME AND SUPPORT CALCULATION

Line 3: Combined Net Weekly Income (Plaintiff Net + Defendant Net)	$	
Line 4: Basic Child Support Order (from Massachusetts CS Guidelines Schedule)	$	
Line 5: Plaintiff's % Share (Plaintiff Net ÷ Combined Net × 100)	%	
Line 6: Defendant's % Share (Defendant Net ÷ Combined Net × 100)	%	
Line 7: Plaintiff's Share of Basic Obligation (Line 4 × Line 5)	$	
Line 8: Defendant's Share of Basic Obligation (Line 4 × Line 6)	$	

SECTION D — CHILD CARE AND HEALTH INSURANCE ADD-ONS

Add-On Item	Weekly Amount ($)	Paid By
Work-Related Child Care Costs (net of tax benefits)		
Health Insurance for Children (children's share of premium)		
Dental / Vision Insurance for Children		
Extraordinary Medical / Educational (court-approved)		
Total Add-Ons (Line 9)		

SECTION E — PARENTING TIME ADJUSTMENT (≥ 1/3 of Overnights)

A parenting time adjustment applies when the non-primary parent has ≥ 1/3 of all overnights (≥ 122 nights/year). See Guidelines § III(D).

Non-Primary Parent's Annual Overnights		out of 365
Percentage of Year (overnights ÷ 365 × 100)		%
Parenting Time Adjustment Amount (per schedule/formula)	$	

SECTION F — FINAL WEEKLY SUPPORT ORDER

Line 10: Non-Custodial Parent's Share of Basic Obligation (from Line 7 or 8)	**$_____**
Line 11: Non-Custodial Parent's Share of Add-Ons (proportional)	**$_____**
Line 12: Less Parenting Time Adjustment (if applicable)	**($_____)**
Line 13: Less Health Insurance Credit (if paid by non-custodial parent)	**($_____)**
LINE 14: FINAL WEEKLY CHILD SUPPORT ORDER (Lines 10+11−12−13)	

Convert weekly to monthly: weekly × 4.333 = monthly order amount.

Plaintiff Signature / Date Defendant Signature / Date

Massachusetts Child Support Guidelines (October 4, 2021). G.L. c. 208, § 28; G.L. c. 209C, § 9. This model form reflects the current Guidelines structure. Use the official CJD 304 form when available via mass.gov.

Line-by-Line Completion Guide, Child Support Guidelines Worksheet

▸ **Massachusetts Uses NET Income, A Critical Distinction**

Massachusetts is unusual: the Child Support Guidelines use NET weekly income, not gross income. The worksheet first computes gross weekly income, then subtracts specific permitted deductions to arrive at 'net' income for guideline purposes. These deductions include taxes, mandatory retirement, health insurance for the parent, union

dues, and court-ordered obligations for other children or alimony. Do not confuse this with take-home pay, Massachusetts net income includes more deductions than gross but fewer than take-home. All figures on the worksheet are WEEKLY, convert all income to weekly before completing the form.

▸ **Section A, Gross Weekly Income**

List all income sources on a weekly basis. Include: wages and salary (average last 13 pay stubs for variable income); self-employment net profit (gross receipts minus ordinary business expenses from Schedule C); overtime that is regularly and consistently worked (occasional or voluntary overtime may be excluded at court discretion); commissions and bonuses (average last 12 months); rental income; interest and dividends; pension and retirement distributions; Social Security including SSDI (not SSI); unemployment compensation; workers' compensation; military housing allowances (BAH and BAS count as income); and any other income. Imputed income may be assigned to a voluntarily underemployed parent.

▸ **Self-Employment Income**

For self-employed parents, compute Schedule C net profit as the starting point. Add back depreciation (non-cash expense), any personal expenses run through the business, and owner-discretionary expenses. Massachusetts courts scrutinize self-employment income carefully. Attach 2 years of tax returns with Schedule C, 3 months of business bank statements, and a current profit and loss statement. Courts may average multiple years for volatile businesses or impute income based on what the self-employed parent should be earning given their skills.

▸ **Section B, Deductions from Gross Income**

These deductions reduce gross to 'net' income for guideline purposes: (1) Federal income tax (use actual withholding from pay stubs, not estimated tax; (2) State income tax) same, actual withholding; (3) FICA (Social Security and Medicare tax), actual amount withheld; (4) Health insurance premium for the parent's OWN coverage (not the children's); (5) Dental and vision insurance for parent's own coverage; (6) Mandatory retirement contributions required by the employer (not voluntary); (7) Mandatory union dues; (8) Court-ordered child support for other children (from prior orders, actually paid); (9) Court-ordered alimony paid in other cases. Voluntary 401(k) contributions above mandatory levels do NOT qualify as deductions.

▸ **Net Weekly Income Calculation**

Net Weekly Income = Gross Weekly Income (Section A total) minus Total Deductions (Section B total). This net figure is used throughout the remainder of the worksheet. Both parents complete this calculation. The combined net weekly income determines which row of the Massachusetts Child Support Schedule to use.

▸ **Section C, Combined Net and Basic Obligation**

Add both parents' net weekly income to get combined net weekly income. Look up this figure in the Massachusetts Child Support Schedule, available at mass.gov/child-support and in the October 4, 2021 Guidelines. The schedule provides a basic child support obligation based on combined net weekly income and number of children. Enter the schedule amount as Line 4 (Basic Obligation). The schedule runs to $5,000+ combined weekly net income; above that, courts exercise discretion typically adding a percentage of income above the schedule cap.

▸ **Percentage Shares and Each Parent's Obligation**

Each parent's percentage = their net weekly income ÷ combined net weekly income × 100. Multiply the basic obligation by each parent's percentage to get their proportional share. The non-custodial parent's share is the transfer payment before add-ons. Example: combined net = $1,000/week; Plaintiff net = $600 (60%); Defendant net = $400 (40%); basic obligation for 2 children = $280/week; Defendant's share = $280 × 40% = $112/week. This is before adding child care and health insurance.

▸ **Section D, Add-On Expenses**

Massachusetts adds three categories to the basic obligation: (1) Work-related child care costs, the actual net-of-tax weekly cost. Subtract the federal Child Care Tax Credit and any FSA benefit before entering the figure. Use annual child care cost ÷ 52 for weekly figure. (2) Health insurance premium for the children, the children's portion only (family premium minus employee-only premium), converted to weekly. (3) Dental and vision insurance for children, children's portion only. Each add-on is allocated proportionally based on each parent's income percentage.

▸ **Section E, Parenting Time Adjustment (≥ 1/3 Overnights)**

The Massachusetts guidelines already assume the children spend approximately one-third (1/3) of overnights, about 121-122 nights per year, with the non-primary parent, so reaching one-third does not by itself trigger an extra reduction (see Guidelines Section II.D). Where parenting time is substantially more than one-third but less than one-half, the court may deviate in its discretion. At approximately equal (50/50) parenting, both parents compute obligations from each other's perspective and the higher earner pays the difference. Count actual overnights, a night when the child sleeps in the non-primary parent's home, and document them in a written custody schedule or log.

▸ **Section F, Final Weekly Order**

The final weekly support figure = non-custodial parent's share of basic obligation + their share of add-ons − parenting time adjustment − health insurance credit (if they pay the children's premium). This weekly figure converts to a monthly order by multiplying by 4.333. Example: $135/week × 4.333 = $585/month. Most Massachusetts orders state a weekly amount, but income withholding orders to employers are expressed per pay period matching the employee's pay schedule.

▸ **Imputed Income**

The Massachusetts Guidelines allow income imputation when a parent is voluntarily underemployed or unemployed without good cause (Guidelines § I(D)). Income is imputed at the level the parent could earn based on education, training, employment history, and local job opportunities. If you claim inability to find work, document your job search efforts. Courts do not impute income during periods of disability or primary caretaking of a child under age 3.

▸ **High-Income Cases**

When combined net weekly income exceeds the top of the Massachusetts schedule, courts use the schedule amount for the highest income level and add a percentage of the excess income based on the number of children. This discretionary amount is intended to maintain the child's standard of living consistent with the parents' higher income. In high-income cases, both parents' actual spending on the child is relevant evidence for the court's discretionary determination.

Form 3 of 3 — Financial Statement (Model) — Massachusetts Probate and Family Court

Commonwealth of Massachusetts The Trial Court Probate and Family Court

FINANCIAL STATEMENT

(Required for Child Support Proceedings — G.L. c. 208, § 28)

Docket No.: Division: Date:

Your Full Legal Name: Role: ■ Plaintiff ■ Defendant

PART A — PERSONAL AND EMPLOYMENT INFORMATION

Current Address (Street, City, State, ZIP):

Telephone / Email:

Date of Birth:

Employer Name and Address:

Employment Status: ■ Full-Time ■ Part-Time ■ Self-Employed ■ Unemployed

If Self-Employed — Business Name, Type, EIN:

PART B — GROSS WEEKLY INCOME (all sources, before any deductions)

Income Source	Weekly Amount ($)
Wages / Salary (gross — all employers, avg last 13 weeks)	
Self-Employment Net Profit (gross revenue minus business expenses)	
Overtime / Commissions / Bonuses (avg last 12 months)	
Rental Income	
Interest / Dividends	
Social Security / SSDI (not SSI)	
Pension / Retirement Distributions	
Unemployment / Workers' Compensation	
Alimony Received	
Military Housing Allowance (BAH) / Other Military Pay	
Other (specify): _____	
TOTAL GROSS WEEKLY INCOME	

PART C — WEEKLY DEDUCTIONS

Deduction	Weekly Amount ($)
Federal Income Tax (actual withholding)	
State Income Tax (actual withholding)	
FICA / Medicare / Social Security Tax	
Health Insurance Premium (your own coverage)	
Dental / Vision Premium (your own coverage)	
Mandatory Retirement Contributions (required by employer)	

Union Dues (mandatory)	
Court-Ordered Child Support for Other Children	
Court-Ordered Alimony Paid (other cases)	
TOTAL WEEKLY DEDUCTIONS	
NET WEEKLY INCOME (Gross minus Deductions)	

FINANCIAL STATEMENT — PAGE 2 OF 2

PART D — MONTHLY EXPENSES

Housing (rent/mortgage)	$_____	Health Insurance (self only)	$_____
Utilities	$_____	Vehicle Payment	$_____
Groceries / Food	$_____	Vehicle Insurance	$_____
Child Care (this case)	$_____	Student Loans	$_____
Other Child Support	$_____	Credit Cards / Debt	$_____
Other: _____	$_____	**TOTAL MONTHLY EXPENSES**	**$_____**

PART E — ASSETS AND LIABILITIES

Asset	Est. Value ($)	Amount Owed ($)	Net Equity ($)
Real Property: _____			
Vehicle(s): _____			
Bank / Savings Accounts (total)			
Retirement / 401(k) / IRA			
Other Assets: _____			

PART F — OTHER CHILD SUPPORT ORDERS

Docket / State	Child Name	Weekly Ordered ($)	Current?
		$	■ Yes ■ No
		$	■ Yes ■ No

PART G — HEALTH INSURANCE

Is health insurance available for the children through your employer?

■ YES — Insurer: _____ Weekly cost to add children: $_____

■ NO — Describe alternatives / MassHealth / Connector coverage:

VERIFICATION UNDER PENALTY OF PERJURY

I hereby certify under the pains and penalties of perjury that the information contained in this Financial Statement is complete, accurate, and true to the best of my knowledge and belief. I understand that submitting a false financial statement is a criminal offense under Massachusetts law (G.L. c. 268, § 1A).

Signature Date

Printed Name

Massachusetts does not require notarization of the Financial Statement — it is signed under penalty of perjury. Attach: last 3 months of pay stubs, last 2 federal tax returns, last 2 months of bank statements, health insurance premium statement, child care receipts. G.L. c. 208, § 28; Massachusetts Child Support Guidelines (Oct. 4, 2021).

Massachusetts Financial Statement (Model), Page 3 of 3

Line-by-Line Completion Guide, Financial Statement

▸ **Cover, Identification and Role**

Enter the docket number, division, case caption, and your role (Plaintiff or Defendant in the original case). Write today's date. The Financial Statement is signed under penalty of perjury in Massachusetts, not notarized, but the

perjury warning is legally equivalent. Completing it inaccurately is a criminal offense under G.L. c. 268, § 1A. File it with the Complaint for Modification or as directed by the court at the scheduling conference.

▸ **Part A, Personal and Employment Information**

Enter your full legal name, current address, telephone, email, and date of birth. List your employer's name and address. If self-employed, enter your business name, type (sole proprietor, LLC, S-corp, etc.), and EIN. Employment status, full-time, part-time, or self-employed. For self-employed, attach a current profit and loss statement for the current year and last 2 years' Schedule C.

▸ **Part B, Gross Weekly Income**

List every income source with its weekly equivalent. The Financial Statement uses weekly figures to match the worksheet. Attach documentation: last 13 weeks of pay stubs (to capture quarterly variability), W-2s for the last 2 years, most recent tax return with all schedules, any 1099s, Social Security award letters, pension statements, or other income documentation. For overtime and commissions, average the last 52 weeks. Do not omit any income source, courts draw adverse inferences from omissions and may impute higher income based on lifestyle evidence.

▸ **Part C, Weekly Deductions**

List actual deductions from gross weekly income: federal and state income tax (actual withholding from pay stubs, not estimated or desired withholding), FICA and Medicare tax, your own health/dental/vision insurance premium, mandatory retirement contributions required by your employer, union dues, court-ordered child support for other children, and court-ordered alimony paid in other cases. Voluntary 401(k) contributions above any mandatory minimum are NOT deductible. The net weekly income (gross minus deductions) is the figure that flows to the guidelines worksheet.

▸ **Part D, Monthly Expenses**

List your actual monthly living expenses. Massachusetts courts use expense information to evaluate ability to pay and claims of financial hardship, even though expenses do not directly reduce income for guideline purposes. Be accurate, overstating expenses is the most common area courts flag. Do not include the support payment in dispute as a current expense. For irregular annual expenses, divide by 12 for a monthly figure.

▸ **Part E, Assets and Liabilities**

List all significant assets with current market value and any amounts owed. For real property, use a reasonable current market value (recent appraisal or tax assessment). For vehicles, use Kelley Blue Book private party value. For retirement accounts, use the most recent statement balance. Courts may consider assets when assessing ability to pay, a parent with significant assets but low current income may not receive a large reduction.

▸ **Part F, Other Child Support Orders**

Disclose every existing child support order for children from other relationships. Only court-ordered amounts actually paid reduce gross income on the worksheet. Enter the docket number, court, child's name, and weekly ordered amount. If you are in arrears on other orders, note this, courts consider arrears status but arrears on other orders do not reduce the current income figure.

▸ **Part G, Health Insurance**

Confirm whether health insurance is available for the children through your employer. Enter the children's weekly premium cost (family minus employee-only, then divide by 52). Attach the employer's open enrollment statement. If no employer coverage, note MassHealth (Medicaid) or Connector (marketplace) availability for the children. Massachusetts courts routinely order the parent with available employer coverage to maintain it, subject to the affordability analysis in the Guidelines.

▸ **Perjury Certification, Not Notarized**

Massachusetts Financial Statements are signed under penalty of perjury. They do NOT require notarization. Sign in ink with today's date. Print your name below the signature. The certification warns that submitting false information is a criminal offense. By signing, you affirm that the information is complete, accurate, and true to the best of your knowledge and belief. E-filers check the perjury box on the eFiling portal and the electronic signature has the same legal effect.

▸ **Required Attachments**

File the Financial Statement with: last 13 weeks of pay stubs; last 2 years' federal tax returns (Form 1040 with all schedules); last 2 months of bank statements; employer health insurance premium statement; child care receipts or provider letter; documentation of all other income; copies of other child support orders. The court may require these at filing or at the initial hearing, have them ready. DOR-involved cases may already have income documentation through wage records.

Important Massachusetts-Specific Reminders

▸ **NET Income. Massachusetts is Different**

Massachusetts calculates child support on net weekly income after specific deductions (taxes, mandatory retirement, own health insurance, union dues, other support orders). This is unique, most states use gross income. Correctly calculating net income is the most technically complex part of the Massachusetts worksheet. Use actual withholding figures from pay stubs, not estimated taxes.

▸ **Inconsistency Standard or Material Change**

Modification is appropriate when: (1) there is an inconsistency between the current order and the amount the current guidelines would produce (any inconsistency suffices, with no fixed percentage); OR (2) there has been a material and substantial change in circumstances; OR (3) health-care coverage has changed. Either the inconsistency ground or a material change is sufficient on its own. Run the current incomes through the guidelines; if the result differs from the existing order, you have a presumptive basis to modify.

▸ **Three-Year Review**

After 3 years, the court may modify without a showing of changed circumstances if the new guideline amount would differ from the current order. Massachusetts courts interpret this consistent with the 20% standard, verify that 3 years have elapsed from the last order and document the calculation. File promptly: arrears accrued before the Complaint filing date cannot be retroactively reduced.

▸ **DOR Child Support Enforcement**

DOR Child Support Enforcement handles IV-D cases (cases where a parent received public assistance or requested DOR services). DOR can initiate modifications administratively in some circumstances. If DOR is involved, notify your DOR caseworker of the pending Complaint. All payments in IV-D cases route through DOR. DOR contact: 1-800-332-2733 or mass.gov/dor-child-support.

▸ **Income Withholding, Immediate and Automatic**

Massachusetts income withholding is automatic with every new or modified support order. The judge issues an Income Withholding Order (IWO) and DOR serves it on the employer. The employer deducts support from wages and transmits to DOR. Self-employed parents must make direct payments to DOR on a schedule set by the court. Courts rarely waive withholding.

▸ **Age of Termination**

Massachusetts support does not simply end at 18. Under G.L. c. 208, § 28 a court may order support for a child who is 18 but under 21 if the child is domiciled with a parent and principally dependent on that parent, and for a

child who is 21 but under 23 if the child is also enrolled in an undergraduate program. Unlike most states, Massachusetts courts can also order a parent to contribute to college and other post-secondary educational expenses within that age window, even without an agreement. File a motion to terminate or recalculate when a child reaches the applicable emancipation date.

End of Appendix U - Massachusetts | Appendix V - Michigan follows.

Appendix V — Michigan: Statutes, Case Law, Forms, and Resources

Key Statutes

- MCL 552.517 - Modification of child support; 10%/$50 minimum threshold (2025 MCSF 4.05)
- MCL 552.451 et seq. - Friend of the Court Act
- MCL 750.165 - Criminal non-support (felony)
- MCL 600.5809 - 10-year statute of limitations on judgments
- MCL 552.2101 et seq. - UIFSA adoption in Michigan
- MCL 722.31 - 100-mile relocation notice requirement
- Michigan Child Support Formula Manual (MCSFM) - updated periodically

Key Case Law

- Beason v. Beason, 435 Mich. 791 (1990) - Standard of appellate review of a divorce court's factual findings (clear error); not an imputation case
- Rood v. Rood, 233 Mich. App. 284 (1999) - Self-employment income calculation
- Ghidotti v. Barber, 459 Mich. 189 (1998) - FOC review process

Official Forms

- Motion Regarding Support (FOC 50) - michigan.gov/courts
- Verified Statement (FOC 23) - financial disclosure
- Order Modifying Child Support (FOC 52)
- Fee Waiver Application - available at circuit court

State Agency Contact

- MiChildSupport / MDHHS: 1-866-540-0008
- Website: michigan.gov/mdhhs/support-services
- Michigan Legal Help: michiganlegalhelp.org
- State Bar of Michigan Lawyer Referral: 1-800-968-0738

Filing Checklist

- Both parents' pay stubs (last 2 months) and tax returns (last 2 years)
- Completed Verified Statement (FOC 23) with net income calculation
- Motion Regarding Support (FOC 50) with grounds for modification
- Evidence of changed circumstances
- Filing fee or fee waiver application

Michigan Court Forms, Line-by-Line Completion Guide

Michigan uses three core forms in a child support modification: FOC 50 (Motion Regarding Support) to initiate the proceeding, FOC 23 (Verified Statement) as the mandatory financial disclosure filed with every motion, and FOC 10 (Uniform Child Support Order) which the court enters at the conclusion. All forms are available at courts.michigan.gov. Michigan's unique FOC (Friend of the Court) system means the FOC office actively assists with calculation, service, and enforcement, attach a copy of your completed FOC 23 to every motion.

FORM 1 OF 3, FOC 50: Motion Regarding Support (1 page)

Approved, SCAO

Original - Court
1st copy - Other party
2nd copy - Moving party

3rd copy - Friend of the court
4th copy - Proof of service
5th copy - Proof of service

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION REGARDING SUPPORT	(A) CASE NO.
Court address		Court telephone no.

(B) Plaintiff's name, address, and telephone no. ☐ moving party

Third party name, address, and telephone no. ☐ moving party

Defendant's name, address, and telephone no. ☐ moving party

(C) 1. ☐ a. On _____ (Date) a judgment or order was entered regarding support.

☐ b. There is currently no order regarding support.

(D) ☐ 2. The ☐ plaintiff ☐ defendant is ordered to pay support of $ _____ each month.

(E) ☐ 3. The ☐ plaintiff ☐ defendant is ordered to pay child care of $ _____ each month.

(F) ☐ 4. The ☐ plaintiff ☐ defendant is ordered to pay health care of $ _____ each month.

(G) ☐ 5. Conditions regarding support have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(H) ☐ 6. _____ (Name) and I have agreed to support as follows:
Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 7. I ask the court to order that support be paid as follows: ☐ See 6 above for details.
Use a separate sheet to explain in detail what you want the court to order and attach.

(J) _____ (Date) _____ (Moving party's signature)

NOTICE OF HEARING

A hearing will be held on this motion before _____ (Judge/Referee) (Bar no.)

(K) on _____ (Date) at _____ (Time) at _____ (Location).

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

Note: If you are the person receiving this motion, you may file a response. Contact the friend of the court office and request form FOC 51.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this motion and notice of hearing on the parties or their attorneys by first-class mail addressed to the last-known addresses as defined in MCR 3.203.

(L) _____ (Date) _____ (Moving party's signature)

FOC 50 (6/19) **MOTION REGARDING SUPPORT** MCL 552.517b(8), MCL 552.519(3)(k)(i), MCR 2.119, MCR 3.213

SRA **Form Instructions**

Michigan FOC 50, Motion Regarding Support (courts.michigan.gov)

- **Court / Case Caption (top block)**

  Enter the county Circuit Court name (e.g., 'Wayne County Circuit Court'). Copy the case number and parties' names exactly from your existing order. The case number must match the original FOC file number, check your prior order if unsure.

- **Plaintiff / Defendant checkboxes**

Check the box matching your role in the original case. In Michigan child support cases the custodial parent is typically the Plaintiff. Your role does not change with the modification, check the same box you would have checked at the original hearing.

- **'I request the court to', modification checkbox**

  Check 'modify the child support order.' If you are also requesting a change to the health care or childcare provisions, check those boxes as well, each has its own checkbox. Do not leave any applicable box unchecked, as the court will only address what you specifically request.

- **Basis for modification, paragraph 1**

  State the specific change in circumstances. MCL 552.517 and 2025 MCSF 4.05 require either a deviation of 10% of the current order or $50 per month, whichever is greater, when the MCSF is applied to current incomes, or a substantial change of circumstances. Write the specific factual basis: e.g., 'Movant's net monthly income has decreased from $X to $Y following an involuntary job change on [date].' Vague statements like 'finances changed' are insufficient.

- **Current order information, paragraph 2**

  Enter the dollar amount of the current support obligation, the date of the most recent order, and whether it was set by agreement or after a hearing. This helps the court and FOC quickly identify the baseline order being modified.

- **Requested support amount**

  If you know the MCSF-calculated result, enter it here. If not, write 'to be determined by the Court in accordance with the Michigan Child Support Formula.' The FOC office will calculate the guideline amount after reviewing the FOC 23 forms from both parties.

- **Signature and verification**

  Sign before a notary. The FOC 50 must be notarized, an unnotarized motion will be rejected by the clerk. Date the signature the same day you appear before the notary.

- **FOC office copy**

  After filing with the court clerk, immediately deliver a copy to your county FOC office. The FOC tracks all support proceedings and cannot act on your request without being notified. Ask the clerk to stamp both copies and keep one for your records.

FORM 2 OF 3, FOC 23: Verified Statement (2 pages)

The FOC 23 is Michigan's mandatory financial disclosure form. Every parent filing or responding to a support motion must complete and file a FOC 23. Michigan calculates support using NET income, the FOC 23 collects the data needed to compute each parent's net income under the MCSF. Be precise: the FOC uses these figures directly in the guideline calculation.

To the Clerk: For FOC office

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	VERIFIED STATEMENT	CASE NO. and JUDGE

Friend of the court address | Telephone no.

Information about you:						
1. Last name First name Middle name					2. Any other names by which you have been known	
3. Date of birth		4. Social security number			5. Driver's license number and state	
6. Mailing address and residence address (if different)						
7. E-mail address						
8. Eye color	9. Hair color	10. Height	11. Weight	12. Race	13. Gender	14. Scars, tattoos, etc.
15. Mobile telephone no.		16. Home telephone no.		17. Work telephone no.		18. Occupation
19. Business/Employer's name and address						20. Gross weekly income
21. Did you apply for or receive public assistance? If yes, please specify kind and case number. ☐ Yes ☐ No						
22. Any other country(ies) of citizenship:		23. Foreign/international identifying number(s) and source(s) (driver's license, passport, social/tax no., etc.)				

Information about the other parent in this case:						
24. Last name First name Middle name					25. Any other names by which parent has been known	
26. Date of birth		27. Social security number			28. Driver's license number and state	
29. Mailing address and residence address (if different)						
30. E-mail address						
31. Eye color	32. Hair color	33. Height	34. Weight	35. Race	36. Gender	37. Scars, tattoos, etc.
38. Mobile telephone no.		39. Home telephone no.		40. Work telephone no.		41. Occupation
42. Business/Employer's name and address						43. Gross weekly income
44. Did this parent apply for or receive public assistance? If yes, please specify kind and case number. ☐ Yes ☐ No ☐ Unsure						
45. Any other country(ies) of citizenship:		46. Foreign/international identifying number(s) and source(s) (driver's license, passport, social/tax no., etc.)				

Michigan FOC 23, Verified Statement, Page 1 of 2 (courts.michigan.gov)

Verified Statement (6/22)
Page 2 of 2

Case No. _____

Information about the minor child(ren):					
47. a. Name and sex of minor child in case	M/F	b. Birth date	c. Age	d. Soc. sec. no.	e. Residential address

48. a. Name and sex of other minor child of either party	M/F	b. Birth date	c. Age	d. Residential address

49. Health care coverage available for each minor child

a. Name of minor child	b. Name of policy holder	c. Name of insurance Co./HMO	d. Policy/Certificate/Contract/Group No.

50. Name(s) and address(es) of person(s) other than parties, if any, who may have custody of child(ren) during pendency of this case.

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

_____ Date

_____ Signature

You are required to notify friend of the court, in writing, if any of your public assistance information changes before your judgment is entered. If you want child support services, complete form DHS-1201D. DHS-1201D is available online at https://www.courts.michigan.gov/49752a/siteassets/forms/scao-approved/dhs1201d.pdf. Or you may request a copy from your local friend of the court office.

Michigan FOC 23, Verified Statement, Page 2 of 2 (courts.michigan.gov)

- **Part 1, Identifying information**

  Your full legal name, address, employer name and address, and Social Security number (last 4 digits on the public-facing version). Confirm this matches your tax returns and pay stubs, discrepancies between the FOC 23 and supporting documents will be flagged by the FOC.

- **Part 2, Gross income (Line 1)**

Michigan gross income for MCSF purposes is broad: wages, salary, commissions, overtime, bonuses, self-employment income, rental income, pension/retirement distributions, Social Security benefits, unemployment compensation, and workers' compensation. Enter your monthly gross. If your income varies, use a 12-month average and attach the calculation. Annualize hourly or weekly pay: hourly rate × average hours per week × 52 ÷ 12.

- **Part 2, Federal and state income tax (Lines 2–3)**

  Enter the actual monthly income taxes withheld from your pay, not the amount you paid on your return. Use your most recent pay stub. For self-employed parents, use the average monthly estimated tax payments or, if you file annually, divide the prior-year tax liability by 12. Do not overstate tax withholding, the FOC cross-checks with W-2 data.

- **Part 2, FICA / Social Security and Medicare (Lines 4–5)**

  Enter the monthly FICA tax (Social Security 6.2% + Medicare 1.45%) withheld from wages. Self-employed parents pay the full 15.3% self-employment tax, divide annual SE tax by 12. These deductions are subtracted from gross to reach net income under the MCSF.

- **Part 2, Mandatory retirement / union dues (Lines 6–7)**

  Enter only mandatory (not voluntary) retirement contributions, amounts your employer requires you to pay as a condition of employment (e.g., MPSERS for teachers, MSERS for state employees). Voluntary 401(k) contributions do not qualify. Enter required union dues or agency fees. Voluntary professional association fees are not deductible.

- **Part 2, Health / dental / vision insurance for children (Line 8)**

  Enter the portion of your insurance premium attributable to the children only. If you cover yourself and the children, subtract your individual premium from the total and allocate the remainder to the children. Attach a breakdown from your employer's benefits office if needed. This figure is used in the MCSF health care cost calculation.

- **Part 2, Net income computation**

  Net income = Gross income minus lines 2 through 8. This is the figure the FOC plugs into the MCSF guideline table. Verify your arithmetic, a $50/month error in net income can produce a meaningful change in the guideline amount. The FOC will recalculate but having an accurate FOC 23 speeds up the review and strengthens your credibility.

- **Part 3, Parenting time overnights**

  Enter the number of overnights per year you have or will have with each child. The MCSF applies a parental time offset based on each parent's annual overnights; there is no minimum-overnight trigger, so every overnight affects the calculation. Count accurately using a calendar, courts and FOC investigators verify overnight counts against school and activity records. Round to the nearest whole night.

- **Part 3, Children not subject to this order (other support obligations)**

  List any other biological or adopted children not covered by this case for whom you pay court-ordered support or provide primary care. Michigan deducts these obligations from income before calculating the guideline amount for the children in this case. Attach copies of any other support orders.

- **Part 4, Childcare and medical expenses**

  Enter actual monthly work-related childcare costs and the children's out-of-pocket medical expenses. These are shared proportionately between the parents under the MCSF. Provide receipts or a provider statement, the FOC may request documentation.

- **Notarization and signature**

  The FOC 23 must be signed under oath before a notary public. 'Verified Statement' means sworn statement, a false FOC 23 is perjury. File the notarized original with the court clerk and deliver a copy to the FOC office and to the other parent (or their attorney).

FORM 3 OF 3, FOC 10: Uniform Child Support Order (pages 1–2 of 4 shown)

The FOC 10 is the court's formal child support order, not a form you fill out from scratch. The court or FOC prepares it based on the MCSF calculation and the hearing outcome. Understanding the FOC 10's structure helps you verify that the order entered accurately reflects the court's ruling and the MCSF guideline amount.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER ☐ EX PARTE ☐ TEMPORARY ☐ MODIFIED ☐ FINAL	CASE NO. and JUDGE

Court address | Court telephone no.

Plaintiff's name, address, and telephone no.	v	Defendant's name, address, and telephone no.
Plaintiff's attorney, bar no., address, and telephone no.		Defendant's attorney, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.		Defendant's source of income name, address, and telephone no.

This order is entered ☐ after hearing. ☐ after statutory review. ☐ on stipulation/consent of the parties.

☐ The friend of the court recommends child support be ordered as follows.

☐ If you disagree with this recommendation, you must file a written objection with _____ on or before **21 days** from the date this proposed order is mailed. If you do not object, this proposed order will be presented to the court for entry.

☐ The calculations pursuant to MCL 552.505(1)(h) and MCL 552.517b are attached.

IT IS ORDERED

1. **Deviation from Michigan Child Support Formula.**
   ☐ a. The support provisions ordered follow the Michigan Child Support Formula.
   ☐ b. The support provisions ordered do not follow the Michigan Child Support Formula. The attached deviation addendum (FOC 10d) provides the basis for the deviation and the required findings by the court.

2. a. **Payer, Support Recipient, and Children Supported Under This Order.**

Payer (person who is ordered to pay support):	Support recipient (payee; person, or agency, to whom support is sent):
Children's names	Annual overnights with payer

b. **Effective Date or Condition.** The payer shall pay a **monthly** child support obligation for the children named above, effective _____.
Date or condition

2. c. **Support Obligation.**

Children supported:	1 child	2 children	3 children	4 children	5 or more children
Base Support: (includes support plus or minus premium adjustment for health-care insurance)					
Support:	$	$	$	$	$
Premium adjust.	$	$	$	$	$
Subtotal:	$	$	$	$	$
Ordinary medical:	$	$	$	$	$
Child care:	$	$	$	$	$
Other:	$	$	$	$	$
Benefit credit:	$	$	$	$	$
Total:	$	$	$	$	$

☐ Support was reduced because payer's income was reduced.

d. **Ordinary Medical Expenses.** Ordinary medical expenses are the support recipient's co-payments, deductibles, and other uninsured medical-related costs for all children in this case. Annually, the ordinary medical expense amount to be shared between the parties is $ _____
The payer's portion of ordinary medical expenses is listed in the above grid.

e. **Additional Medical Expenses.** Additional medical expenses are the support recipient's out-of-pocket (uninsured) expenses that exceed the children's ordered annual ordinary medical expense amount and any of the support payer's uninsured medical expenses. The annual ordinary medical amount is listed in the paragraph above. Plaintiff will pay _____ % and defendant will pay _____ % of all additional medical expenses. Additional medical expenses for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court.

f. **Obligation Ends.** Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18.

☐ g. **Post-majority Support.** The following children will (1) regularly attend high school on a full-time basis after turning 18 years of age, (2) have a reasonable expectation of completing sufficient credits to graduate, and (3) reside full time with the support recipient or at an institution. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age: (Specify name of child and the date, using the last day of the month, the obligation ends mm/dd/yyyy).)

_____

_____

h. **Child Care.** The parties must notify each other of changes in child care expenses and must additionally notify the friend of the court if the child care expenses end. The child care obligation for each child ends the earlier of
☐ the last day of the month that the child is under the age of 13, or if verified, the date when the child care expenses for the child end.
☐ the date provided below, or if verified, the date when the child care expenses for the child end.

When the child care obligation for each child ends, the total child care obligation reduces by that child's pro rata share unless specified differently below. At the court's discretion, the child care obligation may continue beyond that date as a child's health or safety needs require. (Specify name of child; amount for the child, if known; and date the obligation ends (mm/dd/yyyy).)

_____

_____

3. **Health Care Coverage.** For the benefit of the children, the ☐ plaintiff ☐ defendant shall maintain health care coverage (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health care expenses when that coverage is accessible to the child and available at a reasonable cost. The reasonable cost is the parent's net cost of adding the children to the parent's coverage
☐ up to a maximum of $ _____ for plaintiff. ☐ up to a maximum of $ _____ for defendant.
☐ not to exceed 6% of the plaintiff's/defendant's gross income.

4. **Income Withholding.** Income withholding takes immediate effect. Payments shall be made through the Michigan State Disbursement Unit unless otherwise ordered in item 13.

- **Case caption and FOC file number**

  Verify that the county, case number, and FOC file number match your prior order. The FOC file number (separate from the court case number) is used by the FOC office to track payments. A mismatch can cause payment processing errors.

- **Support amount, base child support**

The MCSF-calculated monthly support obligation will appear here. Confirm it matches the amount the court announced at the hearing or the guideline calculation the FOC provided. If the amount deviates from the MCSF, the order must include written findings explaining why the deviation is in the children's best interest.

- **Income withholding order**

  Michigan requires automatic income withholding in all new and modified support orders. The FOC 10 will trigger an immediate withholding notice to your employer (or the other parent's employer if you are the payee). You do not need to take separate action, the FOC issues the withholding notice directly. Verify that the withholding amount matches the order amount plus any arrearage payment.

- **Health care / dental / vision provisions**

  Pages 2–4 address insurance obligations and cost-sharing. One parent is typically ordered to maintain coverage and the other pays a proportionate share of premiums and out-of-pocket expenses. Confirm the percentages match the MCSF calculation from your FOC 23 filings.

- **Childcare cost allocation**

  Work-related childcare is split between the parents in proportion to their respective net incomes under the MCSF. Verify the percentage split and the dollar amount or formula used, this provision often needs updating when childcare costs change.

- **Effective date and retroactivity**

  Michigan child support modifications run from the date notice of the motion was given to the other party (MCL 552.603(2)). Confirm the effective date on the FOC 10 matches that notice date. An incorrect effective date means you may owe more arrearage or miss retroactive credit. If the date is wrong, file an objection promptly, usually within 21 days.

- **Arrearage balance and payment schedule**

  If the order includes a past-due arrearage payment, the FOC 10 will specify the monthly payment amount. Confirm the arrearage balance stated in the order matches the FOC's ledger. Request a current account statement from the FOC before signing or agreeing to the order.

- **Signatures**

  Both parents and the judge (or referee) sign the FOC 10. The FOC office also stamps receipt. Keep a certified copy. You will need it to document the modification if enforcement or future modification becomes necessary.

Michigan-Specific Reminders for the Self-Represented Parent

- **NET income, a critical distinction**

  Michigan calculates support on net income, not gross. This makes the FOC 23 deduction section critically important. Parents who understate their deductions produce an artificially high net income and a higher support obligation. Parents who overstate deductions commit perjury. Use actual documented figures for every deduction line.

- **10% threshold, file promptly when triggered**

  Michigan's modification threshold, 10% of the current order or $50 per month, whichever is greater (MCL 552.517; 2025 MCSF 4.05), is among the lowest in the country. If the MCSF applied to current incomes produces a result that crosses that threshold, modification is presumptively appropriate. File as soon as

you document the income change, retroactivity runs only from the date notice of the motion is given, not from the date the income changed.

- **FOC review pathway vs. direct court motion**

  You can request a FOC periodic review (every 36 months as a matter of right, or sooner with good cause) instead of filing a court motion. The FOC review is free and does not require an attorney. The FOC calculates the guideline amount and issues a recommendation. Either party can object and have the matter heard by the court. For most income-change modifications, the FOC review pathway is faster and less expensive.

- **Friend of the Court, use this resource**

  Your county FOC office is a free resource. The FOC can calculate the MCSF amount for you, answer procedural questions, and assist with service. Michigan Legal Help (michiganlegalhelp.org) provides free state-specific guides and fillable form packets. Use both before paying for attorney time on a straightforward modification.

- **Parental time offset (annual overnights)**

  The MCSF adjusts support through a parental time offset that scales with your annual overnights; more overnights mean a larger adjustment, with no minimum threshold. Keep a written parenting time calendar with daily entries. The FOC will ask for documentation when calculating the offset. An undocumented overnight count will be disregarded.

- **Age of termination, 18 or graduation**

  Michigan child support terminates at age 18. If the child is still a full-time high school student at 18, support may continue until graduation or age 19.5, whichever comes first (MCL 552.605b). Build this date into your financial planning, the automatic termination does not mean payments stop without a triggering event; confirm termination with the FOC in writing.

End of Appendix V - Michigan | Appendix W - Minnesota follows.

Appendix W — Minnesota: Statutes, Case Law, Forms, and Resources

Key Statutes

- Minn. Stat. 518A.35 - Child Support Guidelines (Income Shares)
- Minn. Stat. 518A.36 - Parenting expense adjustment (continuous formula, eff. Aug. 1, 2018)
- Minn. Stat. 518A.39 - Modification standard (20% AND $75 dual threshold)
- Minn. Stat. 518A.41 - Medical support
- Minn. Stat. 518A.65 - License suspension for non-payment
- Minn. Stat. 541.04 - 10-year SOL on judgment enforcement
- Minn. Stat. Chapter 518C - UIFSA adoption in Minnesota

Key Case Law

- Moylan v. Moylan, 384 N.W.2d 859 (Minn. 1986) - Income imputation standard
- Gully v. Gully, 599 N.W.2d 814 (Minn. Ct. App. 1999) - Parenting time credit
- Putz v. Putz, 645 N.W.2d 343 (Minn. 2002) - Modification standard

Official Forms

- Motion to Modify Child Support - mncourts.gov
- Child Support Guidelines Worksheet - mn.gov/dhs/child-support
- Financial Disclosure Statement - court-provided form
- IFP Application - fee waiver

State Agency Contact

- Minnesota child support program (DCYF): (651) 431-4400 or 1-800-657-3890
- Website: mn.gov/dhs/child-support
- LawHelpMN: lawhelpMN.org
- Minnesota Courts Self-Help: mncourts.gov

Filing Checklist

- Both parents' pay stubs (last 2 months) and tax returns (last 2 years)
- Completed guidelines worksheet showing 20% AND $75 deviation
- Financial disclosure statement
- Evidence of changed circumstances
- Filing fee or IFP application

Minnesota Court Forms, Line-by-Line Completion Guide

Minnesota's official child support modification forms are filed in District Court (Family Division) and are available through mncourts.gov. Because Minnesota's fillable smart forms are gated, the model forms below reflect the structure and content of official Minnesota filings under Minn. Stat. §§518A.26–518A.79. Minnesota uses GROSS income (not net), a dual $50/month AND 20% modification threshold, and a parenting time credit system that activates at more than 10% of annual overnights (more than 36.5 nights per year). The authoritative online guideline calculator is at childsupport.dhs.mn.gov.

FORM 1 OF 3, Motion for Modification of Child Support (2 pages)

STATE OF MINNESOTA
DISTRICT COURT, _____ JUDICIAL DISTRICT
COUNTY OF _____
Court File No.: _____
Judge: _____

In re the Matter of:
Petitioner: _____,
Respondent: _____.

MOTION FOR MODIFICATION OF CHILD SUPPORT

1. MOVANT INFORMATION

Full Legal Name: _____

Address: _____

City/State/Zip: _____ Phone: _____

Role in Case: ■ Petitioner ■ Respondent _____

2. CURRENT CHILD SUPPORT ORDER

Date of Most Recent Order: _____

Current Monthly Support Amount: $_____

Children Subject to Order (names/DOBs): _____

_____

County/Court that entered order: _____

3. BASIS FOR MODIFICATION (check all that apply)

- ■ Substantial change in either parent's income that satisfies BOTH the $50/month AND 20% threshold under Minn. Stat. §518A.39, subd. 2
- ■ Change in custody or parenting time arrangement
- ■ Change in cost of work-related childcare
- ■ Change in children's medical/dental insurance costs or needs
- ■ Child's emancipation (reaching age 18 or 20 if in secondary school)
- ■ Three-year administrative review result (IV-D cases)
- ■ Other (specify): _____

4. STATEMENT OF CHANGED CIRCUMSTANCES

Describe in detail the change in circumstances that justify modification. Include specific dates, dollar amounts, and how the change satisfies the dual $50/month AND 20% threshold:

_____

_____

_____

_____

_____

MODEL FORM — For reference and educational purposes only. Obtain current forms at mncourts.gov or childsupport.dhs.mn.gov

Minnesota Motion for Modification of Child Support, Page 1 of 2 (model form)

STATE OF MINNESOTA
DISTRICT COURT, _____ JUDICIAL DISTRICT
COUNTY OF _____
Court File No.: _____
Judge: _____

In re the Matter of:
Petitioner: _____,
Respondent: _____.

MOTION FOR MODIFICATION OF CHILD SUPPORT

5. INCOME INFORMATION

Movant's Current Gross Monthly Income:

Employer/Source: _____

Monthly Gross Income: $ _____ Pay Frequency: _____

Other Parent's Known/Estimated Gross Monthly Income:

Employer/Source: _____

Monthly Gross Income (est.): $ _____

6. PARENTING TIME INFORMATION

Movant's current overnight parenting time (nights/year): _____

Percentage of annual overnights: _____ % (165+ nights = ~45.1% credit threshold)

■ Parenting time credit applies (>10% overnights / >36.5 nights per year)

7. PROPOSED MODIFICATION

Proposed Monthly Support Amount: $ _____

Guideline Calculator result (childsupport.dhs.mn.gov): $ _____

■ Guideline amount attached as Exhibit A

8. REQUESTED RELIEF

Movant respectfully requests the Court enter an Order:

a. Modifying the child support obligation to $ _____ per month;
b. Establishing the effective date as the date this Motion is filed;
c. Addressing health care coverage and cost-sharing;
d. Addressing work-related childcare cost allocation;
e. Such other relief as the Court deems just and equitable.

9. VERIFICATION AND SIGNATURE

I declare under penalty of perjury that everything I have stated in this document is true and correct to the best of my knowledge and belief.

Signature: _____ Date: _____

Printed Name: _____

Attorney Name/Bar No. (if applicable): _____

MODEL FORM — For reference and educational purposes only. Obtain current forms at mncourts.gov or childsupport.dhs.mn.gov

Minnesota Motion for Modification of Child Support, Page 2 of 2 (model form)

- **Court caption, county and judicial district**

  Minnesota District Courts are organized by county and judicial district (10 districts). File in the county where the original order was entered or where either parent currently resides, whichever is proper under the original decree. Enter the full county name and district number (e.g., 'Fourth Judicial District, Hennepin County'). Copy the court file number exactly from your most recent order.

- **Movant role, Petitioner or Respondent**

  Your role in the original case does not change. If you were the Petitioner at the original hearing, you remain the Petitioner on the modification. Check the correct box. This matters for service and for which party's proportionate share appears on which column of the guidelines worksheet.

- **Section 3, Basis for modification checkboxes**

  Minnesota requires BOTH a $75/month dollar change AND a 20% percentage change from the current order (Minn. Stat. §518A.39, subd. 2); if the existing order is under $75, the 20% change alone satisfies the presumption. Check the income-change box if your income or the other parent's income has shifted enough to satisfy both prongs simultaneously. Check additional boxes if parenting time, childcare costs, or insurance costs have also changed, each is an independent basis and each can support modification without the dual-threshold income test.

- **Section 4, Statement of changed circumstances**

  Be specific: state your prior gross monthly income, your current gross monthly income, the dollar difference, and the percentage difference. Show that BOTH $75/month AND 20% are satisfied. Example: 'Movant's gross monthly income decreased from $5,200 to $3,800 following an involuntary layoff on [date], a reduction of $1,400/month (26.9%), which exceeds both the $75 and 20% thresholds.' Attach pay stubs and termination documentation as exhibits.

- **Section 5, Income information**

  Enter gross income, wages, salary, overtime, bonuses, and all sources listed in Minn. Stat. §518A.29. Minnesota does not reduce income for taxes before applying the guidelines. This distinguishes Minnesota from Michigan and Massachusetts. Provide the other parent's known or estimated income; if unknown, note the source of your estimate and request income disclosure in your motion.

- **Section 6, Parenting time**

  Count overnights precisely. The parenting expense adjustment under Minn. Stat. §518A.36 (continuous formula effective Aug. 1, 2018) adjusts the obligation incrementally for every overnight; there is no minimum threshold and no maximum tier. Enter your overnights and the resulting percentage. Attach a calendar or schedule if it differs from the court order.

- **Section 7, Proposed modification**

  Run the official online calculator at childsupportcalculator.dhs.state.mn.us with current income figures and attach the printout. Enter the calculator result as the proposed amount. Courts give the online calculator result substantial weight. If you are requesting a deviation from the guideline amount, state the deviation and the specific reasons (see Minn. Stat. §518A.43).

- **Signature and declaration**

  Minnesota does not require notarization of the motion itself, but you sign under penalty of perjury. Keep a file-stamped copy. File the original with the District Court clerk, serve the other parent per Minnesota Rules of Civil Procedure Rule 4, and file proof of service before the hearing date.

FORM 2 OF 3, Child Support Guidelines Worksheet (2 pages)

The Minnesota guidelines worksheet calculates the support obligation from both parents' combined gross income, applies the statutory schedule, then adjusts for the parenting expense adjustment, health insurance, and childcare. The authoritative tool is the online calculator at childsupportcalculator.dhs.state.mn.us, use this worksheet to understand the structure and verify the calculator's output.

STATE OF MINNESOTA
DISTRICT COURT, _____ JUDICIAL DISTRICT
COUNTY OF _____
Court File No.: _____
Judge: _____

In re the Matter of:
Petitioner: _____,
Respondent: _____.

MINNESOTA CHILD SUPPORT GUIDELINES WORKSHEET

Minn. Stat. §§518A.26–518A.79 | GROSS Income Basis

PART A — PARENTAL GROSS INCOME

Line	Income Item	Petitioner ($)	Respondent ($)
1	Monthly gross wages / salary		
2	Self-employment / business income (net of expenses)		
3	Overtime / commissions / bonuses (averaged)		
4	Pension / retirement / annuity distributions		
5	Social Security / disability / workers comp		
6	Unemployment / public assistance		
7	Rental / investment income		
8	Other income (specify): _____		
9	**TOTAL GROSS MONTHLY INCOME (Lines 1–8)**		

PART B — COMBINED INCOME AND PROPORTIONATE SHARES

10	Combined gross monthly income (Line 9 Pet. + Line 9 Resp.)		
11	Petitioner's proportionate share (Line 9 Pet. ÷ Line 10) × 100		
12	Respondent's proportionate share (Line 9 Resp. ÷ Line 10) × 100		

PART C — BASIC SUPPORT OBLIGATION

13. Basic support from Minnesota Guidelines Schedule (based on Line 10 combined income):
Combined income: $ _____ / month → Schedule amount: $ _____ / month

14. Non-custodial parent's share of basic support (Schedule × NCP %): _____

PART D — PARENTING TIME CREDIT

15	Non-custodial parent's annual overnights: _____ nights / 365 = _____ %	
16	Credit applies if overnights > 10% (36.5+ nights). Credit % from statute table:	
17	Parenting time credit amount (Line 14 × credit %):	_____
18	Basic support after parenting time credit (Line 14 minus Line 17):	_____

MODEL FORM — For reference and educational purposes only. Obtain current forms at mncourts.gov or childsupport.dhs.mn.gov

Minnesota Child Support Guidelines Worksheet, Page 1 of 2 (model form)

STATE OF MINNESOTA
DISTRICT COURT, _____ JUDICIAL DISTRICT
COUNTY OF _____
Court File No.: _____
Judge: _____

In re the Matter of:
Petitioner: _____,
Respondent: _____.

MINNESOTA CHILD SUPPORT GUIDELINES WORKSHEET

Minn. Stat. §§518A.26–518A.79 | GROSS Income Basis

PART E — MEDICAL / DENTAL SUPPORT

19	Monthly cost of children's health insurance premium (obligated parent):	_____
20	Petitioner's share (Line 19 × Pet. % Line 11):	_____
21	Respondent's share (Line 19 × Resp. % Line 12):	_____
22	Monthly cost of children's dental insurance premium:	_____
23	Petitioner's share (Line 22 × Pet. %):	_____
24	Respondent's share (Line 22 × Resp. %):	_____

PART F — CHILDCARE SUPPORT

25	Monthly work-related childcare cost (total):	_____
26	Petitioner's share (Line 25 × Pet. %):	_____
27	Respondent's share (Line 25 × Resp. %):	_____

PART G — TOTAL CHILD SUPPORT OBLIGATION

28	Basic support after parenting time credit (Line 18):	_____
29	Medical support obligation (Line 20 or 21, per party):	_____
30	Dental support obligation (Line 23 or 24, per party):	_____
31	Childcare support obligation (Line 26 or 27, per party):	_____
32	**TOTAL MONTHLY CHILD SUPPORT (Lines 28 + 29 + 30 + 31):**	_____

PART H — MODIFICATION THRESHOLD CHECK

Current order amount: $ _____ / month
Proposed order amount (Line 32): $ _____ / month
Dollar difference: $ _____ / month | Percentage difference: _____ %

■ BOTH thresholds met: difference ≥ $50.00/month AND ≥ 20% → Modification presumed appropriate
■ Only one threshold met → modification NOT presumed appropriate under Minn. Stat. §518A.39, subd. 2
■ Other substantial change of circumstances justifying modification (describe in Motion, Section 4)

PREPARER INFORMATION

Prepared by: _____ Date: _____
Signature: _____

Note: This worksheet supplements the online calculator at childsupport.dhs.mn.gov. The online calculator is the authoritative tool for Minnesota guidelines.

MODEL FORM — For reference and educational purposes only. Obtain current forms at mncourts.gov or childsupport.dhs.mn.gov

Minnesota Child Support Guidelines Worksheet, Page 2 of 2 (model form)

- **Part A, Gross monthly income (Lines 1–9)**

  Enter each income source for both parents using gross (pre-tax) figures. Minnesota's definition of gross income under Minn. Stat. §518A.29 includes wages, salary, overtime (annualized), bonuses (12-month average), self-employment income net of ordinary and necessary business expenses, Social Security and disability benefits, workers' compensation, pension and retirement distributions, rental income, and unemployment compensation. Do not subtract taxes. Minnesota does not use a net-income approach.

- **Part B, Combined income and proportionate shares (Lines 10–12)**

  Add both parents' gross incomes for Line 10. Each parent's proportionate share (Lines 11–12) determines how health care and childcare costs are divided. The percentages should sum to 100%. These percentages also govern which parent is ordered to carry insurance and in what proportion out-of-pocket costs are split.

- **Part C, Basic support obligation (Lines 13–14)**

  Look up the combined gross income (Line 10) on the Minnesota statutory schedule (Minn. Stat. §518A.35) to find the basic support obligation. Multiply by the non-custodial parent's proportionate share (Line 11 or 12) to get that parent's share of basic support (Line 14). The schedule is incorporated into the online calculator, enter the combined income and the calculator returns the schedule amount automatically.

- **Part D, Parenting expense adjustment (Lines 15–18)**

  Count the non-custodial parent's annual overnights and express as a percentage of 365. Under the continuous formula in Minn. Stat. §518A.36 (effective Aug. 1, 2018), the adjustment rises incrementally with every overnight; there is no 10% qualifying floor and no tier table. Line 17 is the adjustment dollar amount; Line 18 is basic support after the adjustment.

- **Part E, Medical and dental support (Lines 19–24)**

  Enter the monthly premium cost for the children only (exclude self-coverage). Split the premium between the parents proportionately. The parent ordered to carry insurance receives a credit for the other parent's proportionate share, the other parent pays that amount as a component of child support. Dental is calculated separately and added to medical.

- **Part F, Childcare support (Lines 25–27)**

  Work-related childcare costs are split proportionately between the parents. Enter only costs that are actually incurred for the children while the parent works or attends school. Summer or school-break care qualifies if it replaces school-year care. Attach a provider statement or receipts. The paying parent's share is added to the total support obligation.

- **Part G, Total obligation (Lines 28–32)**

  Sum basic support (Line 18) plus medical (Line 29) plus dental (Line 30) plus childcare (Line 31) for the total monthly child support obligation (Line 32). This is the figure that appears in the modified order. Verify it matches the online calculator output.

- **Part H, Modification threshold check**

  Compare the current order amount to Line 32 (proposed amount). Both conditions must be satisfied: the difference must be at least $75/month AND at least 20% (20% alone if the current order is under $75). If only one condition is met, modification is not presumptively appropriate and you must show other substantial change of circumstances. Document this analysis. It is the first thing the court will scrutinize.

FORM 3 OF 3, Financial Affidavit (2 pages)

The Financial Affidavit documents your current income, expenses, assets, and parenting time under oath. It is filed with the motion and served on the other parent. Both parents are typically required to file a Financial Affidavit. The court uses this form to verify the income figures entered on the guidelines worksheet.

STATE OF MINNESOTA
DISTRICT COURT, _____ JUDICIAL DISTRICT
COUNTY OF _____
Court File No.: _____
Judge: _____

In re the Matter of:
Petitioner: _____,
Respondent: _____.

FINANCIAL AFFIDAVIT

Supporting Motion for Modification of Child Support

PART 1 — AFFIANT IDENTIFICATION

Full Name: _____

Date of Birth: _____ Last 4 SSN: ___-__-_____

Current Address: _____

Employer: _____ Since: _____

PART 2 — GROSS MONTHLY INCOME (Minnesota uses GROSS, not net)

a. Wages / Salary (gross, before deductions): $	_____
b. Self-employment income (after business expenses): $	_____
c. Overtime / bonus / commission (12-month avg.): $	_____
d. Social Security / disability / workers comp: $	_____
e. Unemployment compensation: $	_____
f. Pension / retirement distributions: $	_____
g. Rental income (net of mortgage/taxes/maintenance): $	_____
h. Investment / interest / dividend income: $	_____
i. Other income (specify: _____): $	_____
TOTAL GROSS MONTHLY INCOME: $	_____

PART 3 — MONTHLY EXPENSES

a. Housing (rent/mortgage): $	_____
b. Utilities (gas, electric, water, internet): $	_____
c. Food / groceries: $	_____
d. Transportation (car payment, gas, insurance, bus): $	_____
e. Health insurance (your share, excluding children): $	_____
f. Child-related health insurance premium: $	_____
g. Work-related childcare costs: $	_____
h. Other court-ordered support payments: $	_____
i. Other necessary expenses (describe): $	_____
TOTAL MONTHLY EXPENSES: $	_____

MODEL FORM — For reference and educational purposes only. Obtain current forms at mncourts.gov or childsupport.dhs.mn.gov

Minnesota Financial Affidavit, Page 1 of 2 (model form)

STATE OF MINNESOTA
DISTRICT COURT, _____ JUDICIAL DISTRICT
COUNTY OF _____
Court File No.: _____
Judge: _____

In re the Matter of:
Petitioner: _____,
Respondent: _____.

FINANCIAL AFFIDAVIT

Supporting Motion for Modification of Child Support

PART 4 — PARENTING TIME

Current overnight parenting time with children: _____ nights / year _____

Percentage: _____ % (10%+ / 36.5+ nights triggers parenting time credit) _____

■ Court-ordered schedule attached ■ Agreement (not yet court-ordered)

PART 5 — OTHER CHILDREN / SUPPORT OBLIGATIONS

List any other biological or adopted children not subject to this action:

Name: _____ DOB: _____ Lives with: _____

Name: _____ DOB: _____ Lives with: _____

Monthly court-ordered support for other children: $ _____

PART 6 — ASSETS

Checking / savings accounts (combined balance): $ _____
Retirement / 401(k) / IRA (approximate value): $ _____
Real estate equity (home value minus mortgage): $ _____
Vehicle value (minus loans): $ _____
Other significant assets: $ _____

PART 7 — RECENT INCOME CHANGE (if basis for modification)

Prior gross monthly income: $ _____ As of: _____

Current gross monthly income: $ _____ Effective: _____

Reason for change: _____

_____

■ Voluntary ■ Involuntary (layoff/medical/business loss)

PART 8 — SWORN VERIFICATION

I declare under penalty of perjury that the information provided in this Financial Affidavit is true, accurate, and complete to the best of my knowledge and belief. I understand that providing false information is a crime under Minnesota law.

Signature: _____ Date: _____

Subscribed and sworn before me this _____ day of _____, 20___.

Notary Public Signature: _____

My Commission Expires: _____

MODEL FORM — For reference and educational purposes only. Obtain current forms at mncourts.gov or childsupport.dhs.mn.gov

Minnesota Financial Affidavit, Page 2 of 2 (model form)

- **Part 1, Identification**

  Full legal name, date of birth, and last four digits of SSN. Employer name and start date. Use your current home address, this becomes part of the court record and is provided to the other party. If you have safety concerns, ask the court clerk about address confidentiality options under the Safe at Home program before filing.

- **Part 2, Gross monthly income (GROSS, not net)**

  Minnesota uses gross income, do not subtract taxes, retirement contributions, or any other deduction before entering income. This is the most common error self-represented parents make when coming from a state that uses net income. Enter wages at gross pay (before withholding). For variable pay, use a 12-month average. Self-employment income is the exception: report net of ordinary and necessary business expenses, but not personal draws or depreciation taken solely for tax purposes.

- **Part 2, Averaging variable income**

  Bonuses, commissions, and overtime should be averaged over the most recent 12 months (or the period employed, if shorter). Annualize and divide by 12. Attach payroll records or tax returns showing the calculation. Courts are skeptical of claimed income reductions in overtime-heavy fields without documentation of changed hours.

- **Part 3, Monthly expenses**

  List actual current monthly expenses, not estimates. Housing is your current rent or mortgage payment. Include childcare costs and the children's insurance premium separately so the court can verify the amounts entered on the worksheet. Other court-ordered support for children outside this case is listed here. It may support a deviation from the guideline amount under Minn. Stat. §518A.43.

- **Part 4, Parenting time**

  Enter your actual overnights per year with specificity. If the court order and the actual schedule differ, note both. The parenting time credit is based on the court-ordered schedule unless you seek a modification of parenting time simultaneously. Bring a completed calendar as an exhibit to the hearing, it demonstrates precision and credibility to the court.

- **Part 7, Recent income change**

  This section documents the change that triggers the modification request. State prior income, current income, effective date, and whether the change was voluntary or involuntary. Attach supporting documentation: layoff notice, termination letter, medical records if disability-related, or business records if self-employment income declined. Involuntary reductions carry more weight than voluntary ones.

- **Sworn verification**

  Sign under penalty of perjury. Minnesota does not require notarization of financial affidavits in most District Courts, but verify your local court's requirements, some counties require notarization or a court administrator's jurat. File the original with the court clerk and serve a copy on the other parent or their attorney.

Minnesota-Specific Reminders for the Self-Represented Parent

- **Dual threshold, BOTH 20% AND $75 required simultaneously**

  This is Minnesota's most important distinction. Most states require only a percentage change or only a dollar change. Minnesota requires BOTH at the same time under Minn. Stat. §518A.39, subd. 2. A $200/month change on a $200 order is 100% (well over 20%) and easily meets the $75 threshold too. A $60/month change on a $400 order fails the $75 threshold regardless of the percentage (though where the existing order is under $75, the 20% test alone controls). Calculate both before filing.

- **Use the online calculator before every filing**

  The state's official online calculator at childsupportcalculator.dhs.state.mn.us is the official tool for guideline calculations. Print the results page and attach it to your motion as an exhibit. Courts expect to

see it, and using it demonstrates you have done a proper guideline analysis rather than guessing at a number.

- **GROSS income, do not confuse with net-income states**

  Unlike Michigan and Massachusetts (which use net income), Minnesota uses gross income. Do not subtract taxes, retirement contributions, or health insurance premiums from your income before entering it on the worksheet or in the calculator. The statutory schedule is built for gross income inputs. Using net income produces a systematically lower support figure that the court will reject.

- **Three-year administrative review for IV-D cases**

  If your case is enrolled with the county Child Support Division (IV-D), you can request an administrative review every three years as a matter of right, no court filing required. Contact the child support help desk at (651) 431-4400 or (800) 657-3890. The review can result in an administratively modified order without a court hearing if both parents agree or if the guideline calculation changes enough to require modification.

- **Parenting expense adjustment, document every overnight**

  The parenting expense adjustment under Minn. Stat. §518A.36 is valuable; at near-equal schedules it can reduce the transfer amount dramatically. But the adjustment is based on the court-ordered or documented schedule. Keep a nightly log, coordinate school calendars, and request that your parenting schedule be memorialized in a court order if it is currently operating informally. Undocumented overnights are routinely discounted, and every overnight now affects the formula.

- **Retroactivity runs from the date of service, file and serve promptly**

  Under Minn. Stat. §518A.39, subd. 2, a modification may be made retroactive only to the date notice of the motion is served on the other party. Every month you delay is a month you owe the old, higher amount. File the motion the week your income changes and provide notice of the changed circumstances to the Child Support Division simultaneously.

End of Appendix W - Minnesota | Appendix X - Mississippi follows.

Appendix X — Mississippi: Statutes, Case Law, Forms, and Resources

Key Statutes

- Miss. Code Ann. 43-19-101 through 103 - Child Support Guidelines
- Miss. Code Ann. 43-19-34 - Modification standard
- Miss. Code Ann. 93-11-157 - License suspension for non-payment
- Miss. Code Ann. 97-5-3 - Criminal non-support (felony)
- Miss. Code Ann. 75-17-7 - Judgment interest (rate set by the judge; commonly 8% applied to vested support arrears)
- Miss. Code Ann. 93-25-1 et seq. - UIFSA adoption in Mississippi

Key Case Law

- Tedford v. Dempsey, 437 So. 2d 410 (Miss. 1983) - Substantial-change standard
- Thurman v. Thurman, 559 So. 2d 1014 (Miss. 1990) - Income imputation
- Morrow v. Morrow, 591 So. 2d 829 (Miss. 1991) - Age 21 majority confirmed

Official Forms

- Petition to Modify Child Support - Chancery Court (county-specific)
- Sworn Financial Statement - required with petition
- Consent Order to Modify Child Support
- Indigency Affidavit - fee waiver

State Agency Contact

- MDHS Division of Child Support (DCSE): 1-877-882-4916
- Website: mdhs.ms.gov/childsupport
- Mississippi Volunteer Lawyers Project: mvlp.net
- Mississippi Courts Self-Help: courts.ms.gov

Filing Checklist

- Both parents' pay stubs (last 2 months) and tax returns (last 2 years)
- Sworn financial statement with documented income change
- Petition to Modify Child Support with stated substantial change
- Evidence of changed circumstances (termination letter, medical records)
- Filing fee (~$100-$200) or indigency affidavit
- Return of service after formal service on other parent

Mississippi Court Forms, Line-by-Line Completion Guide

Mississippi child support modification is filed in Chancery Court, the court with exclusive jurisdiction over domestic relations matters. There is no fixed percentage threshold; the petitioner must show a 'substantial and material change in circumstances' since the last order. Mississippi applies a flat percentage of the obligor's adjusted gross income (not a combined-income table), uses personal service (not certified mail), carries judge-set interest on vested arrears (commonly 8% per year), and supports children to age 21. The three model forms below mirror the structure of official Mississippi Chancery Court filings.

FORM 1 OF 3, Petition to Modify Child Support (2 pages)

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

IN RE THE MATTER OF:
_____,
Petitioner,
vs.
_____,
Respondent.

CAUSE NO.: _____
CHANCELLOR: _____

PETITION TO MODIFY CHILD SUPPORT

I. PETITIONER INFORMATION

Full Legal Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ Relationship to child(ren): _____

II. RESPONDENT INFORMATION

Full Legal Name: _____

Last Known Address: _____

City/State/Zip: _____

III. CHILDREN SUBJECT TO THIS PETITION

Name	Date of Birth	Age	Lives With

IV. CURRENT ORDER INFORMATION

Date of most recent child support order: _____

Court that entered the order: _____

Current monthly child support amount: $ _____

Current order entered: ■ By agreement ■ After contested hearing

V. GROUNDS FOR MODIFICATION

Mississippi requires a 'substantial and material change in circumstances' since the last order was entered. There is no fixed percentage threshold — the change must be meaningful and documented. Petitioner alleges the following material change(s):

- ■ Substantial change in Petitioner's income (increase or decrease)
- ■ Substantial change in Respondent's income (increase or decrease)
- ■ Change in custody arrangement
- ■ Change in the child(ren)'s extraordinary needs (medical, educational, etc.)
- ■ Child(ren)'s emancipation or approaching age 21
- ■ Other substantial change (describe below):

_____

_____

_____

MODEL FORM — For reference only. Obtain current forms at courts.ms.gov or through your local Chancery Court clerk.

Mississippi Petition to Modify Child Support, Page 1 of 2 (model form)

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

IN RE THE MATTER OF:
_____,
Petitioner,
vs.
_____,
Respondent.

CAUSE NO.: _____
CHANCELLOR: _____

PETITION TO MODIFY CHILD SUPPORT

VI. STATEMENT OF CHANGED CIRCUMSTANCES (continue)

Describe specifically the facts that constitute a substantial and material change. Include dates, dollar amounts, and how the change affects the children's needs or the parents' ability to provide support. Attach supporting documentation as exhibits.

_____

_____

_____

_____

_____

_____

VII. INCOME INFORMATION

Petitioner's current adjusted gross monthly income:

Gross monthly income: $_____ Source: _____

Permitted deductions (other ordered support, etc.): $ _____

Adjusted gross monthly income: $_____

Respondent's known/estimated adjusted gross monthly income:

Gross monthly income (est.): $ _____ Source: _____

VIII. REQUESTED RELIEF

Petitioner respectfully requests that this Honorable Court:

a. Find that a substantial and material change in circumstances has occurred;
b. Modify the child support obligation to $ _____ per month;
c. Set the effective date of modification as the date of filing of this Petition;
d. Address health insurance coverage and out-of-pocket medical cost allocation;
e. Award such other relief as the Court deems just and proper.

IX. VERIFICATION

I, the undersigned Petitioner, hereby verify under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge, information, and belief, and that I am filing this Petition in good faith.

Signature of Petitioner: _____ Date: _____

Printed Name: _____

Attorney (if any) / Bar No.: _____

NOTE: Mississippi requires PERSONAL SERVICE on the Respondent (Miss. R. Civ. P. 4).
Certified mail alone is generally insufficient. Use sheriff service or a licensed process server.

MODEL FORM — For reference only. Obtain current forms at courts.ms.gov or through your local Chancery Court clerk.

Mississippi Petition to Modify Child Support, Page 2 of 2 (model form)

- **Chancery Court caption, county and cause number**

  Mississippi's 20 chancery districts each cover one or more counties. File in the chancery district where the original decree was entered, or where either party now resides if jurisdiction has shifted. Copy the original cause number exactly, it follows the case through every subsequent proceeding. The Chancellor's name goes in the designated field only after the case is assigned; leave it blank if filing cold.

- **Section I, Petitioner and Respondent information**

  Use full legal names matching your original decree. If either party has moved, provide the current address for the Respondent, the court uses this for the service of process packet. If you do not know the Respondent's current address, the clerk can advise on service by publication, though this is a slower and more expensive option.

- **Section III, Children subject to this petition**

  List every child covered by the current support order, including children who may be nearing age 21. Mississippi support runs to age 21 unless the child is earlier emancipated by marriage, military service, or court order. Do not list stepchildren or children for whom you have no legal obligation unless a court order specifically covers them.

- **Section V, Grounds for modification**

  Check every applicable box and provide narrative detail in Section VI. Mississippi courts require proof of a substantial and material change, not merely any change. Common examples: a documented income reduction of 25% or more due to involuntary job loss; a significant income increase by the obligor since the last order; a documented change in the children's medical or educational needs. Voluntary income reductions receive much less weight, be prepared to explain why any voluntary change was necessary.

- **Section VI, Statement of changed circumstances**

  Be specific and factual. State the prior income, the current income, the date of the change, the cause of the change, and why the change is material to the children's needs or the obligor's ability to pay. Attach pay stubs (both old and current), termination documentation, medical records if relevant, and any other documentary evidence as numbered exhibits. Mississippi Chancellors are experienced jurists who expect a clean factual record.

- **Section VII, Income information**

  Mississippi uses adjusted gross income, gross income minus other court-ordered child support payments and court-ordered alimony. Do not subtract taxes, insurance, or retirement contributions. The adjusted gross income is what the statutory percentage is applied to. List your income sources and the other parent's known or estimated income, if unknown, note the basis for the estimate and request income disclosure in your petition.

- **Section VIII, Requested relief and effective date**

  State the specific dollar amount you are requesting based on the guidelines worksheet. Mississippi retroactivity runs from the date the petition is filed, not from the date the income changed. File the petition the same week circumstances change. Include requests for health insurance allocation and childcare cost-sharing, as these are part of the complete support package. The court can only grant what you specifically request.

- **Personal service requirement**

  Mississippi Rule of Civil Procedure 4 requires personal service on the Respondent. Certified mail alone is generally insufficient for a modification petition. Use the county sheriff (pay the service fee at the clerk's office) or a licensed process server. File the affidavit or return of service with the clerk before the hearing date. A hearing conducted without proper service may be void, do not cut corners on this step.

FORM 2 OF 3, Child Support Guidelines Worksheet (2 pages)

Mississippi applies a flat percentage of the obligor's adjusted gross income under Miss. Code Ann. §43-19-101. This is structurally different from most Income Shares states that use a combined-income table lookup. The percentages

are: 14% for 1 child, 20% for 2, 22% for 3, 24% for 4, and 26% for 5 or more children. Additional expenses (insurance, childcare, extraordinary costs) are shared proportionately based on each parent's adjusted gross income share.

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

IN RE THE MATTER OF:
_____,
Petitioner,
vs.
_____,
Respondent.

CAUSE NO.: _____
CHANCELLOR: _____

MISSISSIPPI CHILD SUPPORT GUIDELINES WORKSHEET

Miss. Code Ann. §43-19-101 | Income Shares | Adjusted Gross Income Basis

PART A — GROSS INCOME

Line	Income Source	Petitioner ($)	Respondent ($)
1	Wages / salary / tips (gross)		
2	Self-employment income (net of biz expenses)		
3	Overtime / bonus / commission (averaged)		
4	Social Security / disability / VA benefits		
5	Unemployment / workers' compensation		
6	Rental / investment / interest / dividend income		
7	Pension / retirement distributions		
8	Other income (specify: _____)		
9	**TOTAL GROSS MONTHLY INCOME (Lines 1–8)**		

PART B — PERMITTED DEDUCTIONS (to reach Adjusted Gross Income)

10	Other court-ordered child support for other children		
11	Court-ordered spousal support paid to other party		
12	**TOTAL DEDUCTIONS (Lines 10 + 11)**		
13	**ADJUSTED GROSS MONTHLY INCOME (Line 9 minus Line 12)**		

PART C — COMBINED INCOME AND PROPORTIONATE SHARES

14	Combined adjusted gross income (Pet. Line 13 + Resp. Line 13)		
15	Petitioner's proportionate share (Pet. Line 13 ÷ Line 14 × 100) ___ %		
16	Respondent's proportionate share (Resp. Line 13 ÷ Line 14 × 100) ___ %		

PART D — BASIC CHILD SUPPORT OBLIGATION

17. Mississippi percentage schedule (applied to LOWER-income parent's adjusted gross):
1 child = 14% | 2 children = 20% | 3 children = 22%
4 children = 24% | 5+ children = 26% (Miss. Code Ann. §43-19-101)

18	Number of children subject to this order: _____ Applicable %: _____	
19	**BASIC SUPPORT OBLIGATION (Obligor's Line 13 × applicable %)**	

MODEL FORM — For reference only. Obtain current forms at courts.ms.gov or through your local Chancery Court clerk.

Mississippi Child Support Guidelines Worksheet, Page 1 of 2 (model form)

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

IN RE THE MATTER OF:
_____,
Petitioner,
vs.
_____,
Respondent.

CAUSE NO.: _____
CHANCELLOR: _____

MISSISSIPPI CHILD SUPPORT GUIDELINES WORKSHEET

Miss. Code Ann. §43-19-101 | Income Shares | Adjusted Gross Income Basis

PART E — ADDITIONAL EXPENSES (shared proportionately)

20	Monthly children's health insurance premium (obligated parent):	
21	Petitioner's share (Line 20 × Pet. % from Line 15):	
22	Respondent's share (Line 20 × Resp. % from Line 16):	
23	Monthly work-related childcare costs:	
24	Petitioner's share (Line 23 × Pet. %):	
25	Respondent's share (Line 23 × Resp. %):	
26	Extraordinary medical/educational expenses (monthly avg.):	
27	Petitioner's share (Line 26 × Pet. %):	
28	Respondent's share (Line 26 × Resp. %):	

PART F — TOTAL MONTHLY SUPPORT OBLIGATION

29	Basic support obligation (Line 19):	
30	Health insurance obligation (applicable share, Line 21 or 22):	
31	Childcare obligation (applicable share, Line 24 or 25):	
32	Extraordinary expense obligation (applicable share):	
33	**TOTAL MONTHLY CHILD SUPPORT (Lines 29–32):**	

PART G — DEVIATION FROM GUIDELINES (if applicable)

Mississippi courts may deviate from the guideline amount upon a finding that the guidelines are unjust or inappropriate in a particular case. Grounds include: extraordinary medical needs, educational needs, significant parenting time by the obligor, cost of living differences, or other equitable factors. Any deviation must be explained in written findings by the Chancellor.

Deviation requested: ■ Yes ■ No If Yes, requested amount: $ _____

Grounds for deviation: _____

_____

_____

_____

PREPARER CERTIFICATION

Prepared by: _____ Date: _____

Signature: _____

Note: Mississippi uses a flat percentage of the obligor's adjusted gross income — not a combined-income table lookup. The percentages above are statutory a

MODEL FORM — For reference only. Obtain current forms at courts.ms.gov or through your local Chancery Court clerk.

Mississippi Child Support Guidelines Worksheet, Page 2 of 2 (model form)

- **Part A, Gross income (Lines 1–9)**

  Enter all income sources at gross (pre-deduction) amounts. Mississippi gross income includes wages, salary, overtime, commissions, bonuses (annualized), self-employment income net of business expenses, Social Security, disability, veterans benefits, unemployment compensation, workers' compensation, rental income, interest, dividends, and pension distributions. Do not subtract taxes or personal insurance premiums.

- **Part B, Permitted deductions (Lines 10–13)**

  Mississippi permits only two deductions from gross income to reach adjusted gross: (1) other court-ordered child support payments for children outside this case, and (2) court-ordered alimony paid to a third party. Voluntary support payments, retirement contributions, union dues, and health insurance premiums for yourself do NOT reduce income for guideline purposes. This is a narrow deduction list.

- **Part C, Combined income and proportionate shares (Lines 14–16)**

  Combine both parents' adjusted gross incomes (Line 13) for Line 14. Each parent's share (Lines 15–16) equals their adjusted gross divided by the combined figure, expressed as a percentage. These percentages determine how insurance premiums, childcare costs, and extraordinary expenses are allocated between the parents.

- **Part D (Basic support obligation) flat percentage applied to obligor (Lines 17–19)**

  Unlike most Income Shares states, Mississippi applies the statutory percentage directly to the OBLIGOR'S adjusted gross income, not to a combined income table. Identify the obligor (the paying parent), look up the applicable percentage for the number of children in this case, and multiply. Example: obligor's adjusted gross = $3,500/month, 2 children = 20%, basic support = $700/month. This is the floor before additional expense allocation.

- **Part E, Additional expenses (Lines 20–28)**

  Health insurance premiums for the children, work-related childcare, and extraordinary medical or educational costs are shared proportionately. The parent who pays the expense receives a corresponding credit or reimbursement from the other parent based on their proportionate share from Lines 15–16. Attach documentation of all expense amounts, the Chancellor will want receipts or provider statements.

- **Part F, Total obligation (Lines 29–33)**

  Sum the basic support plus each parent's obligation for additional expenses to reach the total monthly support figure. This is the amount that appears in the proposed modified order. Present both the worksheet and the supporting documentation to the Chancellor, Mississippi courts do not have an online calculator equivalent to Minnesota's, so the worksheet itself is the primary calculation tool.

- **Part G, Deviation from guidelines**

  A Chancellor may deviate from the guideline amount only upon written findings that the guideline amount is unjust or inappropriate. Common deviation factors include: extraordinary needs of the child, the obligor's substantial exercise of parenting time involving additional costs, high income cases where the percentage produces an excessive result, and other equitable circumstances. State your deviation request and grounds specifically, vague requests are denied.

FORM 3 OF 3, Affidavit of Income and Expenses (2 pages)

The Affidavit of Income and Expenses is filed with the Petition and sworn before a notary. Mississippi Chancery Courts require notarization of supporting affidavits in domestic relations matters. The Chancellor uses this affidavit to verify the income and expense figures entered on the guidelines worksheet and to assess the credibility of the modification claim.

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

IN RE THE MATTER OF:
_____,
Petitioner,
vs.
_____,
Respondent.

CAUSE NO.: _____
CHANCELLOR: _____

AFFIDAVIT OF INCOME AND EXPENSES

Supporting Petition to Modify Child Support

PART 1 — AFFIANT IDENTIFICATION

Full Legal Name: _____

Date of Birth: _____ Last 4 SSN: ___-__-_____

Current Address: _____

Employer: _____ Since: _____

Job Title: _____ Pay Frequency: _____

PART 2 — GROSS MONTHLY INCOME

a. Wages / salary / tips (gross, before any deductions): $ _____
b. Self-employment / business income (net of biz expenses): $ _____
c. Overtime / bonus / commissions (12-month average): $ _____
d. Social Security / disability / veterans benefits: $ _____
e. Unemployment / workers' compensation: $ _____
f. Pension / retirement distributions: $ _____
g. Rental / investment / interest income: $ _____
h. Other income (specify: _____): $ _____
TOTAL GROSS MONTHLY INCOME: $ _____

PART 3 — PERMITTED DEDUCTIONS (to reach Adjusted Gross Income)

a. Other court-ordered child support (other children, not in this case): $ _____
b. Court-ordered alimony/spousal support paid: $ _____
TOTAL DEDUCTIONS: $ _____
ADJUSTED GROSS MONTHLY INCOME (Total Income minus Total Deductions): $ _____

MODEL FORM — For reference only. Obtain current forms at courts.ms.gov or through your local Chancery Court clerk.

Mississippi Affidavit of Income and Expenses, Page 1 of 2 (model form)

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

IN RE THE MATTER OF:
_____,
Petitioner,
vs.
_____,
Respondent.

CAUSE NO.: _____
CHANCELLOR: _____

AFFIDAVIT OF INCOME AND EXPENSES

Supporting Petition to Modify Child Support

PART 4 — MONTHLY EXPENSES

a. Rent / mortgage: $ _____
b. Utilities (electricity, gas, water, internet): $ _____
c. Food / groceries: $ _____
d. Transportation (car payment, fuel, insurance): $ _____
e. Health insurance (your own portion, excluding children): $ _____
f. Children's health insurance premium: $ _____
g. Work-related childcare for children in this case: $ _____
h. Children's extraordinary medical / educational costs: $ _____
i. Other necessary expenses (describe): $ _____
TOTAL MONTHLY EXPENSES: $ _____

PART 5 — OTHER CHILDREN AND SUPPORT OBLIGATIONS

Other biological/adopted children not subject to this petition:

Name: _____ DOB: _____ Lives with: _____

Name: _____ DOB: _____ Lives with: _____

Monthly ordered support for other children: $ _____

PART 6 — CHANGED CIRCUMSTANCES (basis for modification)

Prior adjusted gross monthly income: $ _____ As of: _____

Current adjusted gross monthly income: $ _____ Effective: _____

Nature of change: _____

_____

_____

_____

■ Change is involuntary ■ Change is voluntary

NOTE: Mississippi has NO fixed percentage threshold. You must show a substantial and material change in circumstances. Document everything — Chancery judges scrutinize the record carefully.

PART 7 — SWORN VERIFICATION

STATE OF MISSISSIPPI, COUNTY OF _____. Before me, the undersigned authority, personally appeared the above-named Affiant, who being duly sworn, deposes and states that the information contained in this Affidavit is true, correct, and complete to the best of Affiant's knowledge, information, and belief.

Signature of Affiant: _____ Date: _____

Subscribed and sworn before me this _____ day of _____, 20___.

Notary Public: _____

My Commission Expires: _____ **[NOTARY SEAL]**

Page 2 of 2

MODEL FORM — For reference only. Obtain current forms at courts.ms.gov or through your local Chancery Court clerk.

Mississippi Affidavit of Income and Expenses, Page 2 of 2 (model form)

- **Part 1, Identification**

  Full legal name, date of birth, last four digits of SSN, current address, and employer. Mississippi is a notarization state, the affidavit is sworn before a notary, which means every factual statement carries perjury exposure. Use your exact legal name as it appears on your Social Security card and tax returns.

- **Part 2, Gross monthly income**

Report gross income before any deductions. If your pay is biweekly, multiply by 26 and divide by 12 to get the monthly figure. For hourly workers: hourly rate × average weekly hours × 52 ÷ 12. For self-employment, report net business income (gross receipts minus ordinary and necessary business expenses), not gross receipts. Attach Schedule C from your most recent federal tax return as Exhibit A.

- **Part 2, Overtime and variable income**

  Overtime, bonuses, and commission income should be averaged over the most recent 12 months. If you are claiming a reduction in income, attach pay stubs from both the prior period and the current period to show the change. Mississippi Chancellors scrutinize income reduction claims carefully, especially in cases where the reduction appears strategically timed relative to a modification petition.

- **Part 3, Permitted deductions**

  List only court-ordered child support for other children and court-ordered alimony paid to a third party. These are the ONLY deductions Mississippi permits under the guidelines. Attach certified copies of the other support orders as exhibits. Voluntary payments, informal support, or payments made without a court order do not reduce your adjusted gross income for guideline purposes.

- **Part 4, Monthly expenses**

  List actual current monthly expenses with specificity. Housing should reflect your current rent or mortgage payment, not what you wish it were. Childcare costs for the children in this case and their insurance premium are important because they affect the total support allocation. The Chancellor may question expenses that appear inflated or inconsistent with the income reported.

- **Part 6, Changed circumstances**

  This is the factual core of the affidavit. State the exact prior adjusted gross income, the exact current adjusted gross income, the date the change occurred, and the reason. For involuntary changes: attach the termination letter, the layoff notice, or the medical documentation. For income increases by the other parent: attach their most recent tax return, W-2, pay stubs, or other income documentation obtained in discovery.

- **Notarization, required in Mississippi**

  Unlike Minnesota or Michigan, Mississippi requires sworn notarization of supporting affidavits in Chancery Court domestic matters. Sign in the presence of a notary public, not before or after. Your bank, UPS Store, or local library often provides notary services. File the notarized original with the clerk and serve a copy on the Respondent along with the Petition.

Mississippi-Specific Reminders for the Self-Represented Parent

- **No fixed threshold, document everything**

  Mississippi's 'substantial and material change' standard has no fixed percentage. This means the quality of your documentation determines whether you succeed, not whether you hit a number. A 15% income change with excellent documentation may prevail; a 30% claimed change with no documentation may fail. Attach every exhibit, label them, and reference them by exhibit number in your petition and affidavit.

- **Flat percentage, not a table**

  Mississippi applies a statutory flat percentage to the OBLIGOR'S adjusted gross income. Do not use another state's guidelines table or calculator. The Mississippi percentages are: 14% (1 child), 20% (2), 22% (3), 24% (4), 26% (5+). Apply the percentage to the paying parent's adjusted gross income, not the combined income of both parents.

- **Age 21 majority, one of the highest in the country**

  Child support in Mississippi runs to age 21. If your child is 18, 19, or 20, you still owe support unless the child has been legally emancipated by marriage, military service, or court order, or has become financially self-supporting. Do not unilaterally stop paying at 18. File a petition for emancipation or modification in Chancery Court with documentation of the grounds.

- **Interest on vested arrears, address promptly**

  Unpaid Mississippi installments vest as judgments and bear interest at a judge-set rate under Miss. Code Ann. §75-17-7, commonly 8% per year, which compounds the financial impact of falling behind. At 8%, a $10,000 arrearage grows by $800 per year in interest alone. If you have arrears, contact MDHS DCSE at (800) 434-5437 to negotiate a payment plan and file your modification petition simultaneously to stop accrual at the new rate.

- **Parenting time deviation, not automatic**

  Mississippi has no automatic overnight threshold that reduces support. If you exercise significant parenting time, you must request a deviation from the guidelines in your petition and present evidence of your actual time, the expenses you incur during that time, and why the guideline amount is unjust given your parenting involvement. Courts grant deviation more readily when the parenting schedule is court-ordered than when it is informal.

- **MDHS DCSE, enroll for free enforcement assistance**

  The Mississippi Department of Human Services Division of Child Support Enforcement (DCSE) provides free IV-D services for income-eligible parents. DCSE can initiate income withholding, license suspension, tax refund intercept, passport denial, and contempt proceedings. Contact (800) 434-5437 or mdhs.ms.gov/child-support. If your case is not already IV-D enrolled, ask DCSE about enrollment when you file your modification petition.

End of Appendix X - Mississippi | Appendix Y - Missouri follows.

Appendix Y — Missouri: Statutes, Case Law, Forms, and Resources

Key Statutes

- Mo. Rev. Stat. 452.340 - Child support guidelines; Form 14 requirement
- Mo. Rev. Stat. 452.370 - Modification; 20% threshold; age-21 extension
- Mo. Rev. Stat. 454.1000 to 454.1027 - License suspension (arrears of three months' payments or $2,500, whichever is less); Mo. Rev. Stat. 454.520 - 1% per month simple interest on delinquent support
- Mo. Rev. Stat. 568.040 - Criminal non-support
- Mo. Rev. Stat. 516.110 - 10-year SOL on judgments
- Mo. Rev. Stat. 454.850 et seq. - UIFSA adoption in Missouri

Key Case Law

- Selby v. Selby, 149 S.W.3d 472 (Mo. Ct. App. 2004) - Educational support extension
- Neal v. Neal, 281 S.W.3d 330 (Mo. Ct. App. 2009) - Form 14 deviation standards
- Woolridge v. Woolridge, 915 S.W.2d 372 (Mo. Ct. App. 1996) - Imputed income
- Fulton v. Fulton, 857 S.W.2d 663 (Mo. Ct. App. 1993) - 20% modification threshold

Official Forms

- Form 14 - Child Support Amount Calculation Worksheet (courts.mo.gov)
- Form 14A - Financial Information Statement
- Motion to Modify Child Support - Circuit Court
- Request to Proceed as a Poor Person - fee waiver

State Agency Contact

- Missouri DCSS: 1-888-524-0576
- Website: dss.mo.gov/child-support
- Missouri Family Support Payment Center: 1-888-761-5808
- Missouri Courts Self-Help: courts.mo.gov
- Legal Services of Eastern Missouri: 1-314-534-4200 | lsem.org

Filing Checklist

- Both parents' Form 14 worksheets, completed and exchanged
- Form 14A Financial Information Statement
- Pay stubs (last 2 months) and tax returns (last 2 years)
- Evidence of changed circumstances (termination letter, medical records)

- Motion to Modify Child Support with 20% deviation stated
- Filing fee or Request to Proceed as Poor Person
- Proof of service after serving the other parent

Missouri Court Forms, Line-by-Line Completion Guide

Missouri child support modification is governed by Mo. Rev. Stat. §452.370 and Missouri Supreme Court Rule 88.01. Form 14 (the Child Support Amount Calculation Worksheet) is mandatory in every child support proceeding. Both parties must complete their own Form 14 and exchange copies before the hearing. The 20% threshold creates a rebuttable presumption of modification when the Form 14 result with current incomes differs from the current order by 20% or more. All three model forms below mirror official Missouri Circuit Court filings. Download the current official Form 14 at courts.mo.gov before filing.

FORM 1 OF 3, Form 14: Child Support Amount Calculation Worksheet (2 pages)

Form 14 is the heart of every Missouri child support proceeding. Missouri Supreme Court Rule 88.01 requires the court to order the Form 14 amount unless written findings establish that it is unjust or inappropriate. Both parents complete their own Form 14 independently and exchange copies before the hearing. When the forms disagree on income, the court reconciles them using pay stubs, tax returns, and other documentation.

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

In re the Marriage/Parentage of:

Petitioner: _____,
and
Respondent: _____.

Case No.: _____
Division: _____

FORM 14 — CHILD SUPPORT AMOUNT CALCULATION WORKSHEET

Missouri Supreme Court Rule 88.01 | MANDATORY for all child support proceedings

Line	Description	Petitioner	Respondent
1	Gross monthly income (all sources — see instructions)		
2a	Work-related monthly childcare costs		
2b	Monthly cost of child's health insurance premium		
3	**COMBINED GROSS INCOME (Line 1 Pet. + Line 1 Resp.)**		
	Line 3 combined income → look up Basic Child Support Obligation (BCSO) in Schedule attached to Rule 88.01		
4	**BASIC CHILD SUPPORT OBLIGATION (BCSO) from Schedule**		
5	Each parent's % share of combined income (Line 1 ÷ Line 3)		
6	Each parent's share of BCSO (Line 4 × Line 5 %)		
7	Each parent's share of childcare (Line 2a × Line 5 %)		
8	Each parent's share of health insurance (Line 2b × Line 5 %)		
9	**TOTAL OBLIGATION (Lines 6 + 7 + 8)**		

STANDARD CALCULATION (non-custodial parent pays custodial parent)

10. Non-custodial parent's total obligation (Line 9, NCP column): $ _____
11. Less: NCP's health insurance actually paid for child (if NCP carries insurance): $ (_____)
12. **NET CHILD SUPPORT PAYABLE BY NCP (Line 10 minus Line 11): $ _____**

SHARED CUSTODY CROSS-CREDIT CALCULATION (substantially equal time)

■ Shared custody applies (check if parents share physical custody on substantially equal basis)

13. Petitioner's theoretical obligation to Respondent (Line 9 Pet. column): $ _____
14. Respondent's theoretical obligation to Petitioner (Line 9 Resp. column): $ _____
15. **CROSS-CREDIT NET (subtract lesser from greater — higher obligor pays the difference): $ _____**
16. Parent who pays and amount: ■ Petitioner ■ Respondent Amount: $ _____

MODEL FORM — Reference only. Download official Form 14 at courts.mo.gov | Rule 88.01 / Mo. Rev. Stat. §452.370

Missouri Form 14, Child Support Amount Calculation Worksheet, Page 1 of 2 (model form)

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

In re the Marriage/Parentage of:

Petitioner: _____,

and

Respondent: _____.

Case No.: _____

Division: _____

FORM 14 — CHILD SUPPORT AMOUNT CALCULATION WORKSHEET

Missouri Supreme Court Rule 88.01 | MANDATORY for all child support proceedings

GROSS INCOME DEFINITION (Rule 88.01)

- ■ Wages, salary, tips, commissions (gross, before taxes)
- ■ Self-employment income (net of ordinary/necessary business expenses)
- ■ Overtime and bonus income (annualized 12-month average)
- ■ Social Security benefits (all types, including SSDI and SSI)
- ■ Unemployment and workers' compensation
- ■ Disability insurance benefits
- ■ Pension / retirement / annuity distributions
- ■ Rental income (net of mortgage, taxes, insurance, maintenance)
- ■ Investment / interest / dividend income
- ■ Other regular income: _____

DEVIATION FROM FORM 14 AMOUNT (if applicable)

Under Rule 88.01, the court must order the Form 14 amount unless written findings establish that the Form 14 amount is unjust or inappropriate. Deviation factors include: the child's physical or medical needs; educational needs; the financial resources and needs of the child; the financial resources and needs of the parents; the standard of living the child would have enjoyed had the family remained intact; and other relevant factors.

Deviation requested: ■ Yes ■ No Requested amount if deviating: $ _____

Basis for deviation: _____

20% MODIFICATION THRESHOLD CHECK

Current court-ordered support amount: $ _____ /month

Form 14 result with current incomes (Line 12 or Line 15): $ _____ /month

Difference: $ _____ /month Percentage change: _____ %

■ **20%+ change → rebuttable presumption of modification warranted (Mo. Rev. Stat. §452.370(6))**

■ **Less than 20% → must show other substantial and continuing change of circumstances**

CERTIFICATION

I declare under penalty of perjury that the income and expense figures entered on this Form 14 are true, accurate, and complete to the best of my knowledge. I understand that both parties must complete and exchange Form 14 before any support hearing pursuant to Missouri Supreme Court Rule 88.01.

Signature: _____ Date: _____

Printed Name: _____ Role: ■ Petitioner ■ Respondent ■ Attorney

IMPORTANT: Both parties must complete their own Form 14 and exchange copies before the hearing.

Page 2 of 2

MODEL FORM — Reference only. Download official Form 14 at courts.mo.gov | Rule 88.01 / Mo. Rev. Stat. §452.370

Missouri Form 14, Child Support Amount Calculation Worksheet, Page 2 of 2 (model form)

- **Line 1, Gross monthly income**

  Enter each parent's gross monthly income before taxes and any deductions. Missouri gross income is defined broadly under Rule 88.01 to include all income from any source: wages, salary, tips, commissions, overtime (annualized 12-month average), bonuses (12-month average), self-employment income net of ordinary and necessary business expenses, Social Security benefits (all types), disability, workers'

compensation, unemployment, pension and retirement distributions, rental income net of expenses, and investment income. Do not subtract taxes, insurance premiums, or retirement contributions.

- **Lines 2a and 2b, Childcare and health insurance add-ons**

  Line 2a is the monthly work-related childcare cost actually paid for the children in this case. Line 2b is the monthly cost of the children's health insurance premium, not your individual premium. If you cover yourself and the children on one policy, subtract your individual premium from the total and enter only the children's share. These add-ons are allocated proportionally between the parents based on income shares.

- **Line 3, Combined gross income**

  Add both parents' Line 1 figures. This combined income is the input to the Missouri Schedule of Basic Child Support Obligations (the guideline table). The table, which is attached to Rule 88.01, converts combined income and number of children into the total Basic Child Support Obligation (BCSO). Download the current schedule from courts.mo.gov, the table is updated periodically and the current version must be used.

- **Line 4, Basic Child Support Obligation from Schedule**

  Look up the BCSO using Line 3 (combined income) and the number of children. Enter the schedule amount on Line 4. This is a table lookup, find the combined income row, then the column for the number of children. The online Form 14 at courts.mo.gov auto-calculates this if you use the fillable version. Double-check the table row, an off-by-one error can meaningfully change the result.

- **Line 5, Each parent's proportionate share**

  Divide each parent's gross income (Line 1) by the combined income (Line 3) and express as a percentage. These percentages should sum to 100%. They determine how the BCSO and the add-on expenses are split between the parents. A parent with 60% of combined income bears 60% of the basic obligation and 60% of childcare and insurance costs.

- **Lines 6–9, Obligation calculation and total**

  Line 6: Multiply Line 4 (BCSO) by each parent's Line 5 percentage. Line 7: Multiply Line 2a (childcare) by each parent's percentage. Line 8: Multiply Line 2b (insurance) by each parent's percentage. Line 9: Sum Lines 6, 7, and 8 for each parent's total obligation. The non-custodial parent's Line 9 is their gross support obligation before any credit for insurance they carry.

- **Lines 10–12, Net support payable (standard custody)**

  Line 10 is the non-custodial parent's total obligation (their Line 9). Line 11 subtracts any health insurance premiums the NCP actually pays for the children. Line 12 is the net monthly support payable. This is the figure that appears in the modified order. Confirm it against the 20% threshold on page 2 of the worksheet.

- **Line 11, Overnight visitation or custody adjustment**

  The current Form 14 (effective November 4, 2021) handles parenting time through the Line 11 overnight adjustment: a percentage of the basic child support amount that scales with the paying parent's annual overnights, reaching 34% at 181 to 183 overnights, an essentially equal split. Courts may also find the presumed amount unjust or inappropriate and deviate in genuinely shared arrangements. Document your actual overnight counts carefully to support the adjustment you claim.

- **20% threshold check (page 2)**

  Compare your Form 14 Line 12 (or Line 16) result to the current order. If the difference is 20% or more, modification is presumptively appropriate under Mo. Rev. Stat. §452.370.1. Show the math: (new amount

− current amount) ÷ current amount × 100 = percentage change. Run the numbers in both directions, a 20% decrease in the obligor's income or a 20% increase in the obligee's income both trigger the presumption.

- **Certification, both parties must sign their own Form 14**

  Each parent signs their own completed Form 14 under penalty of perjury. Exchange copies before the hearing, serve your Form 14 on the other parent when you serve the motion. Request the other parent's Form 14 through the discovery process if they do not provide it voluntarily. Appearing in Circuit Court without a completed Form 14 seriously damages your credibility with the judge.

FORM 2 OF 3, Motion to Modify Child Support (2 pages)

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

In re the Marriage/Parentage of:

Petitioner: _____,	Case No.: _____
and	Division: _____
Respondent: _____.	

MOTION TO MODIFY CHILD SUPPORT

I. MOVANT IDENTIFICATION

Full Legal Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ Role: ■ Petitioner ■ Respondent

II. CURRENT ORDER

Date of most recent order: _____

Current monthly support: $ _____ County of order: _____

Children (names/DOBs): _____

III. GROUNDS FOR MODIFICATION (check all that apply)

- ■ 20%+ deviation — Form 14 result with current incomes differs from current order by ≥20%
- ■ Substantial and continuing change in Movant's income (increase or decrease)
- ■ Substantial and continuing change in other parent's income
- ■ Change in physical custody or parenting time arrangement
- ■ Change in work-related childcare costs
- ■ Change in child's health insurance premium costs
- ■ Child's emancipation at age 18 (or age 21 if enrolled in post-secondary school)
- ■ Incarceration of a parent (Missouri courts may treat as involuntary income reduction)
- ■ Other substantial and continuing change (describe below):

IV. STATEMENT OF CHANGED CIRCUMSTANCES

Describe the specific change in circumstances with dates and amounts. Show how the change satisfies the 20% threshold or constitutes a substantial and continuing change. Attach your completed Form 14 as Exhibit A.

MODEL FORM — Reference only. Download official Form 14 at courts.mo.gov | Rule 88.01 / Mo. Rev. Stat. §452.370

Missouri Motion to Modify Child Support, Page 1 of 2 (model form)

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

In re the Marriage/Parentage of:

Petitioner: _____,
and
Respondent: _____.

Case No.: _____
Division: _____

MOTION TO MODIFY CHILD SUPPORT

V. INCOME INFORMATION

Movant's current gross monthly income:

Employer: _____ Since: _____

Gross monthly income: $_____ Pay frequency: _____

Other parent's known/estimated gross monthly income:

Gross monthly income (est. or known): $_____ Source of info: _____

VI. FORM 14 CALCULATION

■ Completed Form 14 attached as Exhibit A (REQUIRED — courts.mo.gov)

Form 14 result (proposed monthly support): $_____

Current order amount: $ _____ Difference: $ _____ % change: _____

VII. REQUESTED RELIEF

Movant requests the Court:

a. Find that a substantial and continuing change of circumstances has occurred;
b. Modify child support to $ _____ / month per the attached Form 14;
c. Make modification effective the date of filing of this Motion;
d. Address health insurance obligation and childcare cost allocation;
e. Grant such other relief as is just and proper.

VIII. VERIFICATION

I declare under penalty of perjury that everything I have stated in this Motion is true and correct to the best of my knowledge and belief.

Signature: _____ Date: _____

Printed Name: _____

Attorney / Bar No. (if applicable): _____

Serve other parent by personal service (sheriff/process server) or certified mail if represented.

MODEL FORM — Reference only. Download official Form 14 at courts.mo.gov | Rule 88.01 / Mo. Rev. Stat. §452.370

Missouri Motion to Modify Child Support, Page 2 of 2 (model form)

- **Circuit Court caption and case number**

  File in the Circuit Court that entered the original order, or in the Circuit Court of the county where either party or the child currently resides (Mo. Rev. Stat. §452.370). Copy the original case number exactly, it follows the case through every modification. Missouri Circuit Courts have a Family Court or Domestic Relations division in larger counties; confirm the correct division with the clerk when filing.

- **Section III, Grounds checklist**

  Check every applicable ground. The 20% Form 14 deviation box is the most common and most powerful, if you can show the 20% threshold is met, you have a presumptive right to modification. Check additional boxes for income changes, custody changes, childcare cost changes, and insurance cost changes, each is an independent basis even if the 20% threshold is not met. Check the incarceration box if applicable, Missouri courts may treat incarceration as an involuntary income reduction.

- **Section IV, Statement of changed circumstances**

  State the specific facts with precision: prior gross monthly income, current gross monthly income, the date the change occurred, and the cause. Calculate the Form 14 result with current figures and compare to the current order. Show the percentage change explicitly. Attach the completed Form 14 as Exhibit A and supporting documentation (pay stubs, termination letter, tax returns) as subsequent exhibits. Vague statements of hardship without documentation are routinely denied.

- **Section V, Income information**

  Enter gross income, the figure that goes on Line 1 of Form 14. Do not confuse with net or take-home pay. For the other parent, provide their last known income with the source (e.g., 'from their W-2 attached as Exhibit C'). If the other parent's income is unknown, request income disclosure through discovery and note in the motion that income discovery is pending. Courts expect both parents' incomes to be addressed.

- **Section VI, Form 14 result and 20% threshold**

  Explicitly state: (1) the Form 14 result with current incomes, (2) the current order amount, (3) the dollar difference, and (4) the percentage difference. If the percentage is 20% or more, state that the rebuttable presumption of modification applies under Mo. Rev. Stat. §452.370.1. If less than 20%, state the substantial and continuing change of circumstances independently. Courts want to see this analysis in the motion. Do not make the judge calculate it from scratch.

- **Section VII, Effective date and requested relief**

  Missouri retroactivity runs from the date the motion is personally served, not the date it is filed (Mo. Rev. Stat. §452.370). Arrange service immediately after filing and state the requested effective date accordingly. Include explicit requests for health insurance and childcare provisions, the court can only award what is specifically requested. File and serve the motion the same week circumstances change to minimize the gap between the income change and the effective date of the new order.

- **Service of process**

  Serve the other parent by personal service through the sheriff or a licensed process server, or by certified mail if the other party is represented by counsel. Include your completed Form 14 with the service packet, Missouri practice requires both. File the proof of service with the clerk before the hearing. Defective service can result in the hearing being continued, delaying your retroactive effective date.

FORM 3 OF 3, Financial Statement (2 pages)

The Financial Statement documents your current income and expenses under oath and supports the Form 14 calculation. Missouri Circuit Courts typically require a financial statement or income affidavit with every modification motion. The figures here must match Line 1 of your Form 14, any discrepancy will be noticed by the court or the other party's attorney.

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

In re the Marriage/Parentage of:

Petitioner: _____,
and
Respondent: _____.

Case No.: _____
Division: _____

FINANCIAL STATEMENT

Supporting Motion to Modify Child Support

PART 1 — IDENTIFICATION

Full Legal Name: _____

DOB: _____ Last 4 SSN: ___-__-_____

Employer: _____ Since: _____

Job Title / Occupation: _____

PART 2 — GROSS MONTHLY INCOME (GROSS — before taxes, before deductions)

a. Wages / salary (gross): $ _____
b. Self-employment income (net of business expenses): $ _____
c. Overtime (12-month average): $ _____
d. Bonuses / commissions (12-month average): $ _____
e. Social Security / SSDI / SSI: $ _____
f. Disability / workers' compensation: $ _____
g. Unemployment compensation: $ _____
h. Pension / retirement / annuity distributions: $ _____
i. Rental income (net of expenses): $ _____
j. Investment / interest / dividends: $ _____
k. Other (specify: _____): $ _____
TOTAL GROSS MONTHLY INCOME: $ _____

PART 3 — MONTHLY EXPENSES

a. Rent / mortgage: $ _____
b. Utilities: $ _____
c. Food: $ _____
d. Transportation (car payment, gas, insurance): $ _____
e. Health insurance (your own portion): $ _____
f. Children's health insurance premium: $ _____
g. Work-related childcare for children in this case: $ _____
h. Other court-ordered child support (other children): $ _____
i. Other necessary expenses: $ _____
TOTAL MONTHLY EXPENSES: $ _____

MODEL FORM — Reference only. Download official Form 14 at courts.mo.gov | Rule 88.01 / Mo. Rev. Stat. §452.370

Missouri Financial Statement, Page 1 of 2 (model form)

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

In re the Marriage/Parentage of:

Petitioner: _____,
and
Respondent: _____.

Case No.: _____
Division: _____

FINANCIAL STATEMENT

Supporting Motion to Modify Child Support

PART 4 — PARENTING TIME

Current overnights per year with children in this case: _____ / 365 = _____ %

■ Standard custody (one primary parent) ■ Substantially equal / shared custody

PART 5 — ASSETS

Checking / savings (combined): $ _____
Retirement / 401(k) / IRA (approximate): $ _____
Real estate equity (value minus mortgage): $ _____
Vehicle equity (value minus loan): $ _____
Other significant assets: $ _____

PART 6 — OTHER CHILDREN / SUPPORT OBLIGATIONS

Other children not subject to this case (for Form 14 income context):

Name: _____ DOB: _____ Lives with: _____
Name: _____ DOB: _____ Lives with: _____
Monthly court-ordered support for other children: $ _____

PART 7 — INCOME CHANGE (basis for modification)

Prior gross monthly income: $ _____ As of: _____
Current gross monthly income: $ _____ Effective: _____
Reason: _____

■ Change is involuntary ■ Change is voluntary

PART 8 — VERIFICATION

I declare under penalty of perjury that the information in this Financial Statement is true, accurate, and complete to the best of my knowledge and belief. I understand that this statement supports the Form 14 calculation and will be reviewed by the court.

Signature: _____ Date: _____
Printed Name: _____

MODEL FORM — Reference only. Download official Form 14 at courts.mo.gov | Rule 88.01 / Mo. Rev. Stat. §452.370

Missouri Financial Statement, Page 2 of 2 (model form)

- **Part 2 (Gross monthly income (GROSS) before all deductions)**

  Enter gross income, the same figure that goes on Line 1 of Form 14. Missouri does not use net income for guideline calculations. For biweekly pay: multiply two-week gross by 26 and divide by 12. For hourly: hourly rate × average weekly hours × 52 ÷ 12. For self-employment: gross receipts minus ordinary and necessary business expenses (not personal draws or accelerated depreciation). Attach pay stubs and prior-year tax returns as exhibits, the court will request them if not attached.

- **Part 2, Overtime and variable income averaging**

  Missouri requires overtime and bonus income to be annualized and averaged over 12 months. If you receive overtime only certain months of the year, average it: total overtime over 12 months ÷ 12 = monthly average. Use a full 12-month period if available. If you are claiming your income has recently decreased, provide pay stubs from both the prior period and the current period to show the documented change. Courts are skeptical of unverified income reduction claims.

- **Part 3, Monthly expenses**

  List actual current expenses. Children's health insurance and childcare costs for the children in this case are particularly important because they appear on Lines 2a and 2b of Form 14. Attach documentation for these specific amounts: a letter from your insurer or employer showing the premium breakdown, and a letter from the childcare provider showing monthly costs. Courts verify these figures before entering them in the order.

- **Part 4, Parenting time**

  State your current overnights per year. The Form 14 Line 11 adjustment scales with annual overnights, with the basic 10% adjustment for a 36-to-109-overnight schedule and progressively larger percentages above that, reaching 34% at 181 to 183 overnights. Document your overnight count precisely and attach a parenting calendar or schedule as an exhibit to support the adjustment you claim.

- **Part 7, Income change documentation**

  This is the evidentiary core of the financial statement. State the precise prior gross income with dates, the current gross income with effective date, and the reason. Attach all supporting documentation: termination letter (job loss), layoff notice, medical records (disability), or business financial statements (self-employment decline). Courts distinguish between involuntary income reductions (favored) and voluntary ones (disfavored). If the change was voluntary, explain why it was nonetheless necessary.

- **Consistency with Form 14**

  The most common mistake in Missouri modifications is a discrepancy between the Financial Statement income figures and Form 14 Line 1. Before filing, place your Financial Statement and Form 14 side by side and confirm every income figure matches exactly. If the numbers differ, the other party's attorney will use the discrepancy to challenge your credibility. Reconcile any differences before filing, not during the hearing.

Missouri-Specific Reminders for the Self-Represented Parent

- **Form 14 is not optional, download the current version**

  Missouri Supreme Court Rule 88.01 makes Form 14 mandatory in every child support proceeding. A party who appears without a completed Form 14 is at a serious disadvantage. Download the current official Form 14 from courts.mo.gov, the fillable version auto-calculates the guideline amount when you enter income figures and select the number of children. Print, sign, and bring at least three copies to the hearing.

- **Both parties complete and exchange Form 14 before the hearing**

  Serve your completed Form 14 on the other parent when you serve the motion. Request the other parent's Form 14 through the discovery process if they do not provide it voluntarily. When both forms are available before the hearing, the court can focus on resolving income disputes rather than doing the calculation from scratch. Pre-hearing Form 14 exchange is standard practice in Missouri Circuit Courts.

- **20% threshold, calculate before filing**

Run Form 14 with current income figures before you file. If the result is within 20% of the current order, you do not have a presumptive basis for modification and must show a substantial and continuing change of circumstances by other means. If you are near the 20% line, document all income sources carefully, the difference between 19% and 21% determines whether you have a presumptive right to modification.

- **Shared custody cross-credit, often overlooked**

  If you exercise substantial parenting time, the Form 14 Line 11 overnight adjustment can significantly reduce your obligation, scaling up to 34% of the basic child support amount at an essentially equal split. Document your actual overnights precisely and claim the correct percentage in your motion. Many self-represented parents who qualify for a larger adjustment never request it and overpay for years.

- **Payments through Family Support Payment Center (FSPC)**

  All Missouri child support payments route through the Family Support Payment Center (FSPC), not directly to the other parent. FSPC maintains the official payment ledger and is the authoritative source for payment history. Request an FSPC account statement before any modification or enforcement hearing. It is the most reliable evidence of what has been paid and what is owed.

- **Age 18 standard, with post-secondary exception to 21**

  Missouri child support ends at age 18, with two statutory extensions. A child still enrolled in and attending a secondary school program at 18 keeps support until completing the program or turning 21, whichever comes first. Support also continues for a child who enrolls in post-secondary or vocational education by October 1 after high school graduation, completes at least twelve credit hours each semester, and earns grades sufficient to re-enroll, until completion or age 21 (Mo. Rev. Stat. §452.340.5). When a child approaches 18, file a motion addressing termination or continuation to avoid disputes about what is owed after the birthday.

End of Appendix Y - Missouri | Appendix Z - Montana follows.

Appendix Z — Montana: Statutes, Case Law, Forms, and Resources

Key Statutes

• MCA § 40-4-204, modification of child support; changed circumstances standard

• MCA § 40-5-209 and ARM Title 37, chapter 62, child support guidelines; modified Melson formula

• MCA § 40-5-415, administrative modification procedures through CSED

• MCA § 40-5-701 et seq., license suspension for delinquency of six months' support

• MCA § 45-5-621, criminal nonsupport

Key Case Law

• In re Marriage of Pfeifer, 2006 MT 310, substantial change of circumstances standard

• In re Marriage of Massing, 2012 MT 50, income averaging for variable earners

• In re Marriage of Burris, 354 Mont. 264 (2010), shared parenting time adjustment

• In re Marriage of Funk, 2012 MT 14, imputed income for voluntary underemployment

Official Forms

• Child Support Worksheets (Forms 1 and 2), Montana Judicial Branch (courts.mt.gov)

• Petition for Modification of Child Support, District Court

• Financial Disclosure Statement

• Notice of Motion to Modify Child Support

State Agency Contact

• Montana Child Support Enforcement Division (CSED): (800) 346-5437

• Website: dphhs.mt.gov/csed

• Montana Judicial Branch self-help: courts.mt.gov

• Montana Legal Services Association: (800) 666-6899 | montanalegalservices.org

Filing Checklist

• Child Support Worksheets (both parents’ income entered)

• Federal tax returns (last 2 years) and three most recent pay stubs

- Documentation of triggering change (termination letter, medical records, updated parenting schedule)
- Petition for Modification of Child Support
- Financial Disclosure Statement
- Filing fee or fee waiver application
- Proof of service on other parent after filing

Montana Court Forms, Line-by-Line Completion Guide

Montana child support modification proceeds through two pathways: an administrative review through the Child Support Services Division (CSSD) for IV-D cases where 36 months have passed since the last order, and a judicial pathway via a Motion to Amend Child Support Order in District Court under MCA §40-4-208. The 25% threshold creates a rebuttable presumption of modification. Montana applies a parenting time credit when the non-custodial parent has 110 or more overnights per year. All unpaid support accrues 10% simple annual interest under MCA §40-5-236, the highest simple rate in the book. Download current official forms at courts.mt.gov or dphhs.mt.gov/cssd.

FORM 1 OF 3, Motion to Amend Child Support Order (2 pages)

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
STATE OF MONTANA, IN AND FOR THE COUNTY OF _____

In re the Parenting of / Marriage of: _____, Petitioner, and _____, Respondent.	Cause No.: _____ Dept./Judge: _____

MOTION TO AMEND CHILD SUPPORT ORDER

MCA §40-4-208 | 25% Threshold | District Court Judicial Pathway

I. MOVING PARTY

Full Legal Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ Role: ■ Petitioner ■ Respondent

II. CURRENT ORDER

Date of most recent support order: _____

Current monthly support: $ _____ County: _____

Children (names and DOBs): _____

III. PATHWAY SELECTION

■ CSSD Administrative Review (IV-D cases, 36+ months since last order — call (800) 346-5437)

■ District Court Judicial Modification (this motion — any case, any time with grounds)

IV. GROUNDS FOR AMENDMENT (check all that apply)

■ 25%+ deviation — guideline calc with current incomes differs from current order by ≥25%

■ Substantial and continuing change in Moving Party's income

■ Substantial and continuing change in other parent's income

■ Change in parenting time crossing the 110-overnight threshold (MCA §40-4-204)

■ Change in work-related childcare costs

■ Change in children's health insurance premium costs

■ Child emancipation (age 18, or age 19 if still enrolled in high school)

■ Other substantial and continuing change (describe in Section V):

V. STATEMENT OF CHANGED CIRCUMSTANCES

Describe the specific change in circumstances, including dates and dollar amounts. If invoking the 25% threshold, show the math: prior order amount, guideline result with current incomes, dollar difference, and percentage. Attach completed Montana Child Support Worksheet as Exhibit A.

MODEL FORM — Reference only. Download official forms at courts.mt.gov or dphhs.mt.gov/cssd | MCA §40-4-204

Montana Motion to Amend Child Support Order, Page 1 of 2 (model form)

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
STATE OF MONTANA, IN AND FOR THE COUNTY OF _____

In re the Parenting of / Marriage of: _____, Petitioner, and _____, Respondent.	Cause No.: _____ Dept./Judge: _____

MOTION TO AMEND CHILD SUPPORT ORDER

MCA §40-4-208 | 25% Threshold | District Court Judicial Pathway

VI. INCOME INFORMATION

Moving Party's current gross monthly income:

Employer: _____ Since: _____

Gross monthly income: $_____ Pay frequency: _____

Other parent's gross monthly income (known/estimated):

Gross monthly income: $_____ Source of info: _____

VII. PARENTING TIME (if relevant)

Current overnights per year: _____ / 365 = _____%

■ 110+ overnights / year — parenting time credit applies under MCA §40-4-204

VIII. 25% THRESHOLD CALCULATION

Current order amount: $ _____ / month

Guideline result (current incomes, Worksheet): $ _____ / month

Difference: $ _____ Percentage: _____ %

■ **≥25% difference → rebuttable presumption of modification (MCA §40-4-208)**

■ **<25% → other substantial and continuing change of circumstances required**

IX. REQUESTED RELIEF

Moving Party requests the Court:

a. Find a substantial and continuing change of circumstances warranting modification;

b. Amend child support to $ _____ / month per the attached Worksheet;

c. Make the amendment effective the date this Motion is filed;

d. Address health insurance and childcare cost allocation;

e. Grant such other relief as is just and proper.

X. VERIFICATION

I declare under penalty of perjury that everything I have stated in this Motion is true and correct to the best of my knowledge and belief.

Signature: _____ Date: _____

Printed Name: _____

Attorney / Bar No. (if applicable): _____

10% simple annual interest accrues on all unpaid MT support under MCA §40-5-236 — file promptly.

MODEL FORM — Reference only. Download official forms at courts.mt.gov or dphhs.mt.gov/cssd | MCA §40-4-204

Montana Motion to Amend Child Support Order, Page 2 of 2 (model form)

- **'Motion to Amend', not 'Motion to Modify'**

  Montana's modification document is formally called a Motion to Amend Child Support Order, not a Motion to Modify. Use the correct terminology on your caption and in all communications with the clerk. The operative statute is MCA §40-4-208. File in the District Court that entered the original order, or in the District Court of the county where either party or the child now resides.

- **Section III, Pathway selection**

  Choose the correct pathway before filing. For IV-D cases enrolled with CSSD where 36 or more months have passed since the last order, start with an administrative review by calling CSSD at (800) 346-5437. This is free and does not require a court appearance. For private (non-IV-D) cases, or IV-D cases where fewer than 36 months have passed, proceed directly to District Court with this motion. Both pathways can run simultaneously in urgent income-drop situations.

- **Section IV, Grounds checklist**

  The income-change box is the primary ground for most modifications; Montana has no fixed percentage trigger, so the motion must show a substantial and continuing change making the current terms unconscionable (MCA §40-4-208). Check the parenting time box if the children now spend more than 110 days per year with each parent since the original order, because that shift changes the guideline amount through the parenting-days adjustment. Check every applicable box to preserve all grounds.

- **Section V, Statement of changed circumstances**

  Be precise: state prior gross monthly income, current gross monthly income, the date of the change, and the cause. Show how far the new guideline result moves from the current order; the larger and more durable the change, the stronger the motion. Attach the completed Montana Child Support Worksheet as Exhibit A showing the full calculation with current incomes. Attach supporting documentation (pay stubs, termination letter, medical records) as subsequent numbered exhibits.

- **Section VII, Parenting time**

  If you are claiming the parenting-days adjustment, document your day count carefully. Montana's worksheet adjusts the transfer payment when the children spend more than 110 days per year with each parent (a day is a 24-hour period or the majority of one, ARM 37.62.124). Keep a daily log and attach a calendar. If your parenting time has grown past the 110-day level since the original order, that change supports an amendment even without an income change.

- **Section VIII, guideline comparison calculation**

  Show the math explicitly in the motion. Current order amount, worksheet result with current incomes, dollar difference, and percentage change. Montana has no percentage presumption; articulate the substantial and continuing change of circumstances on its own terms under MCA §40-4-208. A documented involuntary income reduction that durably moves the guideline result away from the current order is the core showing.

- **No automatic interest, but file and serve the day circumstances change**

  Montana adds no automatic interest to child support arrears, but every unpaid dollar remains collectible, and arrears reduced to judgment can bear the 10% judgment rate (MCA §25-9-205) where ordered. Modification reaches only installments accruing after the parties have actual notice of the motion (MCA §40-4-208), not the date of the income change. File and serve the motion the same week your income changes to minimize the gap.

FORM 2 OF 3, Montana Child Support Worksheet (2 pages)

The Montana Child Support Worksheet calculates the guideline obligation under MCA §40-4-204 and the ARM Title 37, chapter 62 guidelines (a modified Melson formula): income after deductions and each parent's personal allowance, primary support, the standard-of-living adjustment, the parenting-days adjustment, and add-on expenses. Download the current official worksheet from courts.mt.gov or dphhs.mt.gov/cssd, the schedule values are updated periodically.

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
STATE OF MONTANA, IN AND FOR THE COUNTY OF _____

In re the Parenting of / Marriage of: _____, Petitioner, and _____, Respondent.	Cause No.: _____ Dept./Judge: _____

MONTANA CHILD SUPPORT WORKSHEET

MCA §40-4-204 | Income Shares | Gross Income | 110-Night Parenting Time Credit

Line	Description	Petitioner ($)	Respondent ($)
PART A — GROSS INCOME			
1	Wages / salary / tips (gross, before deductions)		
2	Self-employment income (net of ordinary business expenses)		
3	Overtime / bonus / commission (12-month average)		
4	Social Security / disability / veterans benefits		
5	Unemployment / workers' compensation		
6	Pension / retirement / annuity distributions		
7	Rental income (net of expenses)		
8	Other income (specify: _____)		
9	**TOTAL GROSS MONTHLY INCOME (Lines 1–8)**		
PART B — COMBINED INCOME AND PROPORTIONATE SHARES			
10	**Combined gross income (Pet. Line 9 + Resp. Line 9)**		
11	Each parent's % share (Line 9 ÷ Line 10 × 100) ___ %		
PART C — BASIC SUPPORT OBLIGATION			
	Look up combined income (Line 10) and number of children in Montana Guidelines Schedule → BCSO		
12	**Number of children: _____ | BCSO from Schedule:**		
13	Each parent's share of BCSO (Line 12 × Line 11 %)		
PART D — PARENTING TIME CREDIT (110+ nights)			
14.	NCP's annual overnights: _____ / 365 = _____ %		
	■ <110 nights (30.1%) → No credit ■ 110+ nights → Credit applies (see MT Schedule)		
15	Parenting time credit % from MT schedule: _____ %		
16	Parenting time credit amount (Line 13 NCP × credit %)		
17	**Basic support after parenting time credit (Line 13 minus Line 16)**		

MODEL FORM — Reference only. Download official forms at courts.mt.gov or dphhs.mt.gov/cssd | MCA §40-4-204

Montana Child Support Worksheet, Page 1 of 2 (model form)

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
STATE OF MONTANA, IN AND FOR THE COUNTY OF _____

In re the Parenting of / Marriage of: _____, Petitioner, and _____, Respondent.	Cause No.: _____ Dept./Judge: _____

MONTANA CHILD SUPPORT WORKSHEET

MCA §40-4-204 | Income Shares | Gross Income | 110-Night Parenting Time Credit

PART E — ADD-ON EXPENSES (health insurance and childcare)

18	Monthly children's health insurance premium (carrier parent):	_____	_____
19	Petitioner's share (Line 18 × Pet. % Line 11):	_____	_____
20	Respondent's share (Line 18 × Resp. % Line 11):	_____	_____
21	Monthly work-related childcare costs:	_____	_____
22	Petitioner's share (Line 21 × Pet. %):	_____	_____
23	Respondent's share (Line 21 × Resp. %):	_____	_____

PART F — TOTAL MONTHLY SUPPORT OBLIGATION

24	Basic support after parenting time credit (Line 17):	_____	_____
25	Health insurance obligation (applicable share, Line 19 or 20):	_____	_____
26	Childcare obligation (applicable share, Line 22 or 23):	_____	_____
27	**TOTAL MONTHLY SUPPORT (Lines 24 + 25 + 26):**	_____	_____

PART G — 25% MODIFICATION THRESHOLD

Current order amount: $ _____ / month

This worksheet result (Line 27): $ _____ / month

Difference: $ _____ Percentage change: _____ %

■ **≥25% → rebuttable presumption of substantial & continuing change (MCA §40-4-208)**

■ **<25% → must show other substantial and continuing change of circumstances**

CERTIFICATION

I declare under penalty of perjury that the income and expense figures on this worksheet are true, accurate, and complete to the best of my knowledge and belief.

Signature: _____ Date: _____

Printed Name: _____ Role: ■ Petitioner ■ Respondent

MODEL FORM — Reference only. Download official forms at courts.mt.gov or dphhs.mt.gov/cssd | MCA §40-4-204

Montana Child Support Worksheet, Page 2 of 2 (model form)

- **Part A, Gross income (Lines 1–9)**

  Enter all income sources at gross (pre-tax, pre-deduction) figures. Montana gross income under MCA §40-4-204 includes wages, salary, overtime (12-month average), bonuses (12-month average), self-employment income net of ordinary and necessary business expenses, Social Security and disability benefits, veterans benefits, unemployment compensation, workers' compensation, pension and retirement distributions, and rental income net of expenses. Do not subtract taxes.

- **Part B, Combined income and proportionate shares (Lines 10–11)**

  Combine both parents' gross incomes for Line 10. Each parent's proportionate share (Line 11) governs how add-on expenses (insurance, childcare) are split. These percentages should sum to 100%. Verify the arithmetic before proceeding, an error here cascades through every subsequent calculation.

- **Part C, Basic Support Obligation from Schedule (Lines 12–13)**

  Look up the combined income (Line 10) and number of children in the Montana Guidelines Schedule. The schedule is a table, find the combined income row and the children column to get the BCSO. Enter the BCSO on Line 12. Each parent's share (Line 13) equals the BCSO multiplied by their proportionate share. The non-custodial parent's Line 13 is the starting point before parenting time credit.

- **Part D, Parenting time credit (Lines 14–17)**

  Count each parent's annual parenting days. When the children spend more than 110 days per year with each parent, the worksheet adjusts the transfer payment, and the adjustment scales with the day count. Line 16 is the dollar credit amount (Line 13 NCP × credit %). Line 17 is the basic support after the credit. If overnights are under 110, Lines 15–16 are zero and Line 17 equals Line 13.

- **Part E, Health insurance and childcare add-ons (Lines 18–23)**

  Enter the monthly premium for the children's health insurance (not the parent's self-coverage). Split by proportionate share. Enter monthly work-related childcare costs and split by proportionate share. Attach documentation for both amounts, insurer letters or employer benefits statements for insurance, provider invoices or enrollment letters for childcare. The court will verify these figures.

- **Part F, Total obligation (Lines 24–27)**

  Sum basic support (Line 17), health insurance share (Line 25), and childcare share (Line 26) for the total monthly obligation (Line 27). This is the proposed amended support amount. Compare it to the current order on Part G and state the comparison in your motion.

- **Part G, comparison to current order**

  Calculate (Line 27 minus current order) ÷ current order × 100. Montana attaches no presumption to any particular percentage, but the gap is your best evidence of a substantial and continuing change under MCA §40-4-208. Document the calculation in the motion itself, do not assume the court will calculate it independently. The analysis runs in both directions: a durable decrease favors the obligor; a durable increase favors the obligee.

FORM 3 OF 3, Financial Disclosure Statement (2 pages)

The Financial Disclosure Statement is filed with the Motion to Amend and documents current income, expenses, parenting time, and the factual basis for the amendment. The income figures here must match the gross income figures entered on Lines 1–9 of the Montana Child Support Worksheet.

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
STATE OF MONTANA, IN AND FOR THE COUNTY OF _____

In re the Parenting of / Marriage of: _____, Petitioner, and _____, Respondent.	Cause No.: _____ Dept./Judge: _____

FINANCIAL DISCLOSURE STATEMENT

Supporting Motion to Amend Child Support Order

PART 1 — IDENTIFICATION

Full Legal Name: _____

DOB: _____ Last 4 SSN: ___-__-_____

Employer: _____ Since: _____

Current Address (County: _____): _____

PART 2 — GROSS MONTHLY INCOME (GROSS — before taxes and deductions)

a. Wages / salary / tips (gross): $	_____
b. Self-employment (net of business expenses): $	_____
c. Overtime (12-month average): $	_____
d. Bonus / commission (12-month average): $	_____
e. Social Security / SSDI / SSI / VA: $	_____
f. Disability / workers' compensation: $	_____
g. Unemployment compensation: $	_____
h. Pension / retirement / annuity: $	_____
i. Rental income (net of expenses): $	_____
j. Investment / interest / dividends: $	_____
k. Other (specify: _____): $	_____
TOTAL GROSS MONTHLY INCOME: $	_____

PART 3 — MONTHLY EXPENSES

a. Rent / mortgage: $	_____
b. Utilities: $	_____
c. Food: $	_____
d. Transportation: $	_____
e. Health insurance (your portion, excluding children): $	_____
f. Children's health insurance premium: $	_____
g. Work-related childcare (children in this case): $	_____
h. Other court-ordered child support: $	_____
i. Other necessary expenses: $	_____
TOTAL MONTHLY EXPENSES: $	_____

MODEL FORM — Reference only. Download official forms at courts.mt.gov or dphhs.mt.gov/cssd | MCA §40-4-204

Montana Financial Disclosure Statement, Page 1 of 2 (model form)

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
STATE OF MONTANA, IN AND FOR THE COUNTY OF _____

In re the Parenting of / Marriage of: _____, Petitioner, and _____, Respondent.	Cause No.: _____ Dept./Judge: _____

FINANCIAL DISCLOSURE STATEMENT

Supporting Motion to Amend Child Support Order

PART 4 — PARENTING TIME

Current overnights per year: _____ / 365 = _____%

■ Under 110 nights — no PT credit ■ 110+ nights — PT credit applies

PART 5 — OTHER SUPPORT OBLIGATIONS

Other children not in this case (name / DOB / lives with): _____

_____

Monthly court-ordered support for other children: $ _____

PART 6 — ASSETS

Checking / savings: $ _____
Retirement / IRA: $ _____
Real estate equity: $ _____
Vehicle equity: $ _____
Other significant assets: $ _____

PART 7 — INCOME CHANGE (basis for modification)

Prior gross monthly income: $ _____ Date: _____
Current gross monthly income: $ _____ Effective: _____
Reason: _____

_____

_____

_____

■ Involuntary change ■ Voluntary change

NOTE: 10% simple annual interest accrues on unpaid MT support (MCA §40-5-236) — file promptly.

PART 8 — SWORN VERIFICATION

I declare under penalty of perjury that the information in this Financial Disclosure Statement is true, accurate, and complete to the best of my knowledge and belief.

Signature: _____ Date: _____
Printed Name: _____

MODEL FORM — Reference only. Download official forms at courts.mt.gov or dphhs.mt.gov/cssd | MCA §40-4-204

Montana Financial Disclosure Statement, Page 2 of 2 (model form)

- **Part 2 (Gross income) match Line 1–9 of worksheet exactly**

  Montana's worksheet starts from gross income figures, then applies deductions and each parent's personal allowance on later lines. The figures you enter here must match the worksheet line for line. Before filing, place the two documents side by side and verify each income source matches. A discrepancy between the Financial Disclosure and the Worksheet is a credibility problem that opposing counsel will exploit at the hearing.

- **Part 2, Self-employment income**

  Report net of ordinary and necessary business expenses, not gross receipts. Attach your Schedule C from the most recent federal tax return as Exhibit A. If business income has declined, also attach current bank statements showing reduced deposits. Montana courts are skeptical of self-employment income reductions without contemporaneous bank and tax documentation.

- **Part 3 (Monthly expenses) insurance and childcare are key**

  Children's health insurance premium and work-related childcare costs are particularly important because they feed directly into Lines 18–23 of the worksheet. Attach documentation: an insurer breakdown showing the children's premium separately from self-coverage, and a provider letter or invoice showing monthly childcare costs. These are the figures the court will scrutinize most.

- **Part 4 (Parenting time) document the 110-day level**

  If you are claiming the parenting-days adjustment, enter your exact day count. If the children's time with you has recently grown past 110 days per year, note the date the change occurred. Attach a completed parenting time calendar as an exhibit. Courts apply the credit based on the court-ordered or documented schedule, informal arrangements that are not reflected in a court order receive less weight.

- **Part 7 (Income change) be specific about cause and timing**

  Describe the income change with precision: exact prior income, exact current income, effective date, and cause. For job loss: attach the termination letter or layoff notice. For medical disability: attach medical records and the disability determination. For self-employment decline: attach comparative income statements and bank records. The date of the change matters because the modification is only retroactive to the filing date, document that you filed promptly after the change occurred.

- **Retroactivity, urgency note**

  Include a note in the Financial Disclosure (and in your motion) stating the date your income changed and the date you filed. This creates a record that you acted promptly and limits the accrual of arrears at the prior higher rate. Because only installments accruing after actual notice of the motion can be modified, a $500/month gap that runs six months before you file and serve creates $3,000 in obligations the amendment cannot reach; prompt filing and service minimize this exposure.

Montana-Specific Reminders for the Self-Represented Parent

- **Two pathways, choose strategically**

  For IV-D cases where 36 months have passed, the CSSD administrative review is free, does not require a court appearance, and can result in a modified order without litigation. Call CSSD at (800) 346-5437 first. If the administrative review is too slow or your case is not IV-D-enrolled, file the District Court motion simultaneously. Running both pathways in parallel is permitted and sometimes the fastest route to a modified order.

- **Run the numbers before deciding to file**

  Run the worksheet with current incomes before filing. Montana has no percentage that automatically qualifies you; whatever the gap, you must articulate a substantial and continuing change making the current terms unconscionable. The further the result is from the current order, and the more durable the cause, the stronger your motion.

- **110-day parenting-days adjustment, track every day**

Montana's parenting-days adjustment turns on the children spending more than 110 days per year with each parent, counting days rather than strictly overnights. If you are currently just below that level, a modest schedule change could bring the adjustment into play. Keep a daily parenting log, coordinate with school calendars, and have the schedule reflected in a court order if it is currently informal. Undocumented overnights are routinely challenged.

- **No automatic interest on arrears**

  Montana adds no automatic interest to child support arrears, and CSSD does not charge it; the 10% judgment rate (MCA §25-9-205) applies only when arrears are reduced to a money judgment and interest is ordered. Every dollar of principal remains fully collectible. If you have arrears, contact CSSD to establish a payment plan and file your modification motion simultaneously rather than letting the balance grow while you wait.

- **Felony exposure at six months of non-payment (MCA §45-5-621)**

  Under MCA §45-5-621, nonsupport becomes a felony when a parent has failed to pay under an order for six months or more, or owes a cumulative arrearage equal to at least six months' support; there is no minimum dollar amount, and aggravated nonsupport (leaving the state, or a repeat conviction) carries up to $50,000 and 10 years. If you are approaching six months of non-payment, immediately contact CSSD to establish a payment plan and file a modification motion, the modification reduces the prospective obligation while the payment plan addresses arrears.

- **Rural access, CSSD is your best resource**

  Montana's geography means some District Courts may be hours away. The CSSD administrative pathway at (800) 346-5437 requires no court appearance and is accessible from anywhere in the state. Montana Legal Services Association (MLSA) provides statewide remote assistance to income-eligible clients. Use these resources before incurring travel and appearance costs for a District Court hearing that may not be necessary.

End of Appendix Z - Montana | Appendix AA - Nebraska follows.

Appendix AA — Nebraska: Statutes, Case Law, Forms, and Resources

Key Statutes

• Neb. Rev. Stat. § 42-364, modification of child support; 10%/$25 presumption is Neb. Ct. R. § 4-217

• Neb. Rev. Stat. § 42-364.16, child support guidelines; income shares model

• Neb. Rev. Stat. § 43-3318, license suspension when more than three months of past-due support is owed

• Neb. Rev. Stat. § 28-706, criminal nonsupport (Class II misdemeanor; Class IV felony if in violation of a court order)

• Neb. Rev. Stat. § 43-1718, income withholding order requirements

Key Case Law

• McLaughlin v. McLaughlin, 264 Neb. 232 (2002), material change of circumstances standard

• Koubek v. Koubek, 17 Neb. App. 497 (2009), income calculation for self-employed parent

• Tilson v. Tilson, 267 Neb. 131 (2004), 10% threshold application

• Davidson v. Davidson, 254 Neb. 656 (1998), imputed income standards

Official Forms

• Child Support Worksheet, Nebraska Judicial Branch (supremecourt.nebraska.gov)

• Motion to Modify Decree, District Court

• Financial Affidavit (Form DC 6:5.2)

• Complaint to Modify Order of Child Support

State Agency Contact

• Nebraska DHHS Child Support Enforcement: (877) 631-9973

• Website: dhhs.ne.gov/Pages/child-support.aspx

• Nebraska Judicial Branch self-help: supremecourt.nebraska.gov

• Legal Aid of Nebraska: (402) 348-1069 | legalaidofnebraska.org

Filing Checklist

• Child Support Worksheet with both parents' current gross income

- Federal tax returns (last 2 years) and three most recent pay stubs
- Financial Affidavit (Form DC 6:5.2)
- Motion to Modify Decree or Complaint to Modify
- Documentation of triggering change (10%/$25 variation lasting 3 months, expected to last 6 more)
- Filing fee or fee waiver application
- Proof of service on other parent

Court Forms & Completion Guide

Nebraska Child Support Modification, Official Forms Reference

District Court | Income Shares Model | Net Income (after § 4-205 deductions) | 10%/$25 Presumption | Age 19 Majority

FORM 1 OF 3: COMPLAINT FOR MODIFICATION (CC 6:5)

The Complaint for Modification is the initiating document that formally invokes the District Court's jurisdiction to change an existing child support order. Nebraska uses the term "Complaint" rather than "Motion" or "Petition", using the wrong label will confuse the clerk and may result in rejection. File in the county where the original order was entered or where the child currently resides.

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

Case No. _____

In re the Matter of:

Petitioner (Parent/Party): _____

and

Respondent (Parent/Party): _____

COMPLAINT FOR MODIFICATION OF CHILD SUPPORT

(CC 6:5 — Model Form)

PART 1: JURISDICTION & PRIOR ORDER

1. Petitioner, _____, brings this Complaint for Modification pursuant to Neb. Rev. Stat. §§ 42-364, 42-364.16, and 43-512.12.

2. This Court entered a child support order on:

Date of Original/Last Order: _____

3. Current child support obligation:

Monthly Amount Currently Ordered: $ _____

4. The order was entered by (check one):

■ This District Court ■ Another Nebraska County: _____ ■ Another State: _____

PART 2: GROUNDS FOR MODIFICATION

5. A material change in circumstances has occurred since the entry of the existing order, specifically (check all that apply and explain):

■ **Change in Income:** Petitioner's/Respondent's gross income has changed by at least 10%, which creates a rebuttable presumption that modification is appropriate.

Prior monthly gross income: $_____ Current monthly gross income: $_____

■ **Change in Parenting Time:** The number of overnights has substantially changed, specifically:

Describe change: _____

■ **Change in Child's Needs:** The child(ren)'s needs have substantially changed, specifically:

Describe: _____

■ **3-Year Review:** Three or more years have passed since the order was entered or last reviewed, and the current order differs from the Nebraska Child Support Guidelines by 10% or more.

■ **Other Material Change:** Describe:

_____

PART 3: CHILDREN SUBJECT TO THIS ORDER

Child's Full Name	Date of Birth	Age	Lives With

MODEL FORM — For reference only. Verify current version at supremecourt.nebraska.gov Page 1

Figure AA-1a: Nebraska Complaint for Modification (CC 6:5) — Page 1 of 2

▸ COMPLAINT PAGE 1, LINE-BY-LINE GUIDE

COURT CAPTION & CASE NUMBER

County Name: Enter the county where the original order was entered. Nebraska has 93 counties, each with its own District Court. If the order was entered in Lancaster County and the child now lives in Douglas County, consult an attorney, proper venue can be contested.

Case Number: Use the case number from the original order exactly as it appears. Nebraska District Court case numbers typically appear as: YY-[number] (e.g., "23-DR-1234"). If you have multiple orders across different cases, list the primary support case. Do not create a new case number. This modifies an existing one.

Petitioner / Respondent: "Petitioner" is the parent bringing this Complaint (the person asking for modification). "Respondent" is the other parent. These designations may be different from the original proceeding, the parent who was once the Petitioner may now be the Respondent and vice versa. Use full legal names matching court records.

PART 1: JURISDICTION & PRIOR ORDER

Line 1, Petitioner Name: Enter your full legal name. This is the party bringing the Complaint.

Line 2, Date of Original/Last Order: Enter the date of the most recent child support order (not the original decree if it was later modified). The court needs this to assess whether sufficient time has passed and whether circumstances have changed since that date.

Line 3 (Current Monthly Amount: Enter the exact dollar amount currently ordered) do not estimate. Find this on your most recent court order. If there is a COLA (cost-of-living adjustment) clause, use the current adjusted amount.

Line 4, Which Court Entered the Order: Check the correct box. If the original order was entered in another Nebraska county, you may need to file there or transfer the case. If the order originated in another state (UIFSA case), additional steps are required, consult an attorney or DHHS CSE.

PART 2: GROUNDS FOR MODIFICATION

Nebraska requires a showing of "material change in circumstances" since the entry of the existing order. The legislature and Supreme Court have provided specific benchmarks:

☐ Change in Income (10%/$25 Presumption): Under Neb. Ct. R. § 4-217, a recalculation that moves the guideline support amount by 10% or more, but not less than $25, in either direction creates a rebuttable presumption of a material change, when the financial circumstances have lasted three months and can reasonably be expected to last another six. The test runs on the support obligation, not the raw income change, so run the worksheet with current figures before relying on this box. Enter both the prior and current income amounts on the lines provided.

☐ Change in Parenting Time: A substantial change in the number of overnights (particularly moving into the 109-to-142-day discretionary range or past 142 days per year for each parent, where the Worksheet 3 joint custody calculation comes into play, Neb. Ct. R. § 4-212) constitutes a material change in circumstances warranting modification. Describe the specific change: e.g., "NCP has increased parenting time from 52 to 91 overnights per year."

☐ Change in Child's Needs: Significant changes such as a child developing a disability requiring specialized care, major health expenses, or changes in educational needs can support modification. Be specific. Courts require more than generic assertions of increased needs.

☐ 3-Year Review (Guideline Review): For IV-D (DHHS Child Support Enforcement) cases, an administrative review is available after 36 months. For other cases, the practical path is the § 4-217 presumption: check this box if the guidelines calculation now differs from the current order by 10% or more (and at least $25) on durable circumstances, whatever the elapsed time.

☐ Other Material Change: Nebraska courts have found the following sufficient: job loss (especially if permanent), disability, incarceration, significant change in the cost of health insurance, or the child reaching

independence. The change must be substantial and not self-induced (courts disfavor voluntary income reductions).

PART 3: CHILDREN SUBJECT TO THIS ORDER

List every child covered by the existing support order. Include full legal name, exact date of birth, current age, and which parent the child currently lives with (or split if time-sharing).

AGE 19 CRITICAL NOTE: Nebraska's child support obligation continues until the child reaches age 19 (Neb. Rev. Stat. § 43-2101), not 18 as in most states. This is one of the most important state-specific facts in Nebraska practice. A child who turned 18 in June does not cause child support to automatically terminate; support continues through age 19 (or longer if the child is still in secondary school). Note this prominently. If a child on the order is between 18 and 19, do not omit them from the table.

PARTS 4-6 (Relief / Verification / Service): Specify the monthly amount you are seeking (or check "per Guidelines Worksheet"). Sign under penalty of perjury. Nebraska requires personal service on the Respondent via a sheriff or process server unless the Respondent voluntarily accepts service. All child support payments (once ordered) must route through the Nebraska Child Support Payment Center (NCSPC), not directly between parents.

NOTE: Child support obligations in Nebraska continue until the child reaches age 19 (Neb. Rev. Stat. § 42-371), unless otherwise ordered.

PART 4: RELIEF REQUESTED

6. Petitioner requests that this Court:

■ Increase child support to: $_____ per month
■ Decrease child support to: $_____ per month
■ Set child support per Nebraska Child Support Guidelines Worksheet (CC 6:6)
■ Award attorney fees and costs
■ Other relief: _____

PART 5: VERIFICATION

I declare under penalty of perjury under the laws of the State of Nebraska that the foregoing is true and correct to the best of my knowledge and belief.

_____ _____

Petitioner Signature Date

Petitioner Printed Name: _____

Address: _____

City, State, ZIP: _____

Phone: _____ Email: _____

PART 6: SERVICE OF PROCESS

Respondent must be served with a copy of this Complaint and a Summons. Service may be accomplished by:

■ Personal service by a sheriff or process server (required if Respondent has not appeared)
■ Voluntary/Acceptance of Service (Respondent signs acknowledgment)
■ Publication (only if Respondent's whereabouts are unknown — court approval required)

All payments must be made through the Nebraska Child Support Payment Center (NCSPC).
DHHS Child Support Enforcement: (877) 631-9973 | dhhs.ne.gov/childsupport

ATTACHMENT A: INCOME INFORMATION SUMMARY (Page 2)

PETITIONER'S INCOME SUMMARY

Complete this section for Petitioner. A full Financial Affidavit (CC 6:7) is also required.

MODEL FORM — For reference only. Verify current version at supremecourt.nebraska.gov Page 2

Figure AA-1b: Nebraska Complaint for Modification (CC 6:5) — Page 2 of 2 (Income Summary & Threshold Check)

▸ COMPLAINT PAGE 2, INCOME SUMMARY & 10% THRESHOLD CHECK

ATTACHMENT A: INCOME INFORMATION SUMMARY

Petitioner's Income Summary: Complete every row that applies. Report gross monthly amounts here, but remember the guidelines calculation runs on net income: total income minus the § 4-205 deductions (taxes, FICA, mandatory retirement, prior support, union dues). Include all sources: wages, overtime (averaged over

12 months), self-employment (net of ordinary business expenses), Social Security, SSI, disability, unemployment, workers' compensation, pension, rental income (net), dividends, and any other regular income. Courts scrutinize self-employment carefully, attach a recent Schedule C or profit-and-loss statement.

Respondent's Income Summary: Complete to the best of your knowledge. Estimate if necessary, Respondent will complete their own Financial Affidavit. If Respondent is voluntarily underemployed or unemployed, note their work history and earning capacity. Courts may impute income at the level the party is capable of earning.

Parenting Time / Overnight Schedule: Document both the current schedule and the proposed schedule in terms of annual overnights. The key numbers in Nebraska are 109 and 142 days per year: between 109 and 142 days the court has discretion to use the Worksheet 3 joint custody calculation, and above 142 days for each parent Worksheet 3 is rebuttably presumed (Neb. Ct. R. § 4-212). Both the current and proposed schedules are relevant to the calculation.

10% Threshold Check: This table operationalizes Nebraska's modification standard. Enter the current court-ordered monthly amount, then calculate what the Guidelines Worksheet (CC 6:6) would produce today. If the difference is 10% or more, and at least $25, in either direction, and the circumstances have lasted three months with six more expected, the § 4-217 rebuttable presumption applies. The court can still decline to modify if the presumption is rebutted, but meeting § 4-217 is generally sufficient to obtain a hearing.

FORM 2 OF 3: CHILD SUPPORT GUIDELINES WORKSHEET (CC 6:6)

The Nebraska Child Support Guidelines Worksheet is the mathematical engine of every modification proceeding. It translates both parents' gross incomes into a specific support obligation using the Income Shares Model and the Nebraska Child Support Schedule. Both parties should complete worksheets independently and exchange them before the hearing. Substantial discrepancies between the parties' worksheets are common and will be addressed by the court.

STATE OF NEBRASKA — DISTRICT COURT

CHILD SUPPORT GUIDELINES WORKSHEET

CC 6:6 (Model Form) — Neb. Rev. Stat. §§ 43-512 through 43-513.09; Nebraska Supreme Court Rules

Case Name:		**Case No.:**	
County:		**Date Prepared:**	
Petitioner:		**Respondent:**	

LINE	DESCRIPTION	PETITIONER	RESPONDENT
	SECTION A: GROSS MONTHLY INCOME		
1	Monthly gross income (wages, salary, commissions, bonuses, etc.)	$	$
2	Monthly income from self-employment (gross receipts less ordinary expenses)	$	$
3	Social Security, disability, workers' comp, unemployment, pension, etc.	$	$
4	All other income (rental, interest, dividends, trust distributions, etc.)	$	$
5	**TOTAL GROSS MONTHLY INCOME (Lines 1+2+3+4)**	**$**	**$**
	SECTION B: ADJUSTMENTS TO INCOME		
6	Child support actually paid for other children (court-ordered, not this case)	$	$
7	Alimony/spousal support paid per prior court order	$	$
8	Adjusted Gross Monthly Income (Line 5 minus Lines 6 & 7)	**$**	**$**
	SECTION C: COMBINED INCOME & BASIC SUPPORT OBLIGATION		
9	Combined Adjusted Gross Monthly Income (Line 8 Petitioner + Respondent)		**$**
10	Basic Child Support Obligation (from Nebraska Schedule — based on Line 9 & no. of children)		**$**
11	Petitioner's proportionate share of income (Line 8-Pet ÷ Line 9)		%
12	Respondent's proportionate share of income (Line 8-Resp ÷ Line 9)		%
	SECTION D: ADDITIONAL EXPENSES		
13	Child care costs (work/education related, monthly)	$	$
14	Health insurance premium attributable to child(ren)	$	$
15	Extraordinary medical/other expenses (court approved)	$	$
16	Total Additional Expenses (Lines 13+14+15)	**$**	**$**
17	Total Support Obligation (Line 10 + Line 16)		**$**
	SECTION E: EACH PARTY'S OBLIGATION		
18	Petitioner's share of total obligation (Line 17 × Line 11%)	**$**	
19	Respondent's share of total obligation (Line 17 × Line 12%)		**$**

WORKSHEET — PAGE 2: PARENTING TIME CREDIT & FINAL CALCULATION

SECTION F: PARENTING TIME CREDIT (Extraordinary Visitation — 73+ Overnights)

MODEL FORM — For reference only. Verify current version at supremecourt.nebraska.gov Page 1

Figure AA-2a: Nebraska Child Support Guidelines Worksheet (CC 6:6) — Page 1 of 2

▸ WORKSHEET PAGE 1, LINE-BY-LINE GUIDE (Sections A–E)

HEADER INFORMATION

Complete the case name, case number, county, preparation date, and party names. Mark whether this worksheet reflects the current situation (for the 10% check) or a proposed modification. Courts appreciate worksheets that clearly indicate which scenario they represent.

SECTION A: GROSS MONTHLY INCOME

Line 1 (Monthly Wages/Salary: Use gross pay before any deductions) taxes, retirement, health insurance, and union dues are not subtracted at this stage. Use pay stubs from the last three months. Convert non-monthly pay: weekly pay × 4.333; bi-weekly pay × 2.167; semi-monthly pay × 2.

Line 2, Self-Employment Income: Use gross receipts less ordinary and necessary business expenses (not depreciation or extraordinary deductions). Courts often require a Schedule C, K-1, or business financial statements for the last 2-3 years. Be conservative, courts disallow personal expenses claimed as business deductions.

Line 3, Social Security / Disability / Benefits: Include all government benefits received regularly. Social Security disability (SSDI) counts as income. SSI may or may not count depending on circumstances, consult the Guidelines commentary. If a child receives a derivative Social Security benefit based on a parent's disability, that amount is credited toward the disabled parent's support obligation.

Line 4, All Other Income: Include rental income (net of mortgage interest, taxes, insurance, maintenance), dividends and interest, trust distributions, royalties, and any other regular income. Courts will include recurring gifts, in-kind income, and benefits provided by an employer that reduce personal living expenses.

Line 5, Total Gross Monthly Income: Sum lines 1-4 for each parent separately. This is the foundational number in the calculation, everything else flows from it. Double-check arithmetic.

SECTION B: ADJUSTMENTS TO INCOME

Line 6, Child Support Paid for Other Children: Only court-ordered child support actually being paid for children from other relationships is deductible. Voluntary payments, informal agreements, or arrearages do not qualify. The deduction applies to the parent paying support, not the parent receiving it. Provide a copy of the other order.

Line 7, Alimony/Spousal Support Paid: Only alimony paid pursuant to a prior court order is deductible. Payments being made in this case are not deductible here. Provide documentation of the prior order and payment history.

Line 8, Adjusted Gross Monthly Income: Subtract lines 6 and 7 from line 5 for each parent. This is the income figure that enters the Nebraska Child Support Schedule.

SECTION C: COMBINED INCOME & BASIC SUPPORT OBLIGATION

Line 9, Combined Adjusted Gross Monthly Income: Add Line 8 (Petitioner) + Line 8 (Respondent). This combined figure is what you look up in the Nebraska Child Support Schedule to find the Basic Child Support Obligation.

Line 10, Basic Child Support Obligation (BCSO): Look up Line 9's combined income in the Nebraska Child Support Schedule, cross-referenced with the number of children. The Schedule is an economic table published by the Nebraska Supreme Court. The BCSO represents what both parents together are presumed to spend monthly on the children. Courts are required to use this Schedule. It is not discretionary.

Lines 11 & 12, Proportionate Income Shares: Divide each parent's adjusted gross income (Line 8) by the combined income (Line 9). These percentages represent each parent's proportionate share of the combined income and thus their proportionate responsibility for child support costs.

SECTION D: ADDITIONAL EXPENSES (Lines 13-17)

Line 13, Child Care: Work-related or education-related child care is added to the BCSO. Use actual costs if both parents agree, or market-rate costs if disputed. Include only costs that are necessary for the custodial parent to work or attend school.

Line 14, Health Insurance: The premium cost attributable to the children's coverage (not the entire family premium) is added to the BCSO. If health insurance covers a family of four and only two are children subject to this order, prorate accordingly. The court will typically assign responsibility for maintaining health insurance.

Line 15, Extraordinary Medical / Other Expenses: Court-approved extraordinary expenses (uncovered medical beyond normal costs, special educational needs, etc.) may be added. These must be approved by the court. Do not add expenses unilaterally. Lines 13-15 are shared between the parents in proportion to their income shares (Lines 11-12).

The non-custodial parent (NCP) is entitled to a parenting time credit if the NCP has **73 or more overnights per year** with the child(ren). If fewer than 73 nights, skip to Section G.

LINE	DESCRIPTION	AMOUNT
20	Number of overnights NCP has per year (must be 73 or more to qualify)	_____ nights
21	NCP's parenting time percentage (Line 20 ÷ 365)	_____ %
22	Custodial parent's (CP) basic support share (Line 18 or 19 — CP's line from Section E)	$
23	Variable costs factor (multiply Line 22 × 0.37)	$
24	NCP's parenting time credit (Line 21 × Line 23 × 2)	$
25	NCP's obligation before credit (NCP's line from Line 18 or 19)	$
26	**NCP's ADJUSTED OBLIGATION (Line 25 minus Line 24 — minimum $0)**	**$**

SECTION G: FINAL MONTHLY CHILD SUPPORT OBLIGATION

LINE	DESCRIPTION	AMOUNT
27	Final NCP monthly child support (from Line 26 if 73+ nights, or Line 18/19 if fewer nights)	$
28	Current court-ordered amount	$
29	Difference (Line 27 minus Line 28)	$
30	Difference as % of current order (Line 29 ÷ Line 28)	%
31	**Is difference ≥ 10%? Rebuttable presumption for modification applies.**	■ Yes ■ No

SECTION H: DEVIATION FROM GUIDELINES

A court may deviate from the Guidelines if applying them would be unjust or inappropriate in a particular case. The court must make written findings.

Deviation requested: ■ Yes ■ No

If yes, proposed amount: $_____ /month

Basis for deviation (cite specific Nebraska Guideline factors):

_____

_____

_____

CERTIFICATION

I certify that the information provided in this worksheet is accurate and complete to the best of my knowledge.

_____ _____

Signature Date

Printed Name: _____

■ Petitioner ■ Respondent ■ Attorney for: _____

MODEL FORM — For reference only. Verify current version at supremecourt.nebraska.gov Page 2

Figure AA-2b: Nebraska Child Support Guidelines Worksheet (CC 6:6) — Page 2 of 2 (Parenting Time Credit & Final Calculation)

▸ WORKSHEET PAGE 2, PARENTING TIME CREDIT & FINAL CALCULATION

SECTION F: PARENTING TIME CREDIT (Lines 20-26)

The parenting time credit is one of the most valuable provisions in Nebraska's Guidelines for non-custodial parents who are actively involved in their children's lives. It recognizes that when the NCP has the children, the NCP is directly spending money on the children's needs, and the custodial parent's expenses are reduced.

Line 20, Annual Overnights: Count every overnight the NCP has with the children. An overnight is a night when the child sleeps at the NCP's home. Nebraska's joint custody calculation thresholds are 109 days (discretionary Worksheet 3) and more than 142 days for each parent (rebuttable presumption of Worksheet 3) under Neb. Ct. R. § 4-212; a day generally includes an overnight period. Separately, § 4-210 allows an abatement of up to 80% during parenting time of 28 or more days in any 90-day period.

Line 21, NCP's Parenting Time Percentage: Divide the NCP's annual overnights (Line 20) by 365. For example: 100 overnights ÷ 365 = 27.4%. This percentage represents the proportion of time the child is with the NCP.

Line 22, Custodial Parent's Basic Support Share: This is the CP's share of the BCSO from Section E (CP's Line 18 or 19). This amount represents what the CP would be contributing to the children's fixed costs even when children are not with them.

Line 23, Variable Costs Factor: Multiply Line 22 by 0.37. The Nebraska Guidelines recognize that 37% of the BCSO consists of variable costs (food, transportation, entertainment) that the NCP duplicates during parenting time. Fixed costs (housing, insurance) are not duplicated.

Line 24, Parenting Time Credit: Multiply Line 21 (NCP's time %) × Line 23 (variable costs factor) × 2. The factor of 2 accounts for the fact that costs shift from the CP's household to the NCP's household during the NCP's parenting time. This is the dollar credit applied to the NCP's base obligation.

Example: NCP has 100 overnights/year. CP's BCSO share = $600/month. Variable factor = $600 × 0.37 = $222. Parenting time % = 100/365 = 27.4%. Credit = 27.4% × $222 × 2 = $121.66/month reduction in NCP's obligation.

Line 25, NCP's Pre-Credit Obligation: The NCP's obligation from Section E (before applying the credit).

Line 26, NCP's Adjusted Obligation: Subtract Line 24 from Line 25. This is the NCP's final monthly child support obligation after the parenting time credit. The result cannot be less than $0 (minimum obligation applies, Nebraska Guidelines set a minimum support amount).

SECTION G: FINAL CALCULATION & 10% CHECK (Lines 27-31)

Line 27, Final Monthly Obligation: Transfer the result from the worksheet that governs your custody arrangement (Worksheet 1, or Worksheet 3 in joint physical custody cases). This is the amount the Guidelines produce.

Lines 28-31, Modification Threshold Check: Compare the Guidelines amount (Line 27) to the current order (Line 28). If the difference is 10% or more of the current order (and at least $25) on circumstances lasting three months with six more expected, the § 4-217 rebuttable presumption for modification is established. At this point, the burden shifts to the opposing party to demonstrate why the Guidelines amount should NOT be ordered.

SECTION H: DEVIATION REQUEST

A court may deviate from the Guidelines amount if applying it would be unjust or inappropriate. The court must make written findings explaining the deviation. Grounds include: a child's extraordinary needs; shared parental agreement (courts scrutinize these); a parent's financial obligations to other dependents not captured by the credit; or income from the child that makes the Guidelines amount unreasonable. Deviation requests must be specific and documented.

FORM 3 OF 3: FINANCIAL AFFIDAVIT

The Financial Affidavit is a sworn document required of both parties in all child support modification proceedings. It provides the court (and the opposing party) with a comprehensive picture of each parent's financial situation.

Nebraska courts take financial affidavit accuracy very seriously; intentional misrepresentation is perjury. Both parties must exchange affidavits before the hearing.

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA
Case No. _____

FINANCIAL AFFIDAVIT
(Required of Both Parties — Nebraska Child Support Proceedings)

I, _____, being duly sworn, state:

Relationship to case: _____

Employer name & address: _____

Pay frequency: ■ Weekly ■ Bi-weekly ■ Bi-monthly ■ Monthly ■ Other: _____

SECTION 1: GROSS MONTHLY INCOME

Line	Income Type	Monthly Amount
1a	Gross monthly wages/salary (before deductions)	$
1b	Overtime (average last 12 months)	$
1c	Self-employment gross income (attach Schedule C or profit/loss statement)	$
1d	Commissions / bonuses / tips (average)	$
1e	Social Security benefits (attach award letter)	$
1f	SSI / disability payments	$
1g	Unemployment compensation	$
1h	Workers' compensation	$
1i	Pension / retirement / annuity	$
1j	Rental income (net of ordinary expenses)	$
1k	Dividends / interest / capital gains	$
1l	Trust distributions	$
1m	Alimony received (from prior marriage/relationship)	$
1n	Other income (specify: _____)	$
	TOTAL GROSS MONTHLY INCOME	**$**

SECTION 2: MONTHLY PAYROLL DEDUCTIONS (from pay stub)

Line	Deduction Type	Monthly Amount
2a	Federal income tax withheld	$
2b	State income tax withheld	$
2c	FICA / Social Security (6.2%)	$
2d	Medicare (1.45%)	$
2e	Health / dental / vision insurance premium	$
2f	Mandatory retirement contribution (required by employer)	$
2g	Union dues (if mandatory)	$
2h	Garnishments (child support for other cases)	$
	TOTAL MONTHLY DEDUCTIONS	**$**

FINANCIAL AFFIDAVIT — PAGE 2: EXPENSES & ASSETS/LIABILITIES

SECTION 3: MONTHLY HOUSEHOLD EXPENSES

MODEL FORM — For reference only. Verify current version at supremecourt.nebraska.gov Page 1

Figure AA-3a: Nebraska Financial Affidavit — Page 1 of 2 (Income & Deductions)

▸ FINANCIAL AFFIDAVIT PAGE 1, LINE-BY-LINE GUIDE

IDENTIFICATION & EMPLOYMENT

Your name, relationship to the case (Petitioner or Respondent), and employment information. List your primary employer first. If you have multiple jobs, attach an addendum listing each employer separately with corresponding income. Include the employer's full name and address. Courts may subpoena payroll records if income is disputed.

Pay frequency matters for conversion accuracy. Use these multipliers: weekly × 4.333 = monthly; bi-weekly × 2.167 = monthly; semi-monthly × 2 = monthly. Do not simply multiply weekly pay by 4, this produces an artificially low monthly figure.

SECTION 1: GROSS MONTHLY INCOME (Lines 1a–1n)

Line 1a, Gross Wages/Salary: Use your gross pay (before any deductions) from the most recent three consecutive pay stubs. Attach pay stubs as exhibits. If income has varied significantly, use a 12-month average from W-2 or tax returns.

Line 1b, Overtime: Average overtime pay over the last 12 months. Courts include overtime if it is "regular and continuing", if your employer historically provides overtime opportunities and you regularly work them, courts will include it. Courts look skeptically at claims that future overtime will not be available when the parent has consistently received it.

Line 1c, Self-Employment: Report net income from self-employment (gross revenue minus legitimate business expenses). Attach a Schedule C or recent profit-and-loss statement. Courts frequently hire forensic accountants or request 2-3 years of tax returns when self-employment income is disputed. Common issues: cash businesses, unreported income, inflated expenses.

Lines 1d–1n, Other Income: Be thorough. Courts have broad authority to include any regular financial benefit. This includes: commissions (12-month average), bonuses (12-month average), Social Security benefits for all household members based on your earnings record, disability payments, unemployment, workers' comp, pension/retirement distributions, rental income net of expenses, investment income, trust distributions, and inheritances being received in installments.

SECTION 2: MONTHLY PAYROLL DEDUCTIONS (Lines 2a–2h)

Several of these deductions also matter to the guidelines calculation itself: Nebraska computes support on net income, meaning total income minus the deductions allowed by Neb. Ct. R. § 4-205 (taxes, FICA, mandatory retirement, previously ordered support, regular union dues). Make sure the deduction figures here match what you claim on the worksheet.

Line 2a/2b, Federal and State Income Tax Withheld: Use actual withholding from pay stubs. If taxes are not withheld (self-employed), estimate quarterly tax payments.

Line 2e, Health Insurance: Report only the premium deducted from your paycheck, not the employer's contribution. If the children's health insurance premium is included, separately calculate the children's portion (needed for the Worksheet Line 14).

Lines 2f-2g, Mandatory Retirement and Union Dues: Only mandatory contributions count. Voluntary 401(k) contributions above any mandatory minimum do not reduce gross income for Guidelines purposes.

Line	Expense Category	Monthly Amount
3a	Rent / mortgage (principal + interest)	$
3b	Real estate taxes & homeowners insurance	$
3c	Utilities (electric, gas, water, trash)	$
3d	Telephone / cell phone	$
3e	Internet / cable	$
3f	Groceries / household supplies	$
3g	Transportation (car payment, insurance, fuel, maintenance)	$
3h	Health insurance (portion not deducted from paycheck)	$
3i	Out-of-pocket medical / dental / vision (monthly average)	$
3j	Child care / day care	$
3k	Children's clothing, school supplies, extracurricular activities	$
3l	Children's health-related expenses not covered by insurance	$
3m	Life insurance premiums	$
3n	Credit card / loan payments (minimum monthly)	$
3o	Other (specify: _____)	$
	TOTAL MONTHLY EXPENSES	**$**

SECTION 4: ASSETS & LIABILITIES SUMMARY

ASSETS	Estimated Value	LIABILITIES	Amount Owed
Real property	$	Mortgage balance	$
Vehicles	$	Car loans	$
Checking/savings accounts	$	Credit card debt	$
Retirement / 401(k) / IRA	$	Student loans	$
Other assets	$	Other debts	$
TOTAL ASSETS	**$**	**TOTAL LIABILITIES**	**$**

SECTION 5: VERIFICATION / OATH

I declare under penalty of perjury under the laws of the State of Nebraska that the statements made in this Financial Affidavit are true and correct to the best of my knowledge, information, and belief.

I understand that intentional misrepresentation of financial information constitutes perjury and may subject me to criminal prosecution and sanctions by the Court.

_____ _____

Affiant Signature Date Signed

Affiant Printed Name: _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

_____ _____

MODEL FORM — For reference only. Verify current version at supremecourt.nebraska.gov Page 2

Figure AA-3b: Nebraska Financial Affidavit — Page 2 of 2 (Expenses, Assets/Liabilities & Verification)

▸ FINANCIAL AFFIDAVIT PAGE 2, EXPENSES, ASSETS & VERIFICATION

SECTION 3: MONTHLY HOUSEHOLD EXPENSES (Lines 3a–3o)

Document all actual monthly household expenses. Use bank statements, credit card statements, and receipts as source documents. Courts use this section to assess each parent's ability to pay and to evaluate requests for deviation from the Guidelines. Do not inflate expenses, opposing counsel will scrutinize this section.

Line 3a, Rent/Mortgage: Enter current monthly housing payment. If you own your home, enter principal + interest only (taxes and insurance go on 3b). Courts note housing decisions made after separation, moving to a more expensive home than necessary may not garner sympathy.

Lines 3j-3l, Children's Expenses: These lines are critical in modification cases because they directly inform the court about the children's actual needs. Be specific and document with receipts. Child care (3j) should reflect current actual costs, courts adjust this as children age and leave care. Health-related expenses (3l) should reflect recurring costs, not one-time events.

Line 3n, Debt Payments: List minimum monthly payments on credit cards and loans. Courts consider whether debts were incurred for family purposes versus post-separation personal spending. Excessive new debt may not justify reduced support.

SECTION 4: ASSETS & LIABILITIES SUMMARY

List major assets at estimated current fair market value (not original cost). For real property, use current market value minus the mortgage balance to determine equity. For retirement accounts, list the current balance. For liabilities, list outstanding balances, not original loan amounts.

Net worth (total assets minus total liabilities) is relevant to the court's overall assessment of financial capacity. A parent claiming inability to pay child support while holding substantial assets will face difficult credibility questions.

SECTION 5: VERIFICATION / OATH

The Financial Affidavit must be signed before a Notary Public. This is not optional. The notary verifies your identity and witnesses your oath that the statements are true. Do not sign the affidavit before presenting it to a notary, sign in the notary's presence. Many courthouses, banks, and UPS Stores provide notary services. Some attorneys' offices offer free notarization for clients.

Retain a copy of every page of your completed, notarized Financial Affidavit. File the original with the court and serve a copy on the opposing party well in advance of the hearing.

NEBRASKA CHILD SUPPORT MODIFICATION, KEY PRACTICE POINTS

10%/$25 Presumption, A Friendlier Standard: Nebraska's § 4-217 presumption, a 10%-or-more (and at least $25) change in the guideline amount on circumstances lasting three months with six more expected, is among the more accessible modification standards in the country. This lower threshold means modification petitions are more readily available to Nebraska parents when incomes fluctuate. However, "rebuttable presumption" means the court may still decline modification if the other party shows compelling reasons.

Age 19 Majority, One of Only a Few States: Nebraska child support continues to age 19, not 18. This is a critical distinction from the federal default. Parties and attorneys from other states frequently make the mistake of assuming support terminates at 18. Plan for this extended obligation when budgeting and when negotiating modification terms. The only exception is if the court orders emancipation earlier (rare) or the child becomes self-supporting.

Nebraska Child Support Payment Center (NCSPC): All child support payments in Nebraska must flow through the NCSPC. Direct parent-to-parent payments are not recognized by the court for purposes of credit against the obligation. Even if both parents agree to direct payments, do not make them. Courts will treat undocumented cash payments as gifts, not child support. NCSPC contact: (877) 631-9973.

DHHS Child Support Enforcement (CSE), IV-D Agency: Nebraska's IV-D agency is the Department of Health and Human Services Child Support Enforcement Division. DHHS CSE provides free services for parents who meet

income eligibility requirements, including: locating the other parent, establishing paternity, obtaining orders, and enforcing and modifying orders. Contact: (877) 631-9973 | dhhs.ne.gov/childsupport.

Worksheet 3 Joint Custody Thresholds: The joint physical custody calculation is discretionary when a parent's time runs 109 to 142 days per year and rebuttably presumed when each parent exceeds 142 days (Neb. Ct. R. § 4-212); an abatement of up to 80% is also available during parenting periods of 28 or more days in any 90-day window (§ 4-210). Parents near these lines should document parenting time carefully, because the calculation difference is not trivial.

"Complaint" Not "Motion" or "Petition": Nebraska's terminology is distinctive. The modification document is called a Complaint for Modification (CC 6:5), not a Motion to Modify or Petition for Modification. Using the wrong form label will not necessarily result in rejection, but it signals unfamiliarity with Nebraska procedure. Nebraska Supreme Court approved forms use "Complaint."

Review Cycles: The Nebraska Supreme Court reviews the guidelines themselves every four years, consistent with the federal quadrennial requirement. Separately, IV-D cases through DHHS qualify for an administrative case review every 3 years. Parents should mark their calendars: if 3 years have passed since the last order and the guidelines would produce a materially different result, a review request is available.

Personal Service Required: Nebraska requires personal service by a sheriff or registered process server when the opposing party has not previously appeared in the modification proceeding. Voluntary/acceptance of service is an efficient alternative if the other party cooperates. Service by mail alone is not sufficient to initiate a new complaint for modification.

Nebraska Legal Resources: Nebraska State Bar Association Lawyer Referral (402) 475-7091 | Heartland Justice, legal aid for low-income Nebraskans (402) 348-1069 | Nebraska Supreme Court self-help forms: supremecourt.nebraska.gov | Nebraska Legislature child support statutes: Neb. Rev. Stat. §§ 42-364, 42-364.16, 43-512 through 43-513.09.

End of Appendix AA - Nebraska | Appendix AB - Nevada follows.

Appendix AB — Nevada: Statutes, Case Law, Forms, and Resources

Key Statutes

• NRS 125B.145, review and modification; 20% change in gross monthly income deemed changed circumstances

• NAC Chapter 425, child support guideline brackets (replaced the former NRS 125B.070 flat percentages effective February 1, 2020)

• NRS 425.510 and NRS 483.443, license suspension for arrears equal to two months of payments or $1,000, whichever is less

• NRS 201.020, criminal nonsupport (misdemeanor; Category C felony at $10,000 in arrears, or $5,000 on a repeat violation)

• NRS 31A.020 et seq., income withholding order requirements

Key Case Law

• Wright v. Osburn, 114 Nev. 1367 (1998), change of circumstances required for modification

• Fernandez v. Fernandez, 127 Nev. 539 (2011), income calculation; treatment of bonus income

• Barbagallo v. Barbagallo, 105 Nev. 546 (1989), imputed income for voluntary underemployment

• Rosenbaum v. Rosenbaum, 86 Nev. 550 (1970), best interests standard in modification

Official Forms

• Child Support Worksheet, Nevada Supreme Court (nvcourts.gov)

• Motion to Modify Child Support, District Court

• Financial Disclosure Form (FDF)

• Income and Expense Declaration

State Agency Contact

• Nevada Division of Welfare and Supportive Services (DWSS) Child Support Enforcement customer service: (800) 992-0900

• Payment inquiries (VRU): (702) 486-1646 southern Nevada, (775) 684-7200 northern Nevada

• Website: dwss.nv.gov

• Nevada Legal Services: (888) 245-3247 | nlslaw.net

Filing Checklist

- Child Support Worksheet with both parents' current gross income
- Financial Disclosure Form (FDF)
- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion to Modify Child Support
- Documentation of triggering change (20% change in gross monthly income, or other substantial change)
- Filing fee or in forma pauperis application
- Proof of service on other parent

Court Forms & Completion Guide

Nevada Child Support Modification, Official Forms Reference

District Court | Percentage of Obligor's Gross Income | 20% Income-Change Trigger (NRS 125B.145) | No State Income Tax | Age 18/HS Graduation

FORM 1 OF 3: MOTION TO MODIFY CHILD SUPPORT (NRS 125B.145)

The Motion to Modify Child Support is the initiating document for all child support modifications in Nevada District Court. Nevada uses the term "Motion", not "Petition" or "Complaint." The Motion must be filed in the county where the original order was entered or, if the child has since moved, potentially in the county of the child's current residence (UIFSA provisions apply for interstate cases). Clark County (Las Vegas) cases file in the Eighth Judicial District Family Court; Washoe County (Reno) cases file in the Second Judicial District Family Court; all other counties file in their respective District Courts.

STATE OF NEVADA
DISTRICT COURT, _____ JUDICIAL DISTRICT
_____ COUNTY

Case No.: _____ Dept. No.: _____

In the Matter of:

Petitioner: _____

and

Respondent: _____

MOTION TO MODIFY CHILD SUPPORT
(NRS 125B.145 — Model Form)

PART 1: MOVING PARTY & CURRENT ORDER

1. _____ ("Moving Party") files this Motion to Modify Child Support pursuant to NRS 125B.145 and requests that this Court modify the existing child support order.

Date of existing order: _____

Current monthly child support ordered: $ _____

2. The existing order was entered by:

■ This Court ■ Another Nevada County: _____ ■ Another State (UIFSA): _____

PART 2: GROUNDS FOR MODIFICATION

3. A substantial change in circumstances has occurred. Under NRS 125B.145, a change of 20% or more, or $100 or more per month (whichever is greater), in the amount of support creates a rebuttable presumption of changed circumstances.

Check all grounds that apply:

■ **Change in Obligor's Gross Income (20% / $100 Threshold):**
Prior gross monthly income: $_____ Current gross monthly income: $_____
% change: _____% Dollar difference in support: $_____/month

■ **Change in Obligee's Gross Income:** Obligee's income has changed materially, specifically:
Describe: _____

■ **Change in Child's Needs:** The child(ren)'s needs have substantially changed, specifically:
Describe: _____

■ **Change in Custody / Parenting Time:** Physical custody arrangement has changed, specifically:
Describe: _____

■ **3-Year Review:** Three or more years have elapsed since the order was entered or last modified, and application of the current NRS 125B Guidelines would result in a different amount.

■ **Other Changed Circumstances:** Describe:
_____

PART 3: CHILDREN SUBJECT TO THIS ORDER

Child's Full Name	Date of Birth	Age	Lives With

MODEL FORM — For reference only. Verify current version at nevadajudiciary.us Page 1

Figure AB-1a: Nevada Motion to Modify Child Support (NRS 125B.145) — Page 1 of 2

▸ MOTION PAGE 1, LINE-BY-LINE GUIDE

COURT HEADER & CASE CAPTION

Judicial District: Nevada has eight judicial districts. Identify which district your case is in. Clark County alone = Eighth Judicial District. Washoe County alone = Second Judicial District. Most other counties share districts (e.g., the First Judicial District covers Carson City and Storey County). Enter the number and county.

Case Number / Department: Use the exact case number from the original order. Department numbers are assigned by the clerk, your existing case number will reflect the department. In Clark County Family Court, departments are designated with letters (e.g., Dept. H).

Petitioner / Respondent: These designations carry over from the original proceeding, the person who originally filed the case remains the Petitioner; the other party remains the Respondent. The Moving Party (the person filing this Motion) may be either the Petitioner or the Respondent in the original case.

PART 1: MOVING PARTY & CURRENT ORDER

Moving Party Name: Enter your full legal name. Identify yourself as "Petitioner" or "Respondent" from the original case. This is important because courts track which party is filing.

Date of Existing Order: Enter the date of the most recent child support order. This may be the original order, or a previous modification order if support has been modified before. The court will compare circumstances from this date to today.

Current Monthly Child Support: Enter the exact amount currently ordered. If the order includes step-up provisions or COLA clauses, note the current operative amount. Do not confuse arrearages with ongoing support, only the monthly obligation goes here.

Where the Order Was Entered: Check the correct box. If the original order was entered in another state, Nevada courts have jurisdiction only if proper UIFSA procedures have been followed and Nevada has registered the foreign order. Consult the Nevada Division of Welfare and Supportive Services (DWSS) for IV-D cases.

PART 2: GROUNDS FOR MODIFICATION (Nevada's Dual Threshold)

Nevada's trigger runs on income, not on the order amount: under NRS 125B.145(4), a change of 20% or more in the gross monthly income of a person subject to the order is deemed changed circumstances requiring a review. There is no separate dollar threshold. Short of the 20% trigger, the court may still modify on a showing of a substantial change in circumstances.

☐ Change in Obligor's Gross Income: Nevada's formula is based entirely on the obligor's gross income, so changes in the obligor's income are the most direct route to modification. Calculate the new support amount under the NAC 425.140 brackets, compare to the current order, and check whether the obligor's gross monthly income has changed by 20% or more. Note: if the obligor voluntarily reduces income (e.g., quits a high-paying job without cause), the court may impute income at prior earning capacity.

☐ Change in Obligee's Gross Income: While Nevada's base formula uses only the obligor's income, the obligee's income is relevant to requests for deviation from the Guidelines. Significant increases in the obligee's income may support a downward modification even when the obligor's income is unchanged. Significant decreases may support an upward modification or denial of a downward modification request.

☐ Change in Custody/Parenting Time: If physical custody has changed (particularly from sole physical custody to joint physical custody or vice versa) the modification standard is more readily met because the formula changes. Joint physical custody uses an offset method (see Worksheet Section 7) that produces a different result than sole custody.

☐ 3-Year Review: NRS 125B.145 requires that an order be reviewed at least every three years on request, and DWSS conducts administrative reviews for IV-D cases on that cycle. For non-IV-D cases, the 3-year passage of time combined with a change in the Guidelines amount can support a modification even when changes are modest.

PARTS 3-5 (Children / Nevada Guideline Table / Relief Requested)

Part 3, Children Table: List every child covered by the order. Nevada support continues until age 18 OR graduation from high school, whichever is later, but no longer than age 19. (Support for a child with a disability can continue beyond majority under NRS 125B.110.) A child who turns 18 in February but will graduate high school in June continues to receive support through graduation. Do not terminate support at 18 without confirming the high school graduation date.

Part 4, Nevada Guideline Table: This is a quick-reference calculation embedded in the Motion. Enter the number of children, apply the NAC 425.140 marginal brackets (for one child, 16% of the first $6,000 of gross monthly income, 8% from $6,000 to $10,000, 4% above $10,000) to the obligor's current gross monthly income, and compare to the current order. The table at the bottom shows whether the 20% income-change trigger is met.

Part 5 (Relief Requested: Specify the exact amount you are seeking, or check "per NRS 125B.070 Guidelines." Courts prefer a specific dollar amount) it demonstrates that you have done the calculation and are not simply asking the court to figure it out. You may also request modification of health insurance provisions, extraordinary expense allocations, or attorney fees.

NOTE: Nevada child support continues until the child turns 18 OR graduates high school, whichever is later — but no later than age 19 (NRS 125B.110). Do not list children who have already reached majority.

PART 4: NEVADA GUIDELINE CALCULATION

Nevada child support is based on a PERCENTAGE OF THE OBLIGOR'S GROSS MONTHLY INCOME (NRS 125B.070). This is different from most states that use an Income Shares model. The percentage depends on number of children:

Number of Children	% of Obligor's Gross Income
1 child	18%
2 children	25%
3 children	29%
4 children	31%
5 or more children	33%

Calculation Step	Amount
Number of children subject to this order:	
Applicable % from table above:	%
Obligor's current gross monthly income:	$
Guideline Support Amount (income × %)	**$**
Current ordered amount:	$
Difference (absolute value):	$
Is difference ≥ $100 AND ≥ 20% of current order?	■ Yes ■ No

PART 5: RELIEF REQUESTED

4. Moving Party respectfully requests that this Court:

■ Increase child support to $_____/month
■ Decrease child support to $_____/month
■ Set child support per NRS 125B.070 Guidelines (amount: $_____/month)
■ Modify health insurance / extraordinary expense provisions
■ Award attorney fees and costs

MODEL FORM — For reference only. Verify current version at nevadajudiciary.us Page 2

Figure AB-1b: Nevada Motion to Modify Child Support — Page 2 of 2 (Verification, FDF Requirement & Service)

▸ MOTION PAGE 2, FDF REQUIREMENT, SERVICE & CERTIFICATION

PART 6: FINANCIAL DISCLOSURE FORM (FDF), MANDATORY

Nevada's NRCP Rule 16.2 (general civil) and NRFP Rule 16 (family proceedings) require both parties to file a Financial Disclosure Form (FDF) with any financial motion and to serve it on the opposing party. The FDF is not optional. Courts will reject or dismiss Motions that are not accompanied by an FDF. The FDF must be current

(typically within 90 days of filing). Both the Moving Party AND the Non-Moving Party are required to file FDFs, the Non-Moving Party's FDF is due with their Opposition.

PART 7: INCOME DOCUMENTATION

Attach the listed income documents to your Motion. Nevada courts take documentary verification seriously. Courts frequently order production of documents at hearings when the parties' income claims are disputed. Bring originals to any hearing. For self-employed obligors, courts regularly order 2-3 years of tax returns, Schedule C, and bank statements.

PARTS 8-10 (Custody, Service, Certification): Document current custody arrangements, this affects whether the sole custody formula or the joint custody offset formula applies. Serve the Non-Moving Party properly (personal service unless represented by counsel, in which case service on the attorney is sufficient). Sign under penalty of perjury per NRS 53.045. Pro se filers should check "Pro Se (Self-Represented)", Nevada courts have self-help centers staffed with facilitators in most counties.

FORM 2 OF 3: CHILD SUPPORT GUIDELINES WORKSHEET (NRS 125B.070)

Nevada's Child Support Guidelines Worksheet is fundamentally different from worksheets used in most other states. Nevada uses a Percentage of Obligor's Gross Income model rather than an Income Shares model. This means: (1) the calculation is simpler, it primarily involves only the obligor's income; (2) the obligee's income does not directly determine the base support obligation; and (3) the formula is highly predictable. This approach benefits lower-income obligors when obligees earn substantially more, and benefits obligees when obligors earn very high incomes.

STATE OF NEVADA — DISTRICT COURT

CHILD SUPPORT GUIDELINES WORKSHEET

NRS 125B.070 — Percentage of Obligor's Gross Monthly Income

Case Name:		**Case No.:**	
County:		**Date:**	
Obligor (Payor):		**Obligee (Recipient):**	
Prepared by:		■ Obligor ■ Obligee ■ Court	

IMPORTANT: Nevada uses a percentage of the obligor's (payor's) gross monthly income — not an Income Shares model. This makes the calculation simpler than most states. Only the obligor's income is used to set the base support amount.

SECTION 1: OBLIGOR'S GROSS MONTHLY INCOME

Line	Income Source	Monthly Amount
1	Gross wages / salary (before all deductions)	$
2	Overtime (12-month average)	$
3	Self-employment income (gross revenue minus ordinary business expenses)	$
4	Commissions / bonuses (12-month average)	$
5	Social Security / SSDI / SSI benefits	$
6	Unemployment / workers' compensation	$
7	Pension / retirement / annuity	$
8	Rental income (net of mortgage, taxes, insurance, maintenance)	$
9	Dividends / interest / trust distributions	$
10	All other income (specify: _____)	$
	TOTAL GROSS MONTHLY INCOME OF OBLIGOR (Lines 1–10)	**$**

Note: For imputed income (voluntary unemployment/underemployment), use the amount the obligor is capable of earning based on work history and market conditions.

SECTION 2: ADJUSTMENTS TO OBLIGOR'S GROSS INCOME (NRS 125B.070(2))

Line	Permitted Adjustment	Amount
A	Existing court-ordered child support for other children (actually paid)	$
B	Existing court-ordered alimony paid to prior spouse	$
C	Total Adjustments (Line A + Line B)	**$**
D	**ADJUSTED GROSS MONTHLY INCOME (Total Gross minus Line C)**	**$**

SECTION 3: BASE SUPPORT CALCULATION (NRS 125B.070(1))

Line	Step	Amount
E	Number of children subject to this order:	
F	Applicable percentage (from table below):	%
G	**BASE CHILD SUPPORT (Line D × Line F%)**	**$**

Children	%	Children	%	Children	%
1	18%	3	29%	5+	33%
2	25%	4	31%		

SECTION 4: ADDITIONAL EXPENSES (Added to Base Support)

MODEL FORM — For reference only. Verify current version at nevadajudiciary.us Page 1

Figure AB-2a: Nevada Child Support Guidelines Worksheet (NRS 125B.070) — Page 1 of 2

▸ WORKSHEET PAGE 1, LINE-BY-LINE GUIDE (Sections 1–4)

SECTION 1: OBLIGOR'S GROSS MONTHLY INCOME (Lines 1–10)

Line 1 (Gross Wages/Salary: Nevada uses gross income) the full amount before any deductions including taxes. Nevada has NO state income tax, which means Nevada residents have higher net take-home pay than residents of most other states for the same gross income. This is a factor courts are aware of when evaluating

ability-to-pay arguments. Use pay stubs from the past three months. Convert non-monthly pay: weekly × 4.333; bi-weekly × 2.167.

Line 2, Overtime: Average overtime over 12 months. Nevada courts routinely include overtime income, especially in industries common in the state (hospitality, gaming, construction) where overtime is structurally part of the employment. If the obligor claims overtime is temporary or ending, they must provide documentation. Courts are skeptical of such claims without employer corroboration.

Line 3, Self-Employment: Nevada has a substantial self-employment population (contractors, service industry owners, gaming-adjacent businesses). Report net of ordinary and necessary business expenses. Depreciation, vehicle expenses, and home office deductions are often scrutinized. Courts may hire forensic accountants for complex self-employment income disputes.

Lines 4–10, Other Income: Include all regular income. Nevada courts have specifically held that gaming winnings that are regular and continuing count as income, as do tips (common in Las Vegas hospitality and gaming industries, report actual tips, not just reported tips). Rental income from Nevada real property is particularly relevant given the state's real estate market.

Imputed Income: If the court finds that the obligor is voluntarily unemployed or underemployed, the court may impute income at the level the obligor is capable of earning based on their job skills, work history, and the local job market. Courts have applied this broadly in Nevada, a hospitality worker who leaves a $60,000/year position cannot claim $0 income if they could be earning their prior wage.

SECTION 2: ADJUSTMENTS TO OBLIGOR'S GROSS INCOME (Lines A–D)

Line A, Child Support for Other Children: Only court-ordered support for children from other relationships actually being paid is deductible. Voluntary payments or informal arrangements do not qualify. Provide a certified copy of the other order and recent payment records. Courts distinguish between support that is being paid and support that is owed but not being paid, arrearages do not generate a deduction.

Line B, Alimony Paid Under Prior Order: Only alimony paid pursuant to a prior court order (not this case) is deductible. Amounts being negotiated or paid informally do not qualify.

Line D, Adjusted Gross Monthly Income: This is the income figure that feeds into the percentage calculation. The deductions are limited to lines A and B, voluntary retirement contributions, health insurance, and other payroll deductions do NOT reduce gross income for the purposes of this calculation.

SECTION 3: BASE SUPPORT CALCULATION, Nevada's Percentage Table

Line E, Number of Children: Count only the children who are subjects of this specific order. If other children from the same relationship are not covered by this order (e.g., they are now adults), do not count them.

Line F, Applicable Percentage: Apply the marginal brackets from NAC 425.140: one child = 16% of the first $6,000 of gross monthly income, 8% from $6,000 to $10,000, 4% above $10,000 (two children: 22%/11%/6%; three: 26%/13%/6%; four: 28%/14%/7%; each additional child adds 2%/1%/0.5%). These rates are set by regulation and cannot be changed without a deviation finding.

Line G, Base Child Support: Apply the Line F brackets to Line D (adjusted gross income). Example: adjusted gross income $4,500/month for one child = 16% × $4,500 = $720/month base support. This is the starting point, additional expenses (Section 4) may be added.

Important Note on Income Cap: Nevada's pre-2020 rules used presumptive maximum amounts per child; the current NAC 425.140 brackets taper instead (only 4% applies above $10,000/month for one child), and courts retain discretion to deviate downward for very high obligor incomes when the Guidelines amount would be

excessive relative to the child's actual needs. Similarly, courts may deviate upward when the child has extraordinary needs.

SECTION 4: ADDITIONAL EXPENSES (Lines H–L)

Lines H–K: Health insurance, work-related child care, extraordinary medical expenses, and educational expenses are added to the base support amount. These are typically allocated between the parents in proportion to their respective incomes. The court must order who maintains health insurance and how out-of-pocket medical expenses are split. In practice, Nevada courts order equal splits of uninsured medical expenses under the standard “30/30” language: the paying parent sends proof to the other parent within 30 days of payment, and the other parent has 30 days to reimburse half or dispute the charge.

Line	Expense	Obligor Share	Obligee Share
H	Health insurance premium for child(ren) (monthly, prorated to children)	$	$
I	Work-related child care costs (monthly)	$	$
J	Extraordinary medical expenses (court-approved, monthly average)	$	$
K	Educational expenses (private school, special needs — court-approved)	$	$
L	Total Additional Expenses (Lines H+I+J+K)	**$**	**$**

Figure AB-2b: Nevada Child Support Guidelines Worksheet — Page 2 of 2 (Final Calculation, Modification Check & Joint Custody)

▸ WORKSHEET PAGE 2, FINAL CALCULATION, MODIFICATION CHECK & JOINT CUSTODY

SECTION 5: TOTAL SUPPORT OBLIGATION (Lines M–Q)

Lines M–Q walk through from base support to the obligor's final monthly obligation after crediting contributions the obligee already makes (e.g., if the obligee is the one maintaining health insurance, the

obligor's share of that premium reduces the obligor's cash payment obligation). Line Q is the number you will compare to the current order in Section 6.

SECTION 6: MODIFICATION THRESHOLD CHECK, Nevada's Dual Requirement

NRS 125B.145(4) keys the review trigger to income: a 20% or greater change in the obligor's gross monthly income is deemed changed circumstances requiring review. Use this section to compare current income against the income underlying the existing order.

Example 1, Trigger met: Gross monthly income at the last order was $5,000; income is now $3,800. The change is $1,200, or 24%, which exceeds 20%. The review trigger applies.

Example 2, Trigger not met: Gross monthly income at the last order was $5,000; income is now $4,400, a 12% change. The 20% trigger does not apply, but the court may still modify on a showing of a substantial change in circumstances.

Example 3, Low-income case: If the obligor's economic circumstances limit ability to pay, the low-income schedule under NAC 425.145 (tied to the federal poverty guidelines and updated annually) governs the obligation, and even a change short of 20% may justify relief through a substantial-change showing.

SECTION 7: JOINT PHYSICAL CUSTODY OFFSET METHOD

When the parties share joint physical custody (each parent at least 40% of the time, about 146 days a year), Nevada courts calculate each parent's obligation separately under the NAC 425.140 brackets, then offset the smaller amount against the larger. The parent with the higher obligation pays the net difference to the other parent.

Example: Parent A earns $5,000/month gross, Parent B earns $3,000/month. One child. Parent A's obligation: 16% × $5,000 = $800. Parent B's obligation: 16% × $3,000 = $480. Net: Parent A pays Parent B $800 - $480 = $320/month. This is significantly less than the $800 Parent A would owe under sole physical custody. This is why custody disputes in Nevada often carry significant financial implications.

FORM 3 OF 3: FINANCIAL DISCLOSURE FORM (FDF)

The Financial Disclosure Form (FDF) is Nevada's mandatory financial disclosure document required in all family law financial proceedings. Unlike a Financial Affidavit in many other states, Nevada's FDF does not require notarization. It is signed under penalty of perjury per NRS 53.045 (unsworn declaration). The FDF must be filed with the Motion and served on the opposing party. Failure to file the FDF is grounds for the court to strike the Motion or impose sanctions.

STATE OF NEVADA — DISTRICT COURT

FINANCIAL DISCLOSURE FORM (FDF)

Required by NRCP Rule 16.2 / NRFP Rule 16 — Both Parties Must File

Case Name: _____ **Case No.:** _____

Filing Party: _____ **Date Filed:** _____

■ **Petitioner** ■ **Respondent** _____ **County:** _____

SECTION 1: PERSONAL & EMPLOYMENT INFORMATION

Full Legal Name: _____

Home Address: _____

City, State, ZIP: _____

Phone: _____ Email: _____

Employer Name & Address: _____

Employment Status: ■ Full-time ■ Part-time ■ Self-employed ■ Unemployed ■ Disabled ■ Retired

Occupation / Job Title: _____

SECTION 2: GROSS MONTHLY INCOME

#	Income Source	Monthly Gross
1	Wages / salary (gross before deductions)	$
2	Overtime (12-month average)	$
3	Self-employment (net of ordinary business expenses)	$
4	Commissions / tips / bonuses (12-month average)	$
5	Social Security / SSDI / SSI	$
6	Unemployment compensation	$
7	Workers' compensation	$
8	Pension / retirement / annuity	$
9	Rental property income (net)	$
10	Dividends / interest / investment income	$
11	Trust / estate distributions	$
12	Alimony received	$
13	Other (specify: _____)	$
	TOTAL GROSS MONTHLY INCOME	**$**

SECTION 3: MONTHLY DEDUCTIONS FROM PAY

#	Deduction	Monthly Amount
A	Federal income tax withheld	$
B	Nevada has no state income tax — $0	$0
C	FICA / Social Security (6.2%)	$
D	Medicare (1.45%)	$
E	Health / dental / vision insurance premium	$
F	Mandatory retirement (required by employer)	$

MODEL FORM — For reference only. Verify current version at nevadajudiciary.us Page 1

Figure AB-3a: Nevada Financial Disclosure Form (FDF) — Page 1 of 2 (Income & Deductions)

▸ FDF PAGE 1, LINE-BY-LINE GUIDE (Sections 1–3)

SECTION 1: PERSONAL & EMPLOYMENT INFORMATION

Provide complete personal and employment information. If you have multiple employers, list all of them, attach an addendum if necessary. The court may subpoena employment records. Employment status is

important: self-employed parties face heightened income scrutiny, and parties claiming disability must provide supporting documentation.

SECTION 2: GROSS MONTHLY INCOME (Lines 1–13)

Line 1, Gross Wages/Salary: Report the full gross amount before any deductions. Attach pay stubs. Nevada has NO state income tax, Line B in Section 3 is always $0. This is important: unlike California or New York filers who can deduct several hundred dollars in state taxes from their take-home pay, Nevada's $0 state tax means more dollars available for child support.

Lines 2–4 (Overtime, Self-Employment, Commissions): Nevada's economy is heavily service and hospitality-oriented. Tips are income, report actual received tips even if not reported to the IRS (courts are not tax authorities and use good-faith estimates). Gaming tournament winnings, if regular, count as income. Freelance income from the gig economy (rideshare, delivery) is self-employment income.

Lines 5–13 (Government Benefits & Other Income): Report all government benefits. Social Security benefits (including derivative benefits for children based on the parent's record) are income. If a child receives SSDI derivative benefits from the obligor's disability, courts credit that amount against the obligor's child support obligation in many jurisdictions.

SECTION 3: MONTHLY DEDUCTIONS

Line B, State Income Tax: ALWAYS $0 in Nevada. Nevada is one of nine states with no state income tax. This is a significant advantage for Nevada residents compared to filers in states like California (up to 13.3% marginal rate) or Oregon (up to 9.9%).

The deductions section is informational for net take-home pay. It does NOT reduce the gross income figure used in the Guidelines Worksheet calculation. Nevada's Guidelines use gross income, not net.

G	Union dues (mandatory)	$
H	Child support (other court orders)	$
	TOTAL MONTHLY DEDUCTIONS	**$**
	NET MONTHLY TAKE-HOME PAY (Total Gross minus Total Deductions)	**$**

Figure AB-3b: Nevada Financial Disclosure Form — Page 2 of 2 (Expenses, Assets/Liabilities & Declaration)

▸ FDF PAGE 2, EXPENSES, ASSETS & VERIFICATION

SECTION 4: MONTHLY HOUSEHOLD EXPENSES (Lines 1–16)

Document all actual monthly expenses. Nevada's cost of living varies dramatically by county, Las Vegas and Henderson have different expense profiles than rural Lincoln County. Housing costs in Clark County have risen

significantly; courts are aware of local market conditions. Use actual expenses, not aspirational amounts. Support your numbers with bank statements, receipts, or online account statements.

Lines 11–12 (Child Care / Children's Expenses): These are particularly important because they are additive to base child support under Section 4 of the Worksheet. Be accurate, if you are seeking to have child care costs added to the support obligation, document them thoroughly. Child care costs must be work-related or education-related; optional enrichment activities are generally not includable as mandatory add-ons.

SECTION 5: ASSETS & LIABILITIES

List major assets at estimated current fair market value. For Nevada real property, current market value is relevant, the Nevada housing market has been volatile. For retirement accounts, provide the current balance (courts typically do not reach retirement accounts for child support, but the information informs the overall financial picture). Cryptocurrency should be disclosed and valued at current market value.

A party with significant assets but low reported income will face hard questions from the court. Courts in Nevada have broad authority to look behind reported income to actual financial capacity.

SECTION 6: DECLARATION UNDER PENALTY OF PERJURY

The FDF is signed under NRS 53.045, Nevada's unsworn declaration statute. This is equivalent to a sworn declaration in terms of legal effect; intentional false statements constitute perjury. No notarization is required in Nevada, this distinguishes the FDF from financial affidavits in states like Nebraska (which require notarization). Sign and date in the presence of your own witness if desired, but no notary is needed.

Serve a copy on opposing counsel (or the opposing party if self-represented) and file the original with the court simultaneously with your Motion. Courts track whether both parties have filed current FDFs, if the opposing party fails to file an FDF, you may move for sanctions or the court may order compliance.

NEVADA CHILD SUPPORT MODIFICATION, KEY PRACTICE POINTS

Percentage of Obligor's Income Model, Not Income Shares: Nevada is one of a small group of states that base child support on the obligor's income alone, not both parents' incomes. This means: (a) the obligee's income has no direct bearing on the base support amount; (b) increases in obligee's income do not automatically entitle the obligor to a reduction; and (c) the calculation is transparent and easily verified. Courts may deviate from the formula considering both parents' circumstances under the NAC 425.150 deviation factors, but the starting point is always the obligor's gross income run through the NAC 425.140 brackets.

The 20% Income Trigger: Nevada keys mandatory review to income rather than the order amount: a change of 20% or more in gross monthly income is deemed changed circumstances requiring review (NRS 125B.145(4)), and any party may also request a review every three years without showing any change. Below the 20% line, modification remains available on a substantial-change showing, so document the change carefully whichever path you use.

No State Income Tax, Unique Financial Context: Nevada's absence of a state income tax means that Nevada obligors retain more of their gross income than obligors in most other states. Courts are aware of this when evaluating ability-to-pay arguments. An obligor earning $60,000/year gross in Nevada takes home significantly more than an obligor at the same gross income in California or New York.

Age 18 or High School Graduation (Max Age 19): Nevada support does not automatically end at 18. If the child will graduate high school after their 18th birthday, support continues through graduation, but no later than age 19. Parties and attorneys must check the child's expected graduation date. Courts have required retroactive payments when obligors prematurely terminated support at age 18.

Joint Physical Custody Offset Calculation: If custody changes from sole to joint, or vice versa, the support calculation method changes dramatically. This is why Nevada custody disputes frequently have significant financial stakes. The offset method under joint custody substantially reduces the higher-earning parent's obligation compared to sole custody. Courts require showing of changed circumstances to modify custody, not just support.

FDF Is Mandatory and Non-Waivable: Unlike some states where financial disclosure can be waived by agreement, Nevada's FDF requirement under NRCP/NRFP is mandatory. Courts have broad sanction authority (including striking pleadings or awarding attorney fees) for failure to file a current FDF.

Nevada Legal Resources: Nevada Judiciary (court forms): nvcourts.gov | Clark County Family Court Self-Help Center: familycourt.clarkcountycourts.us | Washoe County Law Library: washoecourts.com | Nevada Legal Services (low-income): (800) 323-8666 | DWSS Child Support Enforcement: dwss.nv.gov | (800) 992-0900.

End of Appendix AB - Nevada | Appendix AC - New Hampshire follows.

Appendix AC — New Hampshire: Statutes, Case Law, Forms, and Resources

Key Statutes

• RSA 458-C:7, modification of child support; substantial change in circumstances, or 3-year review without any showing

• RSA 458-C, child support guidelines; combined net income multiplied by an income-varying percentage (table revised effective January 1, 2023)

• RSA 161-B:11, license certification for noncompliance (60+ days in arrears); driver's license suspension abolished effective January 1, 2025 (HB 1425)

• RSA 639:4, criminal nonsupport (Class A misdemeanor; Class B felony if arrears exceed $10,000, remain unpaid for a cumulative year, or on a repeat conviction)

• RSA 458-B, income assignment (withholding) requirements; RSA 458-C:5, adjustments and special circumstances

Key Case Law

• In re Carlson, 161 N.H. 277 (2010), substantial change of circumstances standard

• Dalphonse v. Dalphonse, 159 N.H. 769 (2010), gross income calculation for guidelines

• In re Letendre, 149 N.H. 31 (2002), imputed income for voluntarily underemployed parent

• In re Chick, 164 N.H. 453 (2012), 10% modification threshold application

Official Forms

• Child Support Guidelines Worksheet, New Hampshire Judicial Branch (courts.nh.gov)

• Petition to Modify Child Support, Family Division

• Financial Affidavit (NHJB-2065-F)

• Domestic Relations Order

State Agency Contact

• New Hampshire DHHS Division of Child Support Services (DCSS): (603) 271-4427

• Website: dhhs.nh.gov/dcss

• New Hampshire Judicial Branch self-help: courts.nh.gov

• New Hampshire Legal Assistance: (603) 224-3333 | nhla.org

Filing Checklist

- Child Support Guidelines Worksheet (both parents' current gross income)
- Financial Affidavit (NHJB-2065-F)
- Federal tax returns (last 2 years) and three most recent pay stubs
- Petition to Modify Child Support
- Documentation of triggering change (substantial change in circumstances, or 3-year review)
- Filing fee or indigency waiver application
- Proof of service on other parent per Family Division rules

Court Forms & Completion Guide

New Hampshire Child Support Modification, Official Forms Reference

Circuit Court, Family Division | Combined Net Income Table | Substantial Change or 3-Year Review | No Broad-Based State Income Tax | 35%/40% Shared Parenting Definitions

FORM 1 OF 3: PETITION TO MODIFY CHILD SUPPORT (RSA 458-C:7)

The initiating document for child support modification in New Hampshire is called a Petition, not a Motion or Complaint. All family law matters in New Hampshire are heard in the Circuit Court, Family Division, which was created in 2011 by consolidating the former Probate Court, District Court, and Superior Court family dockets. There is one Family Division in each county. The Petition must be filed in the county of the existing order unless the case has been transferred. File with the Clerk of Court; a filing fee is required unless waived by the court for financial hardship.

STATE OF NEW HAMPSHIRE
CIRCUIT COURT — FAMILY DIVISION
_____ COUNTY

Docket No.: _____ Division: _____

Petitioner: _____

v.

Respondent: _____

PETITION TO MODIFY CHILD SUPPORT

(RSA 458-C:7 — Model Form)

PART 1: PETITIONER & EXISTING ORDER

1. Petitioner, _____, respectfully petitions this Court to modify child support pursuant to RSA 458-C:7 and New Hampshire Family Division Rule 1.26.

Date of most recent child support order: _____

Current monthly child support amount: $ _____

2. The existing order was entered by:

■ This Court (Circuit Court — Family Division) ■ Superior Court ■ Another NH County: _____ ■ Another State (UIFSA): _____

PART 2: GROUNDS FOR MODIFICATION

3. A substantial change in circumstances has occurred since entry of the existing order. Under RSA 458-C:7, the following may constitute grounds for modification:

■ **Change in Income (10% Threshold):** Application of the current Guidelines to the parties' present incomes produces a support amount that differs from the current order by 10% or more, creating a rebuttable presumption that modification is appropriate.

Petitioner's current gross monthly income: $_____ Respondent's current gross monthly income (if known): $_____

New Guidelines calculation (from Worksheet): $_____ Current order: $_____ Difference: $_____ %: _____%

■ **Job Loss / Disability:** Petitioner or Respondent has suffered involuntary loss of employment or disability, specifically:

Describe: _____

■ **Change in Custody/Parenting Plan:** The parenting arrangement has materially changed since the existing order, specifically:

Describe: _____

■ **Change in Child's Needs:** The child(ren)'s needs have substantially changed (e.g., medical, educational, disability), specifically:

Describe: _____

■ **3-Year Review:** Three or more years have elapsed since the order was entered or last reviewed, and a 10% or more difference exists between the current order and the Guidelines calculation.

■ **Other Substantial Change:** Describe:

_____

PART 3: CHILDREN SUBJECT TO THIS ORDER

Full Name	Date of Birth	Age	Lives With

MODEL FORM — For reference only. Verify current version at courts.nh.gov or nhcourts.gov Page 1

Figure AC-1a: New Hampshire Petition to Modify Child Support (RSA 458-C:7) — Page 1 of 2

▸ PETITION PAGE 1, LINE-BY-LINE GUIDE

COURT HEADER: CIRCUIT COURT, FAMILY DIVISION

County: New Hampshire has 10 counties (Belknap, Carroll, Cheshire, Coos, Grafton, Hillsborough, Merrimack, Rockingham, Strafford, Sullivan). Identify the county of the court that issued the existing order. If the parties have moved, contact the court before filing to confirm proper venue.

Docket Number: Use the docket number from the existing order exactly as it appears on court documents. NH family docket numbers typically contain the year and a sequential case number (e.g., 659-2019-DM-01234). The "Division" field identifies which Family Division courthouse handles your case, each county may have multiple court locations.

Petitioner / Respondent: In New Hampshire, the party who originally filed the domestic relations case is the Petitioner; the other party is the Respondent. For modification proceedings, either party may be the one filing, but they still retain their original Petitioner/Respondent designations from the case. The person filing this Petition to Modify is referred to as "the moving party" but retains their original case designation.

PART 1: PETITIONER & EXISTING ORDER

Date of Most Recent Order: Enter the date of the last child support order, not the original divorce decree if support has been modified since. The court will measure changed circumstances from this date. If there have been multiple modification orders, the most recent controls.

Current Monthly Amount: Use the exact dollar amount from the order, do not estimate. If the order contains an income withholding amount that differs from the ordered amount (due to arrearages), use the base monthly support obligation, not the withholding amount.

PART 2: GROUNDS FOR MODIFICATION, NEW HAMPSHIRE'S 10% THRESHOLD

New Hampshire's modification standard (RSA 458-C:7) has two paths and no percentage trigger. Within 3 years of the last order, the moving party must show a substantial change in circumstances that makes continuing the original order improper and unfair. Once 3 years have passed, either party may apply for modification without showing any change at all.

☐ Change in Income: The most common ground. Calculate what the Guidelines Worksheet produces today using both parents' current incomes, then compare to the existing order. There is no fixed percentage that triggers a presumption; the larger and more durable the difference, the stronger the substantial-change showing. Attach a completed Worksheet (Form 2) showing this calculation. Enter prior and current incomes on the lines provided.

☐ Job Loss / Disability: Involuntary loss of employment or onset of disability is a recognized ground for modification regardless of any particular percentage change. The party must show the change is not self-induced. Courts are sensitive to the distinction between voluntary underemployment (e.g., intentionally reducing hours) and genuine job loss. Document with: layoff notice, unemployment claim, disability determination, or medical records.

☐ Change in Custody/Parenting Plan: If the parenting arrangement has changed materially, this constitutes changed circumstances supporting modification. For orders issued on or after January 1, 2023, the statute defines a substantially shared parenting schedule (each parent more than 35% of annual parenting time) and an approximately equal schedule (more than 40%), and qualifying schedules feed a formula adjustment in RSA 458-C:3, so crossing those lines matters financially.

☐ 3-Year Review: RSA 458-C:7, II provides that either party may petition for review three years after the entry of the last support order. On a 3-year review, the court applies the current Guidelines to current incomes; no minimum percentage difference is required. This is a safety valve ensuring orders don't become stale.

PARTS 3–4: CHILDREN & RELIEF REQUESTED

Part 3, Children: New Hampshire child support typically continues until age 18. However, under RSA 461-A:14, if a child is still a full-time student in secondary school at 18, support continues until graduation or 2 months

after the child turns 19, whichever comes first; only orders for a child with disabilities may run to age 21. List all children still receiving support, and if any child is 17 or older, carefully note their school enrollment status.

Part 4, Relief Requested: Be specific. State the exact monthly amount you seek, or reference the Worksheet calculation. Courts appreciate precision, a Petition that says "set per Guidelines" is acceptable but less persuasive than one that shows the calculation. If you are also seeking modification of health insurance or medical expense allocation, check those boxes separately.

NOTE: New Hampshire child support continues until the child turns 18, or until age 18 while still enrolled in secondary school (high school), with support potentially continuing through graduation if the child will graduate after age 18 but before age 21 (RSA 458-C:1, IV). Do not list children who have emancipated.

PART 4: RELIEF REQUESTED

4. Petitioner requests that this Court:

■ Increase child support to $_____/month
■ Decrease child support to $_____/month
■ Set child support per RSA 458-C Guidelines (current Worksheet amount: $_____/month)
■ Modify health insurance provisions
■ Modify allocation of uninsured medical expenses
■ Award attorney fees and costs pursuant to RSA 458:17-a

Figure AC-1b: New Hampshire Petition to Modify Child Support — Page 2 of 2 (Income Summary, IWO Requirement & Verification)

▸ PETITION PAGE 2, INCOME SUMMARY, IWO REQUIREMENT & VERIFICATION

PART 5: INCOME INFORMATION SUMMARY

The income summary table shows both parties' adjusted gross monthly incomes. New Hampshire's calculation starts with gross income, subtracts the statutory adjustments (court-ordered support actually paid, 50% of self-employment tax, mandatory rather than discretionary retirement contributions, actual state income taxes paid) to reach adjusted gross income, and then converts to net income using standardized deductions for federal income tax and FICA before entering the guideline table. This net-income approach is distinct from states that use raw gross income.

New Hampshire Income Tax Note: New Hampshire has no broad-based income tax on wages and salary. Its interest and dividends tax was repealed effective January 1, 2025. As a practical matter, most New Hampshire filers deduct $0 for state income taxes on the worksheet. This distinguishes NH from neighboring Massachusetts (5% flat income tax) and Vermont (progressive income tax).

PART 7: INCOME WITHHOLDING ORDER, MANDATORY

New Hampshire law (RSA 458-B) mandates that all child support orders include an Income Withholding Order (IWO) directing the obligor's employer to withhold child support from paychecks. The IWO is sent to the employer by the court or DCSS. Payment routes through the New Hampshire Division of Child Support Services (DCSS). Direct parent-to-parent payments are not credited toward the obligation unless the court specifically orders otherwise, always pay through DCSS.

Waiver of IWO: A party may request a waiver of the IWO for good cause shown (e.g., both parties agree and support is being timely paid, or the obligor is self-employed and withholding is impractical). The court must specifically approve any waiver. Even with a waiver, payments still route through DCSS.

FORM 2 OF 3: CHILD SUPPORT WORKSHEET (RSA 458-C)

New Hampshire's Child Support Worksheet runs on combined net income, an approach generally more favorable to obligors than raw-gross-income states because federal income tax, FICA, mandatory retirement contributions, and the other statutory adjustments come out before the percentage calculation. Both parties complete their own worksheets and submit them to the court. Courts use the worksheets together to determine the combined income and each party's proportionate share.

STATE OF NEW HAMPSHIRE — CIRCUIT COURT — FAMILY DIVISION

CHILD SUPPORT WORKSHEET

RSA 458-C — Income Shares Model | Based on Adjusted Gross Income of Both Parents

Docket No.:		**County:**	
Petitioner:		**Respondent:**	
Date Prepared:		**Prepared by:**	
No. of Children:		■ Petitioner ■ Respondent	

Important: New Hampshire uses the Income Shares Model based on both parents' adjusted gross incomes. "Gross income" is defined broadly under RSA 458-C:2 and then reduced by specific statutory deductions to yield the adjusted gross income used in the Guidelines calculation.

SECTION A: GROSS MONTHLY INCOME

Line	Income Source	Petitioner	Respondent
1	Wages / salary (gross before deductions)	$	$
2	Overtime (12-month average)	$	$
3	Self-employment income (net of ordinary business expenses)	$	$
4	Commissions / bonuses / tips (12-month average)	$	$
5	Social Security / SSDI benefits	$	$
6	Unemployment / workers' compensation	$	$
7	Pension / retirement distributions	$	$
8	Rental income (net of ordinary expenses)	$	$
9	Dividends / interest / capital gains (average monthly)	$	$
10	Trust / estate income	$	$
11	Alimony received (from prior relationship)	$	$
12	All other income (specify: _____)	$	$
	TOTAL GROSS MONTHLY INCOME (Lines 1–12)	**$**	**$**

SECTION B: DEDUCTIONS FROM GROSS INCOME (RSA 458-C:2, V — Allowable Deductions)

The following deductions are subtracted from gross income. Unlike many states, NH allows federal income tax and FICA to be deducted — this produces an adjusted gross income closer to net income.

Line	Deduction	Petitioner	Respondent
A	Federal income tax liability (actual, based on filing status)	$	$
B	FICA / Medicare (7.65% of gross wages; SE: 15.3% × 92.35%)	$	$
C	NH has NO state income tax — $0	$0	$0
D	Mandatory retirement contribution (required by employer or law)	$	$
E	Health insurance premium for the party (not children)	$	$
F	Court-ordered child support paid for other children (this case excluded)	$	$
G	Court-ordered alimony paid to prior spouse	$	$
H	Actual child care costs paid for children of this case	$	$
I	Reasonable costs of health insurance for children of this case	$	$
	TOTAL MONTHLY DEDUCTIONS (Lines A–I)	**$**	**$**

SECTION C: ADJUSTED GROSS MONTHLY INCOME

MODEL FORM — For reference only. Verify current version at courts.nh.gov or nhcourts.gov Page 1

Figure AC-2a: New Hampshire Child Support Worksheet (RSA 458-C) — Page 1 of 2 (Income & Deductions)

▸ WORKSHEET PAGE 1, LINE-BY-LINE GUIDE (Sections A–C)

SECTION A: GROSS MONTHLY INCOME (Lines 1–12)

Line 1, Wages/Salary: The full gross amount before any deductions. Use pay stubs from the last three months. Convert to monthly: weekly × 4.333; bi-weekly × 2.167. Attach pay stubs as exhibits.

Line 2, Overtime: Averaged over 12 months. New Hampshire courts include overtime income if it has been regular and continuing. Seasonal workers (e.g., tourism and ski industry employees) face scrutiny on overtime averaging. Courts may use a multi-year average or seasonal average rather than a single 12-month period if the most recent year was anomalous.

Line 3, Self-Employment: Net of ordinary and necessary business expenses. New Hampshire has a substantial small-business and self-employment population (farming, construction, seasonal tourism services). Courts routinely request Schedule C and bank statements for self-employed parties. Cash businesses receive heightened scrutiny. The SE tax adjustment (15.3% of 92.35% of net SE income, 50% deductible) is computed separately in Section B.

Lines 5–12, Other Income Sources: RSA 458-C:2 defines gross income broadly to include "all income from any source, whether earned or unearned." Include: Social Security benefits (attach award letter), disability payments, workers' comp, pension distributions, rental income (net of legitimate expenses), investment income, trust distributions, and alimony received from a prior relationship (not this case).

SECTION B: DEDUCTIONS FROM GROSS INCOME (Lines A–I), New Hampshire's Distinctive Feature

New Hampshire's allowable deductions under RSA 458-C:2, V are more generous than most states, which use raw gross income. These deductions recognize the reality of take-home pay:

Line A, Federal Income Tax: Use actual withholding from pay stubs, or for self-employed parties, estimate based on quarterly payments and marginal rate. Use the actual or estimated amount, not a theoretical rate applied to gross income. Courts may request tax returns to verify.

Line B, NH State Income Tax: ZERO. New Hampshire has no broad-based income tax on wages, salaries, or self-employment income. The state's interest and dividends tax was repealed effective January 1, 2025. Enter $0 for this line.

Line C, FICA/Medicare: 6.2% (Social Security) + 1.45% (Medicare) = 7.65% of wages up to the Social Security wage base. For self-employed parties, the SE tax rate is 15.3% × 92.35% (the deductible portion), divided by 2 for the employer equivalent, enter the combined SE tax deduction on Line E.

Line D, Mandatory Retirement: Only contributions required by the employer or by law count. Voluntary 401(k) contributions above any mandatory minimum do not qualify as deductions. For NH public employees (teachers, state/municipal workers), mandatory pension contributions are deductible.

Lines E & F, Health Insurance Premiums: Separated into (E) your own premium and (F) children's premium. The children's premium is particularly important. It is both a deduction from your gross income (Section B, Line I) and an add-on expense allocated between the parties (Section E of the Worksheet). Courts carefully track health insurance to prevent double-counting.

Lines G & H (Court-Ordered Support and Alimony Paid: Only obligations under existing court orders) not informal agreements, qualify. Provide certified copies of other orders and payment records. Courts have held that unpaid obligations do not generate deductions. You must actually be paying.

Line I (Child Care Costs (Children of This Case): Work-related or education-related child care costs for the children subject to this order are deductible from gross income in computing adjusted gross income) AND they are also allocated between the parties in Section E. This reflects NH's recognition that child care is a direct support cost.

Section C, Adjusted Gross Monthly Income: After all deductions, each parent has an "adjusted gross income." These are added together to produce the combined income (Line K) that is looked up in the NH Child Support Schedule to determine the Basic Child Support Obligation.

Line	Calculation	Petitioner	Respondent
J	Adjusted Gross Monthly Income (Total Gross minus Total Deductions)	$	$
K	Combined Adjusted Gross Monthly Income (Petitioner Line J + Respondent Line J)	$	

Figure AC-2b: New Hampshire Child Support Worksheet — Page 2 of 2 (Guidelines Obligation, Shared Parenting & Modification Check)

▸ WORKSHEET PAGE 2, GUIDELINE OBLIGATION, SHARED PARENTING & MODIFICATION CHECK

SECTION D: BASIC CHILD SUPPORT OBLIGATION (Lines L–P)

Line L, Basic Child Support Obligation (BCSO): Look up the BCSO in the New Hampshire Child Support Schedule using Line K (combined adjusted gross monthly income) and the number of children. The Schedule is published

by the NH Department of Health and Human Services and is periodically updated. The BCSO represents what both parents together are presumed to spend on child-rearing costs at their combined income level.

Lines M & N, Proportionate Income Shares: Each parent's proportionate share equals their adjusted gross income (Line J) divided by the combined income (Line K). These percentages express each parent's proportional financial responsibility for the children.

Lines O & P, Each Parent's BCSO Share: The BCSO is apportioned between the parents using their income percentages. The non-primary parent's share (Line O or P, whichever is the NCP) is their base child support obligation before additional expenses.

SECTION E: ADDITIONAL EXPENSES (Lines Q–U)

Health insurance premiums for the children and work-related child care costs are added to the BCSO if they were not already captured in Section B deductions. These expenses are allocated proportionately (Lines M/N percentages). Courts routinely specify in orders exactly how uninsured medical expenses are split, often 50/50 after a per-child deductible amount each year.

SECTION G: SHARED PARENTING ADJUSTMENT, 150-NIGHT THRESHOLD

For orders issued on or after January 1, 2023, New Hampshire's shared parenting adjustment in RSA 458-C:3 keys off two statutory definitions: a substantially shared parenting schedule (each parent more than 35% of the annual parenting schedule) and an approximately equal schedule (each parent more than 40%). Schedules below those lines do not qualify for the adjustment.

The thresholds in context: 35% of the year is roughly 128 overnights and 40% is roughly 146. A parent who has the children every other weekend (52 overnights) plus midweek time and half of school breaks may approach these lines. Parents near a threshold should document parenting time carefully, a few additional overnights can trigger a meaningful support reduction.

When a qualifying schedule is established, the court applies the statutory adjustment to the NCP's BCSO share. The adjustment recognizes that a parent exercising substantial parenting time directly bears child-related costs during that time, and the custodial parent's household costs are reduced. Run the current DHHS guidelines calculator for the figures; older orders (pre-2023) were handled through case-by-case deviation instead.

SECTION H: MODIFICATION THRESHOLD CHECK, 10%

After computing the current Guideline amount, compare it to the existing order. New Hampshire has no percentage presumption: within 3 years of the last order you must persuade the court the difference reflects a substantial change making the old order improper and unfair, while after 3 years the court simply recalculates under the current Guidelines on request.

FORM 3 OF 3: FINANCIAL AFFIDAVIT

The Financial Affidavit is a sworn disclosure required of both parties in all New Hampshire child support modification proceedings. Unlike Nevada's FDF (unsworn declaration), New Hampshire's Financial Affidavit requires notarization. It must be sworn before a Notary Public or Justice of the Peace. Both parties must file their Affidavits and exchange them before the hearing. Courts use the Affidavit alongside the Worksheet to verify the income and expense figures claimed.

STATE OF NEW HAMPSHIRE — CIRCUIT COURT — FAMILY DIVISION

FINANCIAL AFFIDAVIT

Required of Both Parties in All Child Support Modification Proceedings

Docket No.: _____ **County:** _____

Case Name: _____

Filing Party: _____ **Date Filed:** _____

I, _____, being duly sworn, state that the following is a true and complete statement of my financial situation:

■ Petitioner ■ Respondent Occupation: _____ Employer: _____

Employer Address: _____

Employment status: ■ Full-time ■ Part-time ■ Self-employed ■ Unemployed since: _____ ■ Disabled ■ Retired

SECTION 1: GROSS MONTHLY INCOME

#	Source	Monthly Gross
1a	Wages / salary (attach last 3 pay stubs)	$
1b	Overtime (12-month average; attach documentation)	$
1c	Self-employment (net of business expenses; attach Schedule C)	$
1d	Commissions / tips / bonuses (12-month average)	$
1e	Social Security / SSDI / SSI (attach award letter)	$
1f	Unemployment compensation	$
1g	Workers' compensation	$
1h	Pension / retirement / annuity distributions	$
1i	Rental income (net of mortgage, taxes, maintenance)	$
1j	Dividends / interest / investment income	$
1k	Trust / estate distributions	$
1l	Alimony received (from other relationship)	$
1m	Other income (specify: _____)	$
	TOTAL GROSS MONTHLY INCOME	**$**

SECTION 2: MONTHLY DEDUCTIONS (RSA 458-C Allowable Deductions)

#	Deduction Type	Monthly Amount
2a	Federal income tax withheld (or estimated quarterly payment)	$
2b	NH State Income Tax — NONE (NH has no broad-based income tax)	$0
2c	FICA / Social Security (6.2%) — wages only	$
2d	Medicare (1.45%) — wages only	$
2e	SE tax adjustment (if self-employed: 15.3% × 92.35% ÷ 2 deductible)	$
2f	Mandatory retirement contribution (required, not voluntary)	$
2g	Health insurance premium — for yourself (not children)	$
2h	Health insurance premium — for children of this case	$
2i	Court-ordered child support — other children (other cases)	$
2j	Court-ordered alimony paid — prior relationship	$
2k	Child care costs paid — children of this case	$
	TOTAL MONTHLY DEDUCTIONS	**$**

MODEL FORM — For reference only. Verify current version at courts.nh.gov or nhcourts.gov Page 1

Figure AC-3a: New Hampshire Financial Affidavit — Page 1 of 2 (Income & RSA 458-C Deductions)

▸ FINANCIAL AFFIDAVIT PAGE 1, LINE-BY-LINE GUIDE

PERSONAL & EMPLOYMENT INFORMATION

Identify yourself (Petitioner or Respondent), your employer, and employment status. Employment status matters significantly in NH. Courts treat full-time, part-time, self-employed, unemployed, disabled, and retired

parties differently in terms of income imputation and income expectations. If you are unemployed, attach documentation (layoff notice, unemployment claim) showing when and why employment ended.

SECTION 1: GROSS MONTHLY INCOME (Lines 1a–1m)

Line 1a, Wages/Salary: Attach last 3 pay stubs. Courts require documentation. For salaried employees, a single monthly pay stub may suffice; for hourly workers with variable hours, three consecutive stubs establish the average. For annual salary: divide by 12.

Line 1b, Overtime: Attach documentation showing the last 12 months of overtime. Courts in New Hampshire have been consistent: if overtime has been regular for 12+ months, it is income. Courts will compare your W-2 overtime history against your claimed average. If overtime significantly declined, provide a letter from your employer explaining the change.

Line 1c, Self-Employment: Attach Schedule C from most recent tax return. For current year, attach a profit-and-loss statement and 6-12 months of business bank statements. New Hampshire has significant agricultural, forestry, and seasonal tourism industries, income for these workers may need to be annualized carefully to reflect seasonal highs and lows.

Lines 1e-1m (Government Benefits, Investment Income, Other): Be comprehensive. NH courts interpret RSA 458-C:2's "all income from any source" broadly. Regularly received gifts from family members that substitute for earned income have been treated as income in some cases. Rental income net of mortgage, taxes, insurance, and reasonable maintenance expenses is includable.

SECTION 2: MONTHLY DEDUCTIONS (Lines 2a–2k), RSA 458-C Allowable Deductions

Line 2b, State Income Tax: New Hampshire has no broad-based income tax on wages and self-employment income. This line is $0 for virtually all NH filers. If you have significant interest or dividend income, a small NH I&D tax may apply, use actual tax liability, not withholding (NH does not withhold this tax from paychecks).

Line 2e, SE Tax Adjustment: Self-employed parties pay both the employee and employer portions of FICA/Medicare (15.3% total). Federal tax law allows a deduction of half the SE tax (the "employer" portion). Compute: 15.3% × 92.35% × net SE income = total SE tax; divide by 2 = deductible SE tax adjustment. This reduces the effective SE tax burden and should be reflected in your federal income tax deduction on Line 2a.

Lines 2h-2k (Health Insurance / Other): These deductions are particularly important in New Hampshire because they directly reduce the gross income used in the Guidelines calculation, unlike most states that use raw gross income. Document all deductions with pay stubs, insurance statements, and court orders. Courts will cross-reference deductions against pay stub line items.

	ADJUSTED GROSS MONTHLY INCOME (Total Gross minus Deductions)	**$**

Figure AC-3b: New Hampshire Financial Affidavit — Page 2 of 2 (Expenses, Assets/Liabilities & Sworn Oath)

▸ FINANCIAL AFFIDAVIT PAGE 2, EXPENSES, ASSETS & NOTARIZED OATH

SECTION 3: MONTHLY HOUSEHOLD EXPENSES (Lines 3a–3p)

Line 3c (Utilities: New Hampshire heating costs deserve special attention. NH is in the Northeast and heating costs for oil, propane, and natural gas can be substantial) $200–$600/month in winter months. Courts accept a

12-month average. Document with utility bills. This is one area where NH household expenses meaningfully exceed national averages.

Line 3g, Transportation: New Hampshire is a largely rural state with limited public transportation. Commuting distances are often substantial, and vehicle ownership is a practical necessity for most families. Courts are generally realistic about vehicle, insurance, and fuel costs. If you live in a rural area with a long commute, document with fuel receipts and insurance statements.

Lines 3j–3l, Children's Expenses: Child care (3j), children's activities and school expenses (3k), and children's uncovered medical costs (3l) are particularly relevant because they inform the allocation of add-on expenses in the Worksheet. Courts use this section to assess reasonableness, extremely high claimed child expenses receive scrutiny. Attach receipts or invoices for significant claims.

SECTION 4: ASSETS & LIABILITIES

List assets at estimated current fair market value. For real estate in New Hampshire, use the current assessed value from the town's tax assessment (available online from most NH municipalities) as a starting point, adjusting for market conditions. NH real estate values have varied significantly by region, Lakes Region, seacoast, and southern NH near Massachusetts border have higher values than northern NH.

New Hampshire has no estate tax (repealed) and no inheritance tax. This may affect how assets are held and disclosed. Retirement accounts (IRA, 401(k), NH Retirement System pension) should be listed at current balance. Courts do not typically invade retirement accounts for child support but use the information to evaluate overall financial capacity.

SECTION 5: OATH AND NOTARIZATION, REQUIRED

The New Hampshire Financial Affidavit must be notarized, sign in the presence of a Notary Public or Justice of the Peace. New Hampshire has Justices of the Peace in most communities who can notarize documents, often at lower cost than commercial notary services. Many NH circuit court clerk offices can provide notarization or direct you to local resources.

You must also certify that you will notify the Court and the other party of any material change in your financial circumstances. This ongoing disclosure obligation applies throughout the life of the support order, failure to disclose material changes (especially income increases) can result in retroactive modification, sanctions, or contempt.

NEW HAMPSHIRE CHILD SUPPORT MODIFICATION, KEY PRACTICE POINTS

Adjusted Gross Income, More Deductions Than Most States: New Hampshire's use of adjusted gross income (after federal income tax, FICA, mandatory retirement, health insurance, and child care deductions) produces a lower base income for the Guidelines calculation than states that use raw gross income. This means NH support obligations are typically lower than they would be under a same-income calculation in a state like Massachusetts or Connecticut. Parents comparing NH orders to neighboring states should understand this structural difference.

Two Modification Paths, No Percentage Trigger: Within 3 years of the last order, New Hampshire requires a substantial change in circumstances making the existing order improper and unfair; after 3 years, either party may obtain a recalculation without showing any change (RSA 458-C:7). The 3-year as-of-right review is the more powerful tool, and courts retain discretion in weighing substantial-change claims brought earlier.

No Broad-Based State Income Tax (Key Financial Distinction: New Hampshire's absence of a broad-based income tax on wages (unlike all five neighboring states) ME, VT, MA, NY, CT all have state income taxes) means NH residents retain more of their gross income. This is factored into the Guidelines via the deduction for state income tax, which

is $0 for most NH filers. Courts are aware that NH obligors have higher effective take-home pay than obligors in neighboring states at the same gross income.

35%/40% Shared Parenting Lines: For orders issued on or after January 1, 2023, the guideline adjustment turns on the statutory definitions, each parent above 35% of annual parenting time (substantially shared) or above 40% (approximately equal). Parents at or near these lines should keep meticulous records, a parenting time journal documenting actual overnights is valuable evidence.

Secondary School Extension, To Graduation or 19 Plus 2 Months: Under RSA 461-A:14, support for a child who is still a full-time secondary school student at 18 continues until graduation or 2 months after the 19th birthday, whichever comes first, by statute. Only orders for a child with disabilities may extend to age 21. Parents of children who will be 18 and still in high school should confirm the termination date in the modification proceeding.

Income Withholding Orders Are Mandatory: RSA 458-B requires IWOs in all support orders. All payments flow through NH DCSS, not directly between parents. Payments made directly between parents without court approval are not credited toward the obligation and are considered gifts. Even when the parties have an informal arrangement, keep payments flowing through DCSS.

Circuit Court Family Division (One Court for All Family Matters: Since 2011, all New Hampshire family law matters (divorce, custody, child support) are handled in the unified Circuit Court) Family Division. This means judges hearing your modification petition also handle custody and parenting plan issues, support and custody are not siloed into different courts as in some states.

New Hampshire Legal Resources: NH Circuit Court, Family Division forms: courts.nh.gov | NH DCSS (child support): dhhs.nh.gov/dcss | (603) 271-4427 | NH Legal Aid (low-income): nhla.org | (603) 224-3333 | NH Bar Association Lawyer Referral: (603) 229-0002 | RSA 458-C (Guidelines statute): gencourt.state.nh.us.

End of Appendix AC - New Hampshire | Appendix AD - New Jersey follows.

Appendix AD — New Jersey: Statutes, Case Law, Forms, and Resources

Key Statutes

• N.J.S.A. 2A:17-56.23a, no retroactive modification of arrears (relief reaches back only to notice of the motion); the modification standard itself is case law (Lepis) under N.J.S.A. 2A:34-23

• N.J. Court Rule 5:6A and Appendix IX, child support guidelines; income shares on combined net weekly income

• N.J.S.A. 2A:17-56.41, license suspension when arrears equal six months of support, health coverage lapses for six months, or a support subpoena or warrant is ignored

• N.J.S.A. 2C:24-5, criminal nonsupport (crime of the fourth degree; up to 18 months)

• N.J.S.A. 2A:17-56.7, income withholding order requirements

Key Case Law

• Lepis v. Lepis, 83 N.J. 139 (1980), changed circumstances standard for modification

• Crews v. Crews, 164 N.J. 11 (2000), application of Lepis standard to child support

• Innes v. Innes, 117 N.J. 496 (1990), imputed income for voluntarily underemployed parent

• Caplan v. Caplan, 182 N.J. 250 (2005), self-employment income calculation

Official Forms

• Child Support Guidelines Sole Parenting Worksheet (Appendix IX-C), NJ Courts (njcourts.gov)

• Child Support Guidelines Shared Parenting Worksheet (Appendix IX-D), NJ Courts

• Case Information Statement (CIS), Form R

• Motion for Modification of Child Support

State Agency Contact

• New Jersey Office of Child Support Services (OCSS): (877) 655-4371

• Website: njchildsupport.org

• NJ Courts self-help center: njcourts.gov/selfhelp

• Legal Services of New Jersey: (888) 576-5529 | lsnj.org

Filing Checklist

- Appendix IX-C or IX-D Child Support Guidelines Worksheet (appropriate to parenting arrangement)
- Case Information Statement (CIS), Form R
- Federal tax returns (last 3 years) and three most recent pay stubs
- Motion for Modification of Child Support
- Documentation of changed circumstances
- Filing fee or fee waiver (indigency application)
- Proof of service on other parent and their attorney if represented

Court Forms & Completion Guide

New Jersey Child Support Modification, Official Forms Reference

Superior Court, Family Part | Net Weekly Income | Appendix IX-A/B | Lepis Changed Circumstances | Termination at 19 by Operation of Law (max 23) | College Support (Newburgh)

FORM 1 OF 3: MOTION TO MODIFY CHILD SUPPORT (R. 5:5-4)

Child support modifications in New Jersey are filed as Motions in the Superior Court, Chancery Division, Family Part. New Jersey's Family Part is a specialized court within the Chancery Division that handles all domestic relations, juvenile, and family matters. Each county has its own Family Part courthouse. Cases are identified by docket numbers in the format FM-XX-NNNN-YY (FM = Family Matrimonial; XX = county code; NNNN = sequential number; YY = year). The Motion must comply with New Jersey Court Rules, particularly R. 5:5-4 (modification of support), R. 1:6-3 (motion practice), and R. 5:5-2 (Case Information Statement requirement).

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION — FAMILY PART
_____ COUNTY

Docket No.: _____ FM- _____

Plaintiff: _____

v.

Defendant: _____

MOTION TO MODIFY CHILD SUPPORT

(R. 5:5-4 / N.J.S.A. 2A:34-23 — Model Form)

PART 1: MOVING PARTY & CURRENT ORDER

1. _____ ("Moving Party," ■ Plaintiff ■ Defendant) moves this Court pursuant to R. 5:5-4 and N.J.S.A. 2A:34-23 to modify the existing child support order.

Date of most recent child support order: _____

Current weekly child support (NJ orders typically stated weekly): $ _____

Equivalent monthly amount: $ _____

2. The existing order was entered by:
■ This Court ■ Another NJ County: _____ ■ Another State (UIFSA): _____

PART 2: CHANGED CIRCUMSTANCES

3. A substantial change in circumstances has occurred since the entry of the existing order (Lepis v. Lepis, 83 N.J. 139 (1980)). Check all that apply:

■ **Change in Income (~20% or more):** Moving Party's or other party's income has changed substantially.
Prior gross weekly income: $_____ Current gross weekly income: $_____ % change: _____%

■ **Job Loss / Reduction in Hours:** Moving Party or other party has involuntarily lost employment or experienced a reduction in hours/income, specifically:

Describe: _____

■ **New Employment / Income Increase:** The other party's income has substantially increased since the last order, specifically:

Describe: _____

■ **Change in Custody / Parenting Time:** The custody arrangement or parenting time schedule has materially changed, specifically:

Describe: _____

■ **Change in Child's Needs:** The child(ren)'s needs have substantially changed (medical, educational, or other), specifically:

Describe: _____

■ **Change in Health Insurance:** Health insurance coverage for the child(ren) has materially changed in availability, cost, or provider, specifically:

Describe: _____

■ **Emancipation Issue:** A child subject to the order has or may have become emancipated (NJ emancipation is not automatic at 18), specifically:

Describe: _____

■ **Other Changed Circumstances:** Describe:

_____

Figure AD-1a: New Jersey Motion to Modify Child Support (R. 5:5-4) — Page 1 of 2

▸ MOTION PAGE 1, LINE-BY-LINE GUIDE

COURT HEADER: SUPERIOR COURT (CHANCERY DIVISION) FAMILY PART

County: New Jersey has 21 counties, each with its own Family Part courthouse. File in the county where the original judgment/order was entered. If the case has been transferred or if there are compelling reasons for

venue change, consult R. 4:3-2. Major Family Part courthouses include Bergen (Hackensack), Essex (Newark), Hudson (Jersey City), Mercer (Trenton), Middlesex (New Brunswick), and Morris (Morristown).

Docket Number Format: The docket number always begins with "FM-" for family matrimonial cases. If your case involves a non-dissolution action (e.g., support only, no divorce), it may carry an "FD-" prefix (Family Domestic). Use the exact docket number from your existing order, the court computer system tracks all filings by this number.

Plaintiff / Defendant: New Jersey family court uses Plaintiff/Defendant (not Petitioner/Respondent). The party who filed the original divorce or support action is the Plaintiff. Either party may be the moving party on a modification motion, identify whether you are the Plaintiff or Defendant in the original action, and check the appropriate box.

PART 1: CURRENT ORDER, WEEKLY vs. MONTHLY

New Jersey child support orders are expressed in weekly amounts. This is a distinctive feature of NJ practice. Most states state support monthly; NJ uses weekly. The form asks for both weekly and monthly equivalents. To convert: weekly × 4.333 = monthly. This distinction matters when comparing NJ orders to orders from other states or when calculating arrearages.

PART 2: CHANGED CIRCUMSTANCES, LEPIS STANDARD

New Jersey's modification standard derives from the landmark case Lepis v. Lepis, 83 N.J. 139 (1980). Lepis established that a party seeking modification must demonstrate a "prima facie showing of changed circumstances." Unlike many states that use a specific percentage threshold, New Jersey's standard is case-law driven and inherently fact-specific.

☐ Change in Income: No statute or rule specifies a percentage. The question under Lepis is whether the change is substantial and continuing rather than temporary. Calculate the change in the obligor's (or obligee's) income, compare the current Guidelines amount to the existing order, and be ready to show the change has lasted and will last. Courts look at the totality of circumstances, not a mechanical percentage.

☐ Job Loss / Reduction in Hours: Involuntary job loss is classic changed circumstances under Lepis. The change must be involuntary and not self-induced, courts impute income to parties who deliberately reduce their income. Document with: termination letter, WARN Act notice, unemployment claim confirmation, medical records (if disability-related), or employer letter.

☐ New Employment / Income Increase: If the other party's income has substantially increased since the last order, this supports an upward modification. NJ courts consider whether the obligee's increased income would affect the support obligation under the Guidelines, and whether the obligor's standard of living has improved while the children's has not.

☐ Emancipation/Termination Issue: Since February 1, 2017, New Jersey support terminates by operation of law when the child turns 19 (N.J.S.A. 2A:17-56.67), with Probation sending advance notices; the custodial parent may obtain continuation, to a hard stop at 23, for a child still in high school, enrolled full-time in college or vocational school, or disabled. Before 19, emancipation remains a judicial determination, whether the child has moved beyond the parental sphere (marriage, military service, full-time self-support). A child living at home attending college full-time will generally qualify for continuation.

PARTS 3–4: CHILDREN TABLE & RELIEF REQUESTED

Children Table: Note the "Emancipated?" column, list children who may be near termination age. Courts often address termination in the same motion as support modification. At 19, termination occurs by operation of law

unless continuation has been granted; before 19, the obligation for a child ends only after the court declares the child emancipated.

Relief Requested, College Contribution (Newburgh v. Arrigo): New Jersey is unique in that courts may require parents to contribute to a child's college education costs even after the child turns 18 (Newburgh v. Arrigo, 88 N.J. 529 (1982)). If a child is approaching or in college, check this box and address it in the motion. College contribution is separate from child support but frequently addressed simultaneously. Courts use a set of factors to determine each parent's share, including ability to pay and the child's own financial resources.

PART 3: CHILDREN SUBJECT TO THIS ORDER

Child's Full Name	Date of Birth	Age	Currently Lives With	Emancipated?

NOTE: New Jersey does NOT automatically emancipate children at age 18. Emancipation occurs when the child moves "beyond the sphere of parental influence and responsibility" — courts determine this based on circumstances. Children in college are often not emancipated until graduation.

PART 4: RELIEF REQUESTED

4. Moving Party respectfully requests that this Court:

■ Increase child support to $_____/week ($_____/month)
■ Decrease child support to $_____/week ($_____/month)
■ Set child support per NJ Child Support Guidelines Worksheet (Appendix IX-B)
■ Modify health insurance / extraordinary expense provisions
■ Address college/post-secondary education contribution (Newburgh v. Arrigo)
■ Award counsel fees pursuant to R. 4:42-9(a)(1)

MODEL FORM — For reference only. Verify current version at njcourts.gov Page 2

Figure AD-1b: New Jersey Motion to Modify Child Support — Page 2 of 2 (CIS Requirement, NJ-Specific Deductions & Certification)

▸ MOTION PAGE 2, CIS REQUIREMENT, PROBATION ROUTING & CERTIFICATION

PART 5: CASE INFORMATION STATEMENT (CIS), NON-WAIVABLE

New Jersey's CIS (required under R. 5:5-2) is the most comprehensive mandatory financial disclosure form of any state in this book. The CIS covers: personal information, employment, gross income by source, all payroll

deductions (including NJ-specific deductions like TDI and FLI), monthly budget (20+ line items), assets, liabilities, and pending legal matters. Both parties must file current CIS forms, within 90 days is the standard for "current." Courts will not hear a modification motion without CIS compliance from both parties. Failure to file a CIS or filing a materially false CIS exposes a party to sanctions, contempt, and in egregious cases, criminal liability.

The CIS is served on the opposing party along with the motion. Courts compare the two CIS forms side-by-side, significant discrepancies generate questions at the hearing. If your income or expense figures are outside the expected range for the county (NJ courts are keenly aware of regional cost-of-living differences), explain the deviation in a certification attached to your motion.

PART 9: NJ FAMILY SUPPORT PAYMENT CENTER & PROBATION

All New Jersey child support payments route through the NJ Family Support Payment Center (NJFSPC), administered through the Probation Division of the Superior Court. The NJKiDS system (New Jersey Kids Deserve Support) tracks all support orders, payments, and arrearages. Paying directly to the other parent (even with receipts) is strongly discouraged; courts have declined to credit direct payments against the ordered obligation.

PART 10: CERTIFICATION vs. OATH

New Jersey uses a "certification" rather than a sworn affidavit for most court filings. The certification language ("I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment") carries the same legal weight as a sworn oath under R. 1:4-4(b). No notarization is required. However, the certification must be signed personally by the party, not by their attorney.

FORM 2 OF 3: CHILD SUPPORT GUIDELINES WORKSHEET (APPENDIX IX-B)

New Jersey's Child Support Guidelines Worksheet (Appendix IX-B to R. 5:6A) implements the Income Shares Model using combined net weekly income. New Jersey is among the few states that (1) states obligations in weekly rather than monthly amounts, and (2) includes NJ-specific mandatory deductions (TDI, FLI) that reduce net income below what a federal-only deduction approach would produce. Both parties complete worksheets independently and compare results. Substantial discrepancies frequently lead to discovery disputes and expert witness testimony on income questions.

SUPERIOR COURT OF NEW JERSEY — FAMILY PART

CHILD SUPPORT GUIDELINES WORKSHEET

Appendix IX-B | R. 5:6A | Net Income — Both Parents | Obligation Stated in Weeks

Docket No.:		**County:**	
Plaintiff:		**Defendant:**	
Date Prepared:		**Custodial Parent (CP):**	
No. of Children:		**Non-Custodial Parent (NCP):**	

Important: NJ Guidelines use **NET WEEKLY INCOME** — gross income minus taxes and mandatory deductions. Convert all income to weekly amounts (monthly ÷ 4.333 = weekly; annual ÷ 52 = weekly). The support obligation from Appendix IX-A is also stated per week.

SECTION 1: GROSS WEEKLY INCOME

Line	Income Source	Plaintiff Weekly	Defendant Weekly
1	Gross wages / salary (weekly)	$	$
2	Overtime (52-week average)	$	$
3	Self-employment income (net of ordinary business expenses, weekly)	$	$
4	Commissions / bonuses / tips (52-week average)	$	$
5	Social Security / SSDI / SSI (weekly equivalent)	$	$
6	Unemployment / workers' compensation (weekly)	$	$
7	Pension / retirement / annuity (weekly equivalent)	$	$
8	Rental income (net of expenses, weekly equivalent)	$	$
9	Dividends / interest / investment income (weekly equivalent)	$	$
10	Trust / estate / royalty income (weekly equivalent)	$	$
11	Alimony received from prior relationship (weekly equivalent)	$	$
12	Other income (specify: _____)	$	$
	TOTAL GROSS WEEKLY INCOME (Lines 1–12)	**$**	**$**

SECTION 2: DEDUCTIONS FROM GROSS WEEKLY INCOME

Line	Deduction	Plaintiff	Defendant
A	Federal income tax withholding (weekly actual)	$	$
B	New Jersey state income tax (weekly actual — NJ has progressive rates)	$	$
C	Local / municipal income tax (if applicable)	$	$
D	FICA / Social Security (6.2% of wages, up to wage base)	$	$
E	Medicare (1.45% of wages)	$	$
F	NJ Temporary Disability Insurance (TDI) — mandatory	$	$
G	NJ Family Leave Insurance (FLI) — mandatory	$	$
H	Mandatory retirement contribution (required by employer or law)	$	$
I	Prior child support orders (other cases, actually paid)	$	$
	TOTAL WEEKLY DEDUCTIONS (Lines A–I)	**$**	**$**

SECTION 3: NET WEEKLY INCOME

Line	Calculation	Plaintiff	Defendant
J	Net Weekly Income (Total Gross minus Total Deductions)	**$**	**$**
K	Combined Net Weekly Income (Plaintiff Line J + Defendant Line J)	**$**	

MODEL FORM — For reference only. Verify current version at njcourts.gov Page 1

Figure AD-2a: New Jersey Child Support Guidelines Worksheet (Appendix IX-B) — Page 1 of 2

▸ WORKSHEET PAGE 1, LINE-BY-LINE GUIDE (Sections 1–3)

WEEKLY INCOME CONVERSION, CRITICAL

All income must be converted to weekly amounts before entry on the Worksheet. Use these multipliers: monthly ÷ 4.333 = weekly; annual ÷ 52 = weekly; bi-weekly ÷ 2 = weekly; semi-monthly × 2 ÷ 4.333 = weekly.

The 4.333 factor (52 weeks ÷ 12 months) is critical, using 4.0 produces a lower weekly figure and understates monthly support.

SECTION 1: GROSS WEEKLY INCOME (Lines 1–12)

Line 1, Gross Wages/Salary: Convert to weekly using appropriate multiplier. Attach three consecutive pay stubs. For salaried employees, one recent pay stub showing year-to-date earnings divided by weeks worked may be used.

Line 2, Overtime: Use a 52-week average. NJ courts include overtime if it has been regular and continuing. In industries like construction, healthcare, and public safety, common in NJ, overtime is often structural. Courts examine whether overtime is truly variable or effectively guaranteed.

Line 3, Self-Employment: NJ has a large self-employment population (real estate, finance, construction, healthcare). Report net of ordinary and necessary business expenses. Courts frequently see disputes over what constitutes a legitimate business expense. Auto depreciation, home office deductions, and meals are commonly disputed. Attach Schedule C and two years of tax returns. Courts may impute income based on prior earnings history.

Lines 9–12 (Investment/Trust/Rental Income): New Jersey is a high-wealth state with significant investment income for many families. Dividends, interest, capital gains distributions, and rental income are all includable. Use a 52-week average for irregular investment income. For rental income, deduct actual mortgage interest, property taxes, insurance, and maintenance, not all operating expenses claimed on Schedule E.

SECTION 2: NJ-SPECIFIC DEDUCTIONS (Lines A–I)

New Jersey's deduction list includes several mandatory deductions not found in most other states. These NJ-specific deductions are what make the NJ "net income" approach distinctive:

Line B, NJ State Income Tax: New Jersey has a progressive income tax with rates ranging from 1.4% to 10.75% (one of the highest marginal rates in the country). NJ income tax is deducted from gross income in computing net income for Guidelines purposes. Use actual withholding from pay stubs, or estimated liability for self-employed parties. This deduction is significant, a high-income NJ filer may deduct 8-10% in state taxes alone.

Line F, NJ Temporary Disability Insurance (TDI): New Jersey's TDI is a mandatory payroll deduction (employee contribution) that funds the state disability insurance program. The rate is set annually by the state. TDI is deducted from employee wages and is an allowable deduction under the Guidelines. This deduction does not exist in states without a TDI program.

Line G, NJ Family Leave Insurance (FLI): New Jersey's FLI is a mandatory payroll deduction funding the state family leave insurance program. Like TDI, FLI is deducted from employee wages and is allowable under the Guidelines. This NJ-specific deduction further reduces net income compared to states without such programs.

Lines D/E, FICA/Medicare: Standard 6.2%/1.45% deductions. For employees above the Social Security wage base, the 6.2% FICA stops at the wage base. Courts apply the actual deduction, not a theoretical rate on all income.

Section 3 — Net Weekly Income & Income Shares: After all deductions, Lines J through M establish each party's net weekly income, the combined income, and each party's percentage share. These percentages drive the allocation of the BCSO and additional expenses.

L	Plaintiff's % of combined income (Line J-Plaintiff ÷ Line K)	%	
M	Defendant's % of combined income (Line J-Defendant ÷ Line K)		%

Figure AD-2b: New Jersey Child Support Guidelines Worksheet — Page 2 of 2 (Obligation, Parenting Time Credit & Modification Check)

▸ WORKSHEET PAGE 2, GUIDELINE OBLIGATION, 28% PARENTING CREDIT & MODIFICATION CHECK

SECTION 4: BASIC CHILD SUPPORT OBLIGATION FROM APPENDIX IX-A

Line N, BCSO Lookup: The NJ Child Support Schedule (Appendix IX-A) provides weekly support amounts for combined net weekly incomes from approximately $187/week to $3,600+/week and for 1–6 children. The

table is interpolated for amounts between rows. For very high combined incomes (above the schedule ceiling), courts use the Schedule as a floor and make discretionary determinations above that level.

Lines O & P, Proportionate Shares: The BCSO is allocated between the parents based on their income percentages (Lines L/M). The non-custodial parent's share (Line O or P) becomes the base weekly obligation before adding their share of additional expenses.

SECTION 5: ADDITIONAL EXPENSES (Lines Q–V)

Line Q, Health Insurance: The children's portion of the health insurance premium (not the family premium) is allocated proportionately. Courts must address which parent provides health insurance, the party providing insurance receives credit for that cost. Convert monthly premium to weekly (÷ 4.333).

Line R, Child Care: Work-related or education-related child care is added and allocated proportionately. This includes daycare, after-school care, and summer programs, not general babysitting for the parent's social activities. Convert monthly costs to weekly.

SECTION 6: PARENTING TIME ADJUSTMENT, 28% OVERNIGHT THRESHOLD

NJ's shared parenting adjustment applies when the alternate parent (PAR) has the substantial equivalent of two or more overnights per week, about 28% of overnights (roughly 104 nights/year), and maintains separate living quarters for the child. This is a moderate threshold compared to other states. The shared parenting worksheet (Appendix IX-D) then splits fixed and variable expenses and reduces the PAR's base obligation.

28% Threshold in context: 105 nights represents approximately every other weekend (52 nights) plus substantial holiday and vacation time. Parents with standard every-other-weekend schedules typically fall below 28% and do not qualify for the adjustment. Parents with extended summer parenting time, additional weekday overnights, or midweek sleepovers may reach the threshold.

Section 7 — Modification Check: Compare the Guidelines amount (Line BB) to the existing order (Line DD). NJ has no statutory percentage threshold and no recognized numeric benchmark. The motion should clearly articulate why the change constitutes "changed circumstances" under the Lepis standard, a mechanical percentage calculation alone is insufficient.

FORM 3 OF 3: CASE INFORMATION STATEMENT (CIS)

The New Jersey Case Information Statement is the most detailed mandatory financial disclosure document in this book. It is more comprehensive than a typical financial affidavit because it is used in all aspects of family law (divorce, support, custody, alimony) and must capture the full financial picture. The CIS must be filed with every motion involving financial relief. Unlike most states' affidavits (which focus on income and expenses), the CIS also addresses pending legal matters, previous court actions, and, in divorce cases, a full marital history.

SUPERIOR COURT OF NEW JERSEY — FAMILY PART

CASE INFORMATION STATEMENT (CIS)

Required by R. 5:5-2 — Both Parties Must File with Any Financial Motion

Docket No.:		**FM-**	
County:		**Date Filed:**	
Filing Party:		**■ Plaintiff ■ Defendant**	

PART A: PERSONAL INFORMATION

Full Legal Name: _____

Home Address: _____

City, State, ZIP: _____

Phone: _____ Email: _____

Employer Name & Address: _____

Employment: ■ Full-time ■ Part-time ■ Self-employed ■ Unemployed since: _____ ■ Disabled ■ Retired

Job title / occupation: _____

PART B: GROSS WEEKLY INCOME

NOTE: NJ Guidelines use WEEKLY figures. Convert monthly income to weekly: ÷ 4.333. Convert annual to weekly: ÷ 52.

#	Income Source	Weekly Gross
1	Wages / salary (attach last 3 pay stubs)	$
2	Overtime (52-week average)	$
3	Self-employment income (net of business expenses; attach Schedule C)	$
4	Commissions / tips / bonuses (52-week average)	$
5	Social Security / SSDI / SSI	$
6	Unemployment compensation	$
7	Workers' compensation / disability	$
8	Pension / retirement / annuity	$
9	Rental income (net of expenses)	$
10	Dividends / interest / investment income	$
11	Trust / estate distributions	$
12	Alimony received (prior relationship, not this case)	$
13	Other income (specify: _____)	$
	TOTAL GROSS WEEKLY INCOME	**$**

PART C: WEEKLY DEDUCTIONS (NJ-Specific)

#	Deduction	Weekly Amount
A	Federal income tax withheld (weekly actual)	$
B	NJ State income tax withheld (weekly actual — NJ has its own progressive income tax)	$
C	Local income tax (Newark, etc.)	$
D	FICA / Social Security (6.2%)	$
E	Medicare (1.45%)	$
F	NJ Temporary Disability Insurance (TDI) — mandatory NJ payroll deduction	$
G	NJ Family Leave Insurance (FLI) — mandatory NJ payroll deduction	$

MODEL FORM — For reference only. Verify current version at njcourts.gov Page 1

Figure AD-3a: New Jersey Case Information Statement (CIS) — Page 1 of 2 (Income & NJ-Specific Deductions)

▸ CIS PAGE 1, LINE-BY-LINE GUIDE (Parts A–C)

PART A: PERSONAL INFORMATION

Complete all identification fields. Employer name and address are critical, courts use this information if an Income Withholding Order (IWO) is needed. Employment status affects income imputation: courts impute

income to voluntarily unemployed or underemployed parties based on prior earnings history and the NJ job market.

PART B: GROSS WEEKLY INCOME (Lines 1–13)

Line 1, Wages/Salary (Attach Last 3 Pay Stubs): Courts require three consecutive pay stubs. If paychecks are irregular (commission-based, variable hours), courts may request 12 months of paystubs or W-2 forms. Pay stubs must show gross pay, all deductions itemized (including the NJ-specific TDI and FLI deductions), and net pay.

Lines 2–4 (Overtime/Bonus/Commission): NJ courts include regular overtime and bonuses in income. For commission-based income, use a 52-week average from the most recent two years. If commissions fluctuate dramatically, courts may use a multi-year average. Document with W-2 forms and commission statements.

Lines 9–13 (Investment/Trust/Other Income): NJ is a high-income-density state and investment income is common. Include: dividends, interest, capital gains distributions (use Schedule B/D from tax returns), trust distributions (attach trust accounting), rental income net of legitimate expenses, and royalties. For variable income, use a 52-week average over 2-3 years.

PART C: NJ-SPECIFIC WEEKLY DEDUCTIONS (Lines A–I)

Line B, NJ State Income Tax: Use actual withholding from pay stubs. NJ's progressive rates (1.4%, 1.75%, 2.45%, 3.5%, 5.525%, 6.37%, 8.97%, 10.75%) mean high-income earners have substantially higher state tax burdens than low-income earners. For self-employed parties, use the estimated quarterly payment amount divided by 13 (weeks per quarter). Attach NJ-1040 from the most recent tax year.

Line F, NJ TDI: New Jersey's Temporary Disability Insurance is a mandatory employee contribution deducted from wages. The rate and maximum are set annually by the NJ Division of Temporary Disability and Family Leave Insurance. This deduction appears on every NJ W-2 as a separate line item. It is not present on federal W-2 forms from other states.

Line G, NJ FLI: New Jersey's Family Leave Insurance is similarly mandatory, similarly deducted from wages, and similarly unique to NJ. Together, TDI and FLI typically add up to a modest but real additional deduction that reduces NJ workers' net income below what a simple federal/FICA calculation would produce.

H	Mandatory retirement contribution	$
I	Child support — other court orders (actually paid)	$
	TOTAL WEEKLY DEDUCTIONS	**$**
	NET WEEKLY INCOME (Total Gross minus Total Deductions)	**$**

MODEL FORM — For reference only. Verify current version at njcourts.gov Page 2

Figure AD-3b: New Jersey Case Information Statement (CIS) — Page 2 of 2 (Expenses, Assets/Liabilities & Certification)

▸ CIS PAGE 2, MONTHLY EXPENSES, ASSETS & CERTIFICATION

PART D: MONTHLY HOUSEHOLD EXPENSES (Lines 1–19)

New Jersey has one of the highest costs of living in the United States. Courts in Bergen, Essex, Hunterdon, Morris, and Monmouth counties are particularly aware of the premium housing, property tax, and

transportation costs in those areas. The average NJ property tax is over $9,000/year. Courts do not blink at $750/month for property taxes alone in high-cost areas.

Line 9, Transportation: NJ is a commuter state. Many NJ residents commute to New York City or Philadelphia via NJ Transit, PATH train, or car. Monthly NJ Transit rail passes for NYC commuters can exceed $400/month; parking at transit hubs, tolls, and fuel add further. Document actual transportation costs, courts understand the expense.

Line 15, College/Post-Secondary Education Contributions (Newburgh v. Arrigo): This line is unique to New Jersey and reflects the state's judicially-created obligation for parents to contribute to college costs. Under Newburgh v. Arrigo, 88 N.J. 529 (1982), courts may order both parents to contribute to a child's college expenses. The obligation is not automatic, the child must request it and it is based on ability to pay, the child's own resources, and whether the education is reasonable. Enter current monthly college contributions if any are ordered or proposed.

PART E: ASSETS & LIABILITIES

NJ property values can be substantial. Use current market value estimates for real estate, check tax assessment notices as a baseline (NJ assessments are updated regularly). For investment accounts and retirement funds, provide current account balances. Note that the "Tax liabilities" row is particularly relevant for self-employed parties or those who have accumulated IRS and NJ state tax debt.

PART F: CERTIFICATION, NO NOTARIZATION REQUIRED

New Jersey's CIS is signed under the certification rule (R. 1:4-4(b)), no notarization is required. The certification carries full legal weight. Sign in blue ink (NJ courts prefer blue ink for original signatures) and retain a copy. File the original with the court and serve a copy on opposing counsel or the opposing party.

NEW JERSEY CHILD SUPPORT MODIFICATION, KEY PRACTICE POINTS

Weekly Obligations, NJ Is Unique: New Jersey states all child support in weekly amounts. This is a perennial source of confusion for parties moving from other states or comparing NJ orders to orders elsewhere. A NJ order of $200/week equals $866/month (×4.333), not $800 (×4). Always use 4.333 for weekly-to-monthly conversion.

Lepis Changed Circumstances, No Magic Number: Unlike states with numeric triggers (Nebraska's 10%/$25 presumption on the guideline amount, Nevada's 20% income-change rule), New Jersey has no percentage threshold at all. Lepis requires a "prima facie showing of changed circumstances" that, in NJ, is an inherently flexible standard. Courts weigh the significance and permanence of the change, its foreseeability at the time of the last order, and whether the requesting party contributed to the change.

NJ State Income Tax + TDI + FLI, Three Layers of Unique Deductions: New Jersey obligors benefit from three deductions not available in most other states: the NJ state income tax (one of the highest in the nation), TDI (mandatory disability insurance), and FLI (mandatory family leave insurance). These deductions meaningfully reduce the net income figure compared to a federal-only calculation. An NJ obligor earning $100,000/year gross may have net income 15-20% lower than a same-income obligor in a no-income-tax state like Florida.

Termination at 19 by Operation of Law, Critical NJ Rule: Since 2017, N.J.S.A. 2A:17-56.67 ends support automatically at 19 unless the custodial parent obtains continuation (high school, full-time college or vocational enrollment, or disability), and nothing outside severe-disability cases runs past 23. Do not stop paying at 18: a child who is 18, at home, and enrolled full-time will almost certainly qualify for continuation, and before 19 the obligation ends only if the court declares the child emancipated. Watch for the Probation Division's termination notices and respond on time.

College Contribution (Newburgh v. Arrigo), A Living Obligation: New Jersey remains one of a very small number of states that may compel parents to contribute to college costs. This obligation survives past age 18 and can exist simultaneously with ongoing child support for younger siblings. Courts consider: each parent's ability to pay, the child's financial resources (scholarships, grants, part-time income), whether the parties would have agreed to college support had they remained together, and the reasonableness of the institution selected.

CIS Is Mandatory, Non-Waivable, and Heavily Scrutinized: Do not underestimate the CIS. Judges in NJ Family Part routinely deny motions that arrive without a current CIS or with an obviously incomplete one. Both parties filing current, accurate CIS forms is the gateway to having your motion heard. Courts also use CIS comparisons to detect inconsistencies and income hiding.

28% Parenting Time Credit Threshold: The 105-night/28% threshold is moderate, accessible to parents with standard alternating weekends plus meaningful vacation time, but not triggered by minimal parenting schedules. Parents should track actual overnights and present documentation (parenting time logs, school records, receipts) to establish the credit.

New Jersey Legal Resources: NJ Courts (forms, self-help): njcourts.gov | NJ Child Support (payments, enforcement): njchildsupport.org | NJKiDS/Probation: (877) 655-4371 | NJ Legal Services (low-income): lsnj.org | (888) 576-5529 | NJ Bar Association Lawyer Referral: (800) 792-8315 | R. 5:6A and Appendix IX: njcourts.gov (Rules of Court, Appendix IX).

End of Appendix AD - New Jersey | Appendix AE - New Mexico follows.

Appendix AE — New Mexico: Statutes, Case Law, Forms, and Resources

Key Statutes

• NMSA 1978 § 40-4-11.4, modification of child support; changed circumstances

• NMSA 1978 § 40-4-11.1, child support guidelines; income shares model

• NMSA 1978 § 40-6A-100 et seq., Uniform Interstate Family Support Act

• NMSA 1978 § 40-5A-1 et seq., Parental Responsibility Act; license suspension or denial when more than 30 days in arrears

• NMSA 1978 § 30-6-2, criminal nonsupport (fourth degree felony)

Key Case Law

• Herrera v. Herrera, 1999-NMCA-034, changed circumstances standard for modification

• Quintana v. Quintana, 2013-NMCA-058, income calculation; self-employment income

• Tedford v. Gregory, 1998-NMCA-067, imputed income for voluntarily underemployed parent

• Cox v. Cox, 1996-NMCA-001, retroactivity of modification to filing date

Official Forms

• Child Support Guidelines Worksheet, New Mexico Courts (nmcourts.gov)

• Motion to Modify Child Support Order, District Court

• Financial Information Statement

• Affidavit of Income and Assets

State Agency Contact

• New Mexico Child Support Services Division (CSED), Health Care Authority: (800) 288-7207 in-state, (800) 585-7631 out-of-state

• Website: hca.nm.gov (Child Support Services Division)

• New Mexico Courts self-help: nmcourts.gov

• New Mexico Legal Aid: (505) 243-7871 | nmlegalaid.org

Filing Checklist

• Child Support Guidelines Worksheet (both parents current income entered)

• Financial Information Statement

- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion to Modify Child Support Order
- Documentation of changed circumstances
- Filing fee or fee waiver application
- Proof of service on other parent after filing

New Mexico Form Completion Guide

Model forms below reflect New Mexico's Income Shares (Gross) guidelines under NMSA 1978 § 40-4-11.1 and the NM Child Support Guidelines Worksheet. Official forms are available through the New Mexico Courts (nmcourts.gov) and the Child Support Enforcement Division (CSED) at (800) 288-7207.

Form 1 — Motion to Modify Child Support (NM District Court)

STATE OF NEW MEXICO
_____ JUDICIAL DISTRICT COURT
_____ COUNTY

No.: _____ Div.: _____

In the Matter of: _____

Petitioner: _____

and

Respondent: _____

MOTION TO MODIFY CHILD SUPPORT

(NMSA 1978 § 40-4-11.1 — Model Form)

PART 1: MOVING PARTY & EXISTING ORDER

1. _____ ("Moving Party," ■ Petitioner ■ Respondent) moves this Court to modify child support pursuant to NMSA 1978 § 40-4-11.1 and NMRA Rule 1-066.

Date of most recent child support order: _____

Current monthly child support ordered: $ _____

2. The existing order was entered by:
■ This Court ■ Another NM Judicial District: _____ ■ Another State (UIFSA): _____

PART 2: GROUNDS FOR MODIFICATION

3. A material and substantial change in circumstances has occurred since entry of the existing order. Under NMSA 1978 § 40-4-11.1(E), if application of the Guidelines produces a support amount that differs from the current order by 20% or more, a material change in circumstances is presumed.

■ **Change in Income (20% Threshold):**
Petitioner's/Respondent's gross income has changed by 20% or more. Prior gross monthly income: $_____ Current: $_____ % change: _____%

■ **Job Loss / Disability:**
Describe: _____

■ **Change in Parenting Time (Shared Responsibility):**
Describe: _____

■ **Change in Child's Needs:**
Describe: _____

■ **Change in Health Insurance:**
Describe: _____

■ **3-Year Review:**
Describe: _____

■ **Other Material Change:**

PART 3: CHILDREN SUBJECT TO THIS ORDER

Full Name	DOB	Age	Lives With

NM Motion to Modify Child Support, Page 1 (Model Form)

NOTE: New Mexico child support continues until age 18 OR high school graduation, whichever is later (NMSA § 40-4-7(B)(2)). Do not list emancipated children.

PART 4: RELIEF REQUESTED

4. Moving Party requests this Court:

■ Increase child support to $_____/month
■ Decrease child support to $_____/month
■ Set child support per NM Child Support Guidelines Worksheet (NMRA Form 4-961)
■ Modify health insurance / extraordinary expense provisions
■ Award attorney fees and costs

NM Motion to Modify Child Support, Page 2 (Model Form)

Line-by-Line Completion Guide, Motion to Modify Child Support

STATE OF NEW MEXICO / COUNTY OF ___

Enter the county where the original child support order was entered. Most New Mexico child support modification actions are filed in the District Court of the county where the original decree was issued, or where the child currently resides.

IN THE DISTRICT COURT, Case No.

Copy the full case number exactly from your existing child support or domestic relations order. New Mexico District Court case numbers typically follow the format: D-XXX-DM-YYYY-NNNNN (DM = domestic matter). If you have a separate CS-only case, use that number.

Petitioner / Respondent

New Mexico uses Petitioner and Respondent terminology. The parent who files the motion is the Movant (often Petitioner). List both parents exactly as they appear in the existing order, do not use nicknames or maiden names unless consistent with court records.

Child(ren) Subject to This Order

List each child by full legal name and date of birth. New Mexico child support obligations continue until the child turns 18, or, if the child is still in high school at 18, until graduation or age 19, whichever comes first (NMSA § 40-4-7). If a child has already reached majority, note that.

Current Monthly Obligation

Enter the monthly dollar amount ordered under the most recent child support order. If the order is expressed as a weekly or bi-weekly amount, convert to monthly (weekly x 4.333). Include arrears payment if specified separately in the order.

Proposed New Obligation

Enter the guideline amount calculated on your completed NM Child Support Guidelines Worksheet. This figure drives the court's review, attach the worksheet as Exhibit A.

Basis for Modification, Part 2 Checkboxes

New Mexico requires a showing of 'material and substantial change in circumstances' under NMSA § 40-4-11.4. A rebuttable presumption of changed circumstances exists if the new guideline calculation differs from the existing order by more than 20% and the petition is filed more than one year after the existing order. Check all applicable grounds: 20% threshold: The worksheet shows the new guideline amount differs from the current order by at least 20%. This is the most common and straightforward ground. Change in income: Document the change, new employer, job loss, promotion, disability, retirement. Attach pay stubs or tax returns as Exhibit B. Change in parenting time: If custody or overnight visitation has changed, the shared-responsibility adjustment (Section D, 128+ nights) may apply. Change in child's needs: Medical expenses, educational costs, childcare changes. Other: New child in either household, incarceration, or emancipation of one child.

NMSA § 40-4-11.4, 20% Threshold Citation

This statute provides the rebuttable presumption: if the new guideline amount differs from the existing order by more than 20% and the petition comes more than one year after that order, the deviation itself constitutes a material and substantial change. Calculate: |(new - old) / old| x 100. If over 20%, cite this provision explicitly.

Relief Requested

Check the appropriate box and enter the new monthly support amount. New Mexico courts will set the obligation at the guideline amount unless a deviation is justified under NMSA § 40-4-11.2. If seeking retroactive modification, state the effective date, NM courts may modify retroactively to the date of filing or service of the motion.

Signature Block

Sign and date the motion. If pro se, print your name, address, and phone number below the signature. The motion does not require notarization. File with the worksheet and FIS. The other parent has 30 days to respond after service.

Form 2 — NM Child Support Guidelines Worksheet (NMSA § 40-4-11.1)

STATE OF NEW MEXICO — DISTRICT COURT

CHILD SUPPORT GUIDELINES WORKSHEET

NMRA Form 4-961 | NMSA 1978 § 40-4-11.1 | Income Shares — Gross Income

Case No.:		**County:**	
Petitioner:		**Respondent:**	
Date:		**# of Children:**	
Primary Custodian:		**Prepared by:**	

Important: New Mexico uses the Income Shares Model based on both parents' **gross monthly income**. Adjustments are limited to specified deductions. The Guidelines use the combined income and a schedule to find the Basic Child Support Obligation.

SECTION A: GROSS MONTHLY INCOME

Line	Income Source	Petitioner	Respondent
1	Wages / salary (gross before deductions)	$	$
2	Overtime (12-month average)	$	$
3	Self-employment income (net of ordinary business expenses)	$	$
4	Commissions / bonuses / tips (12-month average)	$	$
5	Social Security / SSDI / SSI	$	$
6	Unemployment / workers' compensation	$	$
7	Pension / retirement / annuity	$	$
8	Rental income (net of ordinary expenses)	$	$
9	Dividends / interest / investment income	$	$
10	Trust distributions / royalties	$	$
11	Alimony received (prior relationship)	$	$
12	Other income (specify: _____)	$	$
	TOTAL GROSS MONTHLY INCOME (Lines 1–12)	**$**	**$**

SECTION B: ADJUSTMENTS TO GROSS INCOME (NMSA § 40-4-11.1(C))

Line	Deduction	Petitioner	Respondent
A	Court-ordered child support paid for other children (actually paid, not this case)	$	$
B	Court-ordered alimony paid to prior spouse (actually paid)	$	$
C	Health insurance premium paid for the children of this case	$	$
D	Work-related child care costs for children of this case	$	$
	TOTAL ADJUSTMENTS (Lines A+B+C+D)	**$**	**$**
	ADJUSTED GROSS MONTHLY INCOME (Total Gross minus Adjustments)	**$**	**$**

SECTION C: COMBINED INCOME & BASIC SUPPORT OBLIGATION

Line	Item	Petitioner	Respondent
E	Combined Adjusted Gross Monthly Income (Petitioner + Respondent)	$	
F	Basic Child Support Obligation (BCSO) from NM Schedule (Line E + # children)	$	
G	Petitioner's proportionate income share (Petitioner adj. gross ÷ Line E)	%	
H	Respondent's proportionate income share (Respondent adj. gross ÷ Line E)		%
I	Petitioner's share of BCSO (Line F × Line G%)	$	

NM Child Support Guidelines Worksheet, Page 1 (Model Form)

J	Respondent's share of BCSO (Line F × Line H%)		$

NM Child Support Guidelines Worksheet, Page 2 (Model Form)

Line-by-Line Completion Guide, Child Support Guidelines Worksheet

IMPORTANT: New Mexico Uses GROSS Income

Unlike many states, New Mexico's Income Shares model is based on GROSS monthly income before most deductions. Only a very limited set of adjustments are permitted under NMSA § 40-4-11.1(C). Do not subtract taxes, retirement contributions, or union dues, the worksheet will yield an incorrect result if you do.

Section A, Gross Monthly Income

Enter each parent's gross monthly income from ALL sources: wages and salaries (before deductions), self-employment income (gross receipts minus ordinary business expenses), commissions and bonuses (12-month average), rental income, disability and workers comp, Social Security (SSDI but not SSI), unemployment, retirement/pension, investment income, trust distributions, and alimony received from a third party (not this case).

Line 1a, Wages / Salary

Enter monthly gross pay before any deductions. Use the gross figure from the pay stub. For hourly workers: hourly rate x average hours/week x 52 / 12. For salaried: annual / 12. Include overtime only if regular and recurring. Courts will average irregular overtime over 12-24 months.

Line 1b, Self-Employment Income

Use Schedule C net profit, then add back non-cash deductions such as depreciation. NM courts look at economic reality of self-employment income, not just the tax return. If income fluctuates, average the last 2-3 years of Schedule C net.

Line 1m, Tribal Payments / Per Capita Distributions (NM-Specific)

Per capita distributions from tribal gaming revenues and other tribal per capita payments are includable as gross income under the guidelines. Enter the average monthly amount (annual total / 12 if irregular). This line is unique to New Mexico and reflects the state's recognition of tribal income sources.

Line 2, Total Gross Monthly Income (Each Parent)

Sum all income lines for each parent separately. This is gross, not net. If a parent is voluntarily unemployed or underemployed, the court may impute income under NMSA § 40-4-11.1(B)(3) based on earning capacity.

Section B, Limited Adjustments to Gross Income

NM allows ONLY these four adjustments: Line A: Court-ordered support for other children (prior orders only, not informal payments) Line B: Court-ordered alimony paid to a third party (not to the other parent in this case) Line C: Health insurance premium for the children in this case (children's share only) Line D: Work-related childcare costs for the children in this case No deduction for taxes, FICA, housing, food, or other living expenses is permitted.

Line 3, Adjusted Gross Monthly Income

Gross income (Line 2) minus permitted adjustments (Section B). This flows into the combined income calculation and the Basic Child Support Obligation (BCSO) schedule.

Section C, Combined Income and Income Shares

Add both parents' adjusted gross incomes. Look up the combined total in the NM BCSO schedule. Apportion between parents based on each parent's percentage share of combined income. The NCP's share of the BCSO is the presumptive monthly obligation before any shared-responsibility adjustment.

Line I, Each Parent's Income Share (%)

Divide each parent's Line 3 income by the combined total. The NCP's percentage x BCSO = NCP's initial obligation.

Section D (Page 2), Shared Responsibility Adjustment

Applies when the NCP exercises 128 or more overnights per year (approx. 35% of annual overnights, sometimes called the '35% rule'). Line K: NCP's actual annual overnights. If >= 128, the adjustment applies. Line L: NCP's percentage of overnights (NCP overnights / 365). Line M: Combined BCSO x NCP overnight % = NCP's time-based share. Line N: Combined BCSO x CP overnight % = CP's time-based share. Line O: Each

parent's obligation to the other (cross-payments method). Line P: Net obligation = higher payment minus lower payment. Line Q: Adjusted monthly support after shared-responsibility calculation. If the NCP has fewer than 128 overnights, skip Section D entirely.

Section F, 20% Threshold Check

Line V: Existing court-ordered monthly obligation. Line W: New guideline amount from Line Q (or Line C if no shared responsibility). Line X: Dollar difference: |new - old|. Line Y: Percentage change: Line X / Line V x 100. Line Z: If more than 20% (and the existing order is over a year old), check YES, presumption of changed circumstances is met. Lines AA-BB: If under 20%, describe the other substantial and material change.

Section G, Deviation

Courts may deviate from the guideline amount under NMSA § 40-4-11.2 if application would be unjust or inappropriate; written findings are required. Grounds include extraordinary medical expenses, educational costs for special needs, or other unusual circumstances. Document clearly.

Form 3 — Financial Information Statement (FIS)

STATE OF NEW MEXICO — DISTRICT COURT

FINANCIAL INFORMATION STATEMENT

Required of Both Parties — Child Support Modification Proceedings

Case No.:	_____	**County:**	_____
Filing Party:	_____	**Date Filed:**	_____
■ **Petitioner** ■ **Respondent**	_____	**Judicial District:**	_____

I, _____, declare under penalty of perjury that the following is a true and accurate statement of my financial situation:

Occupation: _____ Employer: _____ ■ Full-time ■ Part-time ■ Self-employed ■ Unemployed ■ Disabled ■ Retired

Employer Address: _____

SECTION 1: GROSS MONTHLY INCOME

#	Income Source	Monthly Gross
1a	Wages / salary (attach last 3 pay stubs)	$
1b	Overtime (12-month average)	$
1c	Self-employment (net of business expenses; attach Schedule C)	$
1d	Commissions / bonuses / tips (12-month average)	$
1e	Social Security / SSDI / SSI (attach award letter)	$
1f	Unemployment compensation	$
1g	Workers' compensation	$
1h	Pension / retirement / annuity	$
1i	Rental income (net of mortgage, taxes, insurance, maintenance)	$
1j	Dividends / interest / investment income	$
1k	Trust / estate / royalty income	$
1l	Alimony received (other relationship, not this case)	$
1m	Tribal payments / per capita distributions (if applicable — NM specific)	$
1n	Other income (specify: _____)	$
	TOTAL GROSS MONTHLY INCOME	**$**

SECTION 2: MONTHLY DEDUCTIONS (Informational — NOT used to reduce Guidelines income)

#	Deduction	Monthly Amount
2a	Federal income tax withheld	$
2b	NM state income tax withheld (NM has progressive rates; no exemption for military retired pay)	$
2c	FICA / Social Security (6.2%)	$
2d	Medicare (1.45%)	$
2e	Health insurance premium — for yourself	$
2f	Health insurance premium — for children of this case (also listed on Worksheet Line C)	$
2g	Mandatory retirement contribution (required by employer)	$
2h	Child support — other court orders (also listed on Worksheet Line A)	$
2i	Alimony paid — other orders (also listed on Worksheet Line B)	$
2j	Work-related child care (also listed on Worksheet Line D)	$

NM Financial Information Statement, Page 1 (Model Form)

	TOTAL MONTHLY DEDUCTIONS (informational only)	**$**

NM Financial Information Statement, Page 2 (Model Form)

Line-by-Line Completion Guide, Financial Information Statement (FIS)

Purpose of the FIS

Required in all NM domestic relations cases involving child support. Provides the court a comprehensive financial picture beyond the worksheet income figures. Each parent completes their own FIS. File together with the motion and worksheet as one packet.

Section 1 — Income from All Sources

List every income source. Must match the worksheet Section A figures exactly: Line 1a: Wages/salary (gross monthly) Line 1b: Self-employment net Line 1c: Rental income Line 1d: Interest and dividends Line 1e: Social Security (SSDI, retirement (not SSI) Line 1f: Disability payments Line 1g: Workers' compensation Line 1h: Unemployment compensation Line 1i: Pension and retirement distributions Line 1j: Trust income Line 1k: Alimony received from third party Line 1l: Other income (describe) Line 1m: Tribal payments / per capita distributions (NM-specific) annual / 12)

Section 2 — Deductions (INFORMATIONAL ONLY)

Lists actual payroll deductions (taxes, FICA, health insurance, retirement). These figures do NOT reduce income for guidelines purposes, NM uses gross income. Section 2 helps the court assess ability to pay and hardship but does not change the worksheet calculation.

Section 3 — Monthly Expenses

List all actual monthly living expenses: housing (rent/mortgage, utilities, insurance), transportation (car payment, insurance, gas), food (groceries), health (insurance premiums, your own share), children's costs (their insurance, school, activities, childcare), debt service (credit cards, loans), and other recurring expenses. Be accurate, courts compare expenses to income and will question inflated figures.

Section 4 — Assets

List significant assets: real property (value minus mortgage), vehicles, bank accounts (approximate balances, no account numbers), retirement accounts, investments, and other assets over $1,000 in value.

Section 5 — Liabilities

List significant debts: mortgage balance, vehicle loans, credit cards, student loans, personal loans, tax liens. Include creditor name, approximate balance, and monthly payment.

Section 6 — Other Financial Obligations

Disclose existing child support orders for other children (case number, monthly amount, current/arrears status), alimony paid to third parties, and any IWOs in effect.

Notarization, Required

The FIS must be signed under oath before a notary public. This is required, filing an unnotarized FIS may result in rejection. The motion itself does not require notarization, but the FIS does. Many banks, UPS stores, and public libraries offer notary services.

Filing and Service

File the FIS with the court together with the motion and worksheet. Serve a copy on the other parent. Their FIS is due within their 30-day response period. Both FISs are reviewed at the modification hearing. If unable to afford the filing fee, ask the clerk for an Affidavit of Indigency under NMRA Rule 1-088.1.

NM CSED Contact and IWO

New Mexico Child Support Services Division (CSED), Health Care Authority: (800) 288-7207, hca.nm.gov. Once a modified order is entered, CSED establishes or updates an Income Withholding Order (IWO). Payments route through the NM State Disbursement Unit (SDU), do not pay directly to the other parent if an IWO is in effect, as direct payments may not be credited.

Key Points, New Mexico Child Support Modification

Gross Income Model

NM uses gross income, taxes, FICA, retirement, and most deductions are NOT subtracted. Only four adjustments permitted: prior support orders, alimony paid, children's health insurance premium, and work-related childcare (NMSA § 40-4-11.1(C)).

20% Threshold, Rebuttable Presumption

If the new guideline amount differs from the existing order by more than 20% and the petition is filed more than one year after the existing order, there is a rebuttable presumption of material and substantial change under NMSA § 40-4-11.4. Most common and easily proven ground for modification.

Shared Responsibility, 128 Overnights (35%)

The shared-responsibility adjustment applies when the NCP exercises 128 or more overnights per year (approx. 35% of the year). Document overnights with a parenting calendar or app.

Tribal Income, NM Specific

Per capita distributions from tribal gaming revenues and other tribal income are includable as gross income. Line 1m on the FIS captures this NM-specific income type.

Age of Majority, 18 or HS Graduation

Support ends at age 18; if the child is still in high school, it continues to graduation or age 19, whichever comes first. NM does not provide for post-secondary (college) support unless specifically agreed in a settlement agreement.

FIS Notarization Required

The Financial Information Statement must be notarized. The motion and worksheet do not. File all three (motion + worksheet + FIS) as a packet.

CSED / SDU Payment Routing

All support payments must go through the NM State Disbursement Unit (SDU) when an IWO is in effect. CSED: (800) 288-7207. Direct payments to the other parent may not be credited.

Filing Venue

File in New Mexico District Court (not Magistrate Court). Use the court where the original order was entered or where the child resides. Fee waivers available under NMRA Rule 1-088.1.

End of Appendix AE - New Mexico | Appendix AF - New York follows.

Appendix AF — New York: Statutes, Case Law, Forms, and Resources

Key Statutes

• N.Y. Dom. Rel. Law § 236(B)(9)(b), modification of child support; changed circumstances

• N.Y. Fam. Ct. Act § 413, child support standards; CSSA percentage of income model

• N.Y. Fam. Ct. Act § 451, modification jurisdiction; Family Court

• N.Y. Dom. Rel. Law § 240(1-b), CSSA formula; income cap; deviation factors

• N.Y. Penal Law §§ 260.05, 260.06, non-support of a child (second degree, class A misdemeanor; first degree, class E felony)

Key Case Law

• Matter of Boden v. Boden, 42 N.Y.2d 210 (1977), substantial change of circumstances standard

• Matter of Brescia v. Fitts, 56 N.Y.2d 132 (1982), upward modification based on the child's right to adequate support despite a separation agreement

• Matter of Cassano v. Cassano, 85 N.Y.2d 649 (1995), CSSA percentage calculation

• Matter of Musarra v. Musarra, 28 A.D.3d 668 (2006), income imputation standard

Official Forms

• Child Support Standards Chart (CSSA), NYS Office of Temporary and Disability Assistance (otda.ny.gov)

• Petition for Modification of an Order of Support, Family Court Form 4-11, nycourts.gov

• Net Worth Statement / Financial Disclosure Affidavit

• Income Deduction Order (IDO)

State Agency Contact

• New York State Division of Child Support Services (DCSS), Child Support Helpline: (888) 208-4485

• Website: childsupport.ny.gov

• NYS Courts self-help: nycourts.gov/courthelp

• Legal Aid Society of New York City: (212) 577-3300 | legalaidnyc.org

Filing Checklist

- CSSA calculation showing both parents combined parental income
- Net Worth Statement or Financial Disclosure Affidavit
- Federal tax returns (last 3 years) and three most recent pay stubs
- Petition for Modification of an Order of Support (Family Court Form 4-11) or Supreme Court motion
- Documentation of changed circumstances or cost-of-living trigger
- Filing fee or fee waiver (poor person application)
- Proof of service on other parent

New York Form Completion Guide

Model forms below reflect New York's Child Support Standards Act (CSSA) under DRL § 240(1-b) and Family Court Act § 413. New York uses a percentage-of-combined-income model with mandatory add-ons. Modification grounds (2010 amendment): 3-year passage of time, 15% income change, or substantial change in circumstances. Contact the Child Support Helpline at (888) 208-4485 or childsupport.ny.gov.

Form 1 — Petition / Motion to Modify Child Support (Family Court or Supreme Court)

MODEL FORM

STATE OF NEW YORK

FAMILY COURT / SUPREME COURT — PETITION / MOTION TO MODIFY CHILD SUPPORT

Child Support Standards Act (CSSA) | DRL § 240(1-b) | FCA § 413 | Family Court Act § 461

Court:	[ ] Family Court [ ] Supreme Court
County:	_____ County, State of New York
Case / Docket No.:	
Index No. (Supreme):	

PARTIES

Petitioner / Movant (filing parent):	
Respondent / Opposing Parent:	
Subject Child(ren) — Name(s) / DOB(s):	
Support Collection Unit (SCU) Case No.:	

CURRENT AND PROPOSED SUPPORT

Item	Amount / Details
Current monthly child support obligation	$_____ per month
Date of current order / last modification	
Court that entered current order	
Proposed new monthly obligation (from CSSA Worksheet)	$_____ per month
Difference (proposed minus current)	$_____ per month
Difference as percentage of current obligation	_____ %

GROUNDS FOR MODIFICATION (Check all that apply — DRL § 236(B)(9)(b))

[ ]	THREE-YEAR PASSAGE OF TIME: Three or more years have elapsed since the order was entered or last modified. No showing of changed circu
[ ]	15% INCOME CHANGE: Either parent's gross income has changed by 15% or more since the order was entered or last modified. Attach documer
[ ]	SUBSTANTIAL CHANGE IN CIRCUMSTANCES: Describe below — e.g., job loss, disability, significant increase in income, change in custody/par

Description of changed circumstances:	

MANDATORY ADD-ON EXPENSES (FCA § 413(1)(c))

Add-On Expense	Current Monthly	Proposed Monthly
Work-related childcare costs	$	$
Health insurance premium — children's share	$	$
Unreimbursed medical / dental / vision	$	$
Educational expenses (if applicable)	$	$

NY Petition / Motion to Modify Child Support, Page 1 (Model Form)

Other court-approved add-ons	$	$

RELIEF REQUESTED

[ ] Modify the existing child support order to $_____ per month, effective _____.

[ ] Adjust mandatory add-on expenses as listed above.

[ ] Enter a new/updated Income Withholding Order (IWO) directed to obligor's employer.

[ ] Order retroactive modification to the date of filing this petition/motion.

[ ] Other: _____

NY Petition / Motion to Modify Child Support, Page 2 (Model Form)

Line-by-Line Completion Guide, Petition / Motion to Modify Child Support

Family Court vs. Supreme Court, Which Court to Use

New York has two court systems that handle child support: Family Court: Handles child support modifications when there is no pending divorce action. Most standalone child support modifications go here. File a Petition to Modify Child Support Order. There is no filing fee. Cases proceed to a Support Magistrate. Supreme Court:

If child support was part of a divorce judgment (Supreme Court order), modifications may be filed in Supreme Court as a motion. Supreme Court requires the Net Worth Statement (22 NYCRR § 202.16). Some counties allow filing in either court, check with the county clerk. If uncertain, call the Family Court clerk. They can advise on proper venue.

Court / County

Enter the county where the Family Court or Supreme Court is located. File in the county where either parent or the child resides, or the county where the original order was entered. New York City has five boroughs with separate Family Courts: Bronx, Brooklyn (Kings), Manhattan (New York County), Queens, and Staten Island (Richmond County).

Case / Docket No. / Index No.

Family Court uses Docket Numbers (e.g., F-XXXXX-XX/XX). Supreme Court uses Index Numbers (e.g., XXXX/20XX). Copy exactly from the existing order. If there is a Support Collection Unit (SCU) case number, include it, the SCU administers IV-D child support enforcement statewide. Contact the statewide Child Support Helpline at (888) 208-4485.

Petitioner / Respondent

New York Family Court uses Petitioner (filing parent) and Respondent (other parent). Supreme Court uses Plaintiff and Defendant. Use whichever matches your court. List the names exactly as they appear in the existing order. Include the children's full names and dates of birth.

Current Monthly Child Support Obligation

Enter the exact monthly amount from the most recent court order. If the order states a weekly, bi-weekly, or other periodic amount, convert to monthly (weekly x 4.333). Do not include arrears payments unless the modification also seeks to address arrears, list the base support obligation only.

Date of Current Order / Last Modification

This date is critical for the three-year ground. Under DRL § 236(B)(9)(b)(2) and FCA § 451(3)(b), three or more years must have elapsed since the order was entered OR last modified. Even a consent order updating support resets the three-year clock. Use the date the judge signed the order, not the date it was filed or served.

Grounds for Modification, Three Alternative Grounds (2010 Amendment)

New York's 2010 amendment created three independent and alternative grounds for modification, any one of the three is sufficient on its own: 1. THREE-YEAR PASSAGE OF TIME: If three or more years have elapsed since the order was entered or last modified, no showing of changed circumstances is required. This is the easiest ground. Calculate from the date of the last order to the filing date. 2. FIFTEEN PERCENT INCOME CHANGE: If either parent's gross income has changed by 15% or more since the order was entered or last modified, this alone is sufficient. Calculate: |(current income - income at time of order)| / income at time of order x 100. If >= 15%, the ground is met. Document both incomes with tax returns or pay stubs. 3. SUBSTANTIAL CHANGE IN CIRCUMSTANCES: The traditional ground, requires showing circumstances have changed significantly. Examples: job loss, disability, significant promotion, change in custody arrangements, child's needs have changed materially, new child in obligor's household (may or may not qualify alone), a child has been emancipated, or extraordinary medical expenses.

Mandatory Add-On Expenses (FCA § 413(1)(c))

New York requires that the following expenses be allocated between parents pro-rata by income share. They are not discretionary and are added on top of the base CSSA amount: Work-related childcare costs: Costs necessary for a parent to work or attend school. The net of the federal child and dependent care tax credit is

used. Health insurance, children's share: The pro-rata cost to cover the children under a parent's employer-sponsored health plan. Unreimbursed medical expenses: Out-of-pocket medical, dental, and vision costs for the children not covered by insurance. Educational expenses: If court-approved or agreed upon. Failure to address add-ons in the modification petition is a common error, include current and proposed add-on amounts.

Income Withholding Order (IWO)

New York law requires an IWO whenever a child support order is entered or modified. The IWO directs the obligor's employer to withhold the support amount from payroll. Payments are sent to the Support Collection Unit (SCU), which forwards them to the custodial parent. Do not make direct payments to the custodial parent when an SCU case is open, direct payments may not be credited.

Retroactive Modification

New York courts order modification retroactive to the date the petition or motion was filed (FCA § 449). Keep proof of filing and of service. This means the modified amount could apply from that earlier date, potentially creating an overpayment or credit depending on the direction of the change.

Signature / Verification

Family Court petitions must be verified, signed under oath before a notary or court officer. Supreme Court motions require an affidavit of the moving party. Include your current address, phone, and email for court communications. Attach the completed CSSA Worksheet as Exhibit A and the Net Worth Statement (Supreme Court) or Financial Disclosure Affidavit (Family Court) as Exhibit B.

Form 2 — CSSA Worksheet (DRL § 240(1-b) / FCA § 413)

MODEL FORM

NEW YORK CHILD SUPPORT STANDARDS ACT (CSSA) WORKSHEET

DRL § 240(1-b) | Family Court Act § 413 | Effective for Modifications

Case / Docket No.:	
Court / County:	
Custodial Parent (CP):	
Non-Custodial Parent (NCP):	
Number of Children:	
CSSA Percentage:	17% (1) / 25% (2) / 29% (3) / 31% (4) / 35%+ (5+)

SECTION A — GROSS INCOME (DRL § 240(1-b)(b)(5))

Line	Income Source	CP	NCP
1	Wages, salaries, tips, overtime (gross)	$	$
2	Self-employment net income (Schedule C)	$	$
3	Commissions and bonuses (12-month avg)	$	$
4	Rental income (gross less expenses)	$	$
5	Social Security / disability benefits	$	$
6	Workers' compensation	$	$
7	Unemployment insurance (if recurring)	$	$
8	Pension / retirement / IRA distributions	$	$
9	Investment income (dividends, interest)	$	$
10	Trust / annuity income	$	$
11	Alimony / maintenance received	$	$
12	Other income (describe)	$	$
A	TOTAL GROSS MONTHLY INCOME (Lines 1–12)	$	$

SECTION B — FICA / MEDICARE DEDUCTION

Line	Item	CP	NCP
B1	FICA — Social Security (6.2% of gross wages, up to SS wage base)	$	$
B2	Medicare (1.45% of gross wages — no cap)	$	$
B3	Total FICA/Medicare deduction (B1 + B2)	$	$

SECTION C — NYC / YONKERS CITY TAX (if applicable)

Line	Item	CP	NCP
C1	NYC resident income tax actually paid (not withheld — use prior year actual)	$	$
C2	Yonkers surcharge actually paid (if applicable)	$	$

SECTION D — PERMITTED ADJUSTMENTS

Line	Adjustment	CP	NCP

NY CSSA Worksheet, Page 1 (Model Form)

D1	Support actually paid for prior children under court order	$	$
D2	Alimony / maintenance actually paid under court order	$	$
D3	Child support for children of this action (from prior calculation)	$	$

SECTION E — INCOME AVAILABLE FOR SUPPORT

Line	Calculation	CP	NCP
E1	Gross monthly income (Line A)	$	$
E2	Less: FICA/Medicare (Line B3)	($)	($)
E3	Less: NYC/Yonkers tax (Lines C1+C2, if applicable)	($)	($)
E4	Less: prior order adjustments (Lines D1+D2)	($)	($)
E	INCOME AVAILABLE FOR SUPPORT (E1 - E2 - E3 - E4)	$	$

SECTION F — CSSA CALCULATION (Combined Parental Income)

Line	Calculation Step	Amount
F1	Combined parental income (CP Line E + NCP Line E)	$
F2	Income cap (verify current cap — approx. $163,000/yr = ~$13,583/mo)	$13,583/mo
F3	Income subject to CSSA (lesser of F1 or F2)	$
F4	CSSA percentage (per schedule: 17/25/29/31/35%+)	%
F5	Basic child support obligation (F3 x F4)	$
F6	NCP's percentage share of combined income (NCP Line E / Line F1)	%
F7	NCP's share of BCSO (F5 x F6)	$
F8	Income above cap (F1 - F2, if F1 > F2)	$
F9	Court-ordered amount above cap (court discretion — attach explanation)	$
F	NCP'S BASE MONTHLY OBLIGATION (F7 + F9)	$

NY CSSA Worksheet, Page 2 (Model Form)

Line-by-Line Completion Guide, CSSA Worksheet

Section A, Gross Income (Line 1–12, Line A)

New York's CSSA starts with gross income from all sources. Include: wages and salaries (gross, before deductions), self-employment net income (Schedule C after legitimate business expenses), commissions and bonuses (12-month average. Do not exclude a high bonus year unless truly non-recurring), rental income

(gross less mortgage interest, taxes, insurance, and maintenance), Social Security including SSDI (not SSI), workers' compensation, unemployment insurance, pension and retirement distributions, investment income (dividends, interest, capital gains, use 3-year average for volatile investment income), trust and annuity income, alimony received from this or other cases, and any other regular income. Sum all sources for each parent separately.

Line A, Total Gross Monthly Income

This is the sum of all income sources for each parent individually. If a parent is voluntarily unemployed or underemployed, the court may impute income based on earning capacity, the court looks at education, work history, and the job market. Imputed income is entered here as if actually earned.

Section B, FICA / Medicare Deduction

Unlike most states, New York deducts FICA (Social Security) and Medicare taxes from gross income before applying the CSSA percentage. This is unique to New York. Line B1: Social Security tax (6.2% of gross wages up to the Social Security wage base (approximately $168,600 for 2024) verify current year). Self-employed individuals pay the full 12.4% but may deduct half; use 6.2% for employee wage earners. Line B2: Medicare tax, 1.45% of all gross wages with no cap. The additional 0.9% Medicare surtax on high earners (over $200,000 individual) is not typically included. Line B3: Sum B1 + B2.

Section C, NYC / Yonkers City Tax

New York City residents pay a city income tax in addition to state income tax. New York City and Yonkers taxes are deductible in the CSSA calculation, other city taxes are not. Line C1: NYC resident income tax actually paid based on prior year tax return. Do not use the amount withheld, use the actual tax liability from the return. Line C2: Yonkers surcharge if applicable. Residents of other cities, counties, or states do NOT take a deduction here. State income tax is NOT deductible in the CSSA calculation.

Section D, Permitted Adjustments

Line D1: Child support actually paid under an existing court order for children not in this case (prior orders, not this action). Must be court-ordered and actually paid, voluntary payments to other children do not qualify. Line D2: Alimony / maintenance actually paid under a court order in another case. Line D3: Child support for children of this action if a prior calculation within the same case is being applied (e.g., split custody scenario).

Section E, Income Available for Support

Line E1: Gross monthly income (Line A). Line E2: Subtract FICA/Medicare (Line B3). Line E3: Subtract NYC/Yonkers tax (Lines C1+C2) if applicable. Line E4: Subtract prior order adjustments (Lines D1+D2). Line E: Income Available for Support = E1 - E2 - E3 - E4. This is each parent's 'CSSA income' that flows into the combined calculation.

Section F, CSSA Percentage Calculation

Line F1: Combined parental income = CP Line E + NCP Line E. Line F2: The CSSA income cap, $193,000/year combined (about $16,083/month) effective March 1, 2026. The cap resets every two years. Always verify the current figure on the Child Support Standards Chart at childsupport.ny.gov before filing. Line F3: Income subject to CSSA = lesser of F1 or F2 (the cap). Line F4: Apply the CSSA percentage: 1 child = 17% | 2 children = 25% | 3 children = 29% 4 children = 31% | 5+ children = 35% minimum Line F5: Basic Child Support Obligation = F3 x F4. Line F6: NCP's percentage share = NCP Line E / F1 (combined income). Line F7: NCP's share of BCSO = F5 x F6. Lines F8-F9: For income above the cap, the court has discretion to apply the CSSA percentage, use a different multiplier, or award a different amount. The court must explain the basis for any above-cap award. Line F: NCP's total base obligation = F7 + F9.

Section G, Mandatory Add-On Expenses

Mandatory add-ons are allocated between parents pro-rata using the same income percentage as Line F6 (NCP's share of combined income): Line G1: Work-related childcare. Use the net cost after subtracting the federal child and dependent care tax credit the custodial parent is eligible to receive. The credit is 20-35% of qualifying expenses depending on income. Line G2: Health insurance, children's pro-rata share of the premium. If the family plan premium is $600/month and the children's incremental cost is $200, use $200. Line G3: Unreimbursed medical/dental/vision. Use a 12-month average of actual expenses. Line G4: Educational expenses if ordered or agreed. Multiply each add-on by the NCP's pro-rata percentage (Line F6) to get NCP's monthly share.

Section H, Total Monthly Obligation

Line H1: NCP's base obligation (Line F). Line H2: NCP's share of add-on expenses (Line G5). Line H: Total NCP monthly obligation = H1 + H2. This is the total amount the NCP pays monthly, combining the basic CSSA support and the mandatory add-ons. The add-ons may be paid directly to the custodial parent or through the SCU depending on the court order.

Section I, Modification Grounds Check

The worksheet Section I confirms which modification ground applies: 3-year ground: Count the years since the last order was signed. If 3+ years, check YES. 15% income change: Compare each parent's current gross income to the income at the time of the last order. Even if only ONE parent's income changed by 15%, the ground is met. Document prior income with the original affidavit of income or prior year tax returns from the time of the last order. Substantial change: A catch-all requiring case-specific analysis.

Section J, Deviation

Courts may deviate from the CSSA amount if it is 'unjust or inappropriate' under DRL § 240(1-b)(f). The court must state reasons for deviation on the record. Grounds include: special physical, medical, or educational needs of the child; non-monetary contributions; needs of other children; high-income obligor where the strict CSSA amount would exceed the child's needs; extreme parenting-time arrangements. If requesting deviation, attach a written statement explaining why the CSSA amount would be unjust or inappropriate in this case.

Form 3 — Net Worth Statement / Financial Disclosure Affidavit

MODEL FORM

NEW YORK — NET WORTH STATEMENT / FINANCIAL DISCLOSURE AFFIDAVIT

Supreme Court: 22 NYCRR § 202.16 | Family Court: Financial Disclosure Affidavit

Case / Index No.:	
Court / County:	
Deponent (this party):	
Role:	[ ] Petitioner / Plaintiff [ ] Respondent / Defendant

PART 1 — INCOME FROM ALL SOURCES (Monthly unless noted)

Source	Monthly Amount	Annual Amount
Wages / salary (gross)	$	$
Wages / salary (net take-home)	$	$
Self-employment income (net)	$	$
Commissions / bonuses (avg)	$	$
Rental income (net of expenses)	$	$
Social Security / disability	$	$
Workers' compensation	$	$
Unemployment insurance	$	$
Pension / retirement distributions	$	$
Investment income (dividends, interest)	$	$
Trust / annuity income	$	$
Alimony received (this or other cases)	$	$
Other income (describe)	$	$
TOTAL GROSS MONTHLY INCOME	$	$

PART 2 — MONTHLY LIVING EXPENSES

Expense Category	Monthly Amount
Housing — rent or mortgage (P+I)	$
Real estate taxes	$
Homeowner's / renter's insurance	$
HOA / condo fees	$
Utilities (electric, gas, water, heat)	$
Telephone (cell + landline)	$
Cable / internet / streaming	$
Food / groceries	$
Clothing (self)	$
Health insurance (your share — not children's)	$
Out-of-pocket medical / dental / vision	$

NY Net Worth Statement, Page 1 (Model Form)

Transportation — car payment(s)	$
Auto insurance	$
Gas and parking	$
Children's health insurance premium	$
Children's educational expenses	$
Children's activities / extracurriculars	$
Work-related childcare	$
Credit card minimums	$
Student loans	$
Personal loans	$
Life insurance premiums	$
Other expenses (describe)	$
TOTAL MONTHLY EXPENSES	$

NY Net Worth Statement, Page 2 (Model Form)

Line-by-Line Completion Guide, Net Worth Statement / Financial Disclosure

Purpose and Requirements by Court

Supreme Court: The full Net Worth Statement (22 NYCRR § 202.16) is mandatory in all contested matrimonial actions and child support proceedings. It is a comprehensive financial disclosure document covering income, expenses, assets, and liabilities. Family Court: A Financial Disclosure Affidavit (FCA § 424-a) is required. It

covers similar information but may be somewhat abbreviated compared to the Supreme Court form. Both documents must be signed under oath before a notary public. Both are filed with the court and served on the other party. They are not submitted to the SCU.

Part 1, Income from All Sources

Report both gross and net (take-home) monthly income. The gross figure must match Line A on the CSSA Worksheet exactly. Courts will flag discrepancies between the two documents. Report on a monthly basis unless otherwise specified. For self-employment, report the net monthly income after legitimate business expenses, consistent with Schedule C. For rental income, report net of mortgage, taxes, insurance, and maintenance.

Part 2, Monthly Living Expenses

List all actual monthly living expenses with reasonable accuracy. Courts are experienced at reviewing these figures and will question expenses that seem inflated or inconsistent with reported income. Include: Housing: Rent or mortgage principal + interest (not property taxes separately if escrowed, break out if separate). Include all utilities, electric, gas, water, heat, trash. Do not omit cell phone, internet, or cable. Transportation: Car payment, auto insurance, average gas and parking costs. Children's expenses: Their health insurance premium (their share only), school costs, activities, and work-related childcare, these cross-reference the add-on amounts on the CSSA Worksheet and should be consistent. Debt service: List all monthly debt payments, credit cards (minimums), student loans, personal loans. These are relevant to ability-to-pay analysis.

Part 3, Assets

List significant assets with current fair market value: Real property: Give the address, estimated fair market value, and remaining mortgage balance. Net equity = value minus mortgage. Vehicles: Year, make, model, and estimated value (use Kelley Blue Book or similar). Financial accounts: List approximate balances. You do not need to include account numbers, but if the court requests them, you must provide them in discovery. Retirement accounts: 401(k), IRA, pension, list current account balance or vested value. For defined benefit pensions, list the monthly benefit at retirement age. Business interests: If you own a business, list your percentage ownership and estimated value. Courts may appoint a forensic accountant to value the business.

Part 4, Liabilities

List all significant debts, mortgage balance, vehicle loans, credit card balances (total balance, not just monthly payment), student loans, personal loans, tax liens, back taxes owed, and any other obligations. For each, list the creditor, approximate outstanding balance, and monthly payment. Debts affect net worth calculation and may be relevant to hardship arguments.

Part 5, Other Support Obligations

Disclose all existing child support orders, include the case number, the county, the monthly amount, and whether you are current or in arrears. Also disclose alimony or maintenance paid under other court orders. These are permitted adjustments on the CSSA Worksheet (Section D) and must be cross-referenced.

Part 6, Employment Information

Provide full employer name and address, your job title, and employment start date. Include your gross annual salary and pay frequency. Also list any additional compensation, bonuses, commissions, stock options, car allowance, expense accounts, or other perquisites that have economic value. Courts may treat significant employer benefits as income or as reducing living expenses.

Notarization, Required for Both Courts

Both the Net Worth Statement and the Financial Disclosure Affidavit must be notarized. The verification language at the end of the form must be completed in front of a notary public who administers the oath, witnesses the signature, and applies their stamp. An unnotarized financial disclosure document is defective and may be rejected. Required attachments: Last 2 years of federal income tax returns (all pages and schedules), last 3 months of pay stubs, and bank statements for the most recent 3 months.

NYC Support Collection Unit (SCU) and OTDA

If your case is in New York City, the Support Collection Unit (SCU) administers child support collection and enforcement. SCU inquiries: statewide Child Support Helpline (888) 208-4485. Outside NYC, contact your county DSS child support unit. OTDA (Office of Temporary and Disability Assistance) oversees the statewide child support program: (888) 208-4485 or childsupport.ny.gov. Once a modified order is entered, the SCU or county DSS will update the IWO with the obligor's employer.

Key Points, New York Child Support Modification

Three Alternative Modification Grounds (2010 Amendment)

Any ONE of three grounds is sufficient: (1) three or more years since the order was entered/last modified (no changed circumstances required); (2) either parent's gross income changed by 15% or more; (3) substantial change in circumstances. These are independent alternatives, you only need to prove one, unless the parties specifically opted out of grounds (1) and (2) in a validly executed agreement or stipulation.

CSSA Percentages, Applied to Combined Income

17% (1 child), 25% (2), 29% (3), 31% (4), 35%+ (5+). These percentages are applied to the combined parental income (up to the cap), then each parent's share is determined by their pro-rata percentage of combined income.

CSSA Income Cap, Above-Cap Discretion

The CSSA applies mandatorily up to the combined income cap ($193,000/year effective March 1, 2026; the figure resets every two years, verify the current chart). Above the cap, the court has discretion to apply the CSSA percentage, a different amount, or another approach. The court must state its reasoning.

FICA and NYC/Yonkers Tax, Unique Deductions

New York is one of the few states that deducts FICA/Medicare taxes and NYC/Yonkers city income taxes before applying the support percentage. State income tax is NOT deducted. Only NYC and Yonkers city taxes qualify, not other local taxes.

Mandatory Add-Ons, Not Discretionary

Childcare (work-related), children's health insurance, and unreimbursed medical expenses are mandatory add-ons under FCA § 413(1)(c). They are allocated pro-rata and are in addition to the base CSSA obligation. Failing to address add-ons in a modification is a common error.

Age of Majority, 21 in New York

Child support in New York continues until age 21, not 18. This is one of the highest ages of majority for child support in the nation. The obligation continues through age 21 unless the child is emancipated earlier by marriage, military service, or economic independence. Since 2021, support may extend to age 26 for a developmentally disabled adult child (FCA § 413-b; DRL § 240-d).

Net Worth Statement / Financial Disclosure, Required

Supreme Court proceedings require the full Net Worth Statement (22 NYCRR § 202.16). Family Court requires a Financial Disclosure Affidavit. Both must be notarized. Attach 2 years of tax returns and 3 months of pay stubs.

SCU / IWO, All Support Through the SCU

Payments must go through the Support Collection Unit (SCU) when an IWO is in effect. Child Support Helpline (statewide): (888) 208-4485. Do not pay directly to the other parent when the SCU is involved, direct payments may not be credited.

End of Appendix AF - New York | Appendix AG - North Carolina follows.

Appendix AG — North Carolina: Statutes, Case Law, Forms, and Resources

Key Statutes

• N.C. Gen. Stat. § 50-13.7, modification of child support; substantial change of circumstances

• N.C. Gen. Stat. § 50-13.4, child support guidelines; income shares model

• N.C. Gen. Stat. § 110-136, income withholding; enforcement

• N.C. Gen. Stat. §§ 110-142 to 110-142.2, license revocation when a IV-D obligor is at least 90 days in arrears (court-ordered, willfulness finding required)

• N.C. Gen. Stat. § 14-322, willful failure to support (misdemeanor; continuing offense); § 14-322.1, six-month abandonment with concealment (Class I felony)

Key Case Law

• Pulliam v. Smith, 348 N.C. 616 (1998), substantial change of circumstances standard

• Savani v. Savani, 102 N.C. App. 496 (1991), income calculation for guidelines

• Bailey v. Bailey, 127 N.C. App. 354 (1997), imputed income for voluntarily underemployed parent

• Pataky v. Pataky, 160 N.C. App. 289 (2003), two-step deviation analysis under the guidelines

Official Forms

• Child Support Worksheet A, B, or C, NC Courts (nccourts.gov)

• Civil Summons (AOC-CV-100)

• Motion and Notice of Hearing for Modification of Child Support Order (AOC-CV-600)

• Financial Affidavit

State Agency Contact

• North Carolina Division of Social Services Child Support Services: (800) 992-9457

• Website: ncchildsupport.ncdhhs.gov (online services) | ncdhhs.gov/divisions/social-services/child-support-services

• NC Courts self-help: nccourts.gov

• Legal Aid of North Carolina: (866) 219-5262 | legalaidnc.org

Filing Checklist

- Child Support Worksheet A (sole custody), B (joint custody), or C (split custody)
- Financial Affidavit (both parents)
- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion and Notice of Hearing for Modification of Child Support Order (AOC-CV-600)
- Documentation of substantial change of circumstances
- Filing fee or in forma pauperis petition
- Proof of service on other parent per NC Rules of Civil Procedure

North Carolina Form Completion Guide

Model forms reflect NC's Income Shares (Gross) guidelines under G.S. § 50-13.4 and the NC Child Support Guidelines. NC uses three worksheet types: Worksheet A (primary custody, NCP fewer than 123 overnights), Worksheet B (shared custody, both parents 123+ overnights), and Worksheet C (split custody). Official forms: nccourts.gov. NC Child Support Services: (800) 992-9457 | ncchildsupport.ncdhhs.gov.

Form 1 — Motion to Modify Child Support (NC District Court)

MODEL FORM

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE — DISTRICT COURT DIVISION

MOTION TO MODIFY CHILD SUPPORT

G.S. § 50-13.7 | NC Child Support Guidelines

County:	_____ County
File No.:	
Plaintiff:	
Defendant:	

CHILDREN SUBJECT TO THIS ORDER

Child's Full Name	Date of Birth	Currently Resides With

CURRENT SUPPORT ORDER

Item	Details
Current monthly child support obligation	$_____ per month
Date of current order or last modification	
Court that entered the current order	
Is an IWO currently in effect?	[ ] Yes [ ] No
Are arrears owed?	[ ] Yes — Amount: $_____ [ ] No

GROUNDS FOR MODIFICATION (G.S. § 50-13.7 — Check all that apply)

[ ]	SUBSTANTIAL CHANGE IN CIRCUMSTANCES: There has been a substantial change in circumstances affecting the welfare of the child(ren) sin
[ ]	THREE-YEAR REVIEW: At least three years have passed since the current order was entered or last reviewed, AND the new guidelines amount c
[ ]	CHANGE IN INCOME: Either party's gross income has changed significantly since the order. Prior gross income: $_____/mo. Current gross inc
[ ]	CHANGE IN CUSTODY / PARENTING TIME: The custody arrangement or number of overnights has changed materially since the last order, affe
[ ]	CHANGE IN CHILD'S NEEDS: The child's medical, educational, or other needs have changed substantially since the last order.

PROPOSED MODIFICATION

Item	Amount / Details
Proposed new monthly obligation (from Worksheet)	$_____ per month
Applicable worksheet type	[ ] Worksheet A (primary) [ ] Worksheet B (shared 123+ nights) [ ] Worksheet C (split)
Proposed health insurance arrangement	[ ] Plaintiff [ ] Defendant [ ] Current arrangement continues
Proposed work-related childcare costs	$_____ per month
Effective date requested	[ ] Date of service [ ] Date of order [ ] Other: _____

RELIEF REQUESTED

The moving party respectfully requests that this Court:

[ ] Enter a modified child support order in the amount of $_____ per month.

NC Motion to Modify Child Support, Page 1 (Model Form)

[ ] Determine applicable worksheet (A, B, or C) based on current custody arrangement.
[ ] Enter or modify an Income Withholding Order directed to obligor's employer.
[ ] Award retroactive support to the date of filing / service of this motion.
[ ] Order payment through NC Child Support Central Collection (CCC): (800) 992-9457.
[ ] Other relief: _____

NC Motion to Modify Child Support, Page 2 (Model Form)

Line-by-Line Completion Guide, Motion to Modify Child Support

General Court of Justice, District Court Division

All child support actions in North Carolina are filed in the District Court (General Court of Justice, District Court Division). This is true for both initial orders and modifications. File in the county where either the child or

either parent resides, or the county where the original order was entered (G.S. § 50-13.7). The filing fee varies by county, contact the Clerk of Court. Fee waivers are available through an IFP (in forma pauperis) motion.

File No.

Copy the file number exactly from the existing child support order. NC file numbers typically follow the format: XX CVD XXXX (civil district action) or XX CVF XXXX (family court). If there is a separate IV-D case with Child Support Services, include that case number as well.

Plaintiff / Defendant

NC child support cases use Plaintiff and Defendant. The parent who originally filed is the Plaintiff; the other is the Defendant. Either party may file a motion to modify, whoever files the motion is the 'moving party.' Use the exact names from the existing order.

Children Subject to This Order

List each child covered by the current support order with full legal name and date of birth. Note which parent they currently reside with. NC child support continues until age 18; if the child is still in primary or secondary school at 18, it continues until graduation, the child stops attending school regularly, or age 20, whichever comes first (G.S. § 50-13.4(c)). List children who have already been emancipated separately and note that support for them has terminated.

Current Monthly Obligation

Enter the exact monthly dollar amount from the most recent order. If the order states the amount weekly, bi-weekly, or annually, convert to monthly (weekly x 4.333). Include only the base support obligation, list health insurance and childcare separately if they appear separately in the order.

Grounds for Modification, G.S. § 50-13.7

North Carolina requires a showing of 'substantial change in circumstances affecting the welfare of the child' under G.S. § 50-13.7. There is also a three-year review mechanism: SUBSTANTIAL CHANGE: The most common ground. Change in either parent's income, change in custody arrangement, significant change in the child's needs (medical, educational), change in employment, disability, or remarriage affecting household expenses. The change must be material, minor fluctuations do not qualify. THREE-YEAR REVIEW: If at least three years have passed since the order was entered or last reviewed, AND the new guideline amount differs from the existing order by 15% or more, modification may be granted without showing a separate change in circumstances. Both elements (3 years AND 15% change) are required. INCOME CHANGE: A significant change in either parent's gross income is the most common form of substantial change. Document the income at the time of the last order versus current income with pay stubs and tax returns.

Worksheet Type, A, B, or C

Selecting the correct worksheet is critical, using the wrong one will produce an incorrect support amount: Worksheet A (Primary Custody): Used when the non-custodial parent (NCP) has fewer than 123 overnights per year. This is the most common worksheet. Worksheet B (Shared Custody): Used when BOTH parents have the children at least 123 overnights per year (approximately one-third of the year = about 2.4 days per week on average). The 1.5 multiplier is applied to the BCSO to account for duplicated household costs in two homes. Worksheet C (Split Custody): Used when each parent has primary custody of at least one child from this order. Separate calculations are run for each child, then netted. If the custody arrangement has changed since the last order, this may shift which worksheet applies, note this as a ground for modification.

Proposed New Monthly Obligation

Enter the amount calculated on the completed Worksheet (A, B, or C) that you are attaching as Exhibit A. This is the guideline amount, attach the worksheet showing how you arrived at this figure. The court will verify the calculation.

Retroactive Modification

NC courts may order the modification effective as of the date of filing or the date of service on the other party, not earlier. Keep your certificate of service with the date you served the motion. If the modification reduces support and you want the reduction to apply from the filing date, state that explicitly in the motion.

Signature, Verification

Sign and date under the verification language. If you are a pro se party (representing yourself), print your name, address, phone, and email below the signature. The motion does not require notarization, verification is sufficient. Attach all exhibits before filing.

Form 2 — NC Child Support Worksheet A & B (G.S. § 50-13.4 / NC Guidelines)

MODEL FORM

NORTH CAROLINA CHILD SUPPORT WORKSHEET

Worksheet A (Primary Custody) & Worksheet B (Shared Custody — 123+ Nights)

G.S. § 50-13.4 | NC Child Support Guidelines (Income Shares — Gross)

File No. / County:	
Plaintiff (CP or joint):	
Defendant (NCP or joint):	
Number of children covered:	
Worksheet type:	[ ] A — Primary Custody [ ] B — Shared Custody (123+ nights each) [ ] C — Split Custody

SECTION 1 — GROSS MONTHLY INCOME (NC Guidelines — Gross Income Model)

Line	Income Source	Plaintiff	Defendant
1a	Wages / salary (gross)	$	$
1b	Self-employment income (net of business expenses)	$	$
1c	Commissions / bonuses (12-month average)	$	$
1d	Overtime (if regular and recurring)	$	$
1e	Rental income (net of mortgage, taxes, insurance)	$	$
1f	Social Security (SSDI / retirement — not SSI)	$	$
1g	Disability / workers' compensation	$	$
1h	Unemployment compensation	$	$
1i	Pension / retirement distributions	$	$
1j	Investment income (dividends, interest)	$	$
1k	Alimony received (other cases)	$	$
1l	Other income (describe)	$	$
1	TOTAL GROSS MONTHLY INCOME	$	$

North Carolina uses GROSS income. Do not subtract taxes, retirement, or FICA. Voluntarily unemployed or underemployed parents may have income imputed based on earning capacity.

SECTION 2 — ADJUSTMENTS TO GROSS INCOME

Line	Adjustment	Plaintiff	Defendant
2a	Court-ordered support paid for other children (prior orders)	$	$
2b	Court-ordered alimony paid (other cases)	$	$
2c	Voluntary support for other children (not court-ordered — court discretion)	$	$
2	TOTAL ADJUSTMENTS	$	$
3	ADJUSTED GROSS MONTHLY INCOME (Line 1 minus Line 2)	$	$

SECTION 3 — COMBINED INCOME AND BASIC CHILD SUPPORT OBLIGATION (BCSO)

NC Child Support Worksheet, Page 1 (Model Form)

Line	Calculation	Amount
4	Combined adjusted gross monthly income (Pl. Line 3 + Def. Line 3)	$
5	Basic Child Support Obligation (BCSO) from NC Guidelines Schedule	$
6	Plaintiff's percentage share of combined income (Pl. Line 3 / Line 4)	%
7	Defendant's percentage share of combined income (Def. Line 3 / Line 4)	%

SECTION 4 — WORK-RELATED CHILDCARE AND HEALTH INSURANCE

Line	Item	Plaintiff	Defendant
8a	Monthly work-related childcare costs paid	$	$
8b	Health insurance premium — children's share (monthly)	$	$
8	Total additional expenses (8a + 8b)	$	$
9	Plaintiff's share of Line 8 (Line 8 x Line 6 %)	$	
10	Defendant's share of Line 8 (Line 8 x Line 7 %)		$

WORKSHEET A — PRIMARY CUSTODY (NCP has fewer than 123 overnights per year)

Line	Calculation	Plaintiff (CP)	Defendant (NCP)
A1	Each parent's share of BCSO (Line 5 x income % from Lines 6/7)	$	$
A2	Each parent's share of additional expenses (Lines 9/10)	$	$
A3	Total obligation (A1 + A2)	$	$
A4	Credit for health insurance paid by this parent	($)	($)
A5	Credit for childcare paid by this parent	($)	($)
A	NCP's NET MONTHLY OBLIGATION (Defendant Line A3 - A4 - A5)		$

Worksheet A result: The NCP (typically Defendant) pays Line A to the CP each month through the CCC.

NC Child Support Worksheet, Page 2 (Model Form)

Line-by-Line Completion Guide, Child Support Worksheet

North Carolina Uses GROSS Income

NC's Income Shares model uses gross monthly income, do not subtract taxes, FICA, retirement contributions, or most other deductions. The only permitted adjustments before combining incomes are court-ordered support for other children and court-ordered alimony paid to third parties.

Section 1 — Gross Monthly Income (Lines 1a–1, Line 1)

Enter each parent's gross monthly income from all sources: Line 1a: Wages and salary, use gross (before-tax) amount from pay stub. For hourly workers: rate x average hours per week x 52 / 12. Do not use net/take-home pay. Line 1b: Self-employment net income, use Schedule C net profit, add back depreciation and other non-cash deductions. NC courts look at economic reality, not just the tax figure. Line 1c: Commissions and bonuses, use a 12-month average. Include all years if income fluctuates; courts may average 2-3 years for highly variable income. Line 1d: Overtime, include only if regular and recurring. Courts may exclude or average irregular overtime. Line 1e: Rental income, gross rents less mortgage, taxes, insurance, and maintenance. All other sources (Social Security, disability, pension, investment, etc.): Report actual amounts received monthly or annual total / 12. If a parent is voluntarily unemployed or underemployed, the court may impute income based on earning capacity, work history, and local labor market conditions.

Section 2 — Adjustments to Gross Income (Lines 2a–3)

Line 2a: Court-ordered child support payments for children NOT in this case, only amounts actually being paid under an existing court order. Voluntary payments to other children are at the court's discretion. Line 2b: Court-ordered alimony or post-separation support paid in other cases. Line 3: Adjusted gross income = Line 1 minus Line 2. This is the income used for the income-share calculation.

Section 3 — Combined Income and BCSO (Lines 4–7)

Line 4: Add both parents' adjusted gross incomes (Line 3 for each). This is the combined monthly income that determines the Basic Child Support Obligation. Line 5: Look up the BCSO from the NC Child Support Guidelines Schedule based on combined income and number of children. The schedule is published by the NC Conference of Chief District Court Judges and updated periodically, always use the current schedule. The schedule is available at nccourts.gov. Lines 6–7: Each parent's income share percentage = their Line 3 / Line 4. These percentages determine each parent's pro-rata share of support and add-on expenses.

Section 4 — Work-Related Childcare and Health Insurance (Lines 8–10)

Line 8a: Monthly work-related childcare costs, only costs necessary for a parent to work, seek work, or attend school/training. Do not include childcare for enrichment or convenience. Use actual monthly costs or 12-month average. Line 8b: Health insurance, the incremental monthly cost to add the children to a parent's health insurance plan. If the plan covers the parent and children, subtract what it would cost to cover only the parent to get the children's marginal cost. Lines 9–10: Each parent's pro-rata share of the add-on expenses (Lines 8a+8b multiplied by each parent's income percentage from Lines 6/7).

Worksheet A, Primary Custody Calculation (Lines A1–A)

Worksheet A is for cases where the NCP has fewer than 123 overnights per year: Line A1: Each parent's share of the BCSO = BCSO x their income percentage. Line A2: Each parent's share of add-on expenses (from Section 4). Line A3: Total obligation = A1 + A2. Lines A4–A5: Subtract credits for health insurance or childcare that this parent actually pays directly, to avoid double-counting. Line A: NCP's net monthly obligation = Defendant's Line A3 minus any credits. This is the monthly amount the NCP pays to the CP through the NC Child Support Central Collection Unit (CCC) or directly if no IV-D case is open.

Worksheet B, Shared Custody (Lines B1–B)

Worksheet B applies when BOTH parents have the children 123 or more overnights per year. The 123-night threshold is approximately one-third of the year (365 / 3 = 121.7, rounded to 123 in the guidelines). Lines B1–B4: Count each parent's actual overnights and calculate their percentage of the year. Document overnights with a parenting calendar. Courts require specifics. Line B5: Apply the 1.5 multiplier to the BCSO. The multiplier reflects that when children spend substantial time in two homes, each parent maintains fixed costs (bedroom,

food, clothing duplicates), total costs are higher than in a single-home arrangement. Lines B6–B9: Cross-payment method, each parent's theoretical obligation to the other, based on the time the children spend in the other home. Each owes the other for the time the children are not with them. Line B: The parent with the higher obligation pays the net difference to the other. Often the higher-income parent pays even with equal custody time.

15% Modification Threshold / Three-Year Review

The worksheet includes a comparison section: Enter the current order amount and the new guideline amount. Calculate the percentage change: |new - old| / old x 100. If >= 15% AND three or more years have passed, the three-year review ground is met without needing to show a separate change in circumstances. If less than 15% or under three years, you must demonstrate a substantial change in circumstances, typically a significant income change, custody shift, or change in the child's needs.

Deviation from Guidelines, G.S. § 50-13.4(c)

Courts may deviate from the guideline amount if it is unjust or inappropriate in the particular case. Grounds include: extraordinary medical expenses, educational costs for a child with special needs, assets or income of the child, duplicated fixed costs in shared-custody situations, or other relevant factors. The court must make written findings supporting deviation. Attach a written explanation if requesting deviation.

Form 3 — Financial Affidavit

MODEL FORM

NORTH CAROLINA FINANCIAL AFFIDAVIT

District Court | Child Support Modification Proceeding

G.S. § 50-13.4 | NC Child Support Guidelines

File No. / County:	
Affiant (this party):	
Role:	[ ] Plaintiff [ ] Defendant

PART 1 — GROSS MONTHLY INCOME FROM ALL SOURCES

Source	Monthly Amount
Wages / salary (gross — before deductions)	$
Self-employment income (net of business expenses)	$
Commissions / bonuses (12-month average)	$
Overtime (regular and recurring only)	$
Rental income (net of mortgage, taxes, insurance, maintenance)	$
Social Security (SSDI / retirement — not SSI)	$
Disability / workers' compensation	$
Unemployment insurance	$
Pension / retirement distributions	$
Investment income (dividends, interest, capital gains)	$
Trust / annuity income	$
Alimony received (other cases)	$
Other income (describe)	$
TOTAL GROSS MONTHLY INCOME	$

PART 2 — MONTHLY LIVING EXPENSES

Expense	Monthly Amount
Housing — rent or mortgage (principal + interest)	$
Property taxes (if not escrowed)	$
Homeowner's / renter's insurance	$
HOA / condo fees	$
Utilities (electric, gas, water, sewer, trash)	$
Telephone (cell + landline)	$
Cable / internet / streaming	$
Food / groceries	$
Clothing (self)	$
Health insurance — your own share (not children's)	$
Out-of-pocket medical / dental / vision (for yourself)	$
Transportation — car payment(s)	$

NC Financial Affidavit, Page 1 (Model Form)

Auto insurance	$
Gas and parking	$
Children's health insurance (your share of premium)	$
Work-related childcare costs	$
Children's education expenses	$
Children's activities / clothing / miscellaneous	$
Credit card minimums	$
Student loans	$
Personal loans	$
Other expenses (describe)	$
TOTAL MONTHLY EXPENSES	$

NC Financial Affidavit, Page 2 (Model Form)

Line-by-Line Completion Guide, Financial Affidavit

Purpose

The Financial Affidavit is required in North Carolina child support modification proceedings to give the court a full picture of each parent's financial situation. It supplements the Child Support Worksheet by showing actual living expenses, assets, liabilities, and other financial obligations. Each parent files their own affidavit.

Part 1, Gross Monthly Income

List all gross income sources. The total must match Line 1 (Total Gross Monthly Income) on your Child Support Worksheet exactly, courts flag any discrepancy between the two documents. Report on a monthly basis. NC uses gross income. Do not reduce by taxes, retirement contributions, or FICA. For self-employment, report net after legitimate business expenses (consistent with Schedule C).

Part 2, Monthly Living Expenses

List all actual monthly living expenses with reasonable accuracy: Housing: Rent or mortgage principal plus interest (separate from taxes and insurance if not escrowed). Include all utilities, electric, gas, water, trash. Cell phone, internet, and cable are expected line items. Transportation: Car payment, insurance, estimated fuel and parking costs. Health expenses: Your own health insurance premium (not the children's. That is on the worksheet), plus out-of-pocket medical, dental, and vision for yourself. Children's expenses: Their health insurance premium, childcare, school costs, activities. These should cross-reference the worksheet Section 4 amounts. Debt service: Monthly minimums on credit cards, student loans, personal loans. Be consistent and reasonable, the court will compare your expenses to your income. Inflated or inconsistent numbers hurt your credibility.

Part 3, Assets

List significant assets with current fair market value estimates: Real property: List address, estimated value, and mortgage balance. Net equity matters. Vehicles: Year, make, model, and estimated value (Kelley Blue Book). Financial accounts: Approximate balances, checking, savings, money market. Retirement accounts: Current vested value of 401(k), IRA, pension. For defined benefit pensions, note the monthly benefit amount at retirement age. Business interests: Ownership percentage and estimated value if you own a business.

Part 4, Liabilities

List all significant debts, mortgage balance, vehicle loans, credit card total balances (not just monthly payments), student loans, personal loans, tax liens, and back taxes. Include the creditor, outstanding balance, and monthly payment for each. These are relevant to hardship arguments and the court's ability-to-pay analysis.

Part 5, Other Support Obligations

Disclose all existing child support orders for other children, include the county, case number, monthly amount, and whether you are current or in arrears. Also disclose alimony or post-separation support paid in other cases. These are the permitted adjustments on the worksheet (Section 2) and must be cross-referenced consistently.

Part 6, Employment Information

Provide your full employer name and address, job title, start date, and gross annual salary. List all additional compensation, bonuses, commissions, overtime, car allowances, or other employer benefits that have monetary value. Courts may treat significant perquisites as income available for support.

Notarization, Required

The Financial Affidavit must be sworn and signed before a notary public. The affiant (you) takes an oath administered by the notary, then signs in the notary's presence. The notary witnesses the signature and applies their stamp. File the notarized affidavit with the motion packet. Required attachments: last 2 years of federal income tax returns (all schedules), last 3 months of pay stubs, and documentation of any extraordinary expenses claimed.

NC Child Support Services (IV-D) and CCC

NC Child Support Services (NCSS) is the state IV-D agency: (800) 992-9457 | ncchildsupport.ncdhhs.gov. Once a modified order is entered, NCSS can establish or update an Income Withholding Order (IWO) with the obligor's employer. All payments route through the NC Child Support Central Collection Unit (CCC). Do not pay directly to the other parent when a CCC account is active, direct payments may not be credited toward the obligation. If you are on public assistance (Work First), NCSS will receive payments.

Key Points, North Carolina Child Support Modification

Substantial Change in Circumstances, Primary Ground

G.S. § 50-13.7 requires a substantial change in circumstances affecting the welfare of the child. The most common form is a significant change in either parent's income. Courts look at proportional change, not just dollar amount.

Three-Year Review, Both Elements Required

If three or more years have passed since the last order AND the new guideline amount differs by 15% or more, modification may be granted without showing a separate change in circumstances. Both the 3-year period and the 15% difference are required.

Three Worksheet Types, Choose Carefully

Worksheet A (primary, NCP <123 overnights), Worksheet B (shared, both parents 123+ overnights with 1.5x multiplier), Worksheet C (split custody, separate calculations per child). Using the wrong worksheet is a common error.

123-Overnight Threshold for Shared Custody

Both parents must have the children at least 123 overnights per year for Worksheet B to apply. 123 overnights / 365 = approximately 33.7% of the year. Document overnights carefully with a calendar. Courts require specifics.

Gross Income Model

NC uses gross income before taxes. The only permitted adjustments are court-ordered support for other children and court-ordered alimony paid in other cases.

Age of Majority, 18 or HS Graduation (Max Age 20)

Child support continues until age 18. If the child is still in primary or secondary school at 18, it continues until graduation, the child ceases regular attendance, or age 20, whichever comes first (G.S. § 50-13.4(c)).

Financial Affidavit, Notarization Required

The Financial Affidavit must be notarized. The motion itself requires only verification (signature under penalty of perjury), not notarization. File both with the motion packet.

CCC / IWO, All Payments Through CCC

Payments go through NC Child Support Central Collection Unit (CCC). NCSS: (800) 992-9457. Do not pay the other parent directly when a CCC account is open.

End of Appendix AG - North Carolina | Appendix AH - North Dakota follows.

Appendix AH — North Dakota: Statutes, Case Law, Forms, and Resources

Key Statutes

• N.D. Cent. Code § 14-09-08.4, modification and periodic review; orders at least one year old are conformed to the guidelines, material change required only within the first year

• N.D. Cent. Code § 14-09-09.7, child support guidelines; percentage-of-obligor-net-income model

• N.D. Cent. Code § 14-09-08.19, interest on child support arrears (annual judgment rate, simple interest)

• N.D. Cent. Code §§ 14-08.1-06 and 50-09-08.6, license suspension once past-due support exceeds the lesser of two months' obligation or $2,000

• N.D. Cent. Code § 14-07-15, abandonment or nonsupport of child (Class C felony)

Key Case Law

• Geinert v. Geinert, 2002 ND 135, modification effective from the date of the motion absent good reason

• Marchus v. Marchus, 2006 ND 81, effective-date discretion must be apparent or explained

• Verify current North Dakota Supreme Court case law at ndcourts.gov before citing; the guidelines in N.D. Admin. Code ch. 75-02-04.1 control most calculations

Official Forms

• Child Support Guidelines Worksheet, North Dakota Child Support Guidelines (nd.gov)

• Motion to Modify Child Support, District Court

• Affidavit of Income and Expenses

• Child Support Application (administrative review)

State Agency Contact

• North Dakota Child Support Division (HHS): (800) 231-4255

• Website: hhs.nd.gov/childsupport

• North Dakota Supreme Court self-help: ndcourts.gov

• Legal Services of North Dakota: (800) 634-5263 | lsnd.org

Filing Checklist

- Child Support Guidelines Worksheet (both parents current income)
- Affidavit of Income and Expenses
- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion to Modify Child Support
- Documentation of material change of circumstances
- Filing fee or fee waiver application
- Proof of service on other parent

North Dakota Form Completion Guide

Model forms reflect North Dakota's percentage-of-obligor-net-income guidelines under N.D. Admin. Code ch. 75-02-04.1 and N.D.C.C. § 14-09-08.4. Key ND features: obligor net income model, extended parenting time adjustment above 100 overnights, a schedule that bottoms out at $0 below $800 in monthly net income, a deduction for children living with the obligor, and a conform-to-guidelines rule once an order is a year old. ND uses 'residential responsibility' rather than 'custody.' CSE: (800) 231-4255 | hhs.nd.gov/childsupport.

Form 1 — Motion to Modify Child Support (ND District Court)

MODEL FORM

STATE OF NORTH DAKOTA

IN DISTRICT COURT — _____ JUDICIAL DISTRICT

MOTION TO MODIFY CHILD SUPPORT

N.D.C.C. § 14-09-08.4 | N.D. Admin. Code ch. 75-02-04.1

County:	_____ County
Case No.:	
Plaintiff:	
Defendant:	

CHILDREN SUBJECT TO THIS ORDER

Child's Full Name	Date of Birth	Primary Residential Responsibility

CURRENT SUPPORT ORDER

Item	Details
Current monthly child support obligation	$_____ per month
Date of current order or last modification	
Court that entered the current order	
Is an Income Withholding Order (IWO) in effect?	[ ] Yes [ ] No
Are arrears owed?	[ ] Yes — Amount: $_____ [ ] No

GROUNDS FOR MODIFICATION (N.D.C.C. § 14-09-08.4 — Check all that apply)

[ ]	MATERIAL CHANGE IN CIRCUMSTANCES: There has been a material change in circumstances since the last order was entered or modified. De
[ ]	THREE-YEAR REVIEW: At least three years have passed since the order was entered or last reviewed AND the new guidelines amount differs fro
[ ]	SIGNIFICANT INCOME CHANGE: The obligor's or obligee's gross income has changed materially since the last order. Prior income: $_____/m
[ ]	CHANGE IN RESIDENTIAL RESPONSIBILITY: The allocation of residential responsibility (parenting time overnights) has changed materially sinc
[ ]	CHANGE IN CHILD'S NEEDS: The child's medical, educational, or other needs have changed significantly since the last order.

PROPOSED MODIFICATION

Item	Amount / Details
Proposed new monthly obligation (from Worksheet)	$_____ per month
NCP's annual residential responsibility overnights	_____ overnights/year
Parenting time credit applicable (110+ overnights)?	[ ] Yes [ ] No
Self-sufficiency reserve applicable?	[ ] Yes — Obligor income near poverty [ ] No
Proposed health insurance arrangement	[ ] Plaintiff [ ] Defendant [ ] No change
Effective date requested	[ ] Date of filing [ ] Date of order [ ] Other: ___

RELIEF REQUESTED

ND Motion to Modify Child Support, Page 1 (Model Form)

The moving party requests that this Court:

[ ] Enter a modified child support order in the amount of $_____ per month.

[ ] Apply the parenting time credit for residential responsibility of 110+ overnights.

[ ] Apply the self-sufficiency reserve if obligor income is near or below the poverty level.

[ ] Enter or modify an Income Withholding Order directed to obligor's employer.

[ ] Order payment through ND Child Support Enforcement (CSE): (800) 755-8530.

[ ] Award retroactive support to the date of service of this motion.

[ ] Other: _____

ND Motion to Modify Child Support, Page 2 (Model Form)

Line-by-Line Completion Guide, Motion to Modify Child Support

District Court, Judicial District

North Dakota has seven judicial districts. File in the district where the child resides, where either parent resides, or where the original order was entered. The district number goes in the caption (e.g., 'East Central

Judicial District'). Child support modifications are filed in the District Court, not the magistrate or municipal court. Contact the Clerk of District Court for filing fees; fee waivers are available for qualifying parties.

Case No.

Copy the case number exactly from the existing child support or divorce order. ND case numbers typically include the county abbreviation, year, and sequence number (e.g., 08-2019-DM-00123). If the IV-D Child Support Enforcement (CSE) agency has an administrative case number, note it as well.

Plaintiff / Defendant

ND uses Plaintiff and Defendant in District Court proceedings. The moving party files a motion within the existing case. Use the exact names from the current order. ND terminology uses 'obligee' (receiving parent) and 'obligor' (paying parent) in the guidelines, these correspond to the worksheet labels.

Children and Residential Responsibility

North Dakota uses the term 'residential responsibility' rather than custody or visitation. List each child with their full name and date of birth. Note which parent has primary residential responsibility. ND child support continues until age 18, or if the child is still enrolled in high school at age 18, through graduation or the last day of the month the child turns 19, whichever is earlier (N.D.C.C. § 14-09-08.2).

Grounds for Modification, N.D.C.C. § 14-09-08.4

North Dakota requires a 'material change in circumstances' only when the order is less than one year old; once an order is at least a year old, N.D.C.C. § 14-09-08.4 directs the court to conform it to the current guideline amount on motion. There is also an administrative review mechanism: MATERIAL CHANGE: Any significant change in either parent's income, employment status, medical needs, childcare costs, or the allocation of residential responsibility. Courts look at whether the change is substantial and not merely temporary. THREE-YEAR REVIEW / 15% VARIANCE: Orders enforced by the agency are reviewed at least every 36 months on request. The agency must seek an amendment when the existing order is below 85% or above 115% of the current guideline amount, and it may seek one for smaller differences. CSE ADMINISTRATIVE REVIEW: If the case is open with ND Child Support Enforcement, either party may request a free administrative review every three years. CSE will recalculate support using current incomes and, when the variance crosses the 85%/115% line, must pursue an amendment (the final order still comes through the court). Contact CSE at (800) 231-4255.

Extended Parenting Time, More Than 100 Overnights

The motion should state the NCP's current annual overnights. If more than 100, the extended parenting time adjustment (N.D. Admin. Code § 75-02-04.1-08.1) applies: each child's overnights are multiplied by .32, subtracted from 365, and divided by 365 to produce the fraction of the base obligation still owed. Document overnights with a parenting calendar or a signed agreement, and make sure the order states the overnight count.

Low-Income Obligors

The guideline schedule itself protects low-income obligors: monthly net income of $800 or less produces a presumptive obligation of $0, with amounts ramping up gradually above that line. There is no fixed $50 minimum order in the North Dakota guidelines. If the schedule amount is still unworkable, the rebuttal criteria in N.D. Admin. Code § 75-02-04.1-09 are the avenue.

Relief Requested

State the specific new monthly amount from the completed worksheet. Request an updated IWO directed to the obligor's employer if one is not already in effect. Request that payments route through ND CSE's payment

center. If seeking retroactive modification, state the date: the amendment is generally effective from the date of the motion, absent good reason for a later date (Geinert v. Geinert, 2002 ND 135).

Certification / Signature

The motion requires the moving party's signature under a certification of accuracy. It does not require notarization (the Financial Affidavit does). Attach the completed worksheet and Financial Affidavit. File all documents together with the Clerk of District Court and serve the other party per N.D.R.Civ.P. Rule 5.

Form 2 — ND Child Support Guidelines Worksheet (N.D. Admin. Code ch. 75-02-04.1)

MODEL FORM

NORTH DAKOTA CHILD SUPPORT GUIDELINES WORKSHEET

N.D. Admin. Code ch. 75-02-04.1 | Income Shares (Gross Income Model)

Case No. / County:	
Obligee (receiving parent):	
Obligor (paying parent):	
Number of children:	
NCP annual overnights:	_____ (110+ = parenting time credit eligible)

SECTION A — GROSS MONTHLY INCOME (N.D. Admin. Code § 75-02-04.1-02)

Line	Income Source	Obligee	Obligor
1a	Wages / salary (gross — before deductions)	$	$
1b	Self-employment income (net of business expenses)	$	$
1c	Commissions / bonuses (12-month average)	$	$
1d	Overtime (regular and recurring)	$	$
1e	Rental income (net of mortgage, taxes, insurance)	$	$
1f	Social Security (SSDI / retirement — not SSI)	$	$
1g	Disability / workers' compensation	$	$
1h	Unemployment compensation	$	$
1i	Pension / retirement distributions	$	$
1j	Investment income (dividends, interest)	$	$
1k	Alimony / spousal support received (other cases)	$	$
1l	Other income (describe)	$	$
A	TOTAL GROSS MONTHLY INCOME	$	$

North Dakota uses GROSS income. Do not subtract taxes, FICA, or retirement. If a parent is voluntarily unemployed or underemployed, income may be imputed based on earning capacity.

SECTION B — ADJUSTMENTS TO GROSS INCOME

Line	Adjustment	Obligee	Obligor
B1	Court-ordered child support paid for other children (prior orders, actually paid)	$	$
B2	Court-ordered spousal support paid (other cases, actually paid)	$	$
B3	Children of this household (natural or adopted, living with this parent)	$	$
B	TOTAL ADJUSTMENTS	$	$
C	ADJUSTED GROSS INCOME (Line A minus Line B)	$	$

Line B3: ND allows a deduction for children of this household (natural or adopted children living with the parent full-time who are not subject to this order). Use the guidelines amount for those children as a proxy deduction.

SECTION C — COMBINED INCOME AND BASIC CHILD SUPPORT OBLIGATION (BCSO)

ND Child Support Guidelines Worksheet, Page 1 (Model Form)

Line	Calculation	Amount
D	Combined adjusted gross monthly income (Obligee C + Obligor C)	$
E	Basic Child Support Obligation (BCSO) from ND Guidelines Schedule	$
F	Obligee's income share % (Obligee C / Line D)	%
G	Obligor's income share % (Obligor C / Line D)	%
H	Obligor's share of BCSO (Line E x Line G)	$

SECTION D — ADDITIONAL EXPENSES (Work-Related Childcare and Health Insurance)

Line	Expense	Monthly Cost	Obligor Share (G%)
I1	Work-related childcare costs (paid by obligee)	$	$
I2	Health insurance premium — children's share	$	$
I3	Extraordinary medical expenses (court-approved)	$	$
I	Total additional expenses obligor's share		$

SECTION E — PARENTING TIME CREDIT (110+ Overnights / 30% Threshold)

A parenting time adjustment applies when the obligor (NCP) exercises 110 or more overnights per year (approximately 30% of the year). The credit reduces the obligor's obligation to account for direct expenditures on the child during their time.

Line	Calculation	Amount
J1	Obligor's annual overnights	
J2	Obligor's overnight percentage (J1 / 365)	%
J3	Does J2 >= 30% (110+ nights)?	[ ] Yes — credit applies [ ] No — skip Section E
J4	Parenting time credit factor (from ND schedule based on overnight %)	
J5	BCSO x parenting time credit factor = credit amount	$
J	ADJUSTED OBLIGATION after parenting time credit (Line H minus J5)	$

ND Child Support Guidelines Worksheet, Page 2 (Model Form)

Line-by-Line Completion Guide, Child Support Guidelines Worksheet

North Dakota Uses the Obligor's NET Income

North Dakota is not an Income Shares state. The schedule in N.D. Admin. Code § 75-02-04.1-10 is applied to the obligor's monthly net income and the number of children; the obligee's income does not enter the

standard calculation. Net income starts from gross income from all sources and subtracts only the deductions the guidelines allow. This model worksheet walks through that structure.

Section A, Obligor's Gross Monthly Income (Lines 1a–A)

Report all of the obligor's gross income sources: Line 1a: Wages and salary, gross pay before any deductions. Hourly workers: rate x average hours/week x 52 / 12. Salaried: annual / 12. Line 1b: Self-employment income, net of legitimate business expenses; add back depreciation and other non-cash deductions. The guidelines average self-employment income over up to the five most recent years when records are available. Line 1c: Commissions, bonuses, and overtime, excluding atypical overtime and nonrecurring bonuses the obligor does not control. Line A: Total gross monthly income. In-kind income and employer-provided benefits that reduce living expenses may count; means-tested public assistance does not.

Section B, Deductions to Reach Net Income (Lines B1–C)

Subtract only what the guidelines allow: Line B1: Federal and state income taxes computed under the guidelines' standardized assumptions (a single filer claiming standard withholding, not your actual return). Line B2: Social Security and Medicare (FICA) or the equivalent self-employment tax. Line B3: The portion of health insurance premiums the obligor actually pays for the children, plus certain mandatory occupational deductions such as union dues. Line C: Monthly net income = Line A minus Lines B1 through B3. Do not deduct ordinary retirement contributions, voluntary savings, or personal debt payments.

Section C, Schedule Lookup (Lines D–E)

Line D: Take the obligor's monthly net income to the schedule row. Line E: Read the presumptive obligation from the guideline schedule (N.D. Admin. Code § 75-02-04.1-10) under the column for the number of children in this case. The schedule runs from $0 at $800 or less in monthly net income to fixed amounts at $25,000 or more ($3,500 for one child up to $6,500 for six or more). There is no combining of parental incomes and no proportional split.

Section D, Multiple Families and Children Living With the Obligor

If the obligor supports other children, the guidelines adjust the calculation: support obligations for children in other cases are handled under the multiple-family rules (§ 75-02-04.1-06.1), and a deduction applies for the cost of supporting children who live with the obligor most of the year (§ 75-02-04.1-06). Document both with the existing orders and proof of actual payment.

Section E, Extended Parenting Time and Equal Residential Responsibility

If a court order schedules more than 100 overnights per year with the obligor, apply the extended parenting time adjustment (§ 75-02-04.1-08.1): for each child, multiply the child's overnights by .32, subtract the result from 365, divide by 365, and multiply that child's share of the obligation by the resulting fraction. The order must state the number of parenting time overnights. If the court orders equal residential responsibility, this section does not apply: instead, each parent's obligation is calculated under the full guidelines as if the other parent had primary residential responsibility, and the parent with the larger obligation pays the difference (§ 75-02-04.1-08.2).

Section F, Low Income and Imputed Income

There is no separate self-support reserve section: protection for low-income obligors is built into the schedule itself, which presumes $0 at $800 or less in monthly net income. The pressure point is imputation instead. An obligor who is unemployed or underemployed is generally imputed earning capacity equal to the greatest of 167 times the federal hourly minimum wage, 60% of prevailing local earnings for similar work, or 90% of the obligor's own greatest recent 12-month average (§ 75-02-04.1-07), unless a documented disability or similar limitation applies.

Section G, Total Monthly Obligation

The presumptive obligation is the schedule amount after any multiple-family, extended-parenting-time, or equal-residential-responsibility adjustment. A departure in either direction requires rebutting the guideline presumption under § 75-02-04.1-09 with written findings. Payments route through the State Disbursement Unit; in a IV-D case, do not pay the other parent directly.

Modification Check

Compare the new guideline amount (Line L) to the current order. If the order is at least one year old and the new amount differs from it, a motion to amend may be granted without separately demonstrating a material change (N.D.C.C. § 14-09-08.4). On an agency review, an existing order below 85% or above 115% of the new guideline amount obligates CSE to seek amendment. If the order is less than one year old, a material change in circumstances must be independently demonstrated.

Form 3 — Financial Affidavit

MODEL FORM

NORTH DAKOTA FINANCIAL AFFIDAVIT

District Court | Child Support Modification Proceeding

N.D. Admin. Code ch. 75-02-04.1

Case No. / County:	
Affiant:	
Role:	[ ] Obligee (Plaintiff) [ ] Obligor (Defendant)

PART 1 — GROSS MONTHLY INCOME FROM ALL SOURCES

Source	Monthly Amount
Wages / salary (gross — before deductions)	$
Self-employment income (net of business expenses)	$
Commissions / bonuses (12-month average)	$
Overtime (regular and recurring)	$
Rental income (net of expenses)	$
Social Security (SSDI / retirement — not SSI)	$
Disability / workers' compensation	$
Unemployment compensation	$
Pension / retirement distributions	$
Investment income (dividends, interest)	$
Trust / annuity income	$
Alimony received (other cases)	$
Other income (describe)	$
TOTAL GROSS MONTHLY INCOME	$

PART 2 — MONTHLY LIVING EXPENSES

Expense	Monthly Amount
Housing — rent or mortgage (P+I)	$
Property taxes (if not escrowed)	$
Homeowner's / renter's insurance	$
Utilities (electric, gas, water, heat, trash)	$
Telephone (cell + landline)	$
Internet / cable	$
Food / groceries	$
Clothing (self)	$
Health insurance — your own share	$
Out-of-pocket medical / dental / vision	$
Transportation — vehicle payment(s)	$
Auto insurance	$

ND Financial Affidavit, Page 1 (Model Form)

Fuel and vehicle maintenance	$
Children's health insurance premium	$
Work-related childcare	$
Children's educational expenses	$
Children's activities / clothing / misc.	$
Credit card minimums	$
Student loans	$
Personal loans / other debt payments	$
Other expenses (describe)	$
TOTAL MONTHLY EXPENSES	$

ND Financial Affidavit, Page 2 (Model Form)

Line-by-Line Completion Guide, Financial Affidavit

Purpose

The Financial Affidavit gives the court a comprehensive view of each parent's income, expenses, assets, and liabilities beyond the worksheet figures. Both parents file their own affidavit. It is especially important in ND

for self-sufficiency reserve arguments (showing the obligor's full financial picture) and for documenting the household children adjustment (Line B3 on the worksheet).

Part 1, Gross Monthly Income

List all gross income sources. The total must exactly match Line A on your Child Support Guidelines Worksheet. Report on a monthly basis. North Dakota then subtracts the standardized tax, FICA, and children's-health-insurance deductions to reach the net income the schedule uses, so attach documentation for each claimed deduction. For self-employment, report net income after legitimate business expenses, adding back non-cash items like depreciation; the guidelines average up to the five most recent years.

Part 2, Monthly Living Expenses

List all actual monthly expenses with accuracy. Include housing (rent/mortgage, utilities, insurance), transportation (vehicle payment, insurance, fuel), health expenses (your own premium, out-of-pocket costs), children's expenses (their insurance, childcare, school, activities), and debt service (credit cards, loans). Courts compare these to income, inflated expenses reduce your credibility. Be particularly thorough if invoking the self-sufficiency reserve, as the court needs to understand the obligor's total financial position.

Part 3, Assets

List significant assets with current estimated values: real property (address, FMV, mortgage balance), vehicles (year/make/model, KBB value), financial accounts (approximate balances), retirement accounts (current vested value), and any business interests. Courts may consider assets when assessing ability to pay, especially if income appears low relative to lifestyle.

Part 4, Liabilities

List all significant debts, mortgage balance, vehicle loans, credit card total balances, student loans, personal loans, and tax liens. Include the creditor, outstanding balance, and monthly payment. High debt loads may be relevant to self-sufficiency reserve arguments.

Part 5, Other Support Obligations

Disclose all existing child support orders for other children, including the case number, county, monthly amount, and whether current or in arrears. Also disclose spousal support paid under other court orders. List any natural or adopted children living in your household who are not subject to this order. These are the 'household children' referenced in Section B, Line B3 of the worksheet.

Part 6, Employment Information

Provide employer name and address, job title, start date, gross annual salary or hourly rate, and pay frequency. List all additional compensation, bonuses, overtime, stock options, car allowances, or employer-provided benefits with monetary value. Courts may treat significant fringe benefits as income available for support.

Notarization, Required

The Financial Affidavit must be signed under oath before a notary public. The motion itself requires only a certification signature, not notarization. Have your completed affidavit notarized before filing. Required attachments: last 2 years of federal income tax returns (all schedules) and last 3 months of pay stubs.

ND CSE Administrative Process

If your case is open with ND Child Support Enforcement (CSE), you may also be able to request a free administrative review instead of, or in addition to, a court filing. CSE will recalculate support using current income information. When the existing order is below 85% or above 115% of the recalculated amount, CSE must seek a modification, and it may do so for smaller differences. This process is typically faster and less

expensive than a contested court hearing. Contact CSE at (800) 231-4255 or visit hhs.nd.gov/childsupport to request a review.

Key Points, North Dakota Child Support Modification

Obligor Net Income Model

ND applies its schedule to the obligor's monthly net income: gross income from all sources minus allowed deductions, chiefly standardized income taxes, Social Security and Medicare, and the children's portion of health insurance premiums. Court-ordered support actually paid for other children and a deduction for children living with the obligor (a ND-specific adjustment) also reduce the figure. The obligee's income does not enter the standard calculation.

One-Year Rule / Three-Year Review

Once an order is at least one year old, the court conforms it to the current guideline calculation on motion, with no percentage threshold and no separate showing of material change. Agency-enforced orders are reviewed at least every 36 months, and the agency must seek amendment when the order is below 85% or above 115% of the guideline amount.

Extended Parenting Time, More Than 100 Overnights

When a court order schedules more than 100 overnights per year with the obligor, the extended parenting time adjustment reduces the obligation through a per-overnight formula (overnights multiplied by .32, subtracted from 365, divided by 365). More overnights mean a lower obligation, automatically. Document overnights carefully and make sure the order states the count.

Low-Income Protection, Built Into the Schedule

The guideline schedule presumes a $0 obligation when the obligor's monthly net income is $800 or less and ramps up gradually above that line. There is no separate self-support reserve calculation and no fixed $50 minimum order. Imputation rules (earning capacity of at least 167 times the federal hourly minimum wage) can set a practical floor for able-bodied obligors.

Household Children Adjustment, ND Specific

North Dakota allows a deduction for natural or adopted children living full-time with the parent who are not subject to this order (Line B3). This is a broader adjustment than most states permit and can meaningfully reduce adjusted gross income.

'Residential Responsibility' Terminology

ND uses 'residential responsibility' rather than custody or visitation. Primary residential responsibility = primary custody. Parenting time overnights determine whether the parenting time credit applies.

Age of Majority, 18 or HS Graduation (Max Age 19)

Support continues until age 18, or if still enrolled in high school at 18, through graduation or the last day of the month the child turns 19, whichever is earlier (N.D.C.C. § 14-09-08.2).

CSE Administrative Review, Free Option

If the case is open with ND CSE, request a free administrative review every three years. CSE must seek modification when the order falls below 85% or above 115% of the new guideline amount. CSE: (800) 231-4255 | hhs.nd.gov/childsupport.

End of Appendix AH - North Dakota | Appendix AI - Ohio follows.

Appendix AI — Ohio: Statutes, Case Law, Forms, and Resources

Key Statutes

• Ohio Rev. Code § 3119.79, modification of child support; 10% threshold

• Ohio Rev. Code § 3119.02, child support guidelines; income shares model

• Ohio Rev. Code § 3119.23, deviation factors from guideline amount

• Ohio Rev. Code §§ 3123.41 to 3123.50 and 3123.53 to 3123.63, license suspension after 90 days in default with less than 50% of the monthly obligation paid

• Ohio Rev. Code § 2919.21, criminal nonsupport (first degree misdemeanor to felony)

Key Case Law

• Rock v. Cabral, 67 Ohio St.3d 108 (1993), voluntary underemployment and imputed income

• Marker v. Grimm, 65 Ohio St.3d 139 (1992), strict compliance with the guidelines worksheet; deviations require recorded findings

• Pauly v. Pauly, 80 Ohio St.3d 386 (1997), no automatic parenting-time credit in shared parenting; deviation decided case-by-case

• Booth v. Booth, 44 Ohio St.3d 142 (1989), abuse-of-discretion standard for reviewing support orders

Official Forms

• Child Support Computation Worksheet (CSEA), Ohio Supreme Court and CSEA

• Motion to Modify Child Support, Domestic Relations Court or Juvenile Court

• Financial Disclosure Affidavit

• Administrative Review Request, County CSEA

State Agency Contact

• Ohio Child Support Enforcement Agency (CSEA), county-administered; contact through county DJFS

• Ohio ODJFS Child Support: (800) 686-1556

• Website: jfs.ohio.gov/child-support | childsupport.ohio.gov (customer portal)

• Ohio Legal Help: ohiolegalhelp.org, free legal information and referrals

Filing Checklist

- Child Support Computation Worksheet (both parents current income)
- Financial Disclosure Affidavit
- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion to Modify Child Support, Domestic Relations or Juvenile Court
- Documentation of triggering change (10% deviation from guideline, or substantial change in circumstances)
- Filing fee or indigency affidavit
- Proof of service on other parent and county CSEA

Ohio Form Completion Guide

Model forms reflect Ohio's Income Shares (Gross) guidelines under O.R.C. Chapter 3119. Ohio's distinctive features: the 10% deviation creates a presumption of changed circumstances (O.R.C. § 3119.79), mandatory healthcare provisions in every order, automatic 10% parenting time reduction at 90+ court-ordered overnights, low-income minimum support, and CSEA three-year administrative review for IV-D cases. Official worksheet JFS 07766: jfs.ohio.gov/child-support. Ohio SETS: (800) 686-1556.

Form 1 — Motion to Modify Child Support (Ohio Court of Common Pleas — Domestic Relations)

MODEL FORM

STATE OF OHIO

IN THE COURT OF COMMON PLEAS — DOMESTIC RELATIONS DIVISION

_____ COUNTY

MOTION TO MODIFY CHILD SUPPORT

O.R.C. § 3119.79 | Ohio Child Support Guidelines

Case No.:	
Plaintiff:	
Defendant:	
CSEA Case No. (if IV-D):	

CHILDREN SUBJECT TO THIS ORDER

Child's Full Name	Date of Birth	Primary Residential Parent

CURRENT SUPPORT ORDER

Item	Details
Current monthly child support obligation	$_____ per month
Date of current order or last modification	
Court / CSEA that issued the current order	
Is a CSEA administrative order in effect?	[ ] Yes [ ] No
Is an Income Withholding Order (IWO) in effect?	[ ] Yes [ ] No
Are arrears owed to obligee or CSEA?	[ ] Yes — Amount: $_____ [ ] No

GROUNDS FOR MODIFICATION (O.R.C. § 3119.79 — Check all that apply)

[ ]	10% DEVIATION / CHANGED CIRCUMSTANCES (O.R.C. § 3119.79): The recalculated guidelines amount is more than 10% greater than or mor
[ ]	SUBSTANTIAL CHANGE IN CIRCUMSTANCES: A substantial change in circumstances has occurred since the last order that was not contempla
[ ]	CSEA THREE-YEAR ADMINISTRATIVE REVIEW: At least 36 months have elapsed since the child support order was last reviewed or modified b
[ ]	CHANGE IN INCOME: Obligor's or obligee's income has changed materially. Prior gross income: $_____/mo. Current gross income: $_____
[ ]	CHANGE IN PARENTING TIME: The court-ordered parenting time allocation has changed, affecting the parenting time offset calculation on the w
[ ]	HEALTHCARE COVERAGE CHANGE: Health insurance availability or cost has changed materially, requiring updated healthcare provisions in the

PROPOSED MODIFICATION

Item	Details
Proposed new monthly support (from JFS 07766 Worksheet)	$_____ per month
Proposed healthcare coverage	[ ] Obligor [ ] Obligee [ ] No change [ ] Neither available
Proposed work-related childcare allocation	$_____ per month (obligor's share)
Extraordinary medical expenses allocation	$_____ per month (obligor's share)
Parenting time overnights (NCP annual)	_____ overnights — credit if 90+ nights

OH Motion to Modify Child Support, Page 1 (Model Form)

Effective date requested	[ ] Date of filing [ ] Date of order [ ] Other: ___

RELIEF REQUESTED

The moving party requests this Court:

[ ] Enter a modified child support order in the amount of $_____ per month.

[ ] Require the appropriate parent to maintain health insurance for the children.

[ ] Allocate work-related childcare and extraordinary medical expenses per the worksheet.

[ ] Enter or modify an Income Withholding Order directed to obligor's employer.

[ ] Order payment through the CSEA or Ohio SETS (State Enforcement and Tracking System).

[ ] Award retroactive child support to the date of filing of this motion.

[ ] Other: _____

OH Motion to Modify Child Support, Page 2 (Model Form)

Line-by-Line Completion Guide, Motion to Modify Child Support

Court of Common Pleas, Domestic Relations vs. Juvenile Court

Ohio child support cases are heard in two courts: Court of Common Pleas, Domestic Relations Division: For cases arising from divorce, dissolution, or legal separation. If your support order came from a divorce decree, file your modification motion in the Domestic Relations court of the county where the order was entered.

Juvenile Court: For cases involving unmarried parents or paternity-established orders. File in the county where the child resides or where the original order was entered. If the CSEA issued an administrative child support order (not through the court), the motion to modify may be filed with the CSEA for a three-year review, or with the court directly. Contact your county CSEA (directory at jfs.ohio.gov/child-support) for the correct process.

Case No. / CSEA Case No.

Copy the court case number from the existing support order exactly. If the case is administered by the CSEA, there is also a CSEA case number (separate from the court number), include both. The CSEA case number is needed if you want to use the administrative review process rather than filing in court.

Children and Primary Residential Parent

List each child with full legal name and date of birth. Note which parent is the primary residential parent (the parent with whom the child primarily lives). Ohio child support continues until age 18, or if the child is enrolled in a recognized high school degree program, until the child completes the program or turns 19, whichever occurs first (O.R.C. § 3119.86). Note any children who have already completed the program or turned 19 and are no longer subject to the order.

10% Deviation, Presumed Change of Circumstances (O.R.C. § 3119.79)

Ohio's most commonly used modification ground is the 10% deviation rule. Under O.R.C. § 3119.79, if the court recalculates support using current income and the new guideline amount is more than 10% greater than or more than 10% less than the current order amount, that deviation is PRESUMED to be a change of circumstances. This means you do not need to separately prove a change in circumstances, the math does it for you. Calculate: |new amount - current amount| / current amount x 100. If >= 10%, check this box and include the calculation. This is the fastest path to modification in Ohio.

Substantial Change in Circumstances

If the 10% threshold is not met, or if you want to modify before enough time has passed for income to change by 10%, you must show a substantial change in circumstances that was not contemplated when the order was made. Examples: significant job loss or change (not temporary), disability, major change in the child's medical needs, change in custody arrangement, or the obligor having additional children (courts are split on this. It may or may not qualify).

CSEA Three-Year Administrative Review

For IV-D cases (cases open with the CSEA), either parent may request a free administrative review every 36 months. The CSEA will recalculate support using current incomes. If the new amount differs from the current order, the CSEA issues an administrative modification order, which can then be adopted by the court. This process is typically faster and free. Contact your county CSEA to request a review. The court review is separate. You can pursue either or both.

Healthcare Coverage, Mandatory in Every Order

Ohio law (O.R.C. § 3119.30) requires that every child support order address health insurance coverage for the children. The order must specify which parent is required to provide coverage. The parent with access to group health insurance at a reasonable cost must provide it. If neither parent has access to affordable group coverage, the court may order the parent to obtain individual coverage or allocate costs differently. When filing a modification, always address the healthcare provision, even if you are not changing it, confirm the current arrangement is still appropriate.

Parenting Time Reduction, 90 Overnights

Ohio reduces the annual obligation by a flat 10% when the court order provides the non-residential parent 90 or more overnights per year (O.R.C. § 3119.051); there is no offset table. At 147 or more ordered overnights, the court must also consider an additional deviation and state its reasons on the record if it declines (O.R.C. § 3119.231). State the NCP's current ordered annual overnights in the motion.

Relief Requested

Be specific: state the exact new monthly amount from the worksheet, the healthcare provision (which parent covers the children), the childcare and medical expense allocation, and whether you are requesting an updated IWO. Request that payments route through the CSEA. If seeking retroactive modification, note that Ohio courts may retroact to the date the motion was filed, not earlier.

Form 2 — Ohio Child Support Computation Worksheet (JFS 07766 Model)

OHIO CHILD SUPPORT COMPUTATION WORKSHEET

Based on JFS 07766 | O.R.C. Chapter 3119 | Income Shares (Gross Income)

Case No. / County:	
Plaintiff (Obligee / Residential Parent):	
Defendant (Obligor / Non-Residential Parent):	
Number of children covered:	
NCP annual parenting time overnights:	_____ (90+ = parenting time offset eligible)

SECTION 1 — GROSS INCOME (O.R.C. § 3119.05)

Line	Income Source	Plaintiff	Defendant
1a	Wages / salary (gross — before deductions)	$	$
1b	Self-employment income (Schedule C net + depreciation add-back)	$	$
1c	Commissions / bonuses (12-month average)	$	$
1d	Overtime (regular and recurring)	$	$
1e	Rental income (net of mortgage, taxes, insurance, maintenance)	$	$
1f	Social Security (SSDI / retirement — not SSI)	$	$
1g	Disability / workers' compensation	$	$
1h	Unemployment compensation	$	$
1i	Pension / retirement distributions	$	$
1j	Investment income (dividends, interest, capital gains)	$	$
1k	Alimony / spousal support received (other cases)	$	$
1l	Other income (describe)	$	$
1	TOTAL GROSS MONTHLY INCOME	$	$

Ohio uses GROSS income. Do not subtract taxes, FICA, or retirement contributions. Voluntarily unemployed or underemployed parents may have income imputed (O.R.C. § 3119.01).

SECTION 2 — ADJUSTMENTS TO GROSS INCOME (O.R.C. § 3119.05(B))

Line	Adjustment	Plaintiff	Defendant
2a	Court-ordered support paid for prior children (actually paid, prior orders only)	$	$
2b	Court-ordered spousal support paid (other cases)	$	$
2c	Personal contributions to Medicare / Social Security (FICA — self-employed only)	$	$
2	TOTAL ADJUSTMENTS	$	$
3	ADJUSTED GROSS INCOME (Line 1 minus Line 2)	$	$

OH Child Support Computation Worksheet, Page 1 (Model Form)

SECTION 3 — COMBINED INCOME AND BASIC CHILD SUPPORT OBLIGATION (BCSO)

Line	Calculation	Amount
4	Combined adjusted gross monthly income (Pl. Line 3 + Def. Line 3)	$
5	BCSO from Ohio Basic Child Support Schedule (O.R.C. § 3119.021)	$
6	Plaintiff's income share % (Pl. Line 3 / Line 4)	%
7	Defendant's income share % (Def. Line 3 / Line 4)	%
8	Defendant (obligor) share of BCSO (Line 5 x Line 7)	$

SECTION 4 — HEALTHCARE AND CHILDCARE EXPENSES (O.R.C. § 3119.30)

Line	Item	Plaintiff	Defendant
9a	Health insurance premium — children's share (monthly)	$	$
9b	Work-related childcare costs (monthly)	$	$
9c	Extraordinary medical expenses (court-approved, monthly avg)	$	$
9	Total healthcare/childcare expenses	$	$
10	Obligor's (Defendant's) share (Line 9 x Line 7 %)		$

Ohio requires the court to address healthcare coverage in every support order. The parent with access to group health insurance at reasonable cost must provide it.

SECTION 5 — PARENTING TIME OFFSET (O.R.C. § 3119.051 — 90+ Overnights)

Ohio allows a parenting time offset when the non-residential parent exercises 90 or more overnights per year. The offset reduces the obligor's support obligation to account for direct expenditures during their parenting time.

Line	Calculation	Amount
11a	Defendant (NCP) annual parenting time overnights	
11b	Does 11a >= 90?	[ ] Yes — offset available [ ] No — skip Section 5
11c	Parenting time offset amount (from Ohio offset table based on overnights and income)	$
11	ADJUSTED OBLIGATION after parenting time offset (Line 8 minus Line 11c)	$

OH Child Support Computation Worksheet, Page 2 (Model Form)

Line-by-Line Completion Guide, Child Support Computation Worksheet (JFS 07766)

Ohio Uses GROSS Income, JFS 07766

Ohio's Income Shares model uses gross monthly income before taxes and deductions. The official form is Ohio JFS 07766, available at jfs.ohio.gov/child-support. Always use the current version of the form and the current

Basic Child Support Schedule, both are updated periodically. This model worksheet mirrors the JFS 07766 structure.

Section 1 — Gross Monthly Income (Lines 1a–1)

Report all gross income sources for each parent: Line 1a: Wages and salary, gross before-tax pay. Use the gross figure from the pay stub. Do not use net take-home pay. Line 1b: Self-employment income, Schedule C net profit. Add back depreciation and other non-cash deductions. Ohio courts look at economic reality, a parent who writes off personal expenses through a business must include them as income. Line 1c: Commissions and bonuses, 12-month average. For highly variable bonus income, courts may average 2-3 years. Line 1d: Overtime, include only if regular and recurring. Courts may exclude or average irregular overtime. All other sources: Social Security (SSDI/retirement, not SSI), disability, workers' comp, unemployment, pension, rental income (net of expenses), investment income, alimony received in other cases. If a parent is voluntarily unemployed or underemployed, the court may impute income under O.R.C. § 3119.01.

Section 2 — Adjustments (Lines 2a–3)

Ohio allows only limited adjustments before combining incomes: Line 2a: Court-ordered child support actually paid for children NOT in this case. Must be under an existing court order and actually being paid, voluntary payments do not qualify. Line 2b: Court-ordered spousal support actually paid in other cases. Line 2c: Self-employed individuals' personal contributions to FICA/Medicare (the employee share of Social Security and Medicare taxes). W-2 employees do not take this deduction, only self-employed filers paying self-employment tax. Line 3: Adjusted gross income = Line 1 minus Line 2. This flows into the combined income calculation.

Section 3 — Combined Income and BCSO (Lines 4–8)

Line 4: Add both parents' adjusted gross incomes (Line 3 each). Line 5: Look up the Basic Child Support Obligation (BCSO) from the Ohio Basic Child Support Schedule (O.R.C. § 3119.021). The schedule is based on combined income and number of children. Use the current schedule. It is updated periodically by the Ohio General Assembly. Available at jfs.ohio.gov/child-support. Lines 6–7: Each parent's income share percentage = their Line 3 / Line 4. Line 8: Obligor's (Defendant's) initial share of BCSO = Line 5 x Line 7.

Section 4 — Healthcare and Childcare (Lines 9–10)

Line 9a: Health insurance premium, the children's share of the monthly premium. If covering the whole family, calculate only the marginal cost to add the children. Line 9b: Work-related childcare, costs necessary for a parent to work or attend school. Use actual monthly costs or 12-month average. Line 9c: Extraordinary medical expenses, court-approved recurring costs above ordinary medical expenses, averaged monthly. Line 10: Obligor's pro-rata share of Line 9 total (Line 9 x obligor's income %). HEALTHCARE OBLIGATION: Ohio requires the court to designate which parent provides health insurance in every order. The parent with access to group coverage at reasonable cost must provide it. This must be addressed even when not changing.

Section 5 — Parenting Time Offset (Lines 11a–11 — 90+ Overnights)

Ohio's parenting time reduction (O.R.C. § 3119.051) reduces the obligor's support when the order provides substantial parenting time: Line 11a: Enter the obligor's court-ordered annual overnights. Count each overnight separately, a standard every-other-weekend schedule yields approximately 52 overnights; add weeknight overnights, holiday overnights, and extended summer time. Line 11b: If Line 11a is 90 or more, a flat 10% reduction of the annual obligation applies, there is no offset table. Line 11: Adjusted obligation = Line 8 minus the 10% reduction. If the order provides fewer than 90 overnights, skip Section 5 and use Line 8. At 147 or more ordered overnights, also request an additional deviation under O.R.C. § 3119.231, the court must state its reasons if it refuses.

Section 6 — Total Monthly Obligation (Lines 12a–12)

Line 12a: Base obligation, Line 11 if the parenting time offset applied; otherwise Line 8. Line 12b: Obligor's share of healthcare and childcare expenses (Line 10). Line 12: Total monthly obligation = 12a + 12b. This is the amount the obligor pays monthly through the CSEA.

Section 7 — Low-Income / Minimum Support (Lines 13a–13)

Ohio provides a minimum support amount for low-income obligors under O.R.C. § 3119.06. If the obligor's annual gross income is $8,400 or less, the court issues a presumptive minimum order of $80 per month covering all children under the order (not per child), and the court retains discretion to order less in appropriate circumstances. The 2019 schedule also builds in a self-sufficiency reserve pegged to 116% of the federal poverty level for one person, phasing obligations in on a sliding scale for low-income parents.

Section 8 — 10% Modification Check

This is the core calculation for the modification ground: Enter the current order and the new guideline amount (Line 12 or minimum from Line 13). Calculate: |new - current| / current x 100. If >= 10%, check YES, Ohio law presumes this is a change of circumstances under O.R.C. § 3119.79. The court may still decline modification if it finds the change is not in the child's best interest, but the 10% threshold creates a strong presumption. If < 10%, the party must separately demonstrate a substantial change in circumstances that was not contemplated at the time of the prior order.

Section 9 — Deviation from Guidelines

Courts may deviate from the guideline amount under O.R.C. § 3119.22 if the guidelines amount would be unjust, inappropriate, or not in the best interest of the child. Written findings are required for any deviation. Grounds: special needs of the child, extended parenting time beyond what the offset captures, extraordinary expenses, the income or resources of the child, non-monetary contributions of a parent, or other relevant factors. If requesting deviation, attach a written explanation.

Form 3 — Financial Disclosure Affidavit

MODEL FORM

OHIO FINANCIAL DISCLOSURE AFFIDAVIT

Court of Common Pleas — Domestic Relations | Child Support Modification

O.R.C. Chapter 3119

Case No. / County:	
Affiant:	
Role:	[ ] Plaintiff / Obligee [ ] Defendant / Obligor

PART 1 — GROSS MONTHLY INCOME FROM ALL SOURCES

Source	Monthly Amount
Wages / salary (gross — before deductions)	$
Self-employment income (net — Schedule C after business expenses)	$
Commissions / bonuses (12-month average)	$
Overtime (regular and recurring only)	$
Rental income (gross less mortgage, taxes, insurance, maintenance)	$
Social Security (SSDI / retirement — not SSI)	$
Disability / workers' compensation	$
Unemployment compensation	$
Pension / retirement distributions	$
Investment income (dividends, interest, capital gains)	$
Trust / annuity income	$
Alimony / spousal support received (other cases)	$
Other income (describe)	$
TOTAL GROSS MONTHLY INCOME	$

PART 2 — MONTHLY LIVING EXPENSES

Expense	Monthly Amount
Housing — rent or mortgage (principal + interest)	$
Property taxes (if not escrowed)	$
Homeowner's / renter's insurance	$
HOA / condo fees	$
Utilities (electric, gas, water, sewer, trash)	$
Telephone (cell + landline)	$
Internet / cable / streaming	$
Food / groceries	$
Clothing (self)	$
Health insurance — your own share (not children's)	$
Out-of-pocket medical / dental / vision (for yourself)	$

OH Financial Disclosure Affidavit, Page 1 (Model Form)

Transportation — vehicle payment(s)	$
Auto insurance	$
Fuel and vehicle maintenance	$
Children's health insurance (your share of premium)	$
Work-related childcare	$
Children's educational expenses	$
Children's activities / clothing / misc.	$
Credit card minimums	$
Student loans	$
Personal loans	$
Other expenses (describe)	$
TOTAL MONTHLY EXPENSES	$

OH Financial Disclosure Affidavit, Page 2 (Model Form)

Line-by-Line Completion Guide, Financial Disclosure Affidavit

Purpose

The Financial Disclosure Affidavit provides the court a complete picture of each parent's finances beyond the worksheet income figures. Both parents file their own affidavit. It is especially important for healthcare

documentation (Part 6), which is required in every Ohio child support proceeding, and for self-sufficiency reserve / minimum support arguments.

Part 1, Gross Monthly Income

List all gross income from every source. The total must match Line 1 (Total Gross Monthly Income) on your JFS 07766 Worksheet exactly, any discrepancy will be flagged by the court or CSEA. Report on a monthly basis. Ohio uses gross income. Do not reduce by taxes, FICA, or retirement. For self-employment, use Schedule C net after legitimate business expenses, adding back depreciation.

Part 2, Monthly Living Expenses

List all actual monthly expenses accurately. Include all housing costs (rent or mortgage principal and interest, taxes, insurance, HOA), all utilities, food, clothing, health costs (your own premium, not the children's, that's on the worksheet), transportation (payment, insurance, fuel), children's expenses (their premium, childcare, school, activities), and all debt service. Courts compare expenses to income, inflated figures reduce credibility. Be consistent with the worksheet figures for childcare and children's health insurance.

Part 3, Assets

List significant assets with current estimated fair market values: real property (address, FMV, mortgage balance), vehicles (year/make/model, KBB value), financial accounts (approximate balances, no account numbers required), retirement accounts (current vested balance), and business interests. Courts consider assets when assessing ability to pay, particularly in high-income or self-employment cases.

Part 4, Liabilities

List all significant debts with the creditor, outstanding balance, and monthly payment. Include mortgage balance, vehicle loans, credit card total balances, student loans, personal loans, and tax liens. High debt loads are relevant to the low-income / minimum support analysis and hardship arguments.

Part 5, Other Support Obligations

Disclose all existing child support orders, case number, county, CSEA case number if applicable, monthly amount, and whether current or in arrears. Also disclose spousal support paid under other court orders. These are the permitted adjustments on the worksheet (Section 2) and must cross-reference consistently.

Part 6, Employment and Health Insurance Information

The health insurance section is critically important in Ohio because every support order must address healthcare coverage: Employer name and address, job title, and employment start date. Gross annual salary or hourly rate and pay frequency. Health insurance availability: Is group health insurance available through your employer? Are the children eligible to be covered? What is the monthly premium to add the children? Additional compensation: bonuses, commissions, overtime, car allowances, expense accounts, or other employer benefits. The court will use Part 6 to determine which parent must carry health insurance for the children. The parent with access to group coverage at reasonable cost (generally defined as not exceeding approximately 5% of gross income) must provide it.

Notarization, Required

The Financial Disclosure Affidavit must be signed under oath before a notary public in Ohio. The motion itself requires only a certification signature. Required attachments: last 2 years of federal income tax returns (all schedules), last 3 months of pay stubs, and health insurance documentation (benefits summary page showing coverage options and premium costs).

CSEA and Ohio SETS

Ohio's Child Support Enforcement Agencies (CSEAs) are county-based, each of Ohio's 88 counties has its own CSEA. The CSEA administers IV-D cases, processes IWOs, tracks payments through Ohio SETS (State Enforcement and Tracking System), and conducts three-year administrative reviews. Ohio SETS helpline: (800) 686-1556. To find your county CSEA: jfs.ohio.gov/child-support or (800) 686-1556. All support payments in an open CSEA case route through the CSEA, do not pay the other parent directly.

Key Points, Ohio Child Support Modification

10% Deviation = Presumed Changed Circumstances

If the new guideline amount differs from the current order by 10% or more, Ohio law presumes a change of circumstances under O.R.C. § 3119.79, no separate proof needed. Calculate the percentage difference and lead with this ground if the threshold is met.

Mandatory Healthcare Provision in Every Order

O.R.C. § 3119.30 requires every support order to address health insurance. The parent with access to group coverage at reasonable cost must provide it. Always address healthcare in the modification motion, even if not changing the current arrangement.

Parenting Time Reduction, 90 Overnights

A flat 10% reduction of the annual obligation applies when the order provides the NCP 90 or more annual overnights (O.R.C. § 3119.051); at 147 or more, the court must consider a further deviation (O.R.C. § 3119.231). Document overnights carefully with a calendar.

Minimum Support, $80/Month for All Children

For obligors with annual gross income of $8,400 or less, O.R.C. § 3119.06 sets a presumptive minimum order of $80 per month for all children covered by the order, with discretion to go lower in appropriate cases. The schedule's built-in self-sufficiency reserve (116% of the federal poverty level) handles incomes above that floor.

CSEA Three-Year Administrative Review, Free

IV-D cases may request a free administrative review every 36 months. The CSEA recalculates and issues an administrative order if the amount changes. This is often faster than court filing. Contact your county CSEA or call Ohio SETS: (800) 686-1556.

Gross Income Model, Self-Employed Add-Back

Ohio uses gross income. The only adjustment unique to Ohio is that self-employed individuals may deduct their personal FICA/Medicare contributions (Line 2c). W-2 employees do not take this deduction.

Age of Majority, 18 or HS Program Completion (Max 19)

Support continues until age 18, or if the child is in a recognized high school degree program, until completion or age 19, whichever is first (O.R.C. § 3119.86).

JFS 07766, Official Form

Always use Ohio's official JFS 07766 worksheet and current Basic Child Support Schedule from jfs.ohio.gov/child-support. This model form mirrors JFS 07766 structure. The schedule is updated periodically, an outdated schedule will produce an incorrect BCSO.

End of Appendix AI - Ohio | Appendix AJ - Oklahoma follows.

Appendix AJ — Oklahoma: Statutes, Case Law, Forms, and Resources

Key Statutes

• 43 O.S. § 118I, modification of child support; material change of circumstances

• 43 O.S. § 118 et seq., child support guidelines; income shares model

• 43 O.S. §§ 115 and 117, income assignment; enforcement

• 43 O.S. § 139.1, license suspension for child support arrears

• 21 O.S. § 852, criminal nonsupport (misdemeanor; felony once the delinquency is unpaid for a year or exceeds $5,000)

Key Case Law

• Verify current Oklahoma appellate decisions on OSCN (oscn.net) before citing; the guidelines statutes above control most calculations

Official Forms

• Child Support Computation Worksheet, Oklahoma Supreme Court (oscn.net)

• Motion to Modify Child Support, District Court

• Financial Disclosure Statement

• Income Withholding Order (IWO)

State Agency Contact

• Oklahoma Child Support Services (OKDHS): (800) 522-2922

• Website: oklahoma.gov/okdhs/services/child-support-services

• Oklahoma Supreme Court Network self-help: oscn.net

• Legal Aid Services of Oklahoma: (888) 534-5243 | legalaidok.org

Filing Checklist

• Child Support Computation Worksheet (both parents current income)

• Financial Disclosure Statement

• Federal tax returns (last 2 years) and three most recent pay stubs

• Motion to Modify Child Support

• Documentation of material change of circumstances

- Filing fee or in forma pauperis petition
- Proof of service on other parent

Oklahoma Form Completion Guide

Model forms reflect Oklahoma's Income Shares (Gross) guidelines under 43 O.S. § 118 et seq. Key OK features: CSS-initiated modification at a 20% (and $30) recalculation change, parenting time adjustment at 121+ overnights (43 O.S. § 118E, tiered factors), a deviation safety valve where the guideline amount is unjust (43 O.S. § 118H), and a household children adjustment. Official forms: oscn.net. Oklahoma DHS Child Support Services: (800) 522-2922 | oklahoma.gov/okdhs/services/child-support-services.

Form 1 — Motion to Modify Child Support (OK District Court)

MODEL FORM

STATE OF OKLAHOMA

IN THE DISTRICT COURT OF _____ COUNTY

MOTION TO MODIFY CHILD SUPPORT

43 O.S. § 118 et seq. | Oklahoma Child Support Guidelines

Case No.:	
Petitioner:	
Respondent:	
DHS CSS Case No. (if IV-D):	

CHILDREN SUBJECT TO THIS ORDER

Child's Full Name	Date of Birth	Primary Custodial Parent

CURRENT SUPPORT ORDER

Item	Details
Current monthly child support obligation	$_____ per month
Date of current order or last modification	
Court that entered the current order	
Is an Income Assignment (IWO) in effect?	[ ] Yes [ ] No
Are arrears owed?	[ ] Yes — Amount: $_____ [ ] No

GROUNDS FOR MODIFICATION (43 O.S. § 118I — Check all that apply)

[ ]	20% THRESHOLD / THREE-YEAR REVIEW (43 O.S. § 118I): At least three years have elapsed since the order was entered or last modified, ANI
[ ]	MATERIAL AND SUBSTANTIAL CHANGE IN CIRCUMSTANCES: A material and substantial change in circumstances has occurred since the las
[ ]	SIGNIFICANT INCOME CHANGE: Either party's gross income has changed materially. Prior gross income: $_____/mo. Current gross income:
[ ]	CHANGE IN PARENTING TIME: The parenting time schedule has changed materially, including whether shared parenting (120+ overnights each)
[ ]	CHANGE IN CHILD'S NEEDS: The child's healthcare, educational, or other needs have changed substantially since the last order.
[ ]	DHS CSS ADMINISTRATIVE REVIEW: Requesting administrative review of this IV-D case by Oklahoma DHS Child Support Services. CSS: (800)

PROPOSED MODIFICATION

Item	Details
Proposed new monthly support (from OK Worksheet)	$_____ per month
Shared parenting applicable? (120+ overnights each)	[ ] Yes — shared parenting adjustment [ ] No
Proposed healthcare coverage	[ ] Petitioner [ ] Respondent [ ] No change
Work-related childcare costs (monthly)	$_____
Effective date requested	[ ] Date of filing [ ] Date of order [ ] Other: ___

RELIEF REQUESTED

The moving party requests this Court:

OK Motion to Modify Child Support, Page 1 (Model Form)

[ ] Enter a modified child support order in the amount of $_____ per month.
[ ] Apply the shared parenting adjustment if each parent has 120+ overnights.
[ ] Require the appropriate parent to maintain health insurance for the children.
[ ] Enter or modify an Income Assignment directed to obligor's employer.
[ ] Order payments through Oklahoma DHS CSS: (800) 522-2922.
[ ] Award retroactive support to the date of filing / service of this motion.
[ ] Other: _____

OK Motion to Modify Child Support, Page 2 (Model Form)

Line-by-Line Completion Guide, Motion to Modify Child Support

Oklahoma District Court, Where to File

All child support modifications in Oklahoma are filed in the District Court. File in the county where the original order was entered, or where either party or the child currently resides (43 O.S. § 118I). The case uses

Petitioner and Respondent terminology. Contact the county courthouse clerk for filing fees. Fee waivers are available for qualifying parties under Oklahoma's in forma pauperis statutes.

Case No. and DHS CSS Case No.

Copy the District Court case number from the existing support order. If the case is administered by Oklahoma DHS Child Support Services (CSS), there is also a CSS case number, include both. The CSS case number is needed if requesting an administrative review rather than, or in addition to, a court motion. CSS: (800) 522-2922.

Petitioner / Respondent

Oklahoma uses Petitioner and Respondent in District Court proceedings. Either party may be the moving party. Use the exact names from the existing order. Oklahoma child support continues until age 18, or if still enrolled in high school, until graduation or age 20, whichever occurs first (43 O.S. § 112). List any children who have aged out of the order separately and note that support for them has terminated.

Grounds, 20% Threshold / Three-Year Review (43 O.S. § 118I)

Oklahoma's three-year review is a right in IV-D cases: either parent may ask CSS to review the order every 36 months with no showing of changed circumstances. What the 20% figure governs is CSS's own trigger, the agency initiates a modification when the recalculation moves the obligation by at least 20% and $30 per month (OAC 340:25-5-198.2). In court, the ground is a material change in circumstances under 43 O.S. § 118I, with no fixed percentage; include the percentage calculation anyway, because a 20%+ swing makes the showing nearly self-proving.

Material and Substantial Change in Circumstances

If CSS's 20% standard is not met, or you are proceeding in court, show a material change in circumstances under 43 O.S. § 118I. Common grounds: significant income change (job loss, promotion, disability), substantial change in parenting time (especially if the 121-overnight parenting time adjustment now applies or no longer applies), significant change in the child's medical or educational needs, or a new child in the obligor's household (Oklahoma courts may consider but are not required to treat this as a qualifying change).

Parenting Time Adjustment, 121+ Overnights

Oklahoma's parenting time adjustment applies when a court order or agreement gives the noncustodial parent at least 121 overnights per year (43 O.S. § 118E). If parenting time has changed so that the adjustment now applies, or no longer applies, that is both a ground for modification and a change in the calculation itself. State the ordered overnight count in the motion.

Income Assignment (IWO)

Oklahoma uses 'Income Assignment' rather than 'Income Withholding Order.' The income assignment directs the obligor's employer to withhold support from each paycheck and remit to the CSS. Request an updated income assignment when seeking a modification. All payments route through Oklahoma DHS CSS: (800) 522-2922.

Retroactive Modification

Oklahoma courts may make a modification retroactive to the date the motion was filed or served. Keep a copy of the certificate of service showing the date the motion was served on the other party, this establishes the earliest possible retroactive date.

Form 2 — Oklahoma Child Support Computation Worksheet (43 O.S. § 118)

MODEL FORM

OKLAHOMA CHILD SUPPORT COMPUTATION WORKSHEET

43 O.S. § 118 et seq. | Income Shares (Gross Income Model)

Case No. / County:	
Petitioner (Obligee / Custodial Parent):	
Respondent (Obligor / Non-Custodial Parent):	
Number of children:	
NCP annual overnights:	_____ (120+ each parent = shared parenting)

SECTION A — GROSS MONTHLY INCOME (43 O.S. § 118B)

Line	Income Source	Petitioner	Respondent
1a	Wages / salary (gross — before deductions)	$	$
1b	Self-employment income (net of business expenses)	$	$
1c	Commissions / bonuses (12-month average)	$	$
1d	Overtime (regular and recurring)	$	$
1e	Rental income (net of mortgage, taxes, insurance)	$	$
1f	Social Security (SSDI / retirement — not SSI)	$	$
1g	Disability / workers' compensation	$	$
1h	Unemployment compensation	$	$
1i	Pension / retirement distributions	$	$
1j	Investment income (dividends, interest)	$	$
1k	Alimony / spousal support received (other cases)	$	$
1l	Other income (describe)	$	$
A	TOTAL GROSS MONTHLY INCOME	$	$

Oklahoma uses GROSS income. Do not subtract taxes, FICA, or retirement contributions. If a parent is voluntarily unemployed or underemployed, income may be imputed (43 O.S. § 118B).

SECTION B — ADJUSTMENTS TO GROSS INCOME

Line	Adjustment	Petitioner	Respondent
B1	Court-ordered support paid for other children (prior orders, actually paid)	$	$
B2	Court-ordered spousal support paid (other cases)	$	$
B3	Adjustment for other children in this household (natural/adopted, living with parent)	$	$
B	TOTAL ADJUSTMENTS	$	$
C	ADJUSTED GROSS INCOME (Line A minus Line B)	$	$

SECTION C — COMBINED INCOME AND BASIC CHILD SUPPORT OBLIGATION (BCSO)

OK Child Support Computation Worksheet, Page 1 (Model Form)

Line	Calculation	Amount
D	Combined adjusted gross income (Petitioner C + Respondent C)	$
E	BCSO from Oklahoma Child Support Schedule (43 O.S. § 118D)	$
F	Petitioner's income share % (Petitioner C / Line D)	%
G	Respondent's income share % (Respondent C / Line D)	%
H	Respondent's (obligor's) share of BCSO (Line E x Line G)	$

SECTION D — ADDITIONAL EXPENSES (Childcare and Health Insurance)

Line	Expense	Monthly Cost	Respondent Share (G%)
I1	Work-related childcare costs	$	$
I2	Health insurance premium — children's share	$	$
I3	Extraordinary medical / dental / vision (court-approved)	$	$
I	Respondent's total share of additional expenses		$

SECTION E — SHARED PARENTING ADJUSTMENT (120+ Overnights Each — 43 O.S. § 118F)

The shared parenting adjustment applies when BOTH parents have the child at least 120 overnights per year (approximately one-third of the year). This is similar to NC's Worksheet B — a 1.5 multiplier is applied to the BCSO to reflect duplicated household costs.

Line	Calculation	Petitioner	Respondent
J1	Annual overnights with this parent		
J2	Do BOTH parents have 120+ overnights?	[ ] Yes — shared parenting [ ] No — skip	
J3	Each parent's overnight percentage (overnights / 365)	%	%
J4	Adjusted BCSO x 1.5 (shared parenting multiplier)	$	$
J5	Each parent's obligation to other (J4 x other parent's overnight %)	$	$
J6	Each parent's share of additional expenses (Section D, pro-rata)	$	$
J7	Net obligation: higher payer minus lower payer	—	$
J	SHARED PARENTING NET MONTHLY OBLIGATION (Respondent pays)		$

OK Child Support Computation Worksheet, Page 2 (Model Form)

Line-by-Line Completion Guide, Child Support Computation Worksheet

Oklahoma Uses GROSS Income

Oklahoma's Income Shares model uses gross monthly income before taxes and deductions. Do not subtract federal or state income taxes, FICA, retirement contributions, or health insurance premiums. If a parent is

voluntarily unemployed or underemployed, the court may impute income based on earning capacity (43 O.S. § 118B).

Section A, Gross Monthly Income (Lines 1a–A)

Report all gross income from every source: Line 1a: Wages and salary, gross before-tax pay. Use pay stub gross, not net. Line 1b: Self-employment income, Schedule C net after legitimate business expenses. Add back depreciation and other non-cash deductions. Line 1c: Commissions and bonuses, 12-month average. Use 2-3 year average for highly variable income. Line 1d: Overtime, include only if regular and recurring. Line 1e: Rental income, net of mortgage, taxes, insurance, and maintenance. All other sources: Social Security (SSDI/retirement not SSI), disability, workers' comp, unemployment, pension, investment income, alimony received in other cases.

Section B, Adjustments (Lines B1–C)

Line B1: Court-ordered support actually paid for other children under a prior court order. Must be under an existing order and actually being paid. Line B2: Court-ordered spousal support actually paid in other cases. Line B3, Household Children: Like North Dakota, Oklahoma allows an adjustment for natural or adopted children living with the parent who are not subject to this order. Use the guideline amount for those children as the proxy deduction. Line C: Adjusted gross income = Line A minus Line B.

Section C, Combined Income and BCSO (Lines D–H)

Line D: Combined adjusted gross income = both parents' Line C totals. Line E: Look up the Basic Child Support Obligation (BCSO) from the Oklahoma Child Support Schedule (43 O.S. § 119). The schedule is based on combined income and number of children. Use the current schedule, available at oscn.net or from the district court clerk. Lines F–G: Each parent's income share percentage = their Line C / Line D. Line H: Respondent's (obligor's) initial share = Line E x Line G.

Section D, Additional Expenses (Lines I1–I)

Line I1: Work-related childcare, costs necessary for a parent to work or attend school/training. Use actual monthly costs or 12-month average. Line I2: Health insurance, the children's incremental monthly premium cost. Line I3: Extraordinary medical expenses, court-approved recurring costs averaged monthly. Multiply each expense by the respondent's income percentage (Line G) for their share.

Section E (Parenting Time Adjustment (121+ Overnights) 43 O.S. § 118E)

Oklahoma's parenting time adjustment inflates the obligation and then splits it by time: Line J1: Enter the noncustodial parent's court-ordered annual overnights; the adjustment requires at least 121. Line J2: Multiply the combined base obligation by the statutory factor, 2.0 for 121 to 131 overnights, 1.75 for 132 to 143, and 1.5 for 144 or more; the result is the adjusted combined obligation. Line J3: Allocate the adjusted obligation between the parents by income share, then multiply each parent's amount by the percentage of time the children spend with the other parent. Line J: The parent owing the greater amount pays the difference. Because the factor falls and the time proration grows as overnights increase, each added band meaningfully lowers the net payment.

Section F, Low-Income Situations and Deviation (43 O.S. § 118H)

Oklahoma's guidelines have no formal self-support reserve or fixed minimum order. The schedule itself reaches down to a combined monthly income of $50, producing very small obligations at the bottom. When even the schedule amount is unworkable, ask the court to deviate under 43 O.S. § 118H, which permits departure where the guideline amount would be unjust, inequitable, unreasonable, or inappropriate, with findings on the record. Incarceration for more than 180 consecutive days and documented incapacity also change the computation basis under 43 O.S. §§ 118B and 118I.

Section H, 20% Threshold Check

Calculate the percentage difference between the new guideline amount and the current order: |new - current| / current x 100 = percentage change. A change of 20% or more (and at least $30 per month) meets the standard CSS uses to initiate a modification (OAC 340:25-5-198.2). In court, the motion must demonstrate a material change in circumstances under 43 O.S. § 118I, the statute sets no fixed percentage, but the larger the swing, the easier the showing.

Form 3 — Statement of Income and Expenses (Financial Affidavit)

MODEL FORM

OKLAHOMA STATEMENT OF INCOME AND EXPENSES

Financial Affidavit | District Court | Child Support Modification

43 O.S. § 118 et seq.

Case No. / County:	
Affiant:	
Role:	[ ] Petitioner (Obligee) [ ] Respondent (Obligor)

PART 1 — GROSS MONTHLY INCOME FROM ALL SOURCES

Source	Monthly Amount
Wages / salary (gross — before deductions)	$
Self-employment income (net of business expenses)	$
Commissions / bonuses (12-month average)	$
Overtime (regular and recurring only)	$
Rental income (net of expenses)	$
Social Security (SSDI / retirement — not SSI)	$
Disability / workers' compensation	$
Unemployment compensation	$
Pension / retirement distributions	$
Investment income (dividends, interest)	$
Trust / annuity income	$
Alimony received (other cases)	$
Other income (describe)	$
TOTAL GROSS MONTHLY INCOME	$

PART 2 — MONTHLY LIVING EXPENSES

Expense	Monthly Amount
Housing — rent or mortgage (P+I)	$
Property taxes (if not escrowed)	$
Homeowner's / renter's insurance	$
Utilities (electric, gas, water, trash)	$
Telephone (cell + landline)	$
Internet / cable / streaming	$
Food / groceries	$
Clothing (self)	$
Health insurance — your own share (not children's)	$
Out-of-pocket medical / dental / vision (for yourself)	$
Transportation — vehicle payment(s)	$
Auto insurance	$

OK Statement of Income and Expenses, Page 1 (Model Form)

Fuel and vehicle maintenance	$
Children's health insurance (your share of premium)	$
Work-related childcare	$
Children's school / educational expenses	$
Children's activities / clothing / misc.	$
Credit card minimums	$
Student loans	$
Personal loans / other debt payments	$
Other expenses (describe)	$
TOTAL MONTHLY EXPENSES	$

OK Statement of Income and Expenses, Page 2 (Model Form)

Line-by-Line Completion Guide, Statement of Income and Expenses

Purpose

Oklahoma's Statement of Income and Expenses is the financial disclosure document required in child support modification proceedings. It gives the court a full picture of each parent's finances beyond the worksheet. Each

parent files their own statement. It is especially important for the household children adjustment (Part 5) and for any deviation argument under 43 O.S. § 118H (Parts 2 and 4).

Part 1, Gross Monthly Income

List all gross income from every source. The total must match Line A on the Computation Worksheet exactly, courts flag discrepancies between the two documents. Report on a monthly basis. Oklahoma uses gross income. Do not reduce by taxes or deductions. For self-employment, report Schedule C net after legitimate business expenses, adding back depreciation and non-cash deductions.

Part 2, Monthly Living Expenses

List all actual monthly living expenses accurately: Housing: Rent or mortgage P+I, property taxes if not escrowed, insurance, HOA. Utilities: All utilities including cell phone, internet, cable. Health: Your own health insurance premium (not the children's. That is on the worksheet), out-of-pocket medical for yourself. Transportation: Vehicle payment, insurance, fuel, maintenance. Children's costs: Their health insurance premium, childcare, school, activities, these cross-reference the worksheet Section D amounts. Debt service: Credit card minimums, student loans, personal loans. Courts compare expenses to income, be accurate and reasonable.

Part 3, Assets

List significant assets with current fair market value estimates: real property (address, estimated value, mortgage balance), vehicles (year/make/model, KBB value), financial accounts (approximate balances), retirement accounts (current vested value), and business interests. Courts may consider assets when assessing ability to pay.

Part 4, Liabilities

List all significant debts, mortgage balance, vehicle loans, credit card total balances, student loans, personal loans, tax liens. Include creditor, outstanding balance, and monthly payment for each. High debt loads support deviation arguments under 43 O.S. § 118H.

Part 5, Other Obligations and Household Children

Disclose all existing child support orders for other children, case number, county, monthly amount, current or arrears status. Also disclose spousal support paid in other cases. List any income assignment (IWO) currently in effect. Household Children: List any natural or adopted children living full-time in your household who are NOT subject to this order. These are the children referenced in Section B, Line B3 of the Computation Worksheet. Include each child's name and date of birth. The court will verify this information.

Part 6, Employment and Health Insurance

Provide complete employment information including employer name and address, job title, start date, and gross annual salary or hourly rate. Indicate whether health insurance is available through your employer and whether the children are eligible for coverage. State the monthly premium to add the children to your plan. This is used to determine which parent should carry coverage and the children's premium amount on the worksheet.

Notarization, Required

The Statement of Income and Expenses must be signed under oath before a notary public. The motion itself requires only a verification signature. Have the affidavit notarized before filing. Required attachments: last 2 years of federal tax returns (all schedules), last 3 months of pay stubs, and health insurance documentation showing premium costs and dependent eligibility.

Oklahoma DHS CSS and Income Assignment

Oklahoma DHS Child Support Services (CSS): (800) 522-2922 | oklahoma.gov/okdhs/services/child-support-services. CSS administers IV-D cases and processes income assignments. When a modified order is entered, CSS updates the income assignment with the obligor's employer. All payments in an open CSS case route through the CSS payment center, do not pay the other parent directly. CSS can also conduct a free administrative review every three years and initiate modifications if the new guideline amount differs by 20% or more.

Key Points, Oklahoma Child Support Modification

Three-Year Review and the CSS 20% Standard

IV-D cases carry a free CSS review every 36 months with no showing required. CSS initiates a modification when the recalculation moves the obligation at least 20% and $30 per month; in court, the ground is a material change in circumstances under 43 O.S. § 118I with no fixed percentage.

Parenting Time Adjustment, 121+ Overnights (Tiered Factor)

The adjustment applies when the noncustodial parent has at least 121 court-ordered overnights per year (43 O.S. § 118E). The combined base obligation is multiplied by a tiered factor (2.0 at 121–131 overnights, 1.75 at 132–143, 1.5 at 144 or more), allocated by income share, prorated by parenting time, and offset; the parent owing more pays the difference. Document overnights carefully.

Household Children Adjustment, OK Specific

Like North Dakota, Oklahoma allows a deduction for natural or adopted children living full-time with a parent who are not subject to this order (Line B3). Document household children in Part 5 of the Statement of Income and Expenses.

Low-Income Cases, Deviation Instead of a Reserve

Oklahoma has no formal self-support reserve or per-child minimum; the schedule simply reaches down to $50 in combined monthly income. Where the guideline amount is still unjust or unworkable, request a deviation with findings under 43 O.S. § 118H.

Gross Income Model

Oklahoma uses gross income before taxes. Permitted adjustments: prior court-ordered support, court-ordered spousal support in other cases, and household children (Line B3). No deduction for taxes, FICA, or retirement.

Age of Majority, 18 or HS Graduation (Max Age 20)

Support continues until age 18, or if still enrolled in high school, until graduation or age 20, whichever occurs first (43 O.S. § 112).

Income Assignment, Not IWO

Oklahoma calls it an 'Income Assignment' rather than an Income Withholding Order. The function is the same, the employer withholds support from payroll. All payments route through Oklahoma DHS CSS: (800) 522-2922.

DHS CSS Administrative Review, Free Every 3 Years

IV-D cases may request a free CSS administrative review. CSS initiates modification if the new amount differs by 20%+. Often faster than a court motion for routine income changes. Contact CSS at (800) 522-2922 or oklahoma.gov/okdhs/services/child-support-services.

End of Appendix AJ - Oklahoma | Appendix AK - Oregon follows.

Appendix AK — Oregon: Statutes, Case Law, Forms, and Resources

Key Statutes

• ORS § 107.135, modification of child support; substantial change of circumstances

• ORS § 25.275, child support guidelines; income shares model

• ORS § 25.020, payment of support through the Department of Justice; official payment records

• ORS § 25.750, license suspension for child support arrears

• ORS § 163.555, criminal nonsupport (Class C felony)

Key Case Law

• Oregon appellate decisions on support modification, imputed income, and the parenting time credit are published by the Oregon Judicial Department. Verify any case before relying on it through the court of appeals opinions page at courts.oregon.gov or the Oregon State Bar's research resources.

Official Forms

• Child Support Worksheets, Oregon Judicial Department (courts.oregon.gov)

• Motion to Modify Child Support, Circuit Court

• Financial Declaration (OJD Form 730)

• Child Support Order, ODOJ form (oregonchildsupport.gov)

State Agency Contact

- Oregon Child Support Program (DOJ): (800) 850-0228
- Website: oregonchildsupport.gov
- Oregon Judicial Department self-help: courts.oregon.gov
- Oregon Law Center (rural): (503) 472-8145 | oregonlawcenter.org
- Legal Aid Services of Oregon: (503) 224-4086 | lasoregon.org

Filing Checklist

- Child Support Worksheets (both parents current income)
- Financial Declaration (OJD Form 730)

- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion to Modify Child Support
- Documentation of substantial change of circumstances
- Filing fee or fee waiver (OJD Form 530)
- Proof of service on other parent per Oregon Rules of Civil Procedure

Court Forms & Completion Guide

Child Support Modification Forms and Instructions

ORS 25.287 | OAR 137-050-0700 et seq. | Income Shares Model

Overview of Oregon Child Support Modification

Oregon uses the Income Shares model to calculate child support, meaning both parents' incomes are combined to determine the total obligation, which is then apportioned based on each parent's share of the combined income. Oregon's guidelines are codified at ORS Chapter 25 and implemented through Oregon Administrative Rules (OAR) 137-050-0700 through 137-050-0760.

Grounds for modification under ORS 107.135(3) and ORS 25.287 include: (1) a substantial change in circumstances affecting the welfare of the child or a party's financial situation; or (2) the periodic-review track, once at least three years have passed, no change in circumstances need be shown, and the order is adjusted when a recalculation under current guidelines moves the amount out of substantial compliance, meaning a difference of more than $50 or 15% of the current amount, whichever is less (OAR 137-055-3430). Either ground is sufficient.

A unique feature of Oregon law is the self-support reserve, a poverty-level amount subtracted from each parent's adjusted income before support is calculated (OAR 137-050-0745). The parenting time credit has no minimum threshold: OAR 137-050-0730 computes a credit for any share of overnights through a continuous formula, and the credit grows as parenting time grows. Support is typically paid through the Oregon Child Support Program (OCSP).

Form AK-1: Motion and Order to Show Cause Re: Modification of Child Support

This is the primary pleading used to initiate a child support modification proceeding in Oregon Circuit Court. It is filed in the county where the original support order was entered. The movant identifies the ground for modification, describes the circumstances that have changed, provides information about the children, and specifies the relief being requested. Once filed, the court issues an Order to Show Cause directing the other party to appear and respond.

STATE OF OREGON – CIRCUIT COURT OR-CS-MOT-01

MOTION AND ORDER TO SHOW CAUSE RE: MODIFICATION OF CHILD SUPPORT

ORS 25.287 | OAR 137-050-0700 et seq. · File in the county where the existing support order was entered.

IN THE CIRCUIT COURT OF THE STATE OF OREGON	Case No.:
FOR THE COUNTY OF: _____	
Petitioner / Obligee:	_____
vs.	
Respondent / Obligor:	_____

PART 1 — GROUNDS FOR MODIFICATION

- ■ A. Substantial change in circumstances since the last order (ORS 107.135(3)) — specify below.
- ■ B. Three-year review: at least 3 years have passed since the last order AND recalculation produces ≥ 15% change.
- ■ C. Administrative review requested through Oregon Child Support Program (OCSP).
- ■ D. Child's needs have materially changed (medical, educational, custodial).
- ■ E. Custody / parenting time arrangement has significantly changed.
- ■ F. Other: _____

Describe the substantial change in circumstances in detail:

PART 2 — CURRENT ORDER INFORMATION

Date of Current Order:	_____	**Current Monthly Support:**	$_____
Issuing Court/County:	_____	**Children Covered:**	_____
OCSP Case No. (if any):	_____	**Order Still Active?**	■ Yes ■ No

PART 3 — CHILDREN SUBJECT TO THIS MOTION

Child's Full Name	Date of Birth	Age	Primary Residence	Overnights/Year (Movant)
			■ Petitioner ■ Respondent	
			■ Petitioner ■ Respondent	
			■ Petitioner ■ Respondent	
			■ Petitioner ■ Respondent	

PART 4 — RELIEF REQUESTED

- ■ Increase current support order.
- ■ Decrease current support order.
- ■ Recalculate support under current Oregon Child Support Guidelines.

Form AK-1, Page 1, Motion and Order to Show Cause (Oregon Circuit Court)

■ Modify health insurance / medical support provisions.

■ Modify child-care cost allocation.

■ Other: _____

CERTIFICATION AND SIGNATURE

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct to the best of my knowledge and belief.

Signature:	_____ _____	**Date:**	_____
Printed Name:	_____	**OSB No. (if atty):**	_____
Address:	_____	**Phone:**	_____
City / State / ZIP:	_____	**Email:**	_____

ORDER TO SHOW CAUSE (COURT USE ONLY)

The Court, having reviewed the Motion, hereby ORDERS Respondent / Obligee to appear and show cause why the child support order should not be modified as requested.

Hearing Date:	_____	**Time:**	_____
Courtroom:	_____	**Judge / Magistrate:**	_____

ORDERED this _____ day of _____, 20___.

_____ Circuit Court Judge / Magistrate

Form AK-1, Page 2, Motion and Order to Show Cause (continued)

Line-by-Line Completion Guide, Form AK-1: Motion and Order to Show Cause

Header / Caption

• Court: Write the name of the Oregon county where the original child support order was entered (e.g., 'Multnomah,' 'Lane,' 'Washington'). The court is the Oregon Circuit Court for that county.

• Case No.: Enter the full case number from the existing child support or family law order. This number appears on the prior court order. If you do not have it, contact the circuit court clerk.

• Petitioner / Obligee: The parent or party who receives child support. Write full legal name.

• Respondent / Obligor: The parent or party who pays child support. Write full legal name.

Part 1, Grounds for Modification

• Check exactly one box that best describes your reason for requesting modification:

• Box A, Substantial change in circumstances: Use this when income has significantly changed, a new job was gained or lost, disability occurred, or another major life event affects either parent's financial situation or the children's needs. Describe the change in detail in the lines provided.

• Box B, Three-year review: Check this if it has been at least three years since the last order AND a recalculation under current guidelines would produce a change of 15% or more. Oregon requires BOTH conditions to be met for this ground.

• Box C, Administrative review: If you are requesting Oregon Child Support Program (OCSP) assistance with the review, check this box. OCSP can be reached at (800) 850-0228.

• Box D, Child's needs changed: Use when the children have new medical needs, changed educational requirements, or a shift in custody arrangement that materially affects support needs.

• Box E, Parenting time change: Use when the actual custody schedule has significantly shifted, triggering a different parenting time credit calculation.

• Description lines: If checking Box A, D, or E, write a clear factual description. State specific dates, amounts, and circumstances. Vague descriptions may result in denial.

Part 2, Current Order Information

• Date of Current Order: Enter the date (month/day/year) of the most recent child support order, not the original divorce or paternity judgment if it was later modified.

• Current Monthly Support: Enter the dollar amount currently owed each month.

• Issuing Court/County: Enter the Oregon county court that issued the current order.

• Children Covered: List first names or initials of all children covered by the order.

• OCSP Case No.: If your case is being administered by the Oregon Child Support Program, enter your OCSP case number. If not enrolled, leave blank.

• Order Still Active: Check Yes if the order is currently in effect. Check No only if it has been previously terminated.

Part 3, Children Subject to This Motion

• Child's Full Name: Enter the legal name of each child as it appears on the prior order.

• Date of Birth / Age: Enter each child's date of birth. Age auto-calculates but write it in.

• Primary Residence: Check which parent the child primarily lives with. This determines the worksheet type used.

• Overnights/Year (Movant): Enter your estimated overnights per year with each child. There is no qualifying minimum; the credit formula in OAR 137-050-0730 works from whatever the written parenting plan provides.

Part 4, Relief Requested

• Check all boxes that apply. Most motions seek either an increase or decrease plus a recalculation.

• If you check 'Other,' describe the specific relief in the blank line provided.

Certification and Signature

• Sign in ink (or electronic signature if court allows). Print your name clearly.

• Date: Enter the date you are signing, not the date you plan to file.

• OSB No.: If you are an attorney, enter your Oregon State Bar number. Leave blank if self-represented.

• Address / Phone / Email: Enter current contact information for service of process.

Order to Show Cause (Court Use Only)

- Leave this entire section blank. The Circuit Court Judge or Magistrate completes these fields after reviewing your motion and scheduling a hearing. You will receive a copy with the hearing date.

Form AK-2: Oregon Child Support Worksheet (OAR ch. 137, div. 50)

The Child Support Worksheet applies Oregon's Income Shares formula and is required for every modification proceeding. It calculates each parent's share of the basic child support obligation, applies the self-support reserve, allocates additional expenses proportionally, and applies the parenting time credit computed under OAR 137-050-0730 from each parent's share of annual overnights. The final figure at Line E11 is the presumptive guideline amount.

STATE OF OREGON – CIRCUIT COURT OR-CS-WKS-01

OREGON CHILD SUPPORT WORKSHEET
OAR 137-050-0760 | Income Shares Model

Both parties must complete all applicable lines. Attach documentation. Parenting time credit applies when obligor has ≥ 25% overnights (≥ 91 nights/year). Self-support allowance is subtracted before the guideline amount is calculated.

IN THE CIRCUIT COURT OF THE STATE OF OREGON	Case No.:
FOR THE COUNTY OF: _____	
Petitioner / Obligee:	_____
vs.	
Respondent / Obligor:	_____

SECTION A — MONTHLY GROSS INCOME

Line	Income Source	Petitioner / Obligee ($)	Respondent / Obligor ($)
A1	Wages, salaries, tips, commissions		
A2	Self-employment income (net of ordinary business expenses)		
A3	Bonuses / overtime (averaged over 12 months)		
A4	Social Security / SSI / SSDI benefits		
A5	Pension / retirement income		
A6	Rental income (net of ordinary expenses)		
A7	Unemployment / workers' comp / disability benefits		
A8	Spousal support received (from other relationship)		
A9	Investment income / interest / dividends		
A10	Other income (specify): _____		
A11	TOTAL GROSS MONTHLY INCOME (sum A1–A10)		

SECTION B — ADJUSTMENTS TO GROSS INCOME

Line	Income Source	Petitioner / Obligee ($)	Respondent / Obligor ($)
B1	Support for other biological/adopted children (not step-children) actually paid		
B2	Spousal support paid pursuant to court order (other relationship)		
B3	Health insurance premium actually paid for children in this case		
B4	Mandatory pension / union dues (required, not voluntary)		
B5	TOTAL ADJUSTMENTS (sum B1–B4)		
B6	ADJUSTED MONTHLY INCOME (A11 minus B5)		
B7	SELF-SUPPORT ALLOWANCE (Oregon poverty guideline, 1 person)	($1,215)	($1,215)

Form AK-2, Page 1, Oregon Child Support Worksheet

B8	INCOME AVAILABLE FOR SUPPORT (B6 minus B7; use $0 if negative)		

SECTION C — COMBINED INCOME & BASIC CHILD SUPPORT OBLIGATION		
Line	**Description**	**Amount**
C1	Combined Income Available for Support (B8 Petitioner + B8 Respondent)	
C2	Basic Child Support Obligation (from Oregon Schedule, OAR 137-050-0760)	
C3	Petitioner's income share (B8 Petitioner ÷ C1)	%
C4	Respondent's income share (B8 Respondent ÷ C1)	%

SECTION D — ADDITIONAL EXPENSES (OAR 137-050-0760(4))			
Line	**Income Source**	**Petitioner / Obligee ($)**	**Respondent / Obligor ($)**
D1	Monthly child-care costs (work / school-related)		
D2	Monthly health insurance premium for children (if not in B3)		
D3	Uninsured medical / dental / vision (12-mo average)		
D4	Special educational / extracurricular costs (agreed)		
D5	TOTAL ADDITIONAL EXPENSES		
D6	Each party's share of additional expenses (× income share)		

SECTION E — PARENTING TIME CREDIT & FINAL SUPPORT OBLIGATION		
Line	**Description**	**Amount**
E1	Respondent/Obligor's estimated overnights per year	
E2	Parenting time percentage (E1 ÷ 365)	%
E3	Does obligor have ≥ 25% overnights (≥ 91)?	■ Yes ■ No
E4	Parenting time credit (if E3 = Yes, per OAR 137-050-0760(5))	
E5	Obligor's share of basic obligation (C2 × C4)	
E6	Less: parenting time credit (E4)	
E7	Plus: obligor's share of additional expenses (D6 Respondent)	
E8	Less: obligor's health insurance payments already in B3	
E9	PRESUMPTIVE MONTHLY CHILD SUPPORT OBLIGATION (E5 – E6 + E7 – E8)	
E10	Deviation granted? ■ Yes ■ No New amount (if deviation):	
E11	FINAL CHILD SUPPORT ORDER AMOUNT (per month)	

Oregon OCSP Contact: (800) 850-0228 | oregonchildsupport.gov | Support payable through Oregon Child Support Program (OCSP) unless court orders otherwise.

Prepared by:	_____	**Date:**	_____
Signature:	_____	**Party:**	■ Petitioner ■ Respondent ■ Attorney

Form AK-2, Page 2, Oregon Child Support Worksheet (continued)

Line-by-Line Completion Guide, Form AK-2: Child Support Worksheet

Section A, Monthly Gross Income (Lines A1–A11)

• A1, Wages / salary: Enter monthly gross wages before any deductions. Divide annual salary by 12. If paid bi-weekly, multiply bi-weekly gross by 26 and divide by 12.

• A2, Self-employment: Enter net income from self-employment after ordinary and necessary business expenses but before personal income taxes. Use Schedule C from federal tax return as a guide.

• A3, Bonuses / overtime: Average over the most recent 12 months. Do not annualize a one-time bonus unless it is a recurring pattern. Document with pay stubs or employer letter.

• A4 (Social Security / SSI / SSDI: Include all benefits) both parental and any derivative benefits paid on behalf of the children must be credited appropriately.

• A5, Pension / retirement: Include distributions actually received each month.

• A6 (Rental income: Report net after mortgage, taxes, and ordinary maintenance) not gross rents received.

• A7, Unemployment / disability / workers' comp: Include all benefit amounts received.

• A8, Spousal support received from another relationship: Include if you receive spousal support from a prior case. Do NOT include spousal support paid in this case.

• A9, Investment income: Include dividends, interest, capital gains distributions received.

• A10, Other: Identify any income source not listed above.

• A11, Total: Sum all A1 through A10 entries for each parent.

Section B, Adjustments to Gross Income (Lines B1–B8)

• B1, Support for other children: Include only court-ordered support for biological or adopted children from other relationships that is actually being paid. Do not include step-children or amounts not yet paid.

• B2, Spousal support paid under another court order: Include only if there is an existing court order requiring payment. Voluntary payments do not qualify.

• B3 (Health insurance premium for children in this case: Enter only the portion of the premium attributable to the children covered by this order) not the cost for self or new spouse.

• B4, Mandatory pension / union dues: Only include amounts that are required (not voluntary) as a condition of employment.

• B5, Total adjustments: Sum B1 through B4.

• B6, Adjusted monthly income: Subtract B5 from A11.

• B7 (Self-support reserve: Oregon subtracts a self-support reserve set by OAR 137-050-0745, the federal poverty guideline for one person multiplied by 1.167 and updated annually; $1,465 per month as of the July 2024 update) verify the current figure before filing. This amount is the same for both parties.

• B8, Income available for support: Subtract B7 from B6. If negative, enter $0. A parent whose income does not exceed the self-support allowance may still owe a minimum support obligation.

Section C, Combined Income & Basic Obligation (Lines C1–C4)

• C1, Combined income: Add both parents' B8 figures. This is the total income available for support.

• C2, Basic child support obligation: Look up the amount in the Oregon child support scale (OAR 137-050-0725) based on combined income and number of children. The scale is built into the guideline calculator at oregonchildsupport.gov and produces the total parental obligation.

• C3, Petitioner's income share: Divide Petitioner's B8 by C1. Express as a percentage.

• C4, Respondent's income share: Divide Respondent's B8 by C1. Express as a percentage. C3 + C4 must equal 100%.

Section D, Additional Expenses (Lines D1–D6)

• D1, Child-care costs: Include monthly work-related or school-related child-care costs. Use actual monthly amounts; if paid weekly, multiply by 4.33.

• D2, Health insurance (if not in B3): If health insurance was not deducted in Section B, enter the monthly premium for the children here.

• D3, Uninsured medical / dental / vision: Average actual uninsured out-of-pocket expenses over the past 12 months.

• D4, Special educational / extracurricular: Only include costs that both parties agree to share. Document with receipts or enrollment letters.

• D5, Total additional expenses: Sum D1 through D4.

• D6, Each party's share: Multiply D5 by each parent's income percentage from C3 / C4.

Section E, Parenting Time Credit & Final Obligation (Lines E1–E11)

• E1, Obligor's estimated overnights per year: Enter the Respondent/Obligor's total overnights with the children per year based on the current or proposed parenting plan.

• E2, Parenting time percentage: Divide E1 by 365.

• E3, Overnight share: Express each parent’s overnights as a share of the year. There is no qualifying threshold; the credit applies on a continuous formula at any overnight count.

• E4, Parenting time credit: Calculate the credit per OAR 137-050-0730, which converts each parent’s share of annual overnights into a credit percentage through a continuous formula. The credit reduces the obligor’s payment to reflect the direct costs incurred during the obligor’s parenting time.

• E5, Obligor's share of basic obligation: Multiply C2 by C4 (Respondent's income share %).

• E6, Less parenting time credit: Subtract E4 from E5.

• E7, Plus obligor's share of additional expenses: Add the Respondent's share of D6.

• E8, Less health insurance already in B3: Subtract any health insurance premium the obligor already deducted in Line B3 to avoid double-counting.

• E9, Presumptive monthly obligation: Complete the arithmetic: E5 – E6 + E7 – E8.

• E10, Deviation: Oregon allows deviation from the guideline amount for good cause. Check Yes and enter the agreed or court-ordered amount only if a deviation is granted.

• E11, Final amount: Enter the confirmed monthly support obligation.

Form AK-3: Financial Affidavit, Declaration of Income and Expenses

The Financial Affidavit is a sworn declaration providing the court with a complete picture of each party's income, expenses, health insurance, and parenting time. It is filed alongside the Motion and Worksheet and supports the accuracy of the figures entered on the Worksheet. Oregon requires income documentation under ORS 25.321, attach the last three pay stubs and most recent federal tax return for each parent.

STATE OF OREGON – CIRCUIT COURT OR-CS-FIN-01

FINANCIAL AFFIDAVIT
Declaration of Income and Expenses

Complete all sections under penalty of perjury. Attach last 3 pay stubs, most recent tax returns, and any other income verification required by ORS 25.321.

IN THE CIRCUIT COURT OF THE STATE OF OREGON	Case No.:
FOR THE COUNTY OF: _____	
Petitioner / Obligee:	_____
vs.	
Respondent / Obligor:	_____

PART 1 — DECLARANT INFORMATION

Full Legal Name:	_____	**Date of Birth:**	_____
Employer:	_____	**Occupation:**	_____
Work Address:	_____	**Work Phone:**	_____
Household Size (incl. self):	_____	**No. of dependent children in this case:**	_____

PART 2 — MONTHLY GROSS INCOME

Source	Monthly Amount	Documentation
Wages / salary (gross before deductions)	$	■ Pay stubs attached
Self-employment income (attach Schedule C)	$	■ Tax return attached
Bonuses / commissions (12-mo average)	$	■ Employer letter attached
Social Security / SSI / SSDI	$	■ Award letter attached
Retirement / pension	$	■ Statement attached
Rental income (net)	$	■ Schedule E attached
Unemployment / disability	$	■ Benefit letter attached
Spousal support received	$	■ Order attached
Investment income	$	■ Statement attached
Other (specify): _____	$	
TOTAL MONTHLY GROSS INCOME	$	

PART 3 — MONTHLY HOUSEHOLD EXPENSES

Expense Category	Monthly Amount	Notes
Rent / mortgage	$	
Utilities (electric, gas, water, internet)	$	
Groceries / household supplies	$	

Form AK-3, Page 1, Financial Affidavit (Oregon)

Transportation (car payment, insurance, gas)	$	
Health insurance premiums (for self)	$	
Health insurance for children (this case)	$	
Child-care / daycare costs	$	
Other children's support (other orders)	$	Court order attached ■
Clothing / personal items	$	
Student loan payments	$	
Credit card / debt payments	$	
Other (specify): _____	$	
TOTAL MONTHLY EXPENSES	$	

PART 4 — HEALTH INSURANCE FOR THE CHILDREN

Health insurance currently provided for children?	■ Yes ■ No	**Provider:**	_____
Monthly premium for children only:	$_____	**Policy / Group No.:**	_____
Is insurance available through employer?	■ Yes ■ No ■ N/A	**Dental/Vision included?**	■ Yes ■ No

PART 5 — PARENTING TIME (OVERNIGHTS)

Estimated overnights with declarant per year:	_____	**Other parent per year:**	_____
Declarant's parenting time %:	_____%	**Existing parenting plan attached?**	■ Yes ■ No

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct to the best of my knowledge and belief, and that the income and expense figures stated herein accurately reflect my current financial situation.

Signature:	_____	**Date:**	_____
Printed Name:	_____	**City / County:**	_____

Oregon Child Support Program: (800) 850-0228 | oregonchildsupport.gov | Oregon Legal Aid Services: (800) 520-5292 | Support typically ends at age 18 or graduation from secondary school (max age 21 if still enrolled).

Form AK-3, Page 2, Financial Affidavit (continued)

Line-by-Line Completion Guide, Form AK-3: Financial Affidavit

Part 1, Declarant Information

- Full Legal Name: Enter your complete legal name as it appears on court documents.
- Date of Birth: Enter your birth date for identification purposes.
- Employer / Occupation: Enter your current employer's name and your job title or occupation.

- Work Address / Phone: Provide current employer contact information.
- Household size: Include yourself and all persons you support in your household (children, dependents).
- Number of dependent children in this case: Enter only the children covered by this modification.

Part 2, Monthly Gross Income

- Wages / salary: Enter monthly gross pay before deductions. Attach last 3 pay stubs.
- Self-employment income: Enter net after ordinary business expenses. Attach Schedule C.
- Bonuses / commissions: Average over 12 months, not just the most recent month.
- Social Security / SSI / SSDI: Attach your award letter or most recent benefit statement.
- Retirement / pension: Attach the most recent statement.
- Rental income net: Report net after expenses. Attach Schedule E.
- Unemployment / disability: Attach the benefit letter or determination.
- Spousal support received: Only spousal support received from someone other than the other parent.
- Investment income: Attach the most recent 1099 or investment statement.
- Total: Sum all income sources for the month.

Part 3, Monthly Household Expenses

- Rent / mortgage: Enter monthly rent or mortgage payment, not including property taxes separately if included in escrow.
- Utilities: Include electricity, gas, water, trash, and internet, averaged monthly.
- Groceries / household supplies: Estimate monthly food and household goods expenses.
- Transportation: Include car payment, auto insurance, and average monthly gas costs.
- Health insurance (self): Enter monthly premium for your own coverage, not the children.
- Health insurance (children): Enter the amount allocable to the children in this case.
- Child-care: Enter monthly cost for work-related or school-related child care for the children.
- Other children's support: Court-ordered amounts only, attach the other support order.
- Student loans / credit cards / other debt: Enter minimum required monthly payments.

Part 4, Health Insurance for the Children

- Currently providing insurance: Check Yes if you currently have health coverage for the children.
- Monthly premium for children only: Enter only the portion of your premium for the children, not the portion for yourself or a new spouse.
- Provider: Enter the name of the health insurance company or plan.
- Available through employer: Check Yes if your employer offers health insurance for dependents. Oregon courts may order a party to provide coverage if it is available at reasonable cost.

Part 5, Parenting Time

- Estimated overnights per year: Enter the number of overnights the children spend with you each year based on the current or proposed parenting plan. Be as accurate as possible.
- Other parent per year: Enter the other parent's estimated overnights.
- Parenting time percentage: Divide your overnights by 365 and express as a percentage.
- Parenting plan attached: Check Yes and attach a copy of the current parenting plan or custody order.

Declaration Under Penalty of Perjury

- Sign your full legal signature in ink (or electronic signature if the court accepts it).
- Date: Enter the date you are signing. This must be the actual date of signature.

• Printed name: Print your full legal name below the signature line.

• City / County: Enter the Oregon city and county where you are signing.

• Note: Deliberately providing false information in a sworn financial affidavit is perjury under Oregon law and can result in criminal prosecution and contempt of court.

Key Oregon Child Support Law, Quick Reference

Modification Standards (ORS 107.135(3); ORS 25.287)

Modification is available when: (1) there is a substantial change in circumstances, OR (2) at least 3 years have passed, in which case no change need be shown and the order is adjusted if a recalculation moves it out of substantial compliance, a difference of more than $50 or 15% of the current amount, whichever is less (OAR 137-055-3430). Administrative review is available through OCSP without court action.

Income Shares Model (OAR 137-050-0760)

Oregon combines both parents' incomes to determine the total parental obligation, then apportions it based on each parent's income percentage. The basic obligation is read from the Oregon Child Support Schedule using combined income and number of children.

Self-Support Allowance

Before calculating support, Oregon subtracts a self-support reserve from each parent's adjusted income (OAR 137-050-0745): the federal poverty guideline for one person multiplied by 1.167, updated annually, $1,465 per month as of the July 2024 update. Verify the current figure, as it moves with the poverty guideline each year.

Parenting Time Credit (OAR 137-050-0730)

The parenting time credit applies at any share of overnights. OAR 137-050-0730 uses a continuous formula, so there is no qualifying threshold, and the credit grows steadily as overnights increase. As schedules approach equal time, the calculation can produce a cross-payment between the parents.

Duration of Support (ORS 107.108)

Child support ordinarily ends at age 18. Under ORS 107.108, it continues to age 21 while the child qualifies as a Child Attending School: enrolled at least half-time in high school, college, or vocational training, making satisfactory academic progress, and keeping the required notices current. Support for that 18-to-21 period is generally paid directly to the child.

Payment Through OCSP

Unless the court orders otherwise, child support in Oregon must be paid through the Oregon Child Support Program (OCSP), not directly to the other parent. OCSP maintains the official payment record used for enforcement. Contact: (800) 850-0228 or oregonchildsupport.gov.

Minimum Support

Oregon presumes an obligated parent can pay at least $100 per month in total support (OAR 137-050-0755). The presumption is rebuttable, but even a parent whose income falls below the self-support reserve may be ordered to pay the minimum unless the evidence shows true inability to pay.

Health Insurance Mandate

Oregon courts must address health insurance in every child support order. ORS 25.323 requires the court to order health insurance if it is available at reasonable cost through a parent's employer or union.

Oregon Child Support Resources

• Oregon Child Support Program (OCSP): (800) 850-0228 | oregonchildsupport.gov

• Oregon Child Support Guidelines / Scale: OAR ch. 137, div. 50 (scale at OAR 137-050-0725), oregonchildsupport.gov

• Oregon Courts Self-Help Center: courts.oregon.gov/selfhelp

• Oregon Law Help (Legal Aid): oregonlawhelp.org

- Oregon State Bar Lawyer Referral: (800) 452-7636 | osbar.org
- Oregon Legal Aid Services: (800) 520-5292
- OCSP Modification Request: Submit through oregonchildsupport.gov or call OCSP
- Oregon Family Law forms: courts.oregon.gov → Forms → Family Law

End of Appendix AK - Oregon | Appendix AL - Pennsylvania follows.

Appendix AL — Pennsylvania: Statutes, Case Law, Forms, and Resources

Key Statutes

• 23 Pa.C.S. § 4352, modification, enforcement, and review of support orders

• 23 Pa.C.S. § 4322, child support guidelines; income shares (net income)

• 23 Pa.C.S. ch. 43, income attachment and enforcement; withholding applies to support orders

• 23 Pa.C.S. § 4355, license suspension for child support arrears

• 23 Pa.C.S. § 4354, willful failure to pay support (summary offense; third-degree misdemeanor for out-of-state evasion); interstate felony exposure under 18 U.S.C. § 228

Key Case Law

• Melzer v. Witsberger, 505 Pa. 462 (1984), the pre-guideline support-calculation framework; formerly governed high-income cases until superseded by Pa.R.C.P. 1910.16-3.1

• Verify any other Pennsylvania support decision before relying on it; published Superior Court and Supreme Court opinions are searchable at pacourts.us

Official Forms

• Income Statement and Expense Statement (Pa.R.C.P. 1910.27(c)), PA Courts (pacourts.us)

• Petition for Modification of Support Order, Court of Common Pleas Domestic Relations

• Income and Expense Statement

• Support Order, generated through PACSES (Pennsylvania Automated Child Support Enforcement System)

State Agency Contact

• Pennsylvania Child Support Program (BCSE): (800) 932-0211

• Website: childsupport.pa.gov

• Pennsylvania Courts self-help: pacourts.us

• MidPenn Legal Services: (800) 326-9177 | midpennlegal.org

Filing Checklist

• Income, Expenses and Liabilities Statement (both parents net income)

• Two most recent federal tax returns and three most recent pay stubs

- Documentation of allowable deductions (taxes, FICA, mandatory dues, non-voluntary retirement) and of health insurance premiums (allocated under Pa.R.C.P. 1910.16-6, not deducted)
- Petition for Modification of Support Order
- Documentation of the material and substantial change in circumstances
- Filing fee, paid to Domestic Relations Section
- Proof of service on other parent

Court Forms & Completion Guide

Child Support Modification Forms and Instructions

23 Pa.C.S. § 4322 | Pa.R.C.P. 1910.16 | Net Income Model

Overview of Pennsylvania Child Support Modification

Pennsylvania is one of the few states that bases child support calculations on net income rather than gross income. The guidelines are governed by 23 Pa.C.S. §§ 4321–4340 and implemented through Pennsylvania Rules of Civil Procedure 1910.16 et seq. Both parents' net incomes are combined to determine the total parental support obligation, which is then apportioned based on each parent's share of the combined net income.

There are two pathways to modification in Pennsylvania. The first is demonstrating a material and substantial change in circumstances under Pa.R.C.P. 1910.19(a), for example, a significant change in either parent's income, a change in the child's needs, or a material change in the custody arrangement. The second is the review-and-adjust track: a case enrolled with the Domestic Relations Section may be reviewed every three years on request without proving changed circumstances (23 Pa.C.S. § 4352(a.1)), and a new guideline amount resulting from revised guidelines can itself constitute a material and substantial change.

A defining feature of Pennsylvania law is the shared physical custody adjustment: when the obligor has at least 40% of overnights (146 or more per year), the standard formula gives way to the shared custody calculation in Pa.R.C.P. 1910.16-4(c), which accounts for the fact that both households incur substantial costs for the children. There is no fixed statewide minimum order; when an obligor's net income falls at or below the Self-Support Reserve ($1,063 per month), the trier-of-fact considers actual living expenses and a minimal order may be appropriate. Support is paid through the State Collection and Disbursement Unit (SCDU).

Form AL-1: Complaint for Modification of Child Support Order

In Pennsylvania, a request to change child support is initiated by filing a Complaint for Modification at the Domestic Relations Section (DRS) of the Court of Common Pleas in the county where the original order was entered. The DRS schedules a conference, then a hearing before a hearing officer if the conference does not resolve the matter. The filing party must serve the other party and provide current income documentation.

COMMONWEALTH OF PENNSYLVANIA – COURT OF COMMON PLEAS **PA-CS-MOD-01**

COMPLAINT FOR MODIFICATION OF CHILD SUPPORT ORDER

23 Pa.C.S. § 4322 | Pa.R.C.P. 1910.3 & 1910.19 · File at the Domestic Relations Section of the Court of Common Pleas in the county where the order was entered.

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PA	**Docket No.:**
FAMILY COURT — DOMESTIC RELATIONS SECTION	
Plaintiff:	_____
vs.	
Defendant:	_____

PART 1 — GROUNDS FOR MODIFICATION

- ■ A. Substantial and continuing change in circumstances (Pa.R.C.P. 1910.19(a)).
- ■ B. Three-year review: 36 months have elapsed since the order was entered or last modified AND recalculation produces a
- ■ C. Domestic Relations Section (DRS) administrative review requested.
- ■ D. Material change in custody/physical custody arrangement affecting support calculation.
- ■ E. Child became eligible for Social Security derivative benefits.
- ■ F. Other (describe below): _____

Describe in detail the changed circumstances (attach additional pages if needed):

PART 2 — CURRENT ORDER INFORMATION

Date of Current Order:	_____	**Current Monthly Support:**	$_____
County / Docket No.:	_____	**Children Covered:**	_____
DRS Case No. (if any):	_____	**IV-D Case?**	■ Yes ■ No
Support paid through SCDU?	■ Yes ■ No	**Arrears owed?**	■ Yes $_____ ■ No

PART 3 — CHILDREN SUBJECT TO THIS COMPLAINT

Child's Full Name	Date of Birth	Age	Primary Residence	Overnights / Year (Plaintiff)
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	

PART 4 — CUSTODY / PHYSICAL CUSTODY ARRANGEMENT

Current physical custody type:	■ Primary with Plaintiff ■ Primary with Defendant ■ Shared (40%+ overnights each)

Form AL-1, Page 1, Complaint for Modification of Child Support (Pennsylvania)

Existing custody order entered (date):	_____
Has custody changed since last support order?	■ Yes — describe below ■ No
Proposed or agreed overnights per year — Defendant:	_____ (40%+ = shared; ≥146 nights)

PART 5 — RELIEF REQUESTED

- ■ Increase monthly child support.
- ■ Decrease monthly child support.
- ■ Recalculate support under current Pennsylvania guidelines (Pa.R.C.P. 1910.16-4).
- ■ Modify health insurance / medical support provisions.
- ■ Modify child-care cost allocation.
- ■ Address outstanding arrears / credit.
- ■ Other: _____

VERIFICATION

I verify that the statements made in this complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (unsworn falsification to authorities).

Signature:	_____	**Date:**	_____
Printed Name:	_____	**PA Attorney ID (if atty):**	_____
Address:	_____	**Phone:**	_____
City / State / ZIP:	_____	**Email:**	_____

File this Complaint at the Domestic Relations Section (DRS) of your county's Court of Common Pleas. The DRS will schedule a conference or hearing. Support payments in PA go through the State Collection and Disbursement Unit (SCDU): (877) 727-7238 | PA Child Support: (800) 932-0211.

Form AL-1, Page 2, Complaint for Modification (continued)

Line-by-Line Completion Guide, Form AL-1: Complaint for Modification

Header / Caption

• County: Write the name of the Pennsylvania county where the existing child support order was entered (e.g., 'Philadelphia,' 'Allegheny,' 'Montgomery'). The court is the Court of Common Pleas, Family Court, Domestic Relations Section, for that county.

• Docket No.: Enter the full docket number from the existing order. Pennsylvania docket numbers follow the format XXXX-DR-YYYY (or similar county-specific format). If unknown, contact the DRS.

• Plaintiff: The parent or party filing this complaint, may be either the obligee or the obligor. In Pennsylvania, either party may file for modification.

• Defendant: The other party. Write their full legal name.

Part 1, Grounds for Modification

• Box A, Substantial and continuing change: This is the primary ground. 'Substantial' means significant in dollar terms; a documented change that meaningfully moves the guideline number is the cleanest showing. 'Continuing' means not temporary. Examples: job loss, promotion, disability, child's increased medical needs, remarriage affecting expenses.

• Box B, Three-year review: Check this if 36+ months have elapsed since the last order and your case is enrolled with the DRS. The review-and-adjust track requires no showing of changed circumstances; the order is simply recalculated under current guidelines (23 Pa.C.S. § 4352(a.1)).

• Box C, DRS administrative review: The Domestic Relations Section can administratively review the case without a formal complaint. Contact your county DRS to request this process.

• Box D (Custody change: A material change in the physical custody arrangement) such as switching from primary to shared physical custody, directly affects which worksheet formula applies and may warrant immediate modification.

• Box E, Social Security derivative benefits: If the paying parent begins receiving Social Security disability benefits, derivative benefits may be paid directly on behalf of the children and credited against the support obligation.

• Description lines: Write specific dates, dollar amounts, and what changed. Vague descriptions like 'my income changed' are insufficient. State the before and after: 'My gross income dropped from $4,200/month to $2,800/month effective [date] due to [reason].'

Part 2, Current Order Information

• Date of Current Order: Enter the date of the most recently entered or modified support order, not the date of the original divorce or paternity decree if support was set separately.

• Current Monthly Support: The dollar amount currently due each month under the existing order.

• DRS Case No.: Your county Domestic Relations Section case number, if you have one.

• IV-D Case: Check Yes if your case is being enforced through the Child Support Enforcement program (Title IV-D of the Social Security Act). Most DRS cases are IV-D cases.

• SCDU: Check Yes if support is paid through the State Collection and Disbursement Unit, which is required in most Pennsylvania cases.

• Arrears: Disclose whether there are any unpaid back-support amounts. The court may address arrears separately from the modification of the ongoing obligation.

Part 3, Children

• Child's Full Name: Enter each child's legal name as it appears on the existing order.

• Date of Birth / Age: Enter each child's birth date.

• Primary Residence: Check which parent each child primarily lives with.

• Overnights / Year (Plaintiff): Enter Plaintiff's estimated overnights per year with each child. The 146-overnight threshold (40%) determines whether the shared physical custody formula applies.

Part 4, Custody / Physical Custody Arrangement

• Current physical custody type: Check the box that describes the current arrangement. Primary custody = one parent has more than 60% of overnights (fewer than 146 for the other). Shared physical custody = each parent has at least 40% of overnights (146+).

• Proposed overnights per year, Defendant: Enter the Defendant's proposed or actual annual overnights. If this crosses the 146-night threshold, the calculation method changes significantly.

• Custody change description: If custody has materially changed since the last order, describe what the prior arrangement was and what the current arrangement is.

Part 5, Relief Requested

• Check all applicable boxes. Most modifications seek a recalculation under current guidelines plus either an increase or decrease. If health insurance coverage has changed, check that box too.

Verification / Signature

• Sign under penalty of 18 Pa.C.S. § 4904 (unsworn falsification). Print your name clearly.

• PA Attorney ID: If an attorney is filing, enter the Pennsylvania Attorney ID number.

• Address / Phone / Email: Provide current contact information for service of process.

Form AL-2: Pennsylvania Child Support Worksheet (Pa.R.C.P. 1910.16-4)

The Pennsylvania Child Support Worksheet applies the net income model and is the required calculation document for all modification proceedings. It computes each parent's net monthly income after taxes and statutory deductions, adjusts for support obligations to other children, combines both parents' incomes to look up the basic support amount from the PA schedule, and then apportions additional expenses and applies the shared custody adjustment if applicable.

COMMONWEALTH OF PENNSYLVANIA – COURT OF COMMON PLEAS **PA-CS-WKS-01**

PENNSYLVANIA CHILD SUPPORT WORKSHEET
Pa.R.C.P. 1910.16-4 | Net Income Model

Pennsylvania uses NET income (after taxes and allowable deductions). Shared physical custody adjustment applies when each party has ≥ 40% of overnights (≥ 146/year). Basic support amounts are taken from the PA Child Support Schedule by combined net monthly income and number of children.

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PA	**Docket No.:**
FAMILY COURT — DOMESTIC RELATIONS SECTION	
Plaintiff:	_____
vs.	
Defendant:	_____

SECTION A — MONTHLY GROSS INCOME

Line	Description	Plaintiff ($)	Defendant ($)
A1	Wages, salary, commissions (gross, before deductions)		
A2	Net income from self-employment / business (after ordinary expenses)		
A3	Bonuses / overtime (12-month average)		
A4	Social Security / SSDI / SSI (all benefits received)		
A5	Pension / retirement distributions		
A6	Rental income (net of ordinary expenses)		
A7	Unemployment / workers' comp / disability benefits		
A8	Alimony / spousal support received (other relationship)		
A9	Investment income / dividends / interest		
A10	Other income (specify): _____		
A11	TOTAL MONTHLY GROSS INCOME (sum A1–A10)		

SECTION B — DEDUCTIONS FROM GROSS INCOME (to calculate Net Income)

Pennsylvania calculates support on NET income — after actual federal, state, and local income taxes; FICA; mandatory union dues; and health insurance premiums for the obligor only.

Line	Description	Plaintiff ($)	Defendant ($)
B1	Federal income tax withheld (actual; or use tax table for self-employed)		
B2	Pennsylvania state income tax (3.07%)		
B3	Local earned income tax (varies by municipality)		
B4	FICA — Social Security (6.2% up to wage base)		
B5	FICA — Medicare (1.45%; +0.9% if applicable)		
B6	Mandatory union dues / professional fees (required, not voluntary)		

Form AL-2, Page 1, Pennsylvania Child Support Worksheet

B7	Health insurance premium for the party ONLY (not children)		
B8	TOTAL DEDUCTIONS (sum B1–B7)		
B9	MONTHLY NET INCOME (A11 minus B8)		

SECTION C — ADJUSTMENTS TO NET INCOME

Line	Description	Plaintiff ($)	Defendant ($)
C1	Support for other biological / adopted children — court-ordered amounts paid		
C2	Alimony / spousal support paid under court order (other relationship)		
C3	ADJUSTED NET MONTHLY INCOME (B9 minus C1 and C2)		

SECTION D — COMBINED NET INCOME & BASIC SUPPORT AMOUNT

Line	Description	Amount
D1	Combined Adjusted Net Monthly Income (C3 Plaintiff + C3 Defendant)	
D2	Basic Child Support Amount from PA Schedule (by D1 and # of children)	
D3	Plaintiff's income percentage (C3 Plaintiff ÷ D1)	%
D4	Defendant's income percentage (C3 Defendant ÷ D1)	%
D5	Defendant's share of basic support (D2 × D4) — primary custody obligation	

SECTION E — ADDITIONAL EXPENSES (Pa.R.C.P. 1910.16-6)

Line	Description	Plaintiff ($)	Defendant ($)
E1	Monthly child-care costs (work / school-related)		
E2	Monthly health insurance premium for children only		
E3	Unreimbursed medical / dental / vision (annual average ÷ 12)		
E4	Educational / extracurricular expenses (agreed / court-ordered)		
E5	TOTAL ADDITIONAL EXPENSES (sum E1–E4)		
E6	Each party's share (multiply E5 by income % from D3 / D4)		

SECTION F — SHARED PHYSICAL CUSTODY ADJUSTMENT (Pa.R.C.P. 1910.16-4(c))

Shared custody adjustment applies ONLY when EACH party has ≥ 40% overnights (≥ 146 per year). If not shared, skip to Section G.

Line	Description	Amount
F1	Does EACH party have ≥ 146 overnights / year?	■ Yes — continue ■ No — skip to G
F2	Plaintiff's estimated overnights / year	
F3	Defendant's estimated overnights / year	
F4	Shared support obligation (use PA shared custody formula / schedule)	
F5	Net support payable by higher-income party after cross-offset	

Form AL-2, Page 2, Pennsylvania Child Support Worksheet (continued)

Line-by-Line Completion Guide, Form AL-2: Child Support Worksheet

Section A, Monthly Gross Income (Lines A1–A11)

• A1, Wages / salary: Enter monthly gross wages before any deductions. Divide annual salary by 12; multiply bi-weekly gross by 26 and divide by 12.

• A2, Self-employment: Enter net income from self-employment after ordinary business expenses but before personal income taxes. Use Schedule C from the federal tax return. Pennsylvania allows deduction of ordinary business expenses, not personal expenses run through the business.

• A3, Bonuses / overtime: Average over 12 months. If bonuses are irregular, use a 24- or 36-month average and document with tax returns.

• A4, Social Security / SSDI / SSI: Include all benefits received. Derivative benefits paid directly to children on the obligor's record are credited against the support obligation.

• A5, Pension / retirement: Include all distributions actually received.

• A6, Rental income: Net after mortgage interest, taxes, insurance, and ordinary maintenance.

• A7, Unemployment / workers' comp / disability: Include all benefit amounts received.

• A8, Alimony / spousal support received from another relationship only.

• A9, Investment income: Include dividends, interest, and capital gains distributions.

• A11, Total gross monthly income: Sum all A1–A10 entries for each party.

Section B, Deductions to Calculate Net Income (Lines B1–B9)

• B1, Federal income tax: Use actual withholding or, for self-employed parties, calculate based on the expected annual tax liability divided by 12. Do not use standard tables blindly if the party's actual withholding rate is known.

• B2, PA state income tax: Pennsylvania has a flat rate of 3.07% of gross income. Multiply gross income by 0.0307.

• B3, Local earned income tax: Pennsylvania has over 2,500 local taxing jurisdictions. The rate varies, look up the party's municipality at dced.pa.gov. Rates range from 1% to 3%+.

• B4, FICA Social Security: 6.2% of gross wages up to the annual wage base ($168,600 for 2024). Self-employed parties pay both employee and employer share (12.4% total) but deduct half on taxes.

• B5, FICA Medicare: 1.45% of all wages. An additional 0.9% applies to wages over $200,000 (single filer) or $250,000 (joint filer).

• B6, Mandatory union dues / professional fees: Only amounts required as a condition of employment. Voluntary professional memberships do not qualify.

• B7, Do not list health insurance here: Since the 2019 guideline amendments, no health insurance premium, yours or the children’s, is deducted in arriving at net income. All premiums are allocated between the parties under Pa.R.C.P. 1910.16-6 and belong in Section E.

• B9, Net monthly income: Subtract total deductions (B8) from gross income (A11). This is the key figure that feeds into the PA Child Support Schedule.

Section C, Adjustments to Net Income (Lines C1–C3)

• C1, Support for other biological / adopted children: Enter court-ordered amounts actually being paid for other children from other relationships. Do not include step-children. Do not include amounts not yet ordered by a court.

• C2, Alimony / spousal support paid under court order in another case.

• C3, Adjusted net monthly income: Subtract C1 and C2 from B9. This is the final net income figure used to look up the support amount from the PA schedule.

Section D, Combined Net Income & Basic Support (Lines D1–D5)

• D1, Combined adjusted net monthly income: Add both parties' C3 figures.

• D2, Basic child support amount: Look up the amount in the Pennsylvania Child Support Schedule (Appendix to Pa.R.C.P. 1910.16-3) using D1 and the number of children. The schedule is available at the PA courts website (pacourts.us).

• D3, Plaintiff's income percentage: Divide Plaintiff's C3 by D1.

• D4, Defendant's income percentage: Divide Defendant's C3 by D1. D3 + D4 = 100%.

• D5, Defendant's share of basic support: Multiply D2 by D4. This is the primary custody support obligation before adding expenses or applying shared custody adjustment.

Section E, Additional Expenses (Lines E1–E6)

• E1, Child-care costs: Work- or school-related only. Use actual monthly costs; if paid weekly multiply by 4.33.

• E2, Health insurance premium for children: Enter the monthly premium attributable to the children covered by this order only. Divide total family premium pro-rata if necessary.

• E3, Unreimbursed medical / dental / vision: Average actual out-of-pocket expenses over the past 12 months.

• E4, Educational / extracurricular costs: Only include amounts both parties agree to share or that the court orders as additions.

• E6, Each party's share: Multiply total additional expenses (E5) by each party's income percentage (D3 for Plaintiff, D4 for Defendant).

Section F, Shared Physical Custody Adjustment (Lines F1–F5)

• F1, Threshold check: Each party must have at least 146 overnights per year (40% of 365). If either party has fewer, skip this section entirely.

• F2 / F3, Record each party's actual overnights. These should sum to 365.

• F4, Shared support obligation: Use the Pennsylvania shared custody formula as set out in Pa.R.C.P. 1910.16-4(c). The formula calculates each parent's obligation to the children in the other parent's household, then nets them against each other.

• F5, Net support payable: The higher-income parent pays the difference after the cross-offset. The court may adjust based on actual parenting time percentages.

Section G, Final Support Obligation (Lines G1–G6)

• G1 (Basic support: Use D5 for primary custody OR F5 for shared custody) not both.

• G2, Plus Defendant's share of additional expenses.

• G3, Less health insurance already paid by Defendant in E2 (avoid double-counting).

• G4, Guideline monthly support: G1 + G2 – G3. This is the presumptive amount.

• G5, Deviation: Pennsylvania allows deviation from the guideline amount for good cause. If a deviation is requested, state the reason and the requested amount.

• G6, Final court-ordered amount: Enter the amount ordered at the conference or by the court.

• Minimum support: Pennsylvania sets no fixed minimum dollar order. When the obligor’s net income falls at or below the Self-Support Reserve ($1,063 per month), the trier-of-fact weighs the parties’ actual living expenses, and a minimal or nominal order may be appropriate.

Form AL-3: Income Statement and Financial Affidavit

The Income Statement and Financial Affidavit is the sworn disclosure document that supports the figures on the Child Support Worksheet. Under Pa.R.C.P. 1910.11(c), both parties must provide current income information at the DRS conference. The affidavit documents gross income from all sources, all statutory deductions used to calculate net income, monthly household expenses, health insurance details, and the custody/overnight arrangement.

COMMONWEALTH OF PENNSYLVANIA – COURT OF COMMON PLEAS **PA-CS-FIN-01**

INCOME STATEMENT AND FINANCIAL AFFIDAVIT
Support Modification Proceeding

Complete all sections fully. Attach last 3 pay stubs and prior year federal/PA tax return. Pa.R.C.P. 1910.11(c) — both parties must provide current income information at the conference.

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PA	**Docket No.:**
FAMILY COURT — DOMESTIC RELATIONS SECTION	
Plaintiff:	_____
vs.	
Defendant:	_____

PART 1 — PARTY INFORMATION

Full Legal Name:	_____	**Date of Birth:**	_____
SSN (last 4 only):	XXX-XX-____	**PA Driver's License No.:**	_____
Employer Name:	_____	**Occupation / Title:**	_____
Employer Address:	_____	**Work Phone:**	_____
Employment Status:	■ Full-time ■ Part-time ■ Self-employed ■ Unemployed	**Since:**	_____
Household Size (incl. self):	_____	**No. of children in this case:**	_____

PART 2 — MONTHLY GROSS INCOME

Income Source	Monthly Amount	Annual Amount	Docs Attached
Wages / salary (gross)	$	$	■ Pay stubs
Self-employment income (net)	$	$	■ Schedule C
Bonuses / overtime (average)	$	$	■ Pay history
Social Security / SSDI / SSI	$	$	■ Award letter
Pension / retirement	$	$	■ Statement
Rental income (net)	$	$	■ Schedule E
Unemployment / disability	$	$	■ Benefit letter
Alimony / spousal support received	$	$	■ Court order
Investment income / dividends	$	$	■ 1099 / statement
Other (specify): _____	$	$	
TOTAL GROSS MONTHLY INCOME	$	$	

PART 3 — MONTHLY TAX AND STATUTORY DEDUCTIONS (to calculate Net Income)

Deduction	Monthly Amount	Rate / Notes
Federal income tax (actual withholding or calculated)	$	Attach W-2 or tax return

Form AL-3, Page 1, Income Statement and Financial Affidavit (Pennsylvania)

PA state income tax (3.07% of gross)	$	3.07%
Local earned income tax (municipality rate)	$	Rate: _____%
FICA — Social Security (6.2%)	$	Up to $168,600 wage base (2024)
FICA — Medicare (1.45% + 0.9% if applicable)	$	
Mandatory union dues / professional fees	$	Required by employment only
Health insurance premium (self only — not children)	$	■ Employer plan ■ Private
TOTAL MONTHLY DEDUCTIONS	$	
NET MONTHLY INCOME (Gross – Total Deductions)	$	Use on Worksheet Line B9

PART 4 — MONTHLY HOUSEHOLD EXPENSES

Expense Category	Monthly Amount	Notes
Rent / mortgage (principal + interest + taxes + insurance)	$	
Utilities (electric, gas, water, internet, phone)	$	
Food / groceries	$	
Transportation (car payment, insurance, gas, parking)	$	
Health insurance (children in this case)	$	
Child-care / daycare (work-related)	$	
Medical / dental / vision (out-of-pocket for children)	$	
Support for other children (court-ordered)	$	■ Order attached
Alimony paid under court order (other case)	$	■ Order attached
Student loans / credit card minimums	$	
Clothing / personal care	$	
Other (specify): _____	$	
TOTAL MONTHLY EXPENSES	$	

PART 5 — HEALTH INSURANCE FOR THE CHILDREN

Health insurance provided for children?	■ Yes ■ No	**Insurance Provider:**	_____
Monthly premium (children only):	$_____	**Policy / Group No.:**	_____
Available through employer at reasonable cost?	■ Yes ■ No ■ N/A	**Dental/Vision included?**	■ Yes ■ No

PART 6 — CUSTODY AND OVERNIGHTS

Estimated overnights with declarant per year:	_____	**Other parent per year:**	_____
Does each party have ≥ 146 overnights (40%)?	■ Yes ■ No	**Parenting plan attached?**	■ Yes ■ No

VERIFICATION

I verify that the statements made in this Income Statement and Financial Affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (unsworn falsification to authorities).

Form AL-3, Page 2, Financial Affidavit (continued)

Line-by-Line Completion Guide, Form AL-3: Financial Affidavit

Part 1, Party Information

- Full Legal Name: Your complete legal name as it appears on court documents.
- SSN (last 4 only): Pennsylvania courts use last four digits only for identification. Never write your full Social Security Number on any form filed with the court.

• Employer / Occupation: Current employer name and job title. If self-employed, write 'Self-employed' and your trade or business.

• Employment status: Check the box that most accurately describes your current situation. If recently unemployed, note the date employment ended.

• Household size: Include yourself plus all persons living in your household whom you support.

Part 2, Monthly Gross Income

• Enter the monthly amount for each income source that applies. For annual or irregular income, divide by 12 to get the monthly average.

• Wages: Attach the last 3 pay stubs. If your pay varies, attach 6 months of stubs.

• Self-employment: Attach Schedule C from your most recent federal tax return. If the business is new, provide profit/loss statements.

• Bonuses: Average over 12 months using W-2s or pay history. If the bonus was a one-time event unlikely to recur, note that in the affidavit.

• All other income: Be thorough. Courts treat underreported income seriously and may impute additional income if the reported figure seems inconsistent with lifestyle.

Part 3, Monthly Tax and Statutory Deductions

• This section is critical in Pennsylvania because support is based on net income. Enter actual amounts being withheld or paid for each tax category.

• Federal income tax: Use your actual withholding from your pay stub (Box 2 of W-2 ÷ 12), or for self-employed parties, calculate your estimated quarterly tax divided by 3.

• PA state income tax: 3.07% of gross wages. Straightforward calculation.

• Local earned income tax: Look up your municipality's rate at dced.pa.gov. The rate is applied to earned income (wages, self-employment), not investment or passive income.

• FICA: Social Security is 6.2% up to $168,600 (2024 wage base). Medicare is 1.45% with no cap. Self-employed parties pay the full 15.3% but deduct half on Schedule SE.

• Health insurance: Do not enter any premium as a tax or statutory deduction. Premiums for yourself and for the children are allocated between the parties under Pa.R.C.P. 1910.16-6 and are entered in Part 5 and Section E of the worksheet.

Part 4, Monthly Household Expenses

• List all monthly expenses for your household. Be accurate, overstating expenses is transparent to hearing officers who compare expenses to reported income.

• Rent / mortgage: Enter the total monthly housing payment including principal, interest, real estate taxes, and homeowners insurance if paid as part of escrow.

• Support for other children: Court-ordered amounts only. Attach the other support order.

• If monthly expenses exceed net income, explain the discrepancy (e.g., drawing from savings, family assistance, credit).

Part 5, Health Insurance for the Children

• Coverage currently provided: Check Yes if you are currently providing health insurance coverage for the children in this case.

• Monthly premium (children only): Allocate the premium accurately. If your plan covers you and the children, subtract your self-only premium from the family premium to estimate the children's portion.

• Available through employer: Pennsylvania courts may order a parent to obtain health coverage if it is available at reasonable cost through an employer.

Part 6, Custody and Overnights

• Estimated overnights with declarant: Count actual overnight stays based on the current parenting plan or the proposed new plan. An overnight is a night when the child sleeps at that parent's home.

• 40% threshold: If you are claiming the shared physical custody calculation applies, you must show each parent has at least 146 overnights per year.

• Parenting plan: Attach the current signed parenting plan or custody order.

Verification

• Sign in ink (or electronic signature if the court accepts it). The verification subjects you to penalties under 18 Pa.C.S. § 4904 for unsworn falsification to authorities, the equivalent of perjury for non-sworn documents.

• Date: Sign on the date you are actually completing the form.

Key Pennsylvania Child Support Law, Quick Reference

Modification Standards (23 Pa.C.S. § 4352; Pa.R.C.P. 1910.19)

Two pathways: (1) a material and substantial change in circumstances, OR (2) the three-year review-and-adjust track through the DRS, with no changed circumstances required (23 Pa.C.S. § 4352(a.1)). Either party may file. The DRS conference process is the first step.

Net Income Basis (Pa.R.C.P. 1910.16-2)

Pennsylvania uses net income: gross income minus federal, state, and local income taxes; FICA; mandatory union dues; non-voluntary retirement contributions; and court-ordered alimony, the exclusive list in Pa.R.C.P. 1910.16-2(c). Health insurance premiums are not deducted; they are allocated between the parties under Pa.R.C.P. 1910.16-6. This is a key distinction from the majority of states that use gross income.

Pennsylvania Child Support Schedule (Pa.R.C.P. 1910.16-3)

The schedule provides basic support amounts by combined net monthly income and number of children. Look up the current schedule at pacourts.us. It is updated periodically. The schedule runs to $30,000 per month in combined net income; above that, Pa.R.C.P. 1910.16-3.1 governs high-income cases.

Shared Physical Custody Adjustment (Pa.R.C.P. 1910.16-4(c))

When each parent has at least 40% of overnights (146+/year), the shared custody formula applies. Each parent's obligation to support the children in the other parent's home is calculated and the two obligations are offset. The higher-income parent pays the net difference.

Duration of Support (23 Pa.C.S. § 4321)

Pennsylvania child support ends when the child reaches age 18 or graduates from high school, whichever is later. Parties may agree to extend support through college, but courts cannot order post-secondary support absent agreement or a child’s disability.

Payment Through SCDU

All child support in Pennsylvania must be paid through the State Collection and Disbursement Unit (SCDU). Direct payments to the other parent do not count toward the obligation unless specifically authorized by the court order. SCDU: (877) 727-7238.

Low-Income Orders and the Self-Support Reserve

Pennsylvania sets no fixed minimum support amount. The guidelines build a Self-Support Reserve ($1,063 in monthly net income, Pa.R.C.P. 1910.16-2(e)) into the schedule, and when an obligor’s income falls at or below the reserve, the trier-of-fact considers the parties’ actual living expenses before awarding support; a minimal order may be appropriate.

DRS Process

After filing, the Domestic Relations Section schedules a support conference. Both parties must attend and bring income documentation. If no agreement is reached, a hearing is scheduled before a hearing officer. The hearing officer's recommendation can be challenged through a de novo hearing before a judge.

Pennsylvania Child Support Resources

- PA Child Support Program (DRS): (800) 932-0211 | childsupport.pa.gov
- State Collection and Disbursement Unit (SCDU): (877) 727-7238
- PA Child Support Guidelines / Schedule: pacourts.us → Rules → Family Court Rules → 1910.16
- PA Courts Self-Help Center: pacourts.us/learn/representing-yourself
- PA Law Help (Legal Aid): palawhelp.org | (877) 429-5994
- PA Bar Association Lawyer Referral: (800) 692-7375 | pabar.org
- Local Earned Income Tax lookup: dced.pa.gov → Tax Types → Earned Income Tax
- PA Child Support Schedule (current): Available at pacourts.us, verify annually for updates

End of Appendix AL - Pennsylvania | Appendix AM - Rhode Island follows.

Appendix AM — Rhode Island: Statutes, Case Law, Forms, and Resources

Key Statutes

• R.I. Gen. Laws § 15-5-16.2, child support and modification; substantial-change standard (a 10% guideline shift in practice)

• Family Court Administrative Order 23-02, guideline schedule of basic support obligations (income shares)

• R.I. Gen. Laws ch. 15-16, income withholding

• License suspension at arrears equal to 90 days of support payments; OCSS serves a notice of intent, with 20 days to respond

• R.I. Gen. Laws § 11-2-1.1, failure to pay child support: felony once arrears reach $10,000 and three or more further installments are willfully missed; up to 5 years

Key Case Law

• Rhode Island Supreme Court decisions on support modification should be verified before use; published opinions are searchable at courts.ri.gov

Official Forms

• Child Support Guidelines Worksheet, Rhode Island Family Court (courts.ri.gov)

• Motion to Modify Child Support Order, Family Court

• Financial Statement (RI Family Court)

• Income Withholding Order

State Agency Contact

• Rhode Island Office of Child Support Services (OCSS): (401) 458-4400

• Website: ocss.ri.gov

• Rhode Island Family Court self-help: courts.ri.gov

• Rhode Island Legal Services: (401) 274-2652 | rils.org

Filing Checklist

• Child Support Guidelines Worksheet (both parents current income)

• Financial Statement (RI Family Court form)

- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion to Modify Child Support Order
- Documentation of the substantial change (a 10% guideline shift is the working benchmark)
- Filing fee or fee waiver application
- Proof of service on other parent

Court Forms & Completion Guide

Child Support Modification Forms and Instructions

R.I. Gen. Laws § 15-5-16.2 | Income Shares Model | Rhode Island Family Court

Overview of Rhode Island Child Support Modification

Rhode Island uses the Income Shares model to calculate child support under R.I. Gen. Laws § 15-5-16.2 and the Rhode Island Child Support Guidelines promulgated by the Family Court. Both parents' gross incomes are combined to determine the total child support obligation, and each parent's share is proportional to their contribution to the combined income. Additional expenses including child care, health insurance, and extraordinary medical costs are allocated by income share.

Modification is available on two grounds: (1) a substantial change in circumstances (such as a significant income change, job loss, change in the child's needs, or change in the parenting time arrangement) affecting the financial condition of either party or the children, with a 10% difference between the current order and a fresh guideline calculation treated as substantial in practice; or (2) the three-year review pathway through the Office of Child Support Services for IV-D cases, which requires no showing of change at all.

Rhode Island's guidelines contain no fixed overnight threshold and no automatic parenting time credit; substantially shared physical placement is addressed through the Family Court's deviation power, with the relief growing as the schedule approaches equal time. Support is administered through the Office of Child Support Services (OCSS) and paid through the state payment processing center.

Form AM-1: Motion to Modify Child Support Order

This Motion initiates a child support modification proceeding in Rhode Island Family Court, a single statewide court headquartered in Providence with sessions in each county. The movant identifies the ground for modification, describes the changed circumstances, provides the current order information and children's details, states the parenting time arrangement, and specifies the relief requested. The other party must be served, and if the case is administered through OCSS (a IV-D case), that agency must also be notified.

STATE OF RHODE ISLAND – FAMILY COURT RI-CS-MOT-01

MOTION TO MODIFY CHILD SUPPORT ORDER

R.I. Gen. Laws § 15-5-16.2 · File at Rhode Island Family Court, Providence. Serve on the other party and the Child Support Enforcement (CSE) program if it is involved.

STATE OF RHODE ISLAND	Case / Docket No.:
FAMILY COURT	_____
Plaintiff:	_____
vs.	
Defendant:	_____

PART 1 — GROUNDS FOR MODIFICATION

- ■ A. Substantial change in circumstances since the entry of the current order (R.I. Gen. Laws § 15-5-16.2(b)).
- ■ B. Three-year review: at least 3 years have elapsed AND recalculation produces a change of ≥ 10% in the support obligatic
- ■ C. Material change in the physical custody or parenting time arrangement.
- ■ D. Child support program (CSE) administrative review — contact RI DCSS: (877) 417-5437.
- ■ E. Child's financial needs have materially changed (medical, educational, special needs).
- ■ F. Other (describe below): _____

Describe in detail the change in circumstances:

PART 2 — CURRENT ORDER INFORMATION

Date of Current Order:	_____	**Current Monthly Support:**	$_____
Family Court Case No.:	_____	**Children Covered:**	_____
CSE / IV-D Case No. (if any):	_____	**Arrears outstanding?**	■ Yes $_____ ■ No

PART 3 — CHILDREN SUBJECT TO THIS MOTION

Child's Full Name	Date of Birth	Age	Primary Residence	Overnights / Year (Movant)
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	

PART 4 — PARENTING TIME / PHYSICAL CUSTODY

Current custody arrangement:	■ Primary with Plaintiff ■ Primary with Defendant ■ Shared / approximately equal
Defendant's estimated overnights per year:	_____ (≥ 110 nights = 30%+ credit; ≥ 146 = shared)

Form AM-1, Page 1, Motion to Modify Child Support (Rhode Island Family Court)

Has parenting time changed since last order?	■ Yes — describe above ■ No

PART 5 — RELIEF REQUESTED

- ■ Increase monthly child support.
- ■ Decrease monthly child support.
- ■ Recalculate under current Rhode Island Child Support Guidelines.
- ■ Modify health insurance / medical support provisions.
- ■ Modify child-care cost allocation.
- ■ Modify parenting time credit / shared parenting calculation.
- ■ Other: _____

CERTIFICATION AND SIGNATURE

I certify under penalty of perjury that the statements in this motion are true and correct to the best of my knowledge, information, and belief.

Signature:	_____	**Date:**	_____
Printed Name:	_____	**RI Bar No. (if atty):**	_____
Address:	_____	**Phone:**	_____
City / ZIP:	_____	**Email:**	_____

RI DCSS (Child Support): (877) 417-5437 | RI Family Court: (401) 458-3400 | Support paid through RI Child Support Payment Center.

Form AM-1, Page 2, Motion to Modify Child Support (continued)

Line-by-Line Completion Guide, Form AM-1: Motion to Modify Child Support

Header / Caption

• State of Rhode Island, Family Court: Rhode Island has a unified statewide Family Court headquartered in Providence with magistrates handling support matters.

• Case / Docket No.: Enter the existing Family Court docket number from the prior order. Rhode Island dockets typically follow the format FC-YYYY-NNNN.

• Plaintiff / Defendant: Use the same designations as in the existing order, do not switch Plaintiff and Defendant even if the Defendant is the one filing the modification.

Part 1, Grounds for Modification

• Box A, Substantial change: The most common ground. A 'substantial' change is one that significantly affects the financial welfare of the children or either parent. Courts look at whether the change is real, documented, and likely to continue, not temporary.

• Box B, Three-year review: Check this if 36+ months have elapsed since the last order and your case is enrolled with OCSS. The review track requires no showing of changed circumstances; the order is recalculated under current guidelines. Separately, a 10% shift in the guideline amount is treated as a substantial change at any time.

• Box C (Custody/parenting time change: If the actual physical custody arrangement has changed) for example, the non-custodial parent now has significantly more overnights. This is both a change in circumstances and affects which calculation method applies.

• Box D, OCSS administrative review: The Office of Child Support Services can initiate an administrative review for IV-D cases. Call (401) 458-4400 to request one without going to court.

• Description lines: Be specific and factual. State exact income figures, dates of change, and how the change affects the ability to pay or the child's financial needs.

Part 2, Current Order Information

• Date of Current Order: The date the current support order was entered or last modified.

• Current Monthly Support: The dollar amount currently owed under the existing order.

• CSE / IV-D Case No.: If OCSS is involved in enforcing or administering the order, enter the OCSS case number. Many RI support cases are IV-D cases.

• Arrears: Disclose any unpaid back support. The court may address arrears separately.

Part 3, Children

• List each child covered by the existing order. Use full legal names and accurate birth dates.

• Primary Residence: Check which parent each child primarily resides with.

• Overnights / Year (Movant): Your estimated annual overnights with each child. There is no automatic threshold; a substantially shared schedule supports a deviation request.

Part 4, Parenting Time

• Current arrangement: Check the box that describes the current physical custody situation.

• Defendant’s overnights: Enter the other parent’s estimated annual overnights. The court weighs the real allocation of time when a deviation is requested.

• Note: Rhode Island’s guidelines set no fixed overnight trigger; document the actual schedule and raise shared placement as a deviation ground.

Part 5, Relief Requested

• Check all applicable boxes. For most modifications, you will check both the increase/decrease box and the recalculation box.

Signature / Certification

• Sign under penalty of perjury. Rhode Island is a small state and Family Court magistrates review financial affidavits carefully, accuracy is essential.

• RI Bar No.: Enter if you are a licensed Rhode Island attorney filing on behalf of a party.

Form AM-2: Rhode Island Child Support Worksheet

The Child Support Worksheet applies the Income Shares formula to determine the guideline support obligation. It documents each parent's gross income, adjustments, combined income, the basic obligation from the RI schedule, additional expenses, and the parenting time credit or shared parenting adjustment. The final figure at Line F6 is the presumptive monthly support amount subject to deviation for good cause.

STATE OF RHODE ISLAND – FAMILY COURT RI-CS-WKS-01

RHODE ISLAND CHILD SUPPORT WORKSHEET
R.I. Gen. Laws § 15-5-16.2 | Income Shares Model

Rhode Island uses Income Shares (gross income basis). Parenting time credit applies at ≥ 30% overnights (≥ 110/year). Shared parenting calculation applies when each parent has ≥ 40% overnights (≥ 146/year). Look up the Basic Support Obligation in the current RI Child Support Schedule.

STATE OF RHODE ISLAND	Case / Docket No.:
FAMILY COURT	_____
Plaintiff:	_____
vs.	
Defendant:	_____

SECTION A — MONTHLY GROSS INCOME

Line	Description	Plaintiff ($)	Defendant ($)
A1	Wages, salary, tips, commissions (gross before deductions)		
A2	Net income from self-employment / business (after ordinary expenses)		
A3	Bonuses / overtime (12-month average)		
A4	Social Security / SSDI / SSI benefits		
A5	Pension / retirement income		
A6	Rental income (net of ordinary expenses)		
A7	Unemployment / workers' comp / disability		
A8	Spousal support / alimony received (other relationship)		
A9	Investment income / interest / dividends		
A10	Other income (specify): _____		
A11	TOTAL MONTHLY GROSS INCOME (sum A1–A10)		

SECTION B — ADJUSTMENTS TO GROSS INCOME

Line	Description	Plaintiff ($)	Defendant ($)
B1	Court-ordered support for other biological/adopted children (actually paid)		
B2	Spousal support paid pursuant to court order (other relationship)		
B3	Health insurance premium for children in this case (actually paid)		
B4	Work-related child-care costs for children in this case (monthly)		
B5	TOTAL ADJUSTMENTS (sum B1–B4)		
B6	ADJUSTED MONTHLY GROSS INCOME (A11 minus B5)		

Form AM-2, Page 1, Rhode Island Child Support Worksheet

SECTION C — COMBINED INCOME & BASIC SUPPORT OBLIGATION		
Line	**Description**	**Amount**
C1	Combined Adjusted Monthly Gross Income (B6 Plaintiff + B6 Defendant)	
C2	Basic Child Support Obligation (from RI Child Support Schedule, by C1 and # of children)	
C3	Plaintiff's income share (B6 Plaintiff ÷ C1)	%
C4	Defendant's income share (B6 Defendant ÷ C1)	%
C5	Defendant's share of basic support obligation (C2 × C4)	

SECTION D — ADDITIONAL EXPENSES			
Line	**Description**	**Plaintiff ($)**	**Defendant ($)**
D1	Monthly health insurance premium for children (if not included in B3)		
D2	Work-related child-care costs (if not in B4)		
D3	Extraordinary medical / dental / vision (annual average ÷ 12)		
D4	Educational / special needs costs (agreed / court-ordered)		
D5	TOTAL ADDITIONAL EXPENSES (sum D1–D4)		
D6	Each party's share (× income share from C3 / C4)		

SECTION E — PARENTING TIME CREDIT & SHARED PARENTING ADJUSTMENT

Credit applies at ≥ 30% overnights (≥ 110/year). Shared parenting formula applies when each parent has ≥ 40% (≥ 146 overnights). Check only one box below.

Line	Description	Amount
E1	Defendant's estimated overnights per year	
E2	Defendant's parenting time percentage (E1 ÷ 365)	%
E3	Parenting time situation:	■ < 30% ■ 30–39% (credit) ■ ≥ 40% (shared)
E4	Parenting time credit (if E3 = 30–39%): calculated per RI guidelines	
E5	If E3 = ≥ 40% (shared parenting): apply RI shared parenting formula	
E6	Adjusted basic support obligation after credit/shared adjustment	

SECTION F — FINAL CHILD SUPPORT OBLIGATION		
Line	**Description**	**Amount**
F1	Basic support after parenting time adjustment (E6)	
F2	Plus: Defendant's share of additional expenses (D6 Defendant)	
F3	Less: health insurance / child-care already counted in B3 / B4	
F4	GUIDELINE MONTHLY CHILD SUPPORT OBLIGATION (F1 + F2 – F3)	
F5	Deviation requested? ■ Yes ■ No Reason: _____	
F6	FINAL COURT-ORDERED MONTHLY SUPPORT AMOUNT	

RI DCSS: (877) 417-5437 | Support paid through RI Child Support Payment Center | Minimum support: $25/month (guidelines floor).

Form AM-2, Page 2, Rhode Island Child Support Worksheet (continued)

Line-by-Line Completion Guide, Form AM-2: Child Support Worksheet

Section A, Monthly Gross Income (Lines A1–A11)

- A1, Wages / salary: Monthly gross pay before any deductions. Divide annual salary by 12.
- A2, Self-employment: Net income after ordinary business expenses per Schedule C. Rhode Island courts scrutinize self-employment income carefully; attach two years of tax returns.

• A3, Bonuses / overtime: Average over 12 months. Courts may use a 24-month average for irregular income patterns. Document with W-2s or employer statements.

• A4, Social Security / SSDI / SSI: Include all benefits received. Derivative benefits paid on behalf of the children on the obligor's disability record may be credited against support.

• A5, Pension / retirement: Include all distributions received.

• A6, Rental income: Net after mortgage, taxes, insurance, and ordinary maintenance.

• A7, Unemployment / workers' comp / disability: Include all benefit amounts.

• A8, Spousal support received: Only from a relationship other than this case.

• A11, Total: Sum all A1–A10 entries for each parent.

Section B, Adjustments to Gross Income (Lines B1–B6)

• B1, Court-ordered support for other children: Only amounts currently ordered and actually being paid. Do not include voluntary contributions or informal arrangements.

• B2, Spousal support paid under another court order (not this case).

• B3, Health insurance for children in this case: Enter the monthly premium actually paid for the children covered by this order.

• B4, Work-related child-care costs: Monthly costs for care that enables the parent to work or attend school/training. Rhode Island includes child-care as an adjustment rather than a separate additional expense in some versions of the worksheet.

• B6, Adjusted monthly gross income: Subtract B5 from A11. This is the base figure used to look up the support amount from the RI schedule.

Section C, Combined Income & Basic Support (Lines C1–C5)

• C1, Combined adjusted gross income: Add both parents' B6 figures.

• C2, Basic child support obligation: Look up the amount from the Rhode Island Child Support Schedule using C1 and the number of children. The current schedule is maintained by the RI Family Court and available at courts.ri.gov or through OCSS.

• C3 / C4, Income shares: Each parent's B6 divided by C1. Must sum to 100%.

• C5, Defendant's share of basic support: C2 × C4. The primary obligation before applying parenting time adjustments.

Section D, Additional Expenses (Lines D1–D6)

• D1, Health insurance (if not in B3): Enter if not already deducted as an adjustment.

• D2, Child-care costs (if not in B4): Work- or school-related care only.

• D3, Extraordinary medical: Out-of-pocket medical costs not covered by insurance, averaged over 12 months. Routine copays under $250/year may not be added separately.

• D4, Educational / special needs: Only costs both parties agree to share or the court orders.

• D6, Each party's share: Multiply D5 by each party's income percentage.

Section E, Parenting Time Credit & Shared Parenting (Lines E1–E6)

• E1, Defendant's overnights: Total annual overnights the non-custodial parent (Defendant) has with the children.

• E2, Parenting time percentage: E1 ÷ 365.

• E3, Situation: Describe the placement arrangement. Rhode Island has no fixed percentage trigger; substantially shared or equal placement is raised as a deviation.

• E4, Shared placement deviation: Where placement is substantially shared, ask the court to deviate from the basic obligation to reflect the direct costs each household carries during its time with the children. Document those costs.

• E5, Equal placement: When time is shared roughly equally, the argument for deviation is at its strongest, and courts commonly weigh each parent’s obligation against the other’s circumstances before setting the net payment. The order must reflect the real schedule.

• E6, Adjusted obligation after credit or shared parenting calculation.

Section F, Final Obligation (Lines F1–F6)

• F1, Basic support after adjustment (from E6).

• F2, Plus Defendant's share of additional expenses (D6 Defendant).

• F3, Less health insurance / child-care already accounted for in B3 / B4.

• F4, Guideline monthly obligation: F1 + F2 – F3.

• F5, Deviation: Rhode Island allows deviation from the guideline for good cause shown. Common grounds include extraordinary financial hardship, unusually high income of the custodial parent, or the children's special needs.

• F6, Final amount: The court-ordered monthly child support obligation.

• Minimum support: For very-low-income parents the court may enter a nominal order; the worksheet’s self-support reserve, pegged to the federal poverty level, protects basic subsistence first. Verify current figures on the worksheet in use.

Form AM-3: Financial Statement, Affidavit of Income and Expenses

The Financial Statement is the sworn income and expense disclosure document required for all modification proceedings in Rhode Island Family Court. Both parties must provide current financial information before or at the hearing. It documents gross income from all sources, monthly household expenses, health insurance information, and the parenting time arrangement. Attach the last three pay stubs and the prior year federal and Rhode Island state tax returns.

STATE OF RHODE ISLAND – FAMILY COURT RI-CS-FIN-01

FINANCIAL STATEMENT
Affidavit of Income and Expenses

Complete all sections under oath. Attach last 3 pay stubs and prior year federal and RI state tax returns. Both parties must provide financial disclosure at or before the hearing.

STATE OF RHODE ISLAND	Case / Docket No.:
FAMILY COURT	_____
Plaintiff:	_____
vs.	
Defendant:	_____

PART 1 — DECLARANT INFORMATION

Full Legal Name:	_____	**Date of Birth:**	_____
SSN (last 4 only):	XXX-XX-____	**RI Driver's License No.:**	_____
Current Employer:	_____	**Occupation / Title:**	_____
Work Address:	_____	**Work Phone:**	_____
Employment Status:	■ Full-time ■ Part-time ■ Self-employed ■ Unemployed	**Since:**	_____
Household Size (incl. self):	_____	**No. of children in this case:**	_____

PART 2 — MONTHLY GROSS INCOME

Income Source	Monthly Amount	Annual Amount	Documentation
Wages / salary (gross)	$	$	■ Pay stubs attached
Self-employment income (net)	$	$	■ Schedule C attached
Bonuses / commissions (avg.)	$	$	■ Pay history / W-2
Social Security / SSDI / SSI	$	$	■ Award letter attached
Pension / retirement	$	$	■ Statement attached
Rental income (net)	$	$	■ Schedule E attached
Unemployment / disability	$	$	■ Benefit letter attached
Spousal support received	$	$	■ Court order attached
Investment income	$	$	■ 1099 / statement
Other (specify): _____	$	$	
TOTAL MONTHLY GROSS INCOME	$	$	

PART 3 — MONTHLY HOUSEHOLD EXPENSES

Expense Category	Monthly Amount	Notes
Rent / mortgage (PITI)	$	

Form AM-3, Page 1, Financial Statement / Affidavit (Rhode Island)

Utilities (electric, gas, water, internet)	$	
Food / groceries	$	
Transportation (car payment, insurance, gas)	$	
Health insurance (self only)	$	
Health insurance (children in this case)	$	
Child-care / daycare (work-related)	$	
Uninsured medical / dental / vision (children)	$	
Support for other children (court-ordered)	$	■ Order attached
Spousal support paid (other case)	$	■ Order attached
Student loans / credit card minimums	$	
Clothing / personal items	$	
Other (specify): _____	$	
TOTAL MONTHLY EXPENSES	$	

PART 4 — HEALTH INSURANCE FOR THE CHILDREN

Health insurance provided for children?	■ Yes ■ No	**Provider:**	_____
Monthly premium (children only):	$_____	**Policy / Group No.:**	_____
Available through employer?	■ Yes ■ No ■ N/A	**Dental / Vision included?**	■ Yes ■ No
Medicaid / RIte Care for children?	■ Yes ■ No	**CHIP enrolled?**	■ Yes ■ No

PART 5 — PARENTING TIME (OVERNIGHTS)

Declarant's estimated overnights / year:	_____	**Other parent's overnights / year:**	_____
Declarant's parenting time %:	_____%	**Parenting plan attached?**	■ Yes ■ No
Does each parent have ≥ 146 overnights?	■ Yes ■ No	**Current custody order date:**	_____

OATH / AFFIRMATION

I declare (or certify, verify, or state) under penalty of perjury under the laws of the State of Rhode Island that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signature:	_____	**Date:**	_____
Printed Name:	_____	**City / Town:**	_____

RI DCSS: (877) 417-5437 | RI Family Court: (401) 458-3400 | RI Legal Services: (401) 274-2652 | Support ends at age 18 or HS graduation (whichever later, not beyond age 18 absent agreement or special circumstances).

Form AM-3, Page 2, Financial Statement (continued)

Line-by-Line Completion Guide, Form AM-3: Financial Statement

Part 1, Declarant Information

- Full Legal Name: Your complete legal name as it appears on all court documents.
- SSN (last 4): Enter only the last four digits for identification. Never put a full SSN on a court filing.
- Employment status: Check the most accurate box. If recently laid off, note the date.

• Household size: Include all persons you financially support in your household.

Part 2, Monthly Gross Income

• List every income source. Rhode Island courts take income underreporting seriously and may impute income if the reported figure appears inconsistent with lifestyle.

• Wages: Attach last 3 pay stubs. If pay varies seasonally, attach 6 months.

• Self-employment: Attach Schedule C from the most recent federal return, plus the prior year's return if income fluctuates. Describe the nature of the business.

• Bonuses: Use a 12-month average, not just the most recent bonus.

• Social Security / SSDI: Attach your current award letter or benefits statement.

• Annual column: Fill in both monthly and annual amounts, courts use both to spot inconsistencies.

Part 3, Monthly Household Expenses

• Be accurate and realistic. Comparing income to expenses helps the court assess credibility.

• Rent / mortgage: Include principal, interest, taxes, and insurance (PITI).

• Health insurance (self only): Do not include children's premiums here, report them in Part 4.

• Support for other children: Court-ordered amounts only. Attach the other support order.

• If your expenses significantly exceed your income, attach a brief explanation (e.g., drawing down savings, receiving family assistance, using credit).

Part 4, Health Insurance for the Children

• Insurance provided: Check Yes if you currently carry health coverage for the children.

• Premium (children only): Prorate the family premium if necessary to isolate the children's share. Divide total family premium by number of covered persons, then multiply by the number of children in this case.

• RIte Care / Medicaid: Note if children are covered by public insurance programs, this affects the health insurance line on the worksheet.

Part 5, Parenting Time

• Overnights: Count actual overnight stays per year based on the current or proposed plan.

• Thresholds: Rhode Island sets no automatic overnight trigger. Count overnights accurately and confirm them against the written parenting plan; substantially shared placement is raised as a deviation.

• Attach the current signed parenting plan or custody order.

Oath / Affirmation

• Sign under penalty of perjury. Rhode Island courts treat false financial affidavits as contempt of court in addition to perjury. Do not estimate, use actual figures.

• Date: Enter the date you are actually signing.

Key Rhode Island Child Support Law, Quick Reference

Modification Standards (R.I. Gen. Laws § 15-5-16.2(b))

Modification requires a substantial change in circumstances, and in practice a 10% difference between the current order and a fresh guideline calculation meets the bar. Separately, OCSS reviews IV-D orders every three years on request with no showing of change required. Retroactivity is discretionary and runs, at most, to the date the other party receives notice of the petition.

Income Shares Model (R.I. Gen. Laws § 15-5-16.2)

Rhode Island combines both parents' gross adjusted incomes, looks up the total child support obligation from the RI schedule, and apportions it based on each parent's income share. Additional expenses are allocated by the same income percentages.

Shared Placement and Deviation

Rhode Island's guidelines contain no automatic parenting time credit. A parent with substantial parenting time may ask the Family Court to deviate from the guideline amount to reflect the direct costs incurred while the children are in their care; the order must reflect the actual schedule.

Equal Placement

When parents share time roughly equally, the deviation case is at its strongest, and the net payment can drop significantly compared to the standard calculation. The court sets the final figure after weighing both households' circumstances, with written findings where it departs from the guideline amount.

Duration of Support

Rhode Island child support ordinarily ends at 18; if the child is still in high school at 18, the court may continue support to graduation plus 90 days, but no later than the child's 19th birthday (§ 15-5-16.2(b)). The court cannot extend support past that window for college absent the parties' agreement. Support for a severely disabled adult child may be ordered to continue.

Payment Through OCSS / Payment Center

Support in IV-D cases (the majority) is paid through the state payment center administered by OCSS. Direct payments to the other parent do not count toward the obligation unless specifically authorized in the order. OCSS: (401) 458-4400.

Administrative Review

OCSS can conduct an administrative review without court action when a party requests it and eligibility criteria are met. This is faster and less expensive than filing a court motion and should be considered before court action when the case is a IV-D case.

Rhode Island Family Court

Rhode Island has a single, unified statewide Family Court headquartered in Providence (1 Dorrance Plaza). Support matters are handled by magistrates. The Court's website (courts.ri.gov) provides access to current guidelines and forms.

Rhode Island Child Support Resources

- RI Office of Child Support Services (OCSS): (401) 458-4400 | ocss.ri.gov
- RI Family Court: (401) 458-3400 | courts.ri.gov
- RI Child Support Guidelines / Schedule: courts.ri.gov → Family Court → Child Support
- RI Legal Services: (401) 274-2652 | helpme.rils.org
- Ocean State Lawyers for Justice: (401) 228-4926
- RI Bar Association Lawyer Referral: (401) 421-7799 | ribar.com
- RI Child Support Payment Center: through the OCSS website (ocss.ri.gov) or (401) 458-4400
- RI Judiciary Self-Help Center: courts.ri.gov → Self-Help

End of Appendix AM - Rhode Island | Appendix AN - South Carolina follows.

Appendix AN — South Carolina: Statutes, Case Law, Forms, and Resources

Key Statutes

• S.C. Code Ann. § 20-3-160, modification of child support; substantial change of circumstances

• S.C. Code Ann. § 63-17-470, rebuttable presumption that the guideline amount is correct; written findings required for deviation (guidelines promulgated under § 43-5-580(b); S.C. Code Regs. 114-4710 et seq., 2024 edition)

• S.C. Code Ann. § 63-17-1010, income withholding order requirements

• S.C. Code Ann. §§ 63-17-1010 to 63-17-1090, license revocation; out of compliance when arrears exceed $500 or the full obligation goes unpaid for two consecutive months; 45 days' notice and consent-agreement option

• S.C. Code Ann. § 63-5-20, criminal nonsupport (misdemeanor: up to one year, a fine of $300 to $1,500, or both)

Key Case Law

• Badeaux v. Davis, 337 S.C. 195 (Ct. App. 1999), UIFSA registration and continuing exclusive jurisdiction; modification of a foreign order belongs to the issuing state's tribunal

• Thornton v. Thornton, 328 S.C. 96 (1997), each past-due support installment becomes a judgment when it falls due; interest accrues from each payment's due date

• Verify additional case law in the published-opinions database at sccourts.org before citing; the substantial-change standard is well settled in the appellate decisions applying § 20-3-160

Official Forms

• Child Support Guidelines Worksheet, SC DSS (dss.sc.gov)

• Family Court Summons and Complaint for Support (SCCA 440)

• Financial Declaration (SCCA 412.3)

• Income Withholding for Support (IWO)

State Agency Contact

• South Carolina DSS Child Support Services: (800) 768-5858

• Website: dss.sc.gov/child-support

• South Carolina Judicial Department self-help: sccourts.org

- South Carolina Legal Services: (888) 346-5592 | sclegal.org

Filing Checklist

- Child Support Guidelines Worksheet (both parents current income)
- Financial Declaration (SCCA 412.3)
- Federal tax returns (last 2 years) and three most recent pay stubs
- Summons and Complaint for Modification (SCCA 440)
- Documentation of substantial change of circumstances
- Filing fee, paid to Family Court clerk in originating county
- Proof of service on other parent; interest accrues on arrears at the legal rate while an outdated order keeps running

Court Forms & Completion Guide

Child Support Modification Forms and Instructions

S.C. Code Ann. § 63-17-470 | Income Shares Model | SC Family Court

Overview of South Carolina Child Support Modification

South Carolina uses the Income Shares model to calculate child support under the South Carolina Child Support Guidelines (S.C. Code Regs. 114-4710 et seq.; presumption of correctness per S.C. Code Ann. § 63-17-470). Both parents' gross incomes are combined to determine the total parental obligation from the SC schedule, and each parent's share is proportional to their contribution to the combined gross income. Work-related child-care costs and health insurance premiums are separately allocated by income share.

Modification is governed by S.C. Code Ann. § 20-3-160 and the substantial-change case law applying it. The standard is a substantial change in circumstances since the entry of the current order. South Carolina courts have interpreted 'substantial change' broadly to include significant changes in either parent's income, changes in the child's needs, or material changes in the custody or visitation arrangement. A three-year administrative review is also available through SC DSS Child Support Services when the case is a IV-D case, with modification recommended at a 20% or greater change in the calculated amount.

South Carolina's most distinctive feature is the shared physical custody calculation (Worksheet C), which applies when each parent has the children for more than 109 court-ordered overnights per year (more than 30%) and both parents contribute to the children's expenses beyond the support payment. Worksheet C multiplies the basic obligation by 1.5, allocates it between the parents by income share and parenting time, and offsets the results. Between 110 and 128 overnights, a graduated amount between the Worksheet A and Worksheet C figures applies, so the adjustment phases in rather than arriving as a cliff.

Form AN-1: Motion for Modification of Child Support Order

This Motion initiates a child support modification proceeding in South Carolina Family Court. It is filed in the Family Court of the county where the existing order was entered or where the child currently resides. South Carolina Family Court has exclusive jurisdiction over all child support matters. Either the Plaintiff or Defendant may file the motion.

STATE OF SOUTH CAROLINA – FAMILY COURT SC-CS-MOT-01

MOTION FOR MODIFICATION OF CHILD SUPPORT ORDER

S.C. Code Ann. § 63-17-680 | § 63-17-470 · File in the Family Court of the county where the original order was entered or where the child resides.

STATE OF SOUTH CAROLINA	**Case No.:**
COUNTY OF _____ FAMILY COURT	_____
Plaintiff:	_____
vs.	
Defendant:	_____

PART 1 — GROUNDS FOR MODIFICATION

- ■ A. Substantial change in circumstances since the entry of the current order (S.C. Code Ann. § 63-17-680).
- ■ B. Significant change in either party's income or financial condition (amount or percentage increase/decrease).
- ■ C. Material change in the custody or visitation arrangement affecting the support calculation.
- ■ D. Child's financial needs have substantially changed (medical, educational, special needs).
- ■ E. Three-year review: at least 3 years have elapsed AND application of current guidelines produces a change of ≥ 20%.
- ■ F. SC DSS Child Support Services administrative review requested: (800) 768-5858.
- ■ G. Other (describe below): _____

Describe the changed circumstances in detail:

PART 2 — CURRENT ORDER INFORMATION

Date of Current Order:	_____	**Current Monthly Support:**	$_____
County / Court File No.:	_____	**Children Covered:**	_____
SC DSS Case No. (if any):	_____	**IV-D Case?**	■ Yes ■ No
Arrears outstanding?	■ Yes $_____ ■ No	**Income withholding order?**	■ Yes ■ No

PART 3 — CHILDREN SUBJECT TO THIS MOTION

Child's Full Name	Date of Birth	Age	Primary Residence	Overnights / Year (Movant)
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	

PART 4 — VISITATION / CUSTODY ARRANGEMENT

Current custody type:	■ Primary with Plaintiff ■ Primary with Defendant ■ Joint / approximately equal ■ Split

Form AN-1, Page 1, Motion for Modification of Child Support (South Carolina)

Non-custodial parent's overnights / year:	_____ (> 109 nights = extraordinary visitation credit; ≈ equal = joint formula)
Has visitation materially changed since last order?	■ Yes — described above ■ No
Existing custody / visitation order date:	_____

PART 5 — RELIEF REQUESTED

- ■ Increase monthly child support.
- ■ Decrease monthly child support.
- ■ Recalculate support under current SC Child Support Guidelines.
- ■ Apply extraordinary visitation credit (> 109 overnights/year with non-custodial parent).
- ■ Apply joint/divided physical custody formula.
- ■ Modify health insurance / medical support provisions.
- ■ Modify child-care cost allocation.
- ■ Other: _____

CERTIFICATION AND SIGNATURE

I certify that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signature:	_____ _____	**Date:**	_____
Printed Name:	_____	**SC Bar No. (if atty):**	_____
Address:	_____	**Phone:**	_____
City / ZIP:	_____	**Email:**	_____

SC DSS Child Support Services: (800) 768-5858 | scchildsupport.com | SC Legal Services: (888) 346-5592 | SC Bar Lawyer Referral: (800) 868-2284.

Form AN-1, Page 2, Motion for Modification (continued)

Line-by-Line Completion Guide, Form AN-1: Motion for Modification

Header / Caption

- County: Write the South Carolina county where the existing child support order was entered. The court is the 'Family Court of [County] County.'
- Case No.: Enter the full court file number from the existing order.

• Plaintiff / Defendant: Use the same designations as in the existing order.

Part 1, Grounds for Modification

• Box A, Substantial change: The primary ground under S.C. Code Ann. § 20-3-160. A change is 'substantial' if it materially affects the financial condition of either party or the children. Courts look at whether the change is real, ongoing, and significant in dollar terms.

• Box B (Income change: Income changes) whether a significant increase or decrease, are the most common basis for modification. Describe the exact amount, effective date, and cause.

• Box C, Custody/visitation change: If the actual parenting time has materially shifted, this triggers both the substantial change standard AND may change which worksheet applies (standard Worksheet A, split-custody Worksheet B, or shared-custody Worksheet C).

• Box E, Three-year review: For IV-D cases administered by SC DSS, a 20% or greater change in the calculated guideline amount after 3+ years is grounds for modification without requiring proof of changed circumstances. Contact DSS at (800) 768-5858.

• Description lines: Be specific. State dates, amounts, and what caused the change. Reference documentary evidence you plan to attach (pay stubs, termination letter, etc.).

Part 2, Current Order Information

• Date / Case No.: Information from the most recent support order.

• DSS Case No. / IV-D: Identify whether DSS is enforcing the order. IV-D cases have access to additional enforcement tools and the administrative review process.

• Income withholding order: Note whether an income withholding order (IWO) is in place, the court will likely continue or modify any existing IWO with the new order.

Part 3, Children

• List all children covered by the existing order with full legal names and birth dates.

• Overnights / Year: Accurately estimate annual overnights. The shared-custody calculation turns on whether each parent exceeds 109 overnights, with a graduated adjustment from 110 to 128, document the actual schedule carefully.

Part 4, Visitation / Custody

• Current custody type: Check the most accurate description. 'Primary' means one parent has substantially more than 50% of time. 'Joint/approximately equal' means each parent has roughly half the time.

• Non-custodial parent's overnights: Enter the annual overnights for the parent who does NOT have primary physical custody. This number determines whether the shared-custody calculation applies.

• Note: South Carolina's guidelines use 'shared physical custody' terminology for the 30%+ parenting-time adjustment; the calculation runs on Worksheet C.

Part 5 / Signature

• Check all applicable relief. If seeking the shared-custody calculation, check that specific box, courts appreciate clarity about which worksheet you believe applies.

• Certify and sign. South Carolina does not require notarization of the motion itself, but the financial affidavit must be sworn.

Form AN-2: South Carolina Child Support Worksheet

The Child Support Worksheet applies the SC Income Shares formula. It documents both parents' gross incomes, adjustments, combined income, the basic support obligation from the SC schedule, work-related child care and health insurance allocation, and (critically) the shared physical custody calculation or joint custody offset when applicable. The final figure at Line G6 is the presumptive guideline amount.

STATE OF SOUTH CAROLINA – FAMILY COURT SC-CS-WKS-01

SOUTH CAROLINA CHILD SUPPORT WORKSHEET
S.C. Code Ann. § 63-17-470 | Income Shares Model

South Carolina uses Income Shares (gross income basis). Extraordinary Visitation Credit (EVC) applies when the non-custodial parent has > 109 overnights/year (> 30%). Joint/divided physical custody formula applies when parenting time is approximately equal. Look up the Basic Support Obligation in the current SC Child Support Schedule.

STATE OF SOUTH CAROLINA	**Case No.:**
COUNTY OF _____ FAMILY COURT	_____
Plaintiff:	_____
vs.	
Defendant:	_____

SECTION A — MONTHLY GROSS INCOME

Line	Description	Plaintiff ($)	Defendant ($)
A1	Wages, salary, commissions, tips (gross before deductions)		
A2	Net income from self-employment (after ordinary business expenses)		
A3	Bonuses / overtime (12-month average)		
A4	Social Security / SSDI / SSI		
A5	Pension / retirement income		
A6	Rental income (net of ordinary expenses)		
A7	Unemployment / workers' comp / disability benefits		
A8	Alimony / spousal support received (other relationship)		
A9	Investment income / dividends / interest		
A10	Other income (specify): _____		
A11	TOTAL MONTHLY GROSS INCOME (sum A1–A10)		

SECTION B — ADJUSTMENTS TO GROSS INCOME

Line	Description	Plaintiff ($)	Defendant ($)
B1	Court-ordered support for other biological/adopted children (actually paid)		
B2	Alimony / spousal support paid under court order (other relationship)		
B3	ADJUSTED MONTHLY GROSS INCOME (A11 minus B1 and B2)		

SECTION C — COMBINED INCOME & BASIC SUPPORT OBLIGATION

Line	Description	Amount
C1	Combined Adjusted Monthly Gross Income (B3 Plaintiff + B3 Defendant)	
C2	Basic Child Support Obligation (from SC Schedule by C1 and # of children)	

Form AN-2, Page 1, South Carolina Child Support Worksheet

C3	Plaintiff's income share (B3 Plaintiff ÷ C1)	%
C4	Defendant's income share (B3 Defendant ÷ C1)	%

SECTION D — WORK-RELATED CHILD-CARE AND HEALTH INSURANCE

Line	Description	Plaintiff ($)	Defendant ($)
D1	Monthly work-related child-care costs (total for all children in this case)		
D2	Monthly health insurance premium for children in this case (each party's portion)		
D3	TOTAL D1 + D2		
D4	Each party's proportional share of D3 (multiply by C3 / C4)		

SECTION E — EXTRAORDINARY VISITATION CREDIT (EVC)

EVC applies ONLY when the non-custodial parent (typically Defendant) has MORE THAN 109 overnights per year (> 30%). If overnights ≤ 109, skip to Section F.

Line	Description	Amount
E1	Non-custodial parent's (NCP) estimated overnights per year	
E2	Does NCP have > 109 overnights?	■ Yes — continue ■ No — skip to F
E3	NCP's parenting time percentage (E1 ÷ 365)	%
E4	Basic obligation allocated to NCP (C2 × C4)	
E5	EVC amount: (E3 × 2) × E4 [per SC EVC formula]	
E6	NCP's basic obligation after EVC (E4 minus E5)	

SECTION F — JOINT / DIVIDED PHYSICAL CUSTODY ADJUSTMENT

Use this section ONLY when physical custody is approximately equal (each parent has approximately 50% of time). If not, skip to Section G.

Line	Description	Amount
F1	Is custody approximately equal (each parent ≈ 50%)?	■ Yes — continue ■ No — skip to G
F2	Plaintiff's basic obligation to Defendant's household (C2 × C3)	
F3	Defendant's basic obligation to Plaintiff's household (C2 × C4)	
F4	Difference (offset): higher amount minus lower amount	
F5	Net support payable by higher-income parent (F4)	

SECTION G — FINAL CHILD SUPPORT OBLIGATION

Line	Description	Amount
G1	Basic support: C2 × NCP income share (primary) OR E6 (EVC) OR F5 (joint)	
G2	Plus: NCP's proportional share of child care and insurance (D4 Defendant)	
G3	Less: health insurance premium NCP already pays (D2 Defendant)	
G4	GUIDELINE MONTHLY CHILD SUPPORT (G1 + G2 – G3)	
G5	Deviation? ■ Yes ■ No Reason: _____	

Form AN-2, Page 2, South Carolina Child Support Worksheet (continued)

Line-by-Line Completion Guide, Form AN-2: Child Support Worksheet

Section A, Monthly Gross Income (Lines A1–A11)

- A1, Wages / salary: Monthly gross pay before deductions. Divide annual salary by 12.
- A2, Self-employment: Net after ordinary business expenses per Schedule C. Attach the prior two years of tax returns for self-employed parties.

• A3, Bonuses / overtime: 12-month average. Use a longer period if income is highly variable.

• A4, Social Security / SSDI / SSI: All benefits received. Derivative benefits paid on behalf of children on the obligor's disability record may be credited against support.

• A8, Alimony received: Only from a different relationship, not this case.

• A11, Total: Sum all income sources.

Section B, Adjustments (Lines B1–B3)

• B1, Support for other children: Court-ordered only, actually being paid. South Carolina allows deduction of support paid for other biological or adopted children from prior relationships. Do not include step-children.

• B2, Alimony paid: Only amounts owed under a court order in a separate case.

• B3, Adjusted income: Subtract B1 and B2 from A11. This is the income figure used to look up the basic obligation in the SC Child Support Schedule.

Section C, Combined Income & Basic Obligation (Lines C1–C4)

• C1, Combined adjusted gross income: Sum of both parents' B3 figures.

• C2, Basic child support obligation: Look up from the SC Child Support Schedule (available at dss.sc.gov → Child Support → Guidelines). Find the row matching C1 and the column matching the number of children.

• C3 / C4, Income shares: Each parent's B3 divided by C1. Must total 100%.

Section D, Child Care and Health Insurance (Lines D1–D4)

• D1, Work-related child care: Monthly costs for care that enables the parent to work or attend school. Include only the net cost after any federal child-care tax credit.

• D2, Health insurance premium (children only): The monthly premium attributable solely to the children in this case. Prorate the family premium if necessary.

• D4, Each party's share: Multiply D3 by the income percentage (C3 for Plaintiff, C4 for Defendant). This is each party's proportional contribution to child care and insurance.

Section E, Shared Physical Custody, Worksheet C (Lines E1–E6)

• E1, Overnights: The total court-ordered overnights per year with each parent. Count carefully using the actual parenting plan; the calculation requires more than 109 for each parent.

• E2, 109-night threshold: The shared-custody calculation applies ONLY when each parent's court-ordered overnights exceed 109 (more than 30% of 365). At 109 or below, the standard Worksheet A controls. From 110 through 128 overnights, a graduated amount between the Worksheet A and Worksheet C figures applies.

• E3, Parenting-time percentage: each parent's overnights ÷ 365.

• E4, Shared-custody basic obligation: the Schedule amount for the parents' combined adjusted income, multiplied by 1.5, recognizing that two households duplicate fixed child-rearing costs.

• E5, Allocation and proration: The shared-custody obligation is divided between the parents by income share, and each parent's portion is then prorated by the share of the year the children spend with the other parent.

• E6, Net obligation: The two prorated amounts are offset; the parent owing the larger figure pays the difference. This is the Worksheet C result carried to Section G.

Section F, Joint / Divided Custody (Lines F1–F5)

• F1, Equal custody check: Only use this section when each parent has approximately 50% of the time. This section and Section E are mutually exclusive.

• F2, Plaintiff's obligation: C2 × C3. Plaintiff's share of the obligation if Defendant were the primary custodian.

• F3, Defendant's obligation: C2 × C4. Defendant's share if Plaintiff were primary.

• F4 / F5, Offset: The two obligations are netted. The higher-income parent pays the difference to the lower-income parent.

Section G, Final Obligation (Lines G1–G6)

- G1, Use the appropriate basic support figure: C2 × NCP share (standard Worksheet A), the Worksheet C shared-custody result (E6), or the joint custody offset (F5). Do not combine more than one method.
- G2, Add NCP's share of child care and insurance (D4 Defendant).
- G3, Subtract health insurance already paid by NCP in D2.
- G4, Guideline monthly support. This is the presumptive amount.
- G5, Deviation: South Carolina allows deviation for good cause. Common grounds include extraordinary expenses, significant travel costs for visitation, or special needs.
- G6, Final ordered amount.
- Minimum support: South Carolina guidelines establish a minimum obligation of $100/month unless the obligor demonstrates extreme financial hardship.

Form AN-3: Financial Declaration, Affidavit of Income and Expenses

The Financial Declaration is the sworn income and expense disclosure document for South Carolina Family Court modification proceedings. South Carolina requires the affidavit to be sworn before a notary public or court clerk. Both parties must disclose their complete financial picture, attach income documentation, and provide accurate parenting time information.

STATE OF SOUTH CAROLINA – FAMILY COURT SC-CS-FIN-01

FINANCIAL DECLARATION
Affidavit of Income and Expenses

Complete all sections under oath. Attach last 3 pay stubs and prior year federal tax return. Both parties must provide financial disclosure at or before the hearing.

STATE OF SOUTH CAROLINA	**Case No.:**
COUNTY OF _____ FAMILY COURT	_____
Plaintiff:	_____
vs.	
Defendant:	_____

PART 1 — DECLARANT INFORMATION

Full Legal Name:	_____	**Date of Birth:**	_____
SSN (last 4 only):	XXX-XX-____	**SC Driver's License No.:**	_____
Current Employer:	_____	**Occupation / Title:**	_____
Employer Address:	_____	**Work Phone:**	_____
Employment Status:	■ Full-time ■ Part-time ■ Self-employed ■ Unemployed	**Since:**	_____
Household Size (incl. self):	_____	**No. of children in this case:**	_____

PART 2 — MONTHLY GROSS INCOME

Income Source	Monthly Amount	Annual Amount	Documentation
Wages / salary (gross)	$	$	■ Pay stubs attached
Self-employment income (net)	$	$	■ Schedule C attached
Bonuses / commissions (12-mo avg.)	$	$	■ Pay history / W-2
Social Security / SSDI / SSI	$	$	■ Award letter attached
Pension / retirement	$	$	■ Statement attached
Rental income (net)	$	$	■ Schedule E attached
Unemployment / disability	$	$	■ Benefit letter attached
Alimony received (other case)	$	$	■ Court order attached
Investment income	$	$	■ 1099 / statement
Other (specify): _____	$	$	
TOTAL MONTHLY GROSS INCOME	$	$	

PART 3 — MONTHLY HOUSEHOLD EXPENSES

Expense Category	Monthly Amount	Notes
Rent / mortgage (PITI)	$	

Form AN-3, Page 1, Financial Declaration / Affidavit (South Carolina)

Utilities (electric, gas, water, internet)	$	
Food / groceries	$	
Transportation (car payment, insurance, gas)	$	
Health insurance (self only)	$	
Health insurance (children in this case)	$	
Child-care / daycare (work-related)	$	
Uninsured medical / dental (children)	$	
Support for other children (court-ordered)	$	■ Order attached
Alimony paid (other court order)	$	■ Order attached
Student loan / debt payments	$	
Clothing / personal care	$	
Other (specify): _____	$	
TOTAL MONTHLY EXPENSES	$	

PART 4 — HEALTH INSURANCE FOR THE CHILDREN

Health insurance provided for children?	■ Yes ■ No	**Provider:**	_____
Monthly premium (children only):	$_____	**Policy / Group No.:**	_____
Available through employer at reasonable cost?	■ Yes ■ No ■ N/A	**Dental / Vision included?**	■ Yes ■ No
Medicaid / SC Healthy Connections for children?	■ Yes ■ No	**CHIP enrolled?**	■ Yes ■ No

PART 5 — VISITATION AND PARENTING TIME (OVERNIGHTS)

Declarant's estimated overnights / year:	_____	**Other parent's overnights / year:**	_____
Non-custodial parent's overnights > 109?	■ Yes ■ No	**Parenting plan attached?**	■ Yes ■ No
Is custody approximately equal (≈ 50/50)?	■ Yes ■ No	**Current custody order date:**	_____

OATH / AFFIDAVIT

I do solemnly swear (or affirm) that the foregoing financial declaration is true and correct to the best of my knowledge, information, and belief.

Signature:	_____	**Date:**	_____
Printed Name:	_____	**County:**	_____
Sworn before me (Notary / Clerk):	_____	**Commission Expires:**	_____

SC DSS Child Support Services: (800) 768-5858 | scchildsupport.com | SC Legal Services: (888) 346-5592 | Support ends at age 18 or HS graduation (whichever is later, not past age 19).

Form AN-3, Page 2, Financial Declaration (continued)

Line-by-Line Completion Guide, Form AN-3: Financial Declaration

Part 1, Declarant Information

- Full Legal Name: As it appears on all court documents.
- SSN (last 4): Never write your full SSN on court filings.

• Employment status: Check the most accurate option. If recently unemployed, note the date and reason for the employment change.

• Household size: Include yourself and all dependents living in your home.

Part 2, Monthly Gross Income

• List every income source. South Carolina courts may impute income to a voluntarily unemployed or underemployed parent based on earning capacity.

• Wages: Attach last 3 pay stubs. If income varies significantly, attach 6 months.

• Self-employment: Attach Schedule C and the most recent two years of tax returns.

• Both columns: Fill in both monthly and annual amounts for cross-verification.

• All documentation: Check each box to confirm attachments are included.

Part 3, Monthly Household Expenses

• Be accurate and complete. South Carolina courts compare income and expenses to assess credibility and ability to pay.

• Health insurance (self only): Do not include children's portion here, that goes in Part 4.

• Child care: Work-related care only. Do not include costs that would exist regardless of employment.

• Other support obligations: Attach the other child support order showing the amount.

Part 4, Health Insurance for the Children

• Premium (children only): Isolate the children's portion of a family plan by subtracting the self-only premium from the family premium.

• SC Healthy Connections: South Carolina's Medicaid program. If children are covered by Medicaid, note this, it affects the health insurance calculation.

• Employer availability: The court may order a parent to obtain coverage if it is available through their employer at reasonable cost.

Part 5, Visitation / Parenting Time

• Annual overnights: Count carefully using the current parenting plan. The 109-overnight line for the shared-custody worksheet is critical.

• Approximately equal: Only check 'yes' if each parent truly has approximately 50% of the overnight time. Small disparities (e.g., 55/45) still run through the Worksheet C shared-custody framework.

Oath / Notarization

• South Carolina requires the financial affidavit to be SWORN, signed before a notary public or the Family Court clerk. An unsworn affidavit may be rejected.

• Notary: Have your signature witnessed and notarized. The notary fills in the 'Sworn before me' line and stamps the document.

Key South Carolina Child Support Law, Quick Reference

Modification Standard (S.C. Code Ann. § 20-3-160)

A substantial change in circumstances is required. Courts evaluate whether the change is material, ongoing, and significantly affects either party's financial condition or the child's needs. A significant income change (generally 20% or more) is typically deemed substantial. For DSS-administered IV-D cases, a three-year review with a 20%+ change in the guideline amount is an alternative pathway.

Income Shares / Gross Income Basis (S.C. Code Ann. § 63-17-470)

Both parents' gross incomes are combined to determine the total parental obligation from the SC Child Support Schedule. Each parent's share is proportional to their contribution to the combined income. Child care and health insurance are separately allocated by income share.

Shared Physical Custody (Worksheet C)

When EACH parent has more than 109 court-ordered overnights per year (more than 30% of 365) and both contribute to the children's expenses, the shared physical custody calculation applies: the basic obligation is multiplied by 1.5, allocated by income share and parenting time, and offset, with the parent owing more paying the difference. Between 110 and 128 overnights, a graduated amount between the Worksheet A and Worksheet C figures phases the adjustment in. As schedules approach equal time, the offset operates as a cross-credit between the two households.

Joint / Divided Physical Custody Formula

When physical custody is approximately equal (each parent ≈ 50% of overnights), a cross-offset formula applies. Each parent's obligation to support the children in the other household is calculated separately, and the two are offset. The higher-income parent pays the net difference.

Duration of Support

South Carolina child support runs until the child turns 18, marries, or becomes self-supporting, whichever occurs first, and continues past 18 while the child is enrolled in and attending high school, to graduation or the end of the school year after the child turns 19, whichever is later. S.C. Code Ann. § 63-3-530(A)(17). Courts may order continued support for a disabled child. There is no statutory obligation to support a child through college.

Health Insurance Mandate

Every South Carolina child support order must address health coverage for the children. If coverage is available to either parent at reasonable cost through their employer, the court may order that parent to provide it.

Income Imputation

South Carolina courts may impute income to a voluntarily unemployed or underemployed parent based on earning capacity, employment history, education, and prevailing wages in the area. This prevents a parent from artificially reducing their income to lower a support obligation.

SC DSS / Payment Center

In IV-D cases, support is paid through SC DSS and collected through income withholding. Direct payments to the custodial parent do not count toward the obligation. SC DSS Child Support Services: (800) 768-5858 | dss.sc.gov/child-support.

South Carolina Child Support Resources

- SC DSS Child Support Services: (800) 768-5858 | dss.sc.gov/child-support
- SC Child Support Guidelines / Schedule: dss.sc.gov → Child Support → Guidelines
- SC Judicial Department (Family Court forms): sccourts.org
- SC Legal Services: (888) 346-5592 | sclegal.org
- SC Bar Lawyer Referral Service: (800) 868-2284 | scbar.org
- Pro Se Litigant Assistance: Available at Family Court clerks' offices in each county
- Income withholding / enforcement: Through SC DSS at (800) 768-5858
- SC Healthy Connections (Medicaid): (888) 549-0820 | scdhhs.gov

End of Appendix AN - South Carolina | Appendix AO - South Dakota follows.

Appendix AO — South Dakota: Statutes, Case Law, Forms, and Resources

Key Statutes

• SDCL § 25-7A-22, modification: an order three years old or more needs no change showing; under three years, a substantial change in circumstances is required

• SDCL § 25-7-6.2, guideline schedule applied to the parents' combined monthly NET income (deductions per § 25-7-6.7)

• SDCL § 25-7A-14, support debts bear simple interest at the Category D rate, 1% per month

• SDCL § 25-7A-56, license suspension at $1,000 or more in child support arrears

• SDCL § 25-7-16, criminal nonsupport: Class 1 misdemeanor; Class 6 felony if the parent leaves the state more than thirty days during the violation

Key Case Law

• Verify current case law in the South Dakota Supreme Court opinions database at ujs.sd.gov before citing; the statutes above, not case-made percentage thresholds, control the modification standard

Official Forms

• Child Support Worksheets, South Dakota UJS (ujs.sd.gov)

• Motion to Modify Child Support, Circuit Court

• Financial Affidavit

• Schedule F (IRS), required for agricultural income documentation

State Agency Contact

• South Dakota DSS Division of Child Support: (605) 773-3641; automated account and payment line (800) 286-9145

• Website: dss.sd.gov/childsupport

• South Dakota UJS self-help: ujs.sd.gov

• East River Legal Services: (605) 336-9230 | erlservices.org

Filing Checklist

• Child Support Worksheets (both parents current income)

• Financial Affidavit

- Federal tax returns (last 2 years) including Schedule F for agricultural income
- Motion to Modify Child Support
- Documentation of the triggering change (or proof the order is three or more years old, no change showing required)
- Filing fee or fee waiver application
- Proof of service on other parent

Court Forms & Completion Guide

Child Support Modification Forms and Instructions

SDCL § 25-7-6.1 et seq. | Income Shares Model | South Dakota Circuit Court

Overview of South Dakota Child Support Modification

South Dakota uses the Income Shares model under SDCL § 25-7-6.1 through § 25-7-6.27. Both parents' monthly NET incomes, gross income minus the deductions allowed by § 25-7-6.7 (federal income tax, Social Security and Medicare contributions, qualifying retirement contributions, and court-ordered support paid for other children), are combined to determine the total parental obligation from the South Dakota schedule, and each parent's share is proportional to their contribution to the combined net income.

Modification is governed by SDCL § 25-7A-22. An order entered three years or more before the petition may be modified without any showing of changed circumstances; a younger order requires a substantial change. Common substantial-change grounds include significant income changes, job loss, disability, or a material shift in the parenting arrangement. Petitions may be submitted through DCS (form DSS-SE-415, $50 filing fee payable to the Clerk of Courts) and are typically heard by a child support referee.

South Dakota's shared parenting cross credit (SDCL § 25-7-6.27) is available when a detailed court-ordered plan provides that the child resides at least 180 nights per calendar year in each parent's home and the parents share the child's expenses in proportion to income. The combined obligation is multiplied by 1.5, divided between the parents by income share, prorated by each parent's percentage of nights, and offset, the parent with the larger prorated figure pays the difference. The credit is discretionary; the court must consider whether it would have a substantial negative effect on the child's standard of living.

Form AO-1: Motion for Modification of Child Support Order

This Motion initiates a child support modification proceeding in South Dakota Circuit Court. It is filed in the circuit and county where the existing order was entered or where the child currently resides. South Dakota has seven judicial circuits. The motion must identify the specific ground for modification and describe the changed circumstances with enough detail that the court can assess whether a hearing is warranted.

STATE OF SOUTH DAKOTA – CIRCUIT COURT SD-CS-MOT-01

MOTION FOR MODIFICATION OF CHILD SUPPORT ORDER

SDCL § 25-7-6.14 | § 25-7-6.1 et seq. · File in the Circuit Court where the original order was entered or where the child currently resides. Serve on the other party and on SD DHS if DHS is enforcing the order.

IN THE CIRCUIT COURT, _____ JUDICIAL CIRCUIT	Case No.:
STATE OF SOUTH DAKOTA, _____ COUNTY	_____
Plaintiff:	_____
vs.	
Defendant:	_____

PART 1 — GROUNDS FOR MODIFICATION

- ■ A. Substantial change in circumstances since the current order was entered (SDCL § 25-7-6.14).
- ■ B. Significant change in either party's gross income or earning capacity.
- ■ C. Material change in custody or physical care arrangement affecting support calculation.
- ■ D. Child's financial needs have materially changed (medical, educational, special needs).
- ■ E. Three-year review: 3 or more years since the order was entered or last modified AND application of current guidelines pr
- ■ F. SD DHS Child Support administrative review requested: (605) 773-3641.
- ■ G. Other (describe below): _____

Describe the changed circumstances in detail:

PART 2 — CURRENT ORDER INFORMATION

Date of Current Order:	_____	**Current Monthly Support:**	$_____
Circuit / County / Case No.:	_____	**Children Covered:**	_____
SD DHS Case No. (if any):	_____	**IV-D Case?**	■ Yes ■ No
Arrears outstanding?	■ Yes $_____ ■ No	**Income withholding order?**	■ Yes ■ No

PART 3 — CHILDREN SUBJECT TO THIS MOTION

Child's Full Name	Date of Birth	Age	Primary Residence	Overnights / Year (Movant)
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	
			■ Plaintiff ■ Defendant	

PART 4 — PHYSICAL CARE / PARENTING TIME ARRANGEMENT

Current physical care arrangement:	■ Primary with Plaintiff ■ Primary with Defendant ■ Shared physical care (≥ 180 nights each)

Form AO-1, Page 1, Motion for Modification of Child Support (South Dakota Circuit Court)

Non-custodial parent's overnights / year:	_____ (≥ 180 = shared physical care formula applies)
Has physical care arrangement changed since last order?	■ Yes — described above ■ No
Existing custody/parenting time order date:	_____

PART 5 — RELIEF REQUESTED

- ■ Increase monthly child support.
- ■ Decrease monthly child support.
- ■ Recalculate under current South Dakota Child Support Guidelines (SDCL § 25-7-6.1 et seq.).
- ■ Apply shared physical care formula (each parent ≥ 180 overnights/year).
- ■ Modify health insurance / medical support provisions.
- ■ Modify child-care cost allocation.
- ■ Other: _____

CERTIFICATION AND SIGNATURE

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signature:	_____	**Date:**	_____
Printed Name:	_____	**SD Bar No. (if atty):**	_____
Address:	_____	**Phone:**	_____
City / ZIP:	_____	**Email:**	_____

SD DHS Division of Child Support: (605) 773-3641 | dss.sd.gov/childsupport | SD Legal Aid: (800) 952-3734 | SD State Bar Referral: (605) 224-7554.

Form AO-1, Page 2, Motion for Modification (continued)

Line-by-Line Completion Guide, Form AO-1: Motion for Modification

Header / Caption

• Judicial Circuit: South Dakota has seven judicial circuits. Enter the circuit number (e.g., '2nd Judicial Circuit') and the county name.

• Case No.: Enter the full case number from the existing child support or family law order.

• Plaintiff / Defendant: Use the designations from the existing order. Either party may file.

Part 1, Grounds for Modification

• Box A, Substantial change: Required when the order is less than three years old (SDCL § 25-7A-22). South Dakota courts require the change to be material, affecting the parties' financial circumstances in a meaningful way, and continuing, not temporary.

• Box B, Income change: A significant increase or decrease in either parent's gross income is the most common basis for modification. Document the before and after with pay stubs, tax returns, or an employer letter.

• Box C (Physical care change: If the actual parenting arrangement has materially changed since the last order) especially if it has shifted toward or away from shared physical care (180+ overnights each), this affects both the grounds and the calculation method.

• Box E, Three-year rule: An order entered three years or more before the petition can be modified without proving changed circumstances (SDCL § 25-7A-22). Contact the DSS Division of Child Support at (605) 773-3641 or submit form DSS-SE-415.

• Description lines: Be specific, state dates, dollar amounts, and the cause of the change.

Part 2, Current Order Information

• Circuit / County / Case No.: From the existing order. Include the full case number.

• DHS Case No.: If SD DHS is administering the case (IV-D), enter the DHS case number.

• Arrears: Disclose any unpaid back support. Arrears are tracked separately and may be addressed simultaneously with the modification.

Part 3, Children

• List all children covered by the existing order with full legal names and birth dates.

• Overnights per year: Accurately estimate your annual overnights. The 180-night threshold determines whether the shared physical care formula applies.

Part 4, Physical Care / Parenting Time

• Physical care arrangement: South Dakota uses 'physical care' terminology rather than 'custody.' 'Shared physical care' means each parent has at least 180 overnights per year.

• 180-night threshold: This is South Dakota's trigger for the shared physical care formula, approximately 49% of the year. Both parents must meet the threshold.

• Document any change in physical care with specifics, when the new arrangement started and how many overnights per year the current plan provides.

Part 5 / Signature

• Check all applicable relief. Be precise about which formula you believe applies.

• South Dakota does not require notarization of the motion, but the financial affidavit must be signed under penalty of perjury.

Form AO-2: South Dakota Child Support Worksheet

The Child Support Worksheet applies the South Dakota Income Shares formula. It documents both parents' gross incomes, allowable adjustments, combined income, the basic support obligation from the SD schedule, and the shared physical care calculation when applicable. Additional expenses for health insurance, child care, and extraordinary medical costs are allocated proportionally. The final figure at Line F6 is the presumptive monthly amount.

STATE OF SOUTH DAKOTA – CIRCUIT COURT SD-CS-WKS-01

SOUTH DAKOTA CHILD SUPPORT WORKSHEET
SDCL § 25-7-6.1 et seq. | Income Shares Model

South Dakota uses Income Shares (gross income basis). Shared physical care formula applies when EACH parent has ≥ 180 overnights/year. Additional adjustments available for health insurance, child care, and extraordinary expenses. Look up the Basic Support Obligation in the SD Child Support Schedule (SDCL § 25-7-6.2).

IN THE CIRCUIT COURT, _____ JUDICIAL CIRCUIT	**Case No.:**
STATE OF SOUTH DAKOTA, _____ COUNTY	_____
Plaintiff:	_____
vs.	
Defendant:	_____

SECTION A — MONTHLY GROSS INCOME

Line	Description	Plaintiff ($)	Defendant ($)
A1	Wages, salary, tips, commissions (gross before deductions)		
A2	Net income from self-employment (after ordinary business expenses, before taxes)		
A3	Bonuses / overtime (12-month average)		
A4	Social Security / SSDI / SSI benefits		
A5	Pension / retirement income		
A6	Rental income (net of ordinary expenses)		
A7	Unemployment / workers' comp / disability benefits		
A8	Spousal support / alimony received (other relationship)		
A9	Investment income / dividends / interest		
A10	Other income (specify): _____		
A11	TOTAL MONTHLY GROSS INCOME (sum A1–A10)		

SECTION B — ADJUSTMENTS TO GROSS INCOME

Line	Description	Plaintiff ($)	Defendant ($)
B1	Court-ordered support for other biological/adopted children (actually paid)		
B2	Spousal support / alimony paid under court order (other relationship)		
B3	Health insurance premium paid for children in this case		
B4	Work-related child-care costs for children in this case (monthly average)		
B5	TOTAL ADJUSTMENTS (sum B1–B4)		
B6	ADJUSTED MONTHLY GROSS INCOME (A11 minus B5)		

SECTION C — COMBINED INCOME & BASIC SUPPORT OBLIGATION

Form AO-2, Page 1, South Dakota Child Support Worksheet

Line	Description	Amount
C1	Combined Adjusted Monthly Gross Income (B6 Plaintiff + B6 Defendant)	
C2	Basic Child Support Obligation (from SD Schedule — SDCL § 25-7-6.2 — by C1 and # of children)	
C3	Plaintiff's income share (B6 Plaintiff ÷ C1)	%
C4	Defendant's income share (B6 Defendant ÷ C1)	%
C5	Non-custodial parent's (NCP) basic support obligation (C2 × NCP income share)	

SECTION D — SHARED PHYSICAL CARE ADJUSTMENT (SDCL § 25-7-6.10)

Use this section ONLY when EACH parent has ≥ 180 overnights per year. If either parent has fewer than 180 overnights, skip to Section E.

Line	Description	Amount
D1	Does each parent have ≥ 180 overnights / year?	■ Yes — continue ■ No — skip to E
D2	Plaintiff's overnights per year	
D3	Defendant's overnights per year	
D4	Plaintiff's support obligation toward Defendant's household (C2 × C3)	
D5	Defendant's support obligation toward Plaintiff's household (C2 × C4)	
D6	Net support payable by higher-income party (D4 vs. D5 — offset)	
D7	Shared physical care multiplier (1.5) applied to basic obligation: C2 × 1.5	
D8	Adjusted shared support (use SD shared physical care schedule / formula)	

SECTION E — ADDITIONAL EXPENSES

Line	Description	Plaintiff ($)	Defendant ($)
E1	Monthly health insurance premium for children (if not already in B3)		
E2	Work-related child-care costs (if not already in B4)		
E3	Extraordinary / unreimbursed medical expenses (annual avg. ÷ 12)		
E4	Educational / special needs expenses (agreed or court-ordered)		
E5	TOTAL ADDITIONAL EXPENSES (sum E1–E4)		
E6	Each party's proportional share (× income share C3 / C4)		

SECTION F — FINAL CHILD SUPPORT OBLIGATION

Line	Description	Amount
F1	Basic support: C5 (primary custody) OR D8 (shared physical care)	
F2	Plus: NCP's proportional share of additional expenses (E6 NCP)	
F3	Less: health insurance and child care already included in B3 / B4	
F4	GUIDELINE MONTHLY CHILD SUPPORT OBLIGATION (F1 + F2 – F3)	
F5	Deviation requested? ■ Yes ■ No Reason: _____	
F6	FINAL COURT-ORDERED MONTHLY CHILD SUPPORT AMOUNT	

Form AO-2, Page 2, South Dakota Child Support Worksheet (continued)

Line-by-Line Completion Guide, Form AO-2: Child Support Worksheet

Section A, Monthly Gross Income (Lines A1–A11)

- A1, Wages / salary: Gross monthly pay before any deductions. Divide annual salary by 12.
- A2, Self-employment: Net income after ordinary and necessary business expenses but before personal income taxes. Use Schedule C as the starting point. South Dakota courts may scrutinize claimed business deductions, document each one.

• A3, Bonuses / overtime: Average over 12 months. For seasonal workers, a 24-month average may be more accurate.

• A4, Social Security / SSDI / SSI: Include all benefits. Derivative benefits paid on behalf of children on the obligor's disability account may be credited against support.

• A8, Spousal support received: Only from a relationship other than this case.

• A11, Total: Sum all income sources for each parent.

Section B, Adjustments (Lines B1–B6)

• B1, Support for other children: Court-ordered amounts being paid for biological or adopted children from other relationships. Must be actually paid, not just ordered.

• B2, Spousal support paid: Only amounts owed under a court order in a separate case.

• B3, Health insurance for children in this case: The monthly premium attributable to the children covered by this order. Prorate a family plan by the number of covered persons.

• B4, Work-related child care: Monthly child-care costs that enable the parent to work or attend school. Divide annual contracts by 12.

• B6, Net monthly income: Subtract the allowable deductions from A11. Under SDCL § 25-7-6.7, the deductions that produce guideline net income are federal income tax, Social Security and Medicare contributions, qualifying retirement contributions, and court-ordered support actually paid for other children. This net figure is used to look up the basic obligation from the SD schedule.

Section C, Combined Income & Basic Obligation (Lines C1–C5)

• C1, Combined adjusted income: Sum of both parents' B6 figures.

• C2, Basic support obligation: Look up from the South Dakota Child Support Schedule (SDCL § 25-7-6.2). Find the combined income row and the number-of-children column. The schedule is available at dss.sd.gov/childsupport.

• C3 / C4, Income shares: Each parent's B6 ÷ C1. Sum to 100%.

• C5, NCP's basic obligation: C2 × the non-custodial parent's income share.

Section D, Shared Physical Care Adjustment (Lines D1–D8)

• D1, Threshold check: BOTH parents must have at least 180 overnights per year. If either parent has fewer than 180, skip this section entirely.

• D2 / D3, Each parent's annual overnights. Both must be ≥ 180.

• D4, Combined shared obligation: C2 × 1.5 (SDCL § 25-7-6.27 step one, recognizing the duplicated costs of two households).

• D5, Each parent's share: multiply D4 by each parent's income share (C3 for Plaintiff, C4 for Defendant).

• D6, Prorate by nights: multiply each parent's D5 figure by the percentage of nights (out of 365) the child resides with each parent, per the statute's formula.

• D7, Offset: compare the two prorated shared parenting obligations.

• D8, Net payment: the parent with the larger prorated obligation pays the difference (SDCL § 25-7-6.27). Consult the current DCS calculator at dss.sd.gov to confirm the figures.

Section E, Additional Expenses (Lines E1–E6)

• E1, Health insurance (if not in B3): If not already deducted in Section B.

• E2, Child care (if not in B4): Work-related care costs not already in Section B.

• E3, Extraordinary medical: Out-of-pocket medical costs not covered by insurance, averaged over 12 months.

• E4, Educational / special needs: Costs both parties agree to share or that are ordered.

• E6, Each party's proportional share of additional expenses.

Section F, Final Obligation (Lines F1–F6)

• F1 (Use C5 (primary custody) OR D8 (shared physical care)) not both.

- F2, Add NCP's share of additional expenses (E6 NCP column).
- F3, Subtract health insurance and child care already counted in B3/B4.
- F4, Guideline monthly obligation: the presumptive amount.
- F5, Deviation: Available for good cause. South Dakota courts may deviate for extraordinary financial circumstances, significant travel costs, or a child's special needs.
- F6, Final ordered amount.
- Minimum: the guidelines set no flat statutory minimum order; the schedule begins at a combined monthly net income of $1,200, and deviations run through SDCL § 25-7-6.10 with specific findings.

Form AO-3: Financial Affidavit, Statement of Income and Expenses

The Financial Affidavit is the sworn income and expense disclosure document for South Dakota Circuit Court modification proceedings. Both parties must provide complete financial information under penalty of perjury. Attach the last three pay stubs and prior year federal tax return. For self-employed parties, attach the last two years of tax returns and current year profit/loss statements.

STATE OF SOUTH DAKOTA – CIRCUIT COURT SD-CS-FIN-01

FINANCIAL AFFIDAVIT
Statement of Income and Expenses

Complete all sections under penalty of perjury. Attach last 3 pay stubs and prior year federal tax return. Both parties must provide current financial disclosure.

IN THE CIRCUIT COURT, _____ JUDICIAL CIRCUIT	**Case No.:**
STATE OF SOUTH DAKOTA, _____ COUNTY	_____
Plaintiff:	_____
vs.	
Defendant:	_____

PART 1 — DECLARANT INFORMATION

Full Legal Name:	_____	**Date of Birth:**	_____
SSN (last 4 only):	XXX-XX-____	**SD Driver's License No.:**	_____
Current Employer:	_____	**Occupation / Title:**	_____
Employer Address:	_____	**Work Phone:**	_____
Employment Status:	■ Full-time ■ Part-time ■ Self-employed ■ Unemployed	**Since:**	_____
Household Size (incl. self):	_____	**No. of children in this case:**	_____

PART 2 — MONTHLY GROSS INCOME

Income Source	Monthly Amount	Annual Amount	Documentation
Wages / salary (gross)	$	$	■ Pay stubs attached
Self-employment income (net)	$	$	■ Schedule C attached
Bonuses / commissions (12-mo avg.)	$	$	■ Pay history / W-2
Social Security / SSDI / SSI	$	$	■ Award letter attached
Pension / retirement	$	$	■ Statement attached
Rental income (net)	$	$	■ Schedule E attached
Unemployment / disability	$	$	■ Benefit letter attached
Spousal support received	$	$	■ Court order attached
Investment income	$	$	■ 1099 / statement
Other (specify): _____	$	$	
TOTAL MONTHLY GROSS INCOME	$	$	

PART 3 — MONTHLY HOUSEHOLD EXPENSES

Expense Category	Monthly Amount	Notes
Rent / mortgage (PITI)	$	

Form AO-3, Page 1, Financial Affidavit (South Dakota)

Utilities (electric, gas, water, internet)	$	
Food / groceries	$	
Transportation (car payment, insurance, fuel)	$	
Health insurance (self only)	$	
Health insurance (children in this case)	$	
Child-care / daycare (work-related)	$	
Uninsured medical / dental (children)	$	
Support for other children (court-ordered)	$	■ Order attached
Spousal support paid (other case)	$	■ Order attached
Student loans / credit card minimums	$	
Clothing / personal care	$	
Other (specify): _____	$	
TOTAL MONTHLY EXPENSES	$	

PART 4 — HEALTH INSURANCE FOR THE CHILDREN

Health insurance provided for children?	■ Yes ■ No	**Provider:**	_____
Monthly premium (children only):	$_____	**Policy / Group No.:**	_____
Available through employer at reasonable cost?	■ Yes ■ No ■ N/A	**Dental / Vision included?**	■ Yes ■ No
Children enrolled in Medicaid / CHIP?	■ Yes ■ No	**SD Medicaid / Well Dakota?**	■ Yes ■ No

PART 5 — PHYSICAL CARE / PARENTING TIME

Declarant's estimated overnights / year:	_____	**Other parent's overnights / year:**	_____
Does each parent have ≥ 180 overnights?	■ Yes ■ No	**Parenting plan attached?**	■ Yes ■ No
Current custody / parenting time order date:	_____ _____	**County where order was entered:**	_____

VERIFICATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury under the laws of the State of South Dakota that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signature:	_____	**Date:**	_____
Printed Name:	_____	**County:**	_____

SD DHS Division of Child Support: (605) 773-3641 | dss.sd.gov/childsupport | SD Legal Aid Society: (800) 952-3734 | Support ends at age 18 or HS graduation (whichever is later, not past age 18 generally).

Form AO-3, Page 2, Financial Affidavit (continued)

Line-by-Line Completion Guide, Form AO-3: Financial Affidavit

Part 1, Declarant Information

- Full Legal Name: As it appears on all court documents.
- SSN (last 4 only): South Dakota courts use the last four digits for identification.
- Employment status and dates: If recently unemployed or changed jobs, note the exact date.

Part 2, Monthly Gross Income

- List every source of income. South Dakota courts may impute income to a voluntarily unemployed parent based on earning capacity, work history, and local wage data.
- Wages: Attach last 3 pay stubs. If income varies seasonally, attach 6 months.
- Self-employment: Attach Schedule C from the most recent two federal tax returns.
- Both monthly and annual: Fill in both columns, inconsistencies between the two are a red flag that courts notice.

Part 3, Monthly Household Expenses

- Be accurate and realistic. Courts compare income to expenses.
- Rent / mortgage: Include all components of the housing payment (PITI).
- Other support obligations: Court-ordered only. Attach the other support order.

Part 4, Health Insurance for the Children

- Premium (children only): Prorate if the plan covers more than just the children in this case.
- SD Medicaid / Well Dakota: If children have public coverage, note the program name.

Part 5, Physical Care / Parenting Time

- Annual overnights: Count carefully. The 180-night threshold is dispositive for the shared physical care formula.
- Both parents' overnights should sum to 365 (or 366 in a leap year).
- Attach the current signed parenting plan or custody order.

Verification

- Sign under penalty of perjury under South Dakota law. The affidavit does not require notarization in most SD circuits, but the signature is made under criminal penalty.

Key South Dakota Child Support Law, Quick Reference

Modification Standard (SDCL § 25-7A-22)

An order three years old or more may be modified without any showing of changed circumstances; a younger order requires a substantial change that is material and ongoing. Courts evaluate whether the change was foreseeable when the order was entered and whether it significantly affects the financial welfare of the children or either parent. IV-D cases are also reviewed by DCS on a three-year cycle.

Income Shares / Net Income (SDCL §§ 25-7-6.1 to 25-7-6.7)

Both parents' monthly net incomes, gross minus the § 25-7-6.7 deductions (federal income tax, Social Security and Medicare contributions, qualifying retirement contributions, and support paid for other children), are combined to find the basic obligation from the SD schedule. Health insurance for the children and unreimbursed medical costs above the custodial parent's first $250 per year are apportioned between the parents in proportion to income under § 25-7-6.16.

Shared Physical Care (SDCL § 25-7-6.27)

When a detailed court-ordered plan places the child in each parent's home at least 180 nights per year and the parents share expenses in proportion to income, the court may grant a cross credit: the combined obligation is multiplied by 1.5, divided by income share, prorated by each parent's percentage of nights, and offset, with the parent owing the larger prorated amount paying the difference. The credit is discretionary, and the court must consider the effect on the child's standard of living.

Low-Income Cases and Deviations (SDCL § 25-7-6.10)

South Dakota's guidelines contain no self-support reserve and no flat minimum-order statute; the schedule begins at a combined monthly net income of $1,200. Courts may deviate from the schedule with entry of specific findings under SDCL § 25-7-6.10, including based on the financial condition of either parent.

Duration of Support

South Dakota child support runs until the child turns 18, or until 19 if the child is a full-time student in a secondary school. Support may be ordered past that point for a dependent child with a mental or physical disability. College support is not mandated.

Health Insurance and Medical Costs (SDCL § 25-7-6.16)

Courts must address health coverage in every child support order; the premium attributable to the children and unreimbursed medical costs beyond the custodial parent's first $250 per year are apportioned between the parents in proportion to income (SDCL § 25-7-6.16). If either parent has access to reasonably priced employer-sponsored coverage, the court may order that parent to provide it.

Income Imputation

South Dakota courts may impute income to a voluntarily unemployed or underemployed parent based on earning capacity, recent work history, and local employment opportunities.

SD DHS Child Support / Payment

In IV-D cases, support is collected and disbursed through SD DHS. Income withholding orders are standard. Contact: (605) 773-3641 | dss.sd.gov/childsupport.

South Dakota Child Support Resources

- SD DHS Division of Child Support: (605) 773-3641 | dss.sd.gov/childsupport
- SD Child Support Guidelines / Schedule: dss.sd.gov → Child Support → Guidelines
- SD Unified Judicial System (Circuit Court forms): ujs.sd.gov
- SD Legal Aid Society: (800) 952-3734 | sdlawhelp.org
- SD State Bar Lawyer Referral: (605) 224-7554 | statebarofsouthdakota.com
- SD Judicial Circuits directory: ujs.sd.gov → Courts → Circuit Courts
- Income withholding / enforcement: Through SD DHS at (605) 773-3641

End of Appendix AO - South Dakota | Appendix AP - Tennessee follows.

Appendix AP — Tennessee: Statutes, Case Law, Forms, and Resources

Key Statutes

• T.C.A. § 36-5-101, modification of child support; significant variance standard

• Tenn. Comp. R. & Regs. 1240-02-04, Child Support Guidelines; Income Shares model; parenting time measured in DAYS, not overnights

• T.C.A. § 36-5-501, income withholding from earnings; enforcement

• T.C.A. §§ 36-5-701 to 36-5-714, license denial and revocation; noncompliance = $500 in arrears AND 90 days past due

• T.C.A. § 39-15-101, nonsupport (Class A misdemeanor); flagrant nonsupport (leaving the state to avoid the duty, or a prior conviction plus a subsequent offense) is a Class E felony

Key Case Law

• Richardson v. Richardson, 969 S.W.2d 931 (Tenn. Ct. App. 1997), private agreements cannot divest the court's statutory power to modify child support

• Eldridge v. Eldridge, 42 S.W.3d 82 (Tenn. 2001), appellate review of family-law rulings; abuse-of-discretion standard

• Verify additional case law in the opinions database at tncourts.gov before citing; the significant-variance standard comes from the guidelines rule itself, not case-made thresholds

Official Forms

• Child Support Worksheet, Tennessee Courts (tncourts.gov)

• Petition to Modify Child Support, Circuit or Juvenile Court

• Sworn Income and Expense Statement

• Parenting Plan Order, required when parenting time changes

State Agency Contact

• Tennessee DHS Child Support Services: (800) 838-6911

• Website: tn.gov/humanservices/for-families/child-support-services

• Tennessee Courts self-help: tncourts.gov

• Legal Aid Society of Middle Tennessee: (800) 238-1443 | las.org

Filing Checklist

- Child Support Worksheet (both parents current income; parenting time entered as DAYS, not overnights)
- Sworn Income and Expense Statement
- Federal tax returns (last 2 years) and three most recent pay stubs
- Petition to Modify Child Support
- Documentation of significant variance (a 15% difference from the recalculated guideline amount, or 7.5% for low-income providers)
- Updated Parenting Plan if parenting time is also changing
- Filing fee or indigency application
- Proof of service on other parent

Court Forms & Completion Guide

Tennessee uses the Income Shares model under T.C.A. § 36-5-101 and Tenn. Comp. R. & Regs. 1240-02-04. The state uses its own terminology: the parent with whom the child primarily lives is the Primary Residential Parent (PRP), and the other parent is the Alternative Residential Parent (ARP). Tennessee measures parenting time in days, a day is more than 12 consecutive hours with the child within a 24-hour period, not overnights. A modification requires a significant variance: at least a 15% difference (7.5% for a low-income provider) between the current order and the guideline amount recalculated with current figures (Tenn. Comp. R. & Regs. 1240-02-04-.05).

TENNESSEE QUICK REFERENCE

Statute / Rule: T.C.A. § 36-5-101; Tenn. Comp. R. & Regs. 1240-02-04

Income basis: Gross income (all sources before deductions)

Parenting time unit: Day = more than 12 consecutive hours within a 24-hour period (not just overnights)

Parenting Time Adj.: PTA applies when ARP has ≥ 92 days/year

Equal parenting: Near-equal schedules run through the same days-based worksheet adjustment, enter each parent's exact day count

Modification trigger: Significant variance, ≥ 15% difference from the recalculated guideline amount (7.5% for low-income providers)

Minimum support: $100 / month (2020 guidelines; limited exceptions, e.g., SSI-only income)

Support ends: Age 18, or when the child's high school class graduates, whichever is later

Payment address: Tennessee Child Support Receipting Unit (CSR Unit), P.O. Box 305200, Nashville TN 37229

DHS Review Line: (800) 838-6911

FORM 1, PETITION TO MODIFY CHILD SUPPORT

STATE OF TENNESSEE – COURT OF RECORD TN-CS-MOT-01

PETITION TO MODIFY CHILD SUPPORT

T.C.A. § 36-5-101 | Tenn. Comp. R. & Regs. 1240-02-04 · File in the court that entered the original order. Tennessee uses PRP (Primary Residential Parent) and ARP (Alternative Residential Parent) terminology. A day = any period ≥ 12 hours.

IN THE _____ COURT OF _____ COUNTY, TENNESSEE	Docket No.: _____
Petitioner (Primary Residential Parent — PRP):	_____
vs.	
Respondent (Alternative Residential Parent — ARP):	_____

PART 1 — GROUNDS FOR MODIFICATION

- ■ A. Substantial and material change in circumstances (T.C.A. § 36-5-101(a)(1)).
- ■ B. Significant change in either party's gross income or income-producing ability.
- ■ C. Material change in residential parenting schedule affecting the Parenting Time Adjustment (PTA).
- ■ D. The current support amount differs from the guideline amount by ≥ 15% or ≥ $100/month, whichever is greater (periodic
- ■ E. Child's financial needs have materially changed (medical, educational, or special needs).
- ■ F. TN DHS Child Support administrative review requested: (800) 838-6911.
- ■ G. Other (describe below): _____

Describe the change in circumstances in detail:

PART 2 — CURRENT ORDER INFORMATION

Date of Current Order:	_____	**Current Monthly Support:**	$_____
Court / County / Docket No.:	_____	**Children Covered:**	_____
DHS Case No. (if any):	_____	**IV-D Case?**	■ Yes ■ No
Arrears outstanding?	■ Yes $_____ ■ No	**Income assignment in place?**	■ Yes ■ No

PART 3 — CHILDREN SUBJECT TO THIS PETITION

Child's Full Name	Date of Birth	Age	Primary Residential Parent (PRP)	ARP Days / Year
			■ Petitioner ■ Respondent	
			■ Petitioner ■ Respondent	
			■ Petitioner ■ Respondent	
			■ Petitioner ■ Respondent	

PART 4 — RESIDENTIAL PARENTING SCHEDULE

Current parenting schedule type:	■ Standard (ARP < 92 days/yr) ■ Extended (ARP 92–182 days/yr) ■ Equal (ARP ≥ 183 days/yr)

ARP's current days per year with children:	_____ (A 'day' = any period ≥ 12 hours under TN guidelines)
Has parenting schedule materially changed since last order?	■ Yes — described above ■ No
Proposed ARP days per year (if schedule changing):	_____

PART 5 — RELIEF REQUESTED

- ■ Increase monthly child support.
- ■ Decrease monthly child support.
- ■ Recalculate under current Tennessee Child Support Guidelines (Tenn. Comp. R. & Regs. 1240-02-04).
- ■ Apply updated Parenting Time Adjustment (PTA) based on new ARP day count.
- ■ Apply equal parenting time schedule (ARP ≥ 183 days/year).
- ■ Modify health insurance / medical support provisions.
- ■ Modify work-related child-care cost allocation.
- ■ Other: _____

VERIFICATION AND SIGNATURE

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signature:	_____	**Date:**	_____
Printed Name:	_____	**TN BPR No. (if atty):**	_____
Address:	_____	**Phone:**	_____
City / ZIP:	_____	**Email:**	_____

TN DHS Child Support: (800) 838-6911 | tn.gov/humanservices/for-families/child-support | TN Alliance for Legal Services: (615) 780-3244.

Line-by-Line Completion Guide, Petition to Modify Child Support

- **STATE / COURT**

  Tennessee __ County [Juvenile / Circuit / General Sessions] Court, circle the court type that issued your original order.

- **DIVISION**

  Enter the division number if your county has multiple divisions (check your original order or call the clerk).

- **DOCKET / CASE NO.**
  Copy exactly from your original child support order, including any alphabetic prefix (e.g., J-2019-1234).
- **CAPTION, PRP**
  Enter the full legal name of the Primary Residential Parent (PRP), the parent with primary custody.
- **CAPTION, ARP**
  Enter the full legal name of the Alternative Residential Parent (ARP), the parent seeking or paying support.
- **PETITIONER / RESPONDENT**
  Petitioner is the parent filing this motion. Respondent is the other parent. Either the PRP or ARP may petition.
- **CHILD(REN)**
  List each child's full legal name and date of birth. Tennessee courts need individual records for each child subject to the order.
- **ORIGINAL ORDER DATE**
  Enter the date the original (or most recent modified) child support order was entered by the court.
- **CURRENT MONTHLY SUPPORT**
  Enter the exact dollar amount stated in the most recent order, not what is actually being paid.
- **GROUNDS, 15%/$100 DEVIATION**
  Check this box if the guideline amount recalculated with current figures differs from the ordered amount by at least 15% (7.5% for low-income providers). Attach a completed Child Support Worksheet showing the new guideline figure.
- **GROUNDS, SUBSTANTIAL CHANGE**
  Check this box for other grounds: significant income change, job loss, new child born to either parent, child's needs changed, incarceration, disability, or change in parenting time.
- **DESCRIBE CHANGE**
  In 2–4 sentences, describe the specific change. State facts (dates, dollar amounts, percentages), avoid vague language like 'circumstances changed.' Example: 'Petitioner's annual gross income decreased from $65,000 to $42,000 due to layoff on March 15, 2025.'
- **PARENTING TIME DAYS**
  State the current number of days per year the ARP has the child. This triggers PTA eligibility if ≥ 92 days.
- **RELIEF REQUESTED**
  Check 'increase' or 'decrease' as appropriate. You may also request retroactive modification back to the date of filing.
- **SIGNATURE BLOCK**
  Sign in front of a notary or the court clerk. Print your name, address, phone, and email below your signature.
- **CERTIFICATE OF SERVICE**
  Complete this section showing how and when you served the Respondent. Service by sheriff or process server is required for initial petitions; certified mail is acceptable for subsequent modifications.

FORM 2, CHILD SUPPORT WORKSHEET

STATE OF TENNESSEE – COURT OF RECORD TN-CS-WKS-01

TENNESSEE CHILD SUPPORT WORKSHEET
Tenn. Comp. R. & Regs. 1240-02-04 | Income Shares Model

Tennessee uses Income Shares (gross income basis). PRP = Primary Residential Parent; ARP = Alternative Residential Parent (pays support). Parenting Time Adjustment (PTA): ARP < 92 days = no PTA; 92–182 days = PTA applies; ≥ 183 days = equal parenting formula. A 'day' = any period of at least 12 hours under TN guidelines.

IN THE _____ COURT OF	**Docket No.:**
_____ COUNTY, TENNESSEE	_____
Petitioner (Primary Residential Parent — PRP):	_____
vs.	
Respondent (Alternative Residential Parent — ARP):	_____

SECTION A — MONTHLY GROSS INCOME

Line	Description	PRP ($)	ARP ($)
A1	Wages, salary, tips, commissions (gross before deductions)		
A2	Net income from self-employment (after ordinary business expenses, before taxes)		
A3	Bonuses / overtime (12-month average)		
A4	Social Security / SSDI / SSI benefits		
A5	Pension / retirement income		
A6	Rental income (net of ordinary expenses)		
A7	Unemployment / workers' comp / short-term disability		
A8	Alimony / spousal support received (other relationship)		
A9	Investment income / dividends / interest		
A10	Other income (specify): _____		
A11	TOTAL MONTHLY GROSS INCOME (sum A1–A10)		

SECTION B — ADJUSTMENTS TO GROSS INCOME

Line	Description	PRP ($)	ARP ($)
B1	Court-ordered support for other children (other relationships) — actually paid		
B2	Alimony / spousal support paid under court order (other relationship)		
B3	Extraordinary travel costs for court-ordered parenting time (if applicable)		
B4	TOTAL ADJUSTMENTS (sum B1–B3)		
B5	ADJUSTED MONTHLY GROSS INCOME (A11 minus B4)		

SECTION C — COMBINED INCOME & BASIC SUPPORT OBLIGATION (BSO)

Line	Description	Amount

C1	Combined Adjusted Monthly Gross Income (B5 PRP + B5 ARP)	
C2	Basic Support Obligation (BSO) from TN Child Support Schedule by C1 and # of children	
C3	PRP's income share (B5 PRP ÷ C1)	%
C4	ARP's income share (B5 ARP ÷ C1)	%
C5	ARP's share of BSO (C2 × C4) — before PTA	

SECTION D — ADDITIONAL EXPENSES

Line	Description	PRP ($)	ARP ($)
D1	Monthly work-related child-care costs (total for children in this case)		
D2	Monthly health insurance premium for children in this case		
D3	Uninsured / extraordinary medical expenses (annual average ÷ 12)		
D4	Special educational or disability-related expenses (agreed / court-ordered)		
D5	TOTAL ADDITIONAL EXPENSES (D1 + D2 + D3 + D4)		
D6	Each party's proportional share of additional expenses (× C3 / C4)		

SECTION E — PARENTING TIME ADJUSTMENT (PTA)

PTA applies when ARP has ≥ 92 days/year. At ≥ 183 days, use equal parenting formula (Section F). TN 'day' = any period ≥ 12 hours. Standard parenting schedule (< 92 days) = no PTA; skip to Section F.

Line	Description	Amount
E1	ARP's total days per year with children (count all periods ≥ 12 hours as 1 day)	
E2	ARP's parenting time percentage (E1 ÷ 365)	%
E3	Parenting schedule category:	■ < 92 days (no PTA) ■ 92–182 days (PTA) ■ ≥ 183 days (equal — use Section F)
E4	If 92–182 days: PTA from TN PTA Table (look up by E1 and ARP's BSO share)	
E5	ARP's adjusted BSO after PTA (C5 minus E4)	

SECTION F — EQUAL / NEAR-EQUAL PARENTING TIME (ARP ≥ 183 days)

Use ONLY when ARP has ≥ 183 days/year (approximately 50%). Otherwise use Section E.

Line	Description	Amount
F1	Does ARP have ≥ 183 days/year?	■ Yes — continue ■ No — use Section E
F2	PRP's share of BSO (C2 × C3)	
F3	ARP's share of BSO (C2 × C4)	
F4	Net support: higher amount minus lower amount	
F5	Higher-income parent pays net difference (F4) to lower-income parent	

SECTION G — FINAL CHILD SUPPORT OBLIGATION

Line-by-Line Completion Guide, Child Support Worksheet

- **HEADER, PRP/ARP NAMES**

  Enter the PRP's name in Column A and the ARP's name in Column B. Column headings throughout the worksheet correspond to PRP (Column A) and ARP (Column B).

- **NUMBER OF CHILDREN**

Enter the total number of children covered by this order. The Basic Support Obligation schedule is scaled by number of children.

- **LINE 1, GROSS MONTHLY INCOME (PRP)**

  Enter PRP's total gross monthly income from all sources: wages, salary, self-employment net, rental income, interest/dividends, disability, retirement, and other regular income. Do NOT deduct taxes or other withholdings, Tennessee uses gross income.

- **LINE 1, GROSS MONTHLY INCOME (ARP)**

  Enter ARP's total gross monthly income from all sources using the same gross basis.

- **LINE 2, ADJUSTMENTS**

  Deduct court-ordered support for other children (not the children in this case) and maintenance (alimony) paid. Do not deduct voluntary support for other households.

- **LINE 3, ADJUSTED GROSS INCOME**

  Line 1 minus Line 2 for each parent.

- **LINE 4, COMBINED ADJUSTED GROSS INCOME**

  Add PRP's and ARP's Line 3 figures together.

- **LINE 5, BASIC SUPPORT OBLIGATION**

  Look up Line 4 in the Tennessee Schedule of Basic Child Support Obligations (Appendix to Tenn. Comp. R. & Regs. 1240-02-04). Find the row matching combined income and column matching number of children. Enter the table amount.

- **LINE 6, INCOME SHARE PERCENTAGES**

  Divide each parent's Line 3 by Line 4 to get their percentage of combined income. PRP% + ARP% = 100%.

- **LINE 7, EACH PARENT'S SHARE OF BASIC OBLIGATION**

  Multiply Line 5 by each parent's Line 6 percentage.

- **LINE 8, WORK-RELATED CHILDCARE**

  Enter monthly childcare costs that are work- or school-related (not optional enrichment). The worksheet pro-rates the cost between the parents by income share.

- **LINE 9, HEALTH INSURANCE PREMIUM**

  Enter the monthly cost of the child's portion of health insurance (subtract employee-only premium from family premium). Enter the paying parent's amount; each parent's pro-rata share will be calculated.

- **LINE 10, EXTRAORDINARY MEDICAL**

  Recurring uninsured medical expenses, predictable co-pays, deductibles, orthodontia, are entered here and pro-rated by income share. Document them; non-recurring costs are typically divided pro rata outside the worksheet.

- **LINE 11, EXTRAORDINARY EXPENSES**

  Other court-approved extraordinary expenses (education, special needs, etc.).

- **LINE 12, TOTAL CHILD SUPPORT OBLIGATION**

  Sum of Lines 7–11 for each parent.

- **LINE 13, PARENTING TIME ADJUSTMENT (PTA)**

  This line applies ONLY if the ARP has 92 or more days per year with the child(ren). The PTA reduces the ARP's obligation to account for direct spending during parenting time. Calculate using the PTA formula in the worksheet instructions (requires ARP day count and the PTA multiplier from the schedule). If ARP has < 92 days, enter zero.

- **LINE 14, EQUAL OR NEAR-EQUAL PARENTING**

  For equal or near-equal schedules, the worksheet's days-based adjustment substantially offsets the two obligations; enter each parent's precise day count and follow the current worksheet instructions. The parent with the higher obligation after adjustment pays the difference.

- **LINE 15, CREDITS**

Deduct the portion of health insurance premium and childcare costs already included that are being paid directly by the ARP. Do not double-count amounts already reflected in Lines 8–9.

- **LINE 16, FINAL MONTHLY OBLIGATION (ARP)**

  ARP's Line 12 minus the parenting time adjustment (Line 13/14), minus credits (Line 15). This is the monthly support figure. The minimum order is $100/month unless a guidelines exception applies.

- **LOW-INCOME GUIDELINES**

  If the ARP's gross income falls in the shaded self-support reserve area of the schedule ($957/month under the 2020 guidelines, indexed to the federal poverty level since), the worksheet produces a reduced obligation, generally not below the $100/month minimum absent an exception such as SSI-only income.

- **SIGNATURE / DATE**

  Both parents should sign the completed worksheet if submitted jointly. In contested cases, each party submits their own version; the court reconciles discrepancies.

FORM 3, AFFIDAVIT OF INCOME AND EXPENSES

STATE OF TENNESSEE – COURT OF RECORD TN-CS-FIN-01

AFFIDAVIT OF INCOME AND EXPENSES

Complete all sections under penalty of perjury. Attach last 3 pay stubs and prior year federal tax return. Tennessee guidelines require both parties to produce income documentation at the hearing.

IN THE _____ COURT OF	Docket No.:
_____ COUNTY, TENNESSEE	_____
Petitioner (Primary Residential Parent — PRP):	_____
vs.	
Respondent (Alternative Residential Parent — ARP):	_____

PART 1 — DECLARANT INFORMATION

Full Legal Name:	_____	**Date of Birth:**	_____
SSN (last 4 only):	XXX-XX-____	**TN Driver's License No.:**	_____
Current Employer:	_____	**Occupation / Title:**	_____
Employer Address:	_____	**Work Phone:**	_____
Employment Status:	■ Full-time ■ Part-time ■ Self-employed ■ Unemployed	**Since:**	_____
Role in this case:	■ PRP (Primary Residential Parent) ■ ARP (Alternative Residential Parent)		
Household Size (incl. self):	_____	**No. of children in this case:**	_____

PART 2 — MONTHLY GROSS INCOME

Income Source	Monthly Amount	Annual Amount	Documentation
Wages / salary (gross)	$	$	■ Pay stubs attached
Self-employment income (net)	$	$	■ Schedule C attached
Bonuses / commissions (12-mo avg.)	$	$	■ Pay history / W-2
Social Security / SSDI / SSI	$	$	■ Award letter attached
Pension / retirement	$	$	■ Statement attached
Rental income (net)	$	$	■ Schedule E attached
Unemployment / disability	$	$	■ Benefit letter attached
Alimony received (other case)	$	$	■ Court order attached
Investment / dividend income	$	$	■ 1099 / statement
Other (specify): _____	$	$	
TOTAL MONTHLY GROSS INCOME	$	$	

PART 3 — MONTHLY HOUSEHOLD EXPENSES

Expense Category	Monthly Amount	Notes
Rent / mortgage (PITI)	$	

Utilities (electric, gas, water, internet)	$	
Food / groceries	$	
Transportation (car payment, insurance, fuel)	$	
Health insurance (self only)	$	
Health insurance (children in this case)	$	
Child-care / daycare (work-related)	$	
Uninsured medical / dental (children)	$	
Support for other children (court-ordered)	$	■ Order attached
Alimony paid (other court order)	$	■ Order attached
Student loans / credit card minimums	$	
Clothing / personal care	$	
Extraordinary travel for parenting time	$	
Other (specify): _____	$	
TOTAL MONTHLY EXPENSES	$	

PART 4 — HEALTH INSURANCE FOR THE CHILDREN

Health insurance provided for children?	■ Yes ■ No	**Provider:**	_____
Monthly premium (children only):	$_____	**Policy / Group No.:**	_____
Available through employer at reasonable cost?	■ Yes ■ No ■ N/A	**Dental / Vision included?**	■ Yes ■ No
Children on TennCare / Medicaid?	■ Yes ■ No	**CHIP enrolled?**	■ Yes ■ No

PART 5 — RESIDENTIAL PARENTING SCHEDULE

Declarant's role:	■ PRP (Primary Residential Parent) ■ ARP (Alternative Residential Parent)		
ARP's total days / year with children:	_____	**(A day = any period ≥ 12 hours)**	
Parenting schedule category:	■ < 92 days ■ 92–182 days (PTA applies) ■ ≥ 183 days (equal parenting)		
Parenting plan / schedule attached?	■ Yes ■ No	**Current parenting order date:**	_____

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury under the laws of the State of Tennessee that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signature:	_____	**Date:**	_____
Printed Name:	_____	**County:**	_____

TN DHS Child Support: (800) 838-6911 | tn.gov/humanservices | TN Alliance for Legal Services: (615) 780-3244 | TN Bar Referral: (800) 899-6993 | Support ends at age 18 or HS graduation (whichever later, not past 19 absent court order or agreement).

Line-by-Line Completion Guide, Affidavit of Income and Expenses

- **SECTION A, PERSONAL INFORMATION**

  Enter your full legal name, home address, mailing address (if different), phone number, and email. Identify your relationship to the child: PRP or ARP.

- **SECTION B, EMPLOYMENT INCOME**

List your current employer(s), your position/title, start date, and gross monthly wages. Attach your two most recent pay stubs. If self-employed, attach the most recent two years of tax returns and a current profit/loss statement.

- **SECTION B, OTHER INCOME SOURCES**

  List all other sources of monthly income: Social Security (including SSDI/SSI for the child), unemployment, veterans' benefits, rental income, trust income, pension/retirement distributions, alimony received, workers' comp, and any other regular payments. Tennessee requires disclosure of ALL income sources.

- **SECTION B, TOTAL GROSS MONTHLY INCOME**

  Sum all income sources. This figure must match Line 1 of your Child Support Worksheet exactly. Courts compare the affidavit and worksheet; inconsistencies invite scrutiny.

- **SECTION C, MONTHLY EXPENSES**

  List all reasonable monthly living expenses: housing (rent/mortgage, utilities, renter's/homeowner's insurance), transportation (car payment, insurance, fuel), food, clothing, personal care, medical costs not covered by insurance, phone, internet, and installment debt payments.

- **SECTION C, CHILD-RELATED EXPENSES**

  Separately itemize costs incurred specifically for the child(ren): tuition, childcare, activity fees, school supplies, child's clothing, uninsured medical, and health insurance premiums. Distinguish between expenses you already pay directly and expenses you are requesting the other parent to share.

- **SECTION D, ASSETS**

  List assets with approximate current value: real estate (fair market value minus mortgage balance), vehicles (current value minus loan balance), bank/investment accounts, retirement accounts, and other significant assets. Tennessee courts use assets to assess ability to pay, especially in income imputation disputes.

- **SECTION D, LIABILITIES**

  List all debts not already included in monthly expenses: credit card balances, student loans, medical debt, IRS obligations, and any other outstanding liabilities. Include approximate balances.

- **SECTION E, HEALTH INSURANCE**

  State whether you currently carry health insurance for the child(ren). If yes, enter the monthly premium attributable to the child (family premium minus employee-only premium). If no, explain why coverage is unavailable or unaffordable.

- **SECTION E, CHILDCARE**

  State whether you currently pay work-related childcare for the child(ren). Enter the monthly amount, provider name, and whether the costs are recurring.

- **SECTION F, PARENTING TIME**

  State the number of days per year you (as ARP) currently have the child(ren), or the number of days the other parent has the child(ren). This directly affects whether the PTA or equal-parenting formula applies. Remember: Tennessee counts any period ≥ 12 hours as one full day.

- **VERIFICATION / OATH**

  Sign before a notary public. The notary must complete the acknowledgment block with their seal and commission expiration date. Courts in Tennessee will reject unnotarized affidavits in modification proceedings. If you file electronically through the court's e-filing system, follow the court-specific instructions for electronic oath submission.

- **ATTACHMENTS**

  Required attachments: (1) last 2 pay stubs or proof of income; (2) most recent federal tax return (Form 1040 with all schedules); (3) documentation of childcare costs; (4) health insurance cards and premium statements; (5) any documentation supporting claimed changes in circumstances (termination letter, medical records, new custody order, etc.).

FILING TIPS, TENNESSEE

• File at the clerk's office of the court that entered the original order (Juvenile, Circuit, or General Sessions Court in the issuing county).

• Make 3 copies of your complete packet: one for the court, one to serve on the other parent, one for your records.

• Filing fees for modification petitions typically range from $50–$150 depending on the county. Fee waivers (in forma pauperis) are available, ask the clerk for the application.

• Tennessee has an e-filing system (TNCourts.gov) in most counties; check whether your county accepts electronic filing for family law matters.

• Service of process must be accomplished by a sheriff, process server, or (after service of the original petition) by certified mail. The clerk can issue a summons.

• Administrative review: If either parent is a Title IV-D case participant, contact TN DHS at (800) 838-6911 to request a free administrative review before filing in court.

• If you are seeking retroactive modification, request that it apply back to the date of filing, not the date of the hearing. Tennessee does not allow retroactive modification prior to the date of filing.

• Self-support reserve: If the ARP's income falls in the shaded low-income area of the schedule (the reserve was $957/month under the 2020 guidelines), ask the court to apply the low-income provisions; support may be reduced below standard amounts, generally not below $100/month.

• PRP/ARP language: Tennessee courts use PRP and ARP throughout all paperwork. If your prior order used 'custodial parent' and 'non-custodial parent,' those terms map to PRP and ARP respectively.

• Day counting: Document your parenting time carefully, a day is more than 12 consecutive hours with the child, even without an overnight stay. The parenting time adjustment becomes available at 92 days.

End of Appendix AP - Tennessee | Appendix AQ - Texas follows.

Appendix AQ — Texas: Statutes, Case Law, Forms, and Resources

Key Statutes

• T.F.C. § 156.401, modification of child support; material/substantial change or 3-year review

• T.F.C. § 154.125, child support guidelines; percentage of income (net resources)

• T.F.C. § 154.062, net resources definition; guideline cap of $11,700/month set under § 154.125 (raised from $9,200 effective Sept. 1, 2025)

• T.F.C. § 232.001 et seq., license suspension for child support arrears

• Tex. Penal Code § 25.05, criminal nonsupport (state jail felony)

Key Case Law

• In re A.L.E., 279 S.W.3d 424 (Tex. App. 2009), material and substantial change standard

• Worford v. Stamper, 801 S.W.2d 108 (Tex. 1990), net resources calculation

• Iliff v. Iliff, 339 S.W.3d 74 (Tex. 2011), imputed income for voluntary underemployment

• Rodriguez v. Rodriguez, 860 S.W.2d 414 (Tex. 1993), above-cap support is limited to the proven needs of the child

Official Forms

• Child Support Worksheet, Texas OAG (texasattorneygeneral.gov)

• Petition to Modify Parent-Child Relationship, District Court

• Uniform Child Support Order

• Income Withholding for Support (OAG IWO form)

State Agency Contact

• Texas Office of the Attorney General Child Support Division: (800) 252-8014

• Website: texasattorneygeneral.gov/child-support

• Texas Courts self-help: texaslawhelp.org

• Lone Star Legal Aid: (800) 733-8394 | lonestarlegal.org

Filing Checklist

• Child Support Worksheet (obligor net resources only. Texas is percentage of income, not income shares)

- Federal tax returns (last 2 years) and three most recent pay stubs
- Documentation of net resource deductions (federal taxes, FICA, health insurance)
- Petition to Modify Parent-Child Relationship
- Documentation of material change or 3-year + 20%/$100 trigger
- Filing fee or statement of inability to afford payment
- Proof of service on other parent

Court Forms & Completion Guide

Texas uses a Percentage of Income model under Tex. Fam. Code § 154.001 et seq., administered by the Office of the Attorney General (OAG) Child Support Division. Unlike Income Shares states, Texas applies a fixed percentage to the obligor's monthly net resources, gross income minus specific allowable deductions. The obligation is capped at the first $11,700 of monthly net resources (raised from $9,200 effective September 1, 2025). A modification may be sought under the three-year review rule (order is 3+ years old AND differs from guideline by 20% or $100/month) or upon a material and substantial change in circumstances.

TEXAS QUICK REFERENCE

Statute: Tex. Fam. Code §§ 154.001–154.309
Model: Percentage of Income, applied to OBLIGOR'S net resources only
Income basis: Net resources (gross income minus specific deductions)
Net resource cap: $11,700 / month effective Sept. 1, 2025 (adjusted every six years under § 154.125(a-1))
Percentages: 1 child = 20% | 2 = 25% | 3 = 30% | 4 = 35% | 5+ = 40% (reduced 15%–35% schedule if net resources are under $1,000/month, § 154.125(c))
Other-family adj.: Reduced percentages apply when obligor supports children in other households
State income tax: Texas has no state income tax, deduction is $0
3-Year review: Order ≥ 3 years old AND amount differs ≥ 20% or $100/month from guideline
Material change: Significant change in income, employment, health, custody, or child's needs
Support ends: Age 18 or HS graduation, whichever is LATER (no age cap while enrolled in a program leading to a high school diploma, § 154.002)
Payment: Texas State Disbursement Unit (SDU), P.O. Box 659791, San Antonio TX 78265
OAG Child Support: (800) 252-8014 | childsupport.oag.texas.gov

FORM 1, MOTION TO MODIFY CHILD SUPPORT ORDER

STATE OF TEXAS — MOTION TO MODIFY CHILD SUPPORT ORDER

Office of the Attorney General — Child Support Division | Tex. Fam. Code § 156.401

COURT INFORMATION			
Court:	___ District Court ■ County Court at Law ■ Associate Judge	**County:**	_____, Texas
Cause No.:	_____	**Judicial District:**	_____

CAPTION — PARTIES	
Petitioner (Movant):	_____
Respondent:	_____
Child(ren):	Name: _____ DOB: _____ Name: _____ DOB: _____ Name: _____ DOB: _____

CURRENT CHILD SUPPORT ORDER			
Date of Current Order:	_____	**Monthly Amount:**	$_____
Obligor (Payor):	_____	**Obligee (Payee):**	_____
Payment Through:	■ State Disbursement Unit (SDU) ■ Direct ■ Other: _____		

GROUNDS FOR MODIFICATION (check all that apply)

■ THREE-YEAR REVIEW: The order is 3 or more years old AND the guideline amount differs from the current order by 20% or $100/month (whichever is less).

■ MATERIAL AND SUBSTANTIAL CHANGE: A material and substantial change in circumstances has occurred since the date the order was rendered or last modified.

■ OBLIGOR'S INCOME CHANGED: Obligor's monthly net resources have changed by ≥ 20% or $100/month.

■ OBLIGEE'S INCOME CHANGED: Obligee's monthly net resources have changed by ≥ 20% or $100/month.

■ CHILD CUSTODY/POSSESSION CHANGED: Custody or primary possession of the child(ren) has changed.

■ NEW CHILD: Obligor has a legal duty to support an additional child not in this order.

■ DISABILITY / UNEMPLOYMENT: Obligor's ability to pay has substantially changed.

■ OTHER: _____

DESCRIPTION OF CHANGED CIRCUMSTANCES

Describe the specific facts supporting modification (dates, dollar amounts, percentages):

_____
_____
_____
_____

PROPOSED MODIFICATION			
Obligor Monthly Net Resources:	$_____	**Number of Children This Order:**	_____
Applicable Percentage:	_____% (20% / 25% / 30% / 35% / 40%)	**Proposed Monthly Support:**	$_____

Other Children Obligor Supports:	_____ (affects applicable percentage)

PETITIONER SIGNATURE			
Signature:	_____	**Date:**	_____
Printed Name:	_____	**Bar No. (if atty):**	_____
Address:	_____	**Phone:**	_____
Email:	_____		

CERTIFICATE OF SERVICE

I certify that on _____, 20___, I served a true and correct copy of this Motion on Respondent by: ■ Certified Mail ■ Hand Delivery ■ E-Service ■ Process Server Respondent's address:

_____ Signature: _____ Date: _____

Line-by-Line Completion Guide, Motion to Modify Child Support Order

- **COURT TYPE**

  Check whether your order is from the District Court, County Court at Law, or Associate Judge. The motion must be filed in the same court that issued the original order. Most family law orders in Texas come from District Courts; smaller counties may use County Courts at Law.

- **COUNTY**

  Enter the county in Texas where the original order was entered, NOT necessarily where you currently live.

- **CAUSE NUMBER**

  Copy the cause number exactly from your existing child support order. It typically appears in the caption of the order (e.g., 2019-12345-F or DR-2019-1234). Include any letter prefix or suffix.

- **PETITIONER / MOVANT**

  The Petitioner is the party filing the motion. This can be the obligor (payor) or the obligee (payee). In Texas, either parent or the OAG may file a modification motion.

- **RESPONDENT**

  The other parent (or the OAG if they are the managing conservator/payee).

- **CHILD(REN)**

  List each child's full legal name and date of birth. If the order covers multiple children and support for some has already terminated (turned 18 and graduated), note which children remain subject to the order.

- **CURRENT ORDER DATE**

  Enter the date the most recent order was signed by the judge, not the date it was filed. This date determines whether the three-year review rule applies.

- **CURRENT MONTHLY AMOUNT**

  Enter the exact dollar amount stated in the order, not what is actually being paid. If there are arrears or deviations, note them separately.

- **GROUNDS, THREE-YEAR REVIEW**

  Check this box if: (1) the most recent order was rendered or last modified 3+ years ago, AND (2) applying the current guideline percentage to the obligor's current net resources would produce an amount that differs from the current order by 20% or $100/month. Both conditions must be met.

- **GROUNDS, MATERIAL AND SUBSTANTIAL CHANGE**

  Check for: significant income change (job loss, promotion, disability), change in custody or primary possession, birth or adoption of additional child, child's medical needs changed, obligor incarcerated, or other major life event. Texas courts look for changes that are both 'material' (significant) and 'substantial' (permanent or long-lasting).

- **DESCRIPTION OF CHANGE**

  Be specific. State dates, dollar amounts, and percentages. Example: 'Petitioner's gross monthly income decreased from $6,500 to $3,800 due to employer layoff on January 15, 2025, as documented by the attached termination notice and most recent pay stub.' Vague allegations fail.

- **OBLIGOR'S MONTHLY NET RESOURCES**

  Enter the current calculated net resources figure (see Worksheet, Line C1). This is the starting point for the obligation calculation.

- **NUMBER OF CHILDREN THIS ORDER**

  Count only the children covered by THIS order. Children in other households supported by the obligor affect the percentage used, not this count.

- **APPLICABLE PERCENTAGE**

  Use the percentage table on the Worksheet, the percentage depends on the number of children in this order AND the number of other children the obligor is legally obligated to support in other households.

- **OTHER CHILDREN**

  Count any children for whom the obligor has a legal support obligation (court order or acknowledgment of paternity) in households other than this case. Include both biological and adopted children. Step-children do NOT count.

- **PROPOSED MONTHLY SUPPORT**

Net resources × percentage = proposed support. This is the guideline figure; courts may deviate if shown to be unjust or inappropriate.

- **SIGNATURE**

  Texas does not require notarization for a motion to modify, but you must sign under penalty of perjury. If an attorney is representing you, the attorney signs and lists their bar number.

- **CERTIFICATE OF SERVICE**

  State exactly how and when you served the Respondent. Initial motions require formal service (sheriff, constable, or process server). If the Respondent has an attorney of record, service on the attorney is sufficient.

FORM 2, CHILD SUPPORT WORKSHEET (NET RESOURCES CALCULATION)

TEXAS CHILD SUPPORT WORKSHEET — NET RESOURCES CALCULATION

Tex. Fam. Code §§ 154.061–154.069 | OAG Child Support Division

Cause No.:	_____	**County:**	_____	**Date:**	_____
Obligor Name:	_____	**Obligee Name:**	_____	**# Children:**	_____

SECTION A — OBLIGOR'S GROSS MONTHLY INCOME		
A1	**Wages / Salary / Tips (gross, before deductions)**	$_____
A2	**Self-Employment Net Income (gross receipts minus ordinary/necessary expenses)**	$_____
A3	**Rental Income**	$_____
A4	**Interest, Dividends, Royalties**	$_____
A5	**Disability / Workers' Compensation / Veterans' Benefits**	$_____
A6	**Pension / Retirement / Annuity**	$_____
A7	**Unemployment Compensation**	$_____
A8	**All Other Income (specify: _____)**	$_____
A9	**TOTAL GROSS MONTHLY INCOME (A1 + A2 + … + A8)**	$_____

SECTION B — ALLOWABLE DEDUCTIONS FROM GROSS INCOME (Tex. Fam. Code § 154.062)		
B1	**Federal Income Tax Withholding (single filer, 1 exemption)**	$_____
B2	**State Income Tax (Texas has no state income tax — enter $0)**	$ 0.00
B3	**Social Security Tax (FICA — 6.2% up to annual wage base)**	$_____
B4	**Medicare Tax (1.45%)**	$_____
B5	**Union Dues (actual mandatory dues only)**	$_____
B6	**Health Insurance Premium for Child(ren) in This Order (obligor's share only)**	$_____
B7	**Non-Discretionary Retirement Contributions (required by employer, not voluntary)**	$_____
B8	**TOTAL DEDUCTIONS (B1 + B3 + B4 + B5 + B6 + B7)**	$_____

SECTION C — NET RESOURCES AND CHILD SUPPORT OBLIGATION		
C1	**Monthly Net Resources (A9 minus B8)**	$_____
C2	**Cap Applied? Net Resources capped at $9,200/month — enter lesser of C1 or $9,200**	$_____
C3	**Children in OTHER households obligor is legally obligated to support (count)**	_____
C4	**Applicable Percentage (see table below — accounts for other children)**	_____%
C5	**GUIDELINE MONTHLY SUPPORT OBLIGATION (C2 × C4)**	$_____

APPLICABLE PERCENTAGE TABLE (Tex. Fam. Code § 154.125 / § 154.129 for multiple families)

Children This Order	0 Other Children	1 Other Child	2 Other Children	3 Other Children	4 Other Children
1	20.00%	17.50%	16.00%	14.75%	13.60%

2	25.00%	22.50%	20.63%	19.00%	18.33%
3	30.00%	27.38%	25.20%	23.14%	22.50%
4	35.00%	32.20%	29.75%	27.86%	26.60%
5+	40.00%	37.33%	34.67%	32.89%	31.33%

SECTION D — ADDITIONAL CHILD-RELATED OBLIGATIONS		
D1	**Child's Health Insurance Premium (if not already deducted in B6 and ordered separately)**	$_____
D2	**Uninsured Medical Expenses (proportionate share — specify % allocation)**	____% each
D3	**Child Care Expenses (work-related, if ordered)**	$_____
D4	**Extraordinary Expenses (education, special needs — attach documentation)**	$_____
D5	**TOTAL MONTHLY OBLIGATION (C5 + D1 + D3 + D4)**	$_____

Prepared by: _____ Date: _____ ■ Petitioner ■ Respondent ■ Mediator ■ Attorney

Texas Child Support Worksheet, Page 2 of 2

Line-by-Line Completion Guide, Child Support Worksheet

- **SECTION A, GROSS MONTHLY INCOME**

  Texas includes all income from any source, regardless of whether it is taxed. This is broader than most states, gifts, trust distributions, and in-kind compensation may be included. If the obligor is voluntarily unemployed or underemployed, the court can impute income based on earning capacity.

- **A1, WAGES / SALARY**

  Enter gross wages before any deductions. For hourly employees: hourly rate × hours per week × 4.333. Attach most recent 2 pay stubs.

- **A2, SELF-EMPLOYMENT**

  Net business income = gross receipts minus ordinary and necessary business expenses. Do NOT deduct depreciation or home office expenses beyond actual cash cost. Attach Schedule C or business profit/loss statement.

- **A8, OTHER INCOME**

  Texas courts have found the following to be 'resources': gambling winnings, lottery proceeds, severance pay, relocation allowances, recurring gifts from family members, and imputed value of free housing provided by a third party.

- **A9, TOTAL GROSS**

  This is the starting point. Carry to Section B for deductions.

- **SECTION B, ALLOWABLE DEDUCTIONS**

  Texas law specifies exactly which deductions are permitted. No other deductions are allowed, courts cannot create new deductions by agreement. The deductions are designed to approximate the tax burden of a single person with one exemption, not the obligor's actual tax liability.

- **B1, FEDERAL INCOME TAX**

  Calculate as if the obligor were a single filer claiming one personal exemption and the standard deduction. Use the OAG's annual tax charts published under Tex. Fam. Code § 154.061, not IRS withholding tables and not the obligor's actual tax return, the guideline uses a standardized calculation. This is a significant and often-contested point.

- **B2, STATE INCOME TAX**

  Texas has no state income tax. Always enter $0.

- **B3 (FICA / B4) MEDICARE**

  6.2% of gross wages up to the annual Social Security wage base (apply FICA), plus 1.45% for Medicare. Self-employed obligors pay 15.3% but may deduct the employer's half. Income above the FICA wage base is not subject to Social Security tax.

- **B5, UNION DUES**

  Only mandatory union dues required as a condition of employment. Voluntary professional association fees do NOT qualify.

- **B6, CHILD'S HEALTH INSURANCE**

  The premium cost attributable to the child(ren) covered by THIS order. Calculate as family premium minus employee-only premium. Attach insurance card and premium statement.

- **B7, NON-DISCRETIONARY RETIREMENT**

  Only employer-required contributions (e.g., mandatory FERS for federal employees, mandatory teacher retirement). Voluntary 401(k) contributions are NOT deductible.

- **C1, MONTHLY NET RESOURCES**

  Gross income (A9) minus total allowable deductions (B8). This is the key figure, the percentage is applied to this number.

- **C2, NET RESOURCE CAP**

  If C1 exceeds $11,700, enter $11,700. The guideline obligation is calculated only on the first $11,700 of monthly net resources (cap raised from $9,200 effective September 1, 2025). Income above the cap may still be relevant for deviation arguments or additional child-related expenses, but the percentage formula is capped.

- **C3, OTHER CHILDREN**

  List children the obligor is legally obligated to support in other households. Voluntary informal support does not count. Having a legal order or court-recognized paternity is required.

- **C4, APPLICABLE PERCENTAGE**

Use the table on the worksheet. Find the intersection of 'children in this order' and 'other children.' Example: 2 children in this order, 1 child in another household = 22.50%.

- **C5, GUIDELINE OBLIGATION**

  C2 × C4. This is the monthly guideline child support. The court may deviate from this amount if application would be unjust or inappropriate under the circumstances (Tex. Fam. Code § 154.123).

- **SECTION D, ADDITIONAL OBLIGATIONS**

  Health insurance, childcare, and extraordinary expenses are allocated in addition to, or as components of, the support order. The court will typically order the obligation to pay a proportionate share of uninsured medical expenses (each parent's share of net resources as a percentage of combined net resources).

FORM 3, AFFIDAVIT OF FINANCIAL INFORMATION

TEXAS AFFIDAVIT OF FINANCIAL INFORMATION

Tex. Fam. Code § 105.006 | Attach to Child Support Modification Petition

SECTION A — PERSONAL INFORMATION

Full Legal Name:	_____	**Role:**	■ Obligor ■ Obligee
Home Address:	_____	**County:**	_____
City/State/Zip:	_____	**Phone:**	_____
Employer Name:	_____	**Employer Phone:**	_____
Employer Address:	_____	**Position:**	_____
Date of Birth:	_____	**Last 4 SSN:**	XXX-XX-_____

SECTION B — MONTHLY INCOME (GROSS, before deductions)

Employment Wages (hourly rate $_____ × ___ hrs/wk × 4.33):	$_____
Overtime / Bonuses / Commissions (average last 24 months):	$_____
Self-Employment / Business Income (net of ordinary expenses):	$_____
Rental Income (net of operating expenses, NOT mortgage):	$_____
Social Security / Disability / SSDI:	$_____
Veterans' Benefits / Pension / Retirement:	$_____
Interest / Dividends / Capital Gains (average last 12 months):	$_____
Unemployment Compensation:	$_____
Workers' Compensation / Personal Injury Awards:	$_____
Gifts / Trust Distributions / Other Regular Support:	$_____
Other Income (specify: _____):	$_____
TOTAL GROSS MONTHLY INCOME:	$_____

SECTION C — MONTHLY EXPENSES

Rent / Mortgage:	$_____	**Utilities (all):**	$_____	**Renter's/Homeowner's Insurance:**	$_____
Car Payment(s):	$_____	**Auto Insurance:**	$_____	**Fuel / Transportation:**	$_____
Groceries / Food:	$_____	**Clothing:**	$_____	**Personal Care:**	$_____

Health Insurance (self):	$_____	**Medical / Dental:**	$_____	**Phone / Internet:**	$_____
Child's Health Insurance:	$_____	**Childcare / Daycare:**	$_____	**Child's School/Activities:**	$_____
Installment Debt (loans):	$_____	**Credit Card Payments:**	$_____	**Student Loans:**	$_____
Other Support Orders:	$_____	**Other Expenses:**	$_____	**TOTAL EXPENSES:**	$_____

SECTION D — ASSETS AND LIABILITIES			
Real Property (FMV – mortgage balance):	$_____	**Mortgage / HELOC Balance:**	$_____
Vehicles (FMV – loan balance):	$_____	**Vehicle Loan Balance:**	$_____
Bank / Savings / Investment Accounts:	$_____	**Credit Card Total Balances:**	$_____
Retirement Accounts (approximate value):	$_____	**Student Loan Balance:**	$_____
Other Assets (specify):	$_____	**Other Liabilities:**	$_____

SECTION E — POSSESSION AND CHILDREN	
Current Possession Order Type:	■ Standard Possession Order (SPO) ■ Extended SPO ■ Modified ■ None
Obligor's Monthly Possession Days:	_____ days/month (approximate)
Other Children Obligor is Legally Required to Support (not this case):	_____ children Monthly support paid: $_____
Health Insurance — Child Covered?	■ Yes — by: ■ Obligor ■ Obligee ■ Other ■ No
Monthly Premium for Child(ren):	$_____

VERIFICATION AND OATH

I declare under penalty of perjury that the information provided in this Affidavit is true and correct to the best of my knowledge and belief. Signature: _____ Date: _____ Sworn to and subscribed before me on _____, 20____. Notary Public Signature: _____ Commission Expires: _____ Notary Public Name (print): _____ County: _____

REQUIRED ATTACHMENTS: ■ Last 2 pay stubs ■ Most recent federal tax return (Form 1040) ■ Proof of other income ■ Proof of health insurance premiums ■ Childcare receipts

Line-by-Line Completion Guide, Affidavit of Financial Information

- **SECTION A, PERSONAL INFORMATION**

  Provide your full legal name as it appears on your driver's license and in the court order. Enter your current employer and work address (not your home address) as the employer contact. Provide only the last 4 digits of your SSN; Texas courts restrict full SSN disclosure in publicly filed documents.

- **SECTION B, EMPLOYMENT WAGES**

  Report your gross wages, the amount on your pay stub BEFORE any deductions. To calculate monthly: hourly wage × hours per week × 4.333. If you are paid bi-weekly: bi-weekly amount × 26 ÷ 12. Attach your two most recent pay stubs. This is required.

- **SECTION B, OVERTIME / BONUSES**

  Average your last 24 months of bonus/overtime payments, then divide by 12 to get a monthly average. Do not use only the most recent month if it is atypically high or low. Courts look for sustainable income, not snapshots.

- **SECTION B, SELF-EMPLOYMENT**

  Report net business income after deducting ordinary and necessary business expenses. Do NOT deduct depreciation, home office allocations, or personal expenses run through the business. Courts are skeptical of self-employed obligors who show minimal profit; attach Schedule C and bank statements.

- **SECTION B, TOTAL GROSS INCOME**

  This total must match Line A9 on your Child Support Worksheet. Courts compare the two documents, any discrepancy will be questioned. Include all income sources, even if irregular or non-taxable.

- **SECTION C, MONTHLY EXPENSES**

  Report your actual monthly amounts, not annual amounts divided by 12 unless the expense is truly annual. Do not inflate expenses to reduce apparent ability to pay, judges see these documents routinely and know what reasonable living costs look like in each Texas region.

- **SECTION C, CHILD-RELATED EXPENSES**

  Separately itemize your actual out-of-pocket spending on the child(ren): school fees, tutoring, sports, clothing, medical co-pays, and similar costs. These can support a deviation argument if your direct spending substantially exceeds what the guideline formula would suggest.

- **SECTION D, ASSETS**

  List assets honestly. Courts use asset information to assess ability to pay and to evaluate whether alleged income reductions are genuine. A recently unemployed obligor with $200,000 in retirement accounts will be viewed differently than one with no savings. Use fair market value (what you could actually sell the asset for today), not purchase price.

- **SECTION D, LIABILITIES**

  List all significant debts. Courts distinguish between debts incurred before the original order and debts incurred after, new voluntary debts generally do not reduce support obligations. Student loans, medical debt, and pre-existing mortgage obligations carry more weight.

- **SECTION E, POSSESSION**

  State whether your current arrangement follows the Standard Possession Order (SPO) (1st/3rd/5th weekends, Thursday overnights during school year, extended summer) or an Extended SPO (adds Thursday overnights). Modified or custom arrangements should be described. Unlike Income Shares states, Texas possession time does not directly reduce the percentage-based obligation, but courts may consider it in deviation decisions.

- **SECTION E, OTHER CHILDREN**

  Be accurate and complete. If you have legal support obligations for children in other households (whether from a court order or an Acknowledgment of Paternity) list them. This directly affects your applicable percentage. Omitting this information is perjury.

- **VERIFICATION / OATH**

  Sign before a notary public. The notary must complete the acknowledgment with their seal. Tex. Fam. Code § 154.063 requires the parties to furnish information sufficient to identify their net resources and ability to pay child support. False statements are punishable as perjury and can result in contempt of court.

- **ATTACHMENTS CHECKLIST**

Always attach: (1) last 2 pay stubs; (2) most recent federal tax return with all schedules; (3) if self-employed, 2 years of returns and a current P&L statement; (4) proof of any claimed deductions (union card, health insurance premium statement); (5) documentation of any other support orders.

FILING TIPS, TEXAS

• File your Motion to Modify at the District Clerk's office (or County Clerk for County Court at Law orders) in the county of the original order.

• OAG Title IV-D cases: If the OAG is already managing your case, contact them at (800) 252-8014 before filing independently. They can file a modification review at no charge if the three-year rule is met.

• Filing fees for modification motions typically range from $100–$300 depending on county. Fee waivers are available, file an Affidavit of Inability to Pay Court Costs (Form available from the district clerk).

• Texas has mandatory e-filing in most courts through TexFile (efiletexas.gov). Check your county's requirements, most Texas courts now require attorneys to e-file, while self-represented parties may still file in person.

• Service: The Respondent must be personally served by a sheriff, constable, or licensed process server. If the Respondent has an attorney of record, you may serve the attorney by e-service.

• Retroactivity: A modified amount applies only to obligations accruing after the earlier of the date of service of citation or an appearance in the modification suit (Tex. Fam. Code § 156.401(b)). File, and get service done, as early as possible once grounds are established.

• Three-year automatic review: This does not mean the court will automatically reduce support, it means you have the right to request a review. You must still show the guideline amount differs by 20% or $100.

• Net resource cap ($11,700): If the obligor's income exceeds the cap, the obligee may seek additional support for proven needs of the child above the guideline amount (above-cap deviation, § 154.126).

• Income imputation: If the obligor is voluntarily unemployed or working below capacity, the court imputes income based on earning history, education, and available jobs in the area (Tex. Fam. Code § 154.066).

• Agreed orders: If both parties agree to the new amount, you may submit an Agreed Order of Modification (a signed agreement and proposed order) without a full hearing. This is faster and less expensive.

End of Appendix AQ - Texas | Appendix AR - Utah follows.

Appendix AR — Utah: Statutes, Case Law, Forms, and Resources

Key Statutes

• Utah Code § 81-6-212 (formerly § 78B-12-210), modification; 3-year/10% adjustment track, or substantial change plus 15% difference

• Utah Code Title 81, Chapter 6 (recodified from Title 78B, Chapter 12 effective Sept. 1, 2024), child support guidelines; income shares model

• Utah Code Title 26B, Chapter 9, Parts 3 and 4, income withholding in IV-D and non-IV-D cases

• Utah Code § 81-6-212(5), three-year adjustment cycle; ORS administrative review for IV-D cases

• Utah Code §§ 26B-9-501 to -505, administrative driver license suspension; 60 days with no payment plus no good-faith effort to pay

Key Case Law

• Roberts v. Roberts, 2014 UT App 211, courts have discretion, not a duty, to make a modification retroactive

• Sorensen v. Sorensen, 839 P.2d 774 (Utah 1992), review of child support and alimony awards

• Breinholt v. Breinholt, 905 P.2d 877 (Utah Ct. App. 1995), all income sources used during the marriage count in setting support (alimony context)

• Tucker v. Tucker, 910 P.2d 1209 (Utah 1996), substantial-change requirement applies to permanent, not temporary, custody orders

Official Forms

• Child Support Worksheet, Utah Courts (utcourts.gov)

• Petition to Modify Decree of Divorce or Custody, District Court

• Financial Declaration (Form 1501)

• Child Support Order

State Agency Contact

• Utah Office of Recovery Services (ORS): (801) 536-8500

• Website: ors.utah.gov

• Utah Courts self-help: utcourts.gov/howto

- Utah Legal Services: (800) 662-4245 | utahlegalservices.org

Filing Checklist

- Child Support Worksheet (both parents current income)
- Financial Declaration (Form 1501)
- Federal tax returns (last 2 years) and three most recent pay stubs
- Petition to Modify Decree
- Documentation of the triggering change (order 3+ years old: 10% difference; newer order: substantial change plus 15% difference)
- Filing fee or indigency application
- Proof of service on other parent

Court Forms & Completion Guide

Utah uses the Income Shares model, now codified in Utah Code Title 81, Chapter 6 (recodified from Title 78B, Chapter 12 effective September 1, 2024), based on both parents' gross income. The key feature of Utah's system is the joint physical custody threshold: when each parent has 111 or more overnights per year with the child, Utah switches from the standard sole-custody calculation to a joint-custody formula that credits overnights above 110 against the lesser-time parent's share (Utah Code § 81-6-206). A modification requires either a substantial change in circumstances producing a 15% or greater difference from the guideline amount, or, if the order is three or more years old, a 10% or greater difference with no change showing at all (§ 81-6-212).

UTAH QUICK REFERENCE

Statute: Utah Code Title 81, Chapter 6 (formerly Title 78B, Chapter 12)

Model: Income Shares, Gross Income Basis

Sole custody: Obligor = parent with fewer than 111 overnights/year

Joint physical custody: Each parent has ≥ 111 overnights/year, cross-offset formula applies

Modification trigger: Order 3+ years old: 10% difference, no change showing; newer: substantial change + 15% difference (§ 81-6-212)

Minimum support: $30 / month

Support ends: Age 18, or graduation from high school during the child's normal and expected year of graduation, whichever is later (§ 81-6-213)

Low-income protection: Separate low-income table; court uses the lesser calculation; $30/month minimum award (§ 81-6-205)

Payment: Utah Office of Recovery Services (ORS), State Disbursement Unit

ORS: (800) 257-9156 | ors.utah.gov

FORM 1, PETITION TO MODIFY CHILD SUPPORT

STATE OF UTAH — PETITION TO MODIFY CHILD SUPPORT ORDER

Utah District Court — Domestic Relations | Utah Code Ann. § 78B-12-210

COURT INFORMATION

District:	___ Judicial District — _____ County	**Case No.:**	_____
Judge:	Hon. _____	**Div./Dept.:**	_____

PARTIES

Petitioner:	_____ _____	**Role:**	■ Custodial Parent ■ Non-Custodial Parent
Respondent:	_____ _____	**Role:**	■ Custodial Parent ■ Non-Custodial Parent
Child(ren):	Name: _____ DOB: _____ Name: _____ DOB: _____ Name: _____ DOB: _____		

CURRENT ORDER

Date of Current Order:	_____	**Current Monthly Support:**	$_____
Obligor (payor):	_____	**Custody Type:**	■ Sole ■ Joint Physical ■ Split
Payment via:	■ Utah ORS (SDU) ■ Direct ■ Other: _____		

GROUNDS FOR MODIFICATION (check all that apply)

■ SUBSTANTIAL CHANGE: A material change in circumstances has occurred since the last order.

■ 15% DEVIATION RULE: The current order deviates from the current guideline amount by 15% or more (§ 78B-12-210(9)(a)(ii)). Attach completed Worksheet.

■ OBLIGOR'S INCOME CHANGED: Significant increase or decrease in gross income.

■ CUSTODY/PARENTING TIME CHANGED: Custody type or overnight schedule has materially changed. Note: crossing the 111-overnight threshold triggers joint physical custody formula.

■ OBLIGEE'S INCOME CHANGED: Significant change in obligee's gross income.

■ NEW CHILD: Obligor has a new legal support obligation for a child in another household.

■ HEALTH INSURANCE COSTS CHANGED: Significant change in premium for child's coverage.

■ DISABILITY / INCARCERATION: Obligor's ability to pay has substantially changed.

■ OTHER: _____

DESCRIPTION OF CHANGED CIRCUMSTANCES

Describe the change with specific dates, amounts, and facts:

_____

_____

_____

PROPOSED MODIFICATION

Obligor's Gross Monthly Income:	$_____	**Obligee's Gross Monthly Income:**	$_____

Custody Type Requested:	■ Sole Physical ■ Joint Physical (≥111 overnights each)
Proposed Monthly Support:	$_____ (per attached Worksheet)

SIGNATURE			
Signature:	_____	**Date:**	_____
Printed Name:	_____	**UT Bar No.:**	_____
Address:	_____	**Phone:**	_____

CERTIFICATE OF SERVICE

I certify that on _____, 20___, I served a true copy on Respondent by: ■ Certified Mail ■ Personal Service ■ Process Server ■ E-Service Address served:

_____ Signature:

_____ Date: _____

Line-by-Line Completion Guide, Petition to Modify Child Support

- **JUDICIAL DISTRICT**

  Utah has eight judicial districts. Enter your district number and county. Most family law matters are heard in the district court of the county where the original order was entered, not necessarily where you currently reside.

- **CASE NUMBER**

Copy the full case number from your original decree or order. Utah case numbers typically begin with a two-digit year followed by a county code (e.g., 214900123).

- **PETITIONER / RESPONDENT ROLES**

  Check whether you are the custodial parent (more overnights) or non-custodial parent. Either party may file for modification; both roles are described relative to the original order.

- **CHILD(REN)**

  List each child's full legal name and date of birth. If support for one child has already terminated (age 18 + graduation), note that only the remaining children are covered.

- **CURRENT ORDER DATE**

  The date the judge signed the most recent child support order. This date determines which track applies: an order three or more years old qualifies for the 10% adjustment track with no change showing, while a newer order requires a substantial change in circumstances plus a 15% difference.

- **CUSTODY TYPE**

  Check the current custody arrangement. This is important because crossing the 111-overnight threshold for joint physical custody triggers a fundamentally different calculation method.

- **GROUNDS, MATERIAL CHANGE**

  Examples include: significant income change (verify with tax returns and pay stubs), change in parenting time that crosses the 111-overnight threshold, new child born to obligor, disability, incarceration, or major change in child's needs (medical, educational).

- **GROUNDS, 15% DEVIATION**

  Calculate what the guideline amount would be today using the current Worksheet. If your order is three or more years old, a difference of 10% or more meets the threshold with no change showing. For newer orders, you need a substantial change in circumstances and a difference of 15% or more. Both the old and new worksheet calculations should be attached.

- **111-OVERNIGHT THRESHOLD**

  Count only overnights, a period during which the child sleeps at the parent's home. If the ARP currently has 108 overnights and is seeking 111, the custody type changes for the formula. Parenting plans should specify exact overnight schedules to avoid disputes.

- **PROPOSED MONTHLY SUPPORT**

  Enter the figure from Line F3 (sole custody) or Line E6 (joint physical custody) of your completed Worksheet. Attach the Worksheet.

- **SIGNATURE**

  Utah does not require notarization for a petition to modify in most districts, but you sign under penalty of perjury. Verify your local court's requirements, some districts require notarization.

- **CERTIFICATE OF SERVICE**

  The Respondent must be formally served. For initial petitions, use a process server, sheriff, or court-approved method. After the initial service, further documents may be served by mail or e-service if the Respondent has appeared in the case.

FORM 2, CHILD SUPPORT WORKSHEET

UTAH CHILD SUPPORT WORKSHEET

Utah Code Ann. § 78B-12-205 | Income Shares Model — Gross Income Basis

Case No.:	_____	**County:**	_____	**Date:**	_____
Obligor:	_____	**Obligee:**	_____	**# Children:**	_____
Custody Type:	■ Sole Physical ■ Joint Physical (≥111 overnights) ■ Split				

SECTION A — GROSS MONTHLY INCOME [Column 1 = Obligor | Column 2 = Obligee]			
A1	**Wages / Salary / Tips**	$_____	$_____
A2	**Self-Employment Net Income**	$_____	$_____
A3	**Interest / Dividends / Rental**	$_____	$_____
A4	**Social Security / Disability / Pension**	$_____	$_____
A5	**Unemployment / Workers' Comp**	$_____	$_____
A6	**All Other Income**	$_____	$_____
A7	**TOTAL GROSS MONTHLY INCOME**	$_____	$_____

SECTION B — ADJUSTMENTS TO GROSS INCOME			
B1	**Court-Ordered Support for Other Children (paid, not in this case)**	$_____	$_____
B2	**Court-Ordered Alimony Paid**	$_____	$_____
B3	**ADJUSTED GROSS INCOME (A7 − B1 − B2)**	$_____	$_____

SECTION C — BASIC CHILD SUPPORT OBLIGATION			
C1	**COMBINED ADJUSTED GROSS INCOME (Obligor B3 + Obligee B3)**	$_____	(combined)
C2	**BASIC CHILD SUPPORT OBLIGATION (from Utah Support Schedule, Table based on C1 and # children)**	$_____	(from table)
C3	**Obligor's Income Percentage (Obligor B3 ÷ C1)**	_____%	
C4	**Obligee's Income Percentage (Obligee B3 ÷ C1)**	_____%	
C5	**Obligor's Share of Basic Obligation (C2 × C3)**	$_____	

SECTION D — ADDITIONAL CHILD-RELATED EXPENSES			
D1	**Work-Related Childcare (monthly, × 75% for tax credit)**	$_____	$_____
D2	**Health Insurance Premium — Child's Share**	$_____	$_____
D3	**Extraordinary Medical/Dental (uninsured, > $250/child/year)**	$_____	$_____
D4	**Extraordinary Education Expenses (court-approved)**	$_____	$_____
D5	**Obligor's Share of Additional Expenses (D1+D2+D3+D4) × C3**	$_____	

SECTION E — JOINT PHYSICAL CUSTODY ADJUSTMENT (complete only if ≥ 111 overnights each parent)			
E1	**Obligor's Overnights per Year**	_____	
E2	**Obligee's Overnights per Year**	_____	

E3	**Obligor's Share of Basic Obligation (from C5)**	$_____	
E4	**Obligee's Share of Basic Obligation (C2 × C4)**	$_____	
E5	**Cross-Offset: Higher amount − Lower amount = Net Obligation**	$_____	owed by: _____
E6	**Add Additional Expenses (D5): Net + D5 = FINAL OBLIGATION**	$_____	

SECTION F — FINAL MONTHLY CHILD SUPPORT OBLIGATION (SOLE PHYSICAL CUSTODY)		
F1	**Obligor's Share of Basic Obligation (from C5)**	$_____
F2	**Obligor's Share of Additional Expenses (from D5)**	$_____
F3	**TOTAL MONTHLY OBLIGATION (F1 + F2) [Minimum: $30/month]**	$_____

Line-by-Line Completion Guide, Child Support Worksheet

- **CUSTODY TYPE, WORKSHEET SELECTION**

  Utah uses two distinct worksheets: one for sole physical custody (fewer than 111 overnights for the non-custodial parent) and one for joint physical custody (111 or more overnights each). Choose the correct worksheet before completing any lines, the calculations are fundamentally different.

- **SECTION A, GROSS INCOME**

  Include all income from any source: wages, self-employment, rental income, interest, dividends, disability, retirement, Social Security, unemployment, and regular gifts or support from third parties. Utah uses gross income before any deductions. If a parent is voluntarily unemployed or underemployed, the court will impute income based on earning capacity.

- **A2, SELF-EMPLOYMENT**

  Report net income after deducting ordinary and necessary business expenses. Do not deduct depreciation, home office, vehicle expenses beyond actual business use, or personal expenses. Attach Schedule C or a current business P&L statement.

- **SECTION B, ADJUSTMENTS**

  Only court-ordered support for other children and court-ordered alimony paid to someone else reduce gross income. Voluntary support, informal payments, or expenses claimed as adjustments are not permitted unless specifically ordered by a court.

- **C1, COMBINED ADJUSTED GROSS INCOME**

  Add both parents' adjusted gross income figures. This combined amount is used to look up the Basic Support Obligation in the Utah Child Support Schedule (Table 1 or Table 2 depending on number of children).

- **C2, BASIC SUPPORT OBLIGATION**

  Look up the combined income from C1 in the Utah Child Support Schedule published by the Utah Department of Health and Human Services. Find the row for the combined income range and the column for the number of children. This table amount represents total expected child-rearing costs.

- **C3 / C4, INCOME PERCENTAGES**

  Divide each parent's adjusted gross income by the combined figure (C1). These percentages represent each parent's proportionate share of the financial responsibility for the child(ren). They must add to 100%.

- **C5, OBLIGOR'S SHARE**

  Multiply the Basic Support Obligation (C2) by the obligor's income percentage (C3). In a sole custody situation, this is the base amount the obligor owes before adding healthcare and childcare.

- **SECTION D, ADDITIONAL EXPENSES**

  Work-related childcare and the child's portion of the health insurance premium (family premium minus employee-only premium, divided per capita) are each shared equally between the parents, 50/50 regardless of income shares (Utah Code §§ 81-6-208, 81-6-209). The parent paying the premium may take a credit against the base award or recover the other parent's half. Reasonable uninsured and unreimbursed medical and dental expenses are also split equally.

- **SECTION E, JOINT PHYSICAL CUSTODY (≥111 overnights)**

  Calculate each parent's share of the base combined obligation by income percentage. Then credit the lesser-time parent 0.27% of the base combined obligation for each overnight from 111 to 130, and 0.84% for each overnight above 130 (Utah Code § 81-6-206). If the result is positive, the lesser-time parent pays it; if negative, the greater-time parent pays. A court-ordered equal schedule is treated as 183 overnights for the lower-earning parent.

- **MINIMUM SUPPORT**

  Utah's minimum is $30/month in sole-custody cases, among the lowest in the nation (Utah Code § 81-6-205(5)). Utah has no separate self-support reserve; instead, a low-income parent's award is set using a dedicated low-income table, and the court applies the lesser of the standard and low-income calculations.

FORM 3, FINANCIAL DECLARATION

UTAH FINANCIAL DECLARATION

Utah Code Ann. § 78B-7-103; Utah R. Civ. P. 26.1 | Required in All Domestic Cases

SECTION A — PERSONAL INFORMATION

Full Legal Name:	_____	**Role in Case:**	■ Petitioner ■ Respondent
Home Address:	_____	**County:**	_____
Employer:	_____	**Occupation:**	_____
Employer Address:	_____	**Employer Phone:**	_____
Date of Birth:	_____	**Last 4 SSN:**	XXX-XX-_____

SECTION B — MONTHLY INCOME (Gross — before any deductions)

Wages / Salary / Tips (gross):	$_____
Self-Employment Income (net of ordinary business expenses):	$_____
Rental Income:	$_____
Interest / Dividends / Capital Gains:	$_____
Social Security / SSDI:	$_____
Pension / Retirement / Annuity:	$_____
Unemployment / Workers' Compensation:	$_____
Veterans' Benefits:	$_____
Other Income (specify: _____):	$_____
TOTAL GROSS MONTHLY INCOME:	$_____

SECTION C — MONTHLY EXPENSES

Rent / Mortgage:	$_____	**Utilities (all):**	$_____	**Home / Renter's Insurance:**	$_____
Car Payment:	$_____	**Auto Insurance:**	$_____	**Fuel / Parking:**	$_____
Groceries:	$_____	**Clothing:**	$_____	**Personal Care:**	$_____
Health Insurance (self):	$_____	**Child's Health Ins.:**	$_____	**Medical / Rx Co-pays:**	$_____
Childcare / Daycare:	$_____	**Child's School/Activities:**	$_____	**Phone / Internet:**	$_____

Other Support Orders:	$_____	**Credit Card / Loans:**	$_____	**Student Loans:**	$_____
Other Expenses:	$_____			**TOTAL MONTHLY EXPENSES:**	$_____

SECTION D — ASSETS AND LIABILITIES			
Real Property (FMV minus mortgage):	$_____	**Mortgage Balance:**	$_____
Vehicle(s) (FMV minus loan):	$_____	**Vehicle Loan Balance:**	$_____
Bank / Investment Accounts:	$_____	**Credit Card Balances:**	$_____
Retirement Accounts:	$_____	**Other Liabilities:**	$_____

SECTION E — PARENTING TIME AND CHILDREN	
My Annual Overnights with Child(ren):	_____ overnights (≥ 111 = joint physical custody formula applies)
Other Parent's Annual Overnights:	_____ overnights
Other Children I Support (other households):	_____ children | Monthly court-ordered support paid: $_____
Does child have health insurance?	■ Yes — covered by: ■ Me ■ Other Parent ■ Neither ■ No
Monthly premium (child's share):	$_____

VERIFICATION AND OATH

I declare under penalty of perjury under the laws of the State of Utah that the information in this Financial Declaration is true and complete to the best of my knowledge. Signature: _____ Date: _____ Sworn before me: _____ Notary Seal: Commission Expires: _____

REQUIRED ATTACHMENTS: ■ Last 2 pay stubs ■ Most recent federal tax return ■ Self-employment profit/loss ■ Health insurance premium statement ■ Childcare receipts

Line-by-Line Completion Guide, Financial Declaration

- **SECTION A, PERSONAL**

  Provide your full legal name exactly as it appears in the court order. Enter your current employer name and work address. Utah restricts display of full Social Security numbers in filed documents; provide only the last four digits.

- **SECTION B, GROSS INCOME**

Report all income gross (before deductions). For wages: attach your two most recent pay stubs and show the monthly calculation (hourly × hours/week × 4.333, or bi-weekly × 26 ÷ 12). The total on the Financial Declaration must match Line A7 on the Worksheet.

- **SELF-EMPLOYMENT INCOME**

  If self-employed, attach your most recent two years of federal tax returns (Schedule C) and a current profit and loss statement. Utah courts are attentive to income being run through business entities to reduce apparent income.

- **SECTION C, MONTHLY EXPENSES**

  Report actual monthly amounts. Courts use expense information to assess the reasonableness of claimed hardship, to evaluate whether a parent is minimizing income, and to assess proportionate burden. Do not inflate expenses, judges in domestic relations divisions see these declarations regularly.

- **SECTION C, CHILD-RELATED EXPENSES**

  Separately itemize costs you currently pay for the child(ren): health insurance premiums, childcare, school fees, activities, clothing, and medical. These figures feed directly into the Worksheet calculations for Additional Expenses (Section D).

- **SECTION D, ASSETS**

  List fair market value (what the asset would sell for today), not original purchase price. For real property, estimate current market value minus mortgage balance. For vehicles, use NADA or Kelley Blue Book value minus any loan balance.

- **SECTION E, PARENTING TIME**

  Count overnights precisely, the 111-overnight threshold is a hard legal threshold in Utah. An overnight is a night the child sleeps at your home. If your schedule is irregular, average the last 12 months. If you are seeking to change the custody designation, document the actual parenting time carefully.

- **VERIFICATION**

  Sign under penalty of perjury. Utah Rule of Civil Procedure 26.1 requires the Financial Declaration in all domestic relations cases. The form must be notarized in most Utah judicial districts; verify your local court's requirement before filing.

- **ATTACHMENTS**

  Required: (1) last 2 pay stubs; (2) most recent federal tax return with all schedules; (3) for self-employed: 2 years of returns + current P&L; (4) health insurance premium documentation; (5) childcare provider receipts or statements.

FILING TIPS, UTAH

• File your Petition to Modify at the district court in the county where the original order was entered. If you have moved, you may petition to transfer venue after the modification is filed.

• Utah ORS (Office of Recovery Services) administers Title IV-D child support cases. Call (800) 257-9156 to check if ORS is already handling enforcement and to request an administrative review at no cost.

• Utah courts require filing by through the Utah Electronic Filing System (Odyssey) in most districts. Self-represented parties may file in person at the clerk's office if e-filing is not available to them.

• Filing fees: Modification petitions typically cost $100–$375 depending on the district and whether an entry of appearance fee applies. Fee waivers are available via Motion to Waive Fees (Form available at UtahCourts.gov).

• Service: Serve the Respondent by a process server or sheriff. If the Respondent has an attorney of record, service on the attorney is sufficient. Utah allows for service by publication as a last resort.

• The 111-overnight rule: Document parenting time in your existing court order AND your actual practice. If your actual overnights differ from the court order, the court uses the court-ordered schedule unless you can prove the actual practice is consistent and agreed upon.

• Retroactivity: A modified amount takes effect no earlier than the month following service of the petition on the other parent, not the filing date and not the date circumstances changed. File and serve promptly once grounds are established.

• Low-income cases: Utah has no self-support reserve. The guidelines instead use a dedicated low-income table, with the court applying the lesser of the standard and low-income calculations, and a $30/month floor in sole-custody cases (Utah Code § 81-6-205).

• Both parents must submit Financial Declarations. The Financial Declaration is required under Utah Rule of Civil Procedure 26.1, courts use both parties' disclosures to resolve disputes about income.

• Step-down orders: Utah courts may issue orders that provide for automatic adjustments as children age out of coverage, confirm whether your existing order has a step-down provision before filing.

End of Appendix AR - Utah | Appendix AS - Vermont follows.

Appendix AS — Vermont: Statutes, Case Law, Forms, and Resources

Key Statutes

• 15 V.S.A. § 660, modification; a variance of more than 10% from the guideline is deemed a real, substantial, and unanticipated change; the change showing may be waived for orders 3+ years old

• 15 V.S.A. § 653, child support guidelines; income shares model

• 15 V.S.A. § 779, income withholding order requirements

• 15 V.S.A. § 798, civil license suspension; delinquency of one-quarter of the annual support obligation

• 15 V.S.A. § 202, criminal nonsupport (up to 2 years and/or fine); 15 V.S.A. § 606, 6% annual surcharge on arrears (0.5%/month, not compounded)

Key Case Law

• Cabot v. Cabot, 166 Vt. 485 (1997), changed circumstances standard

• Ainsworth v. Ainsworth, 154 Vt. 103 (1990), deviation and second-family (additional dependent) expenses

• Verify additional Vermont case law in the opinions library at vermontjudiciary.org before citing

Official Forms

• Child Support Worksheet, Vermont Judiciary (vermontjudiciary.org)

• Motion to Modify Child Support, Family Division of Superior Court

• Financial Affidavit (Form 813)

• Income Withholding Order

State Agency Contact

• Vermont Office of Child Support (OCS): (800) 786-3214

• Website: dcf.vermont.gov/ocs

• Vermont Judiciary self-help: vermontjudiciary.org

• Vermont Legal Aid: (800) 889-2047 | vtlegalaid.org

Filing Checklist

- Child Support Worksheet (both parents current income)
- Financial Affidavit (Form 813)
- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion to Modify Child Support
- Documentation of the triggering change (a variance of more than 10%, or another real, substantial, and unanticipated change; the 6% surcharge on arrears makes filing fast worthwhile)
- Filing fee or fee waiver application
- Proof of service on other parent

Court Forms & Completion Guide

Vermont uses the Income Shares model under 15 V.S.A. § 653 et seq., computed on monthly available income: gross income converted through standardized tax tables, minus pre-existing support paid, the children's health insurance premiums, and certain other adjustments. Vermont's guidelines run three custody tracks: sole custody (one parent has the child more than 75% of overnights), a partial shared-costs table when a parent has 25% to 30% of overnights (15 V.S.A. § 657(b)), and the full shared-custody formula at 30% or more (§ 657(a)). Modification requires a real, substantial, and unanticipated change of circumstances; a variance of more than 10% from the current guideline amount is deemed such a change, and for orders not modified in three or more years the court may waive the change showing entirely (15 V.S.A. § 660).

VERMONT QUICK REFERENCE

Statute: 15 V.S.A. §§ 650 et seq.; Vermont OCS Child Support Guidelines (updated periodically)

Model: Income Shares, MONTHLY available income (gross converted via standardized tax tables)

Parenting time: Partial shared-costs table at 25–30% of overnights; full shared formula (obligation × 1.5, offset) at 30%+ (§ 657)

3-Year review: For orders 3+ years old, the court may waive the change-of-circumstances showing (§ 660(a))

Material change: Real, substantial, and unanticipated change in circumstances

Low-income: Self-support reserve protects the obligor; support payable is capped at income remaining above the reserve (§ 656)

Support ends: Age 18 or termination of secondary education, whichever is later

Payment: Vermont Child Support Disbursement Unit (SDU), P.O. Box 1027, Burlington VT 05402

OCS (Office of Child Support): (800) 786-3214 | dcf.vermont.gov/ocs

FORM 1, MOTION TO MODIFY CHILD SUPPORT

STATE OF VERMONT — MOTION TO MODIFY CHILD SUPPORT

Vermont Superior Court — Family Division | 15 V.S.A. § 660

COURT INFORMATION

Unit:	Vermont Superior Court — _____ Unit, Family Division	**Docket No.:**	_____

PARTIES

Plaintiff:	_____	**Role:**	■ Custodial Parent ■ Non-Custodial Parent
Defendant:	_____	**Role:**	■ Custodial Parent ■ Non-Custodial Parent
Movant is:	■ Plaintiff ■ Defendant ■ Vermont Office of Child Support		
Child(ren):	Name: _____ DOB: _____ Name: _____ DOB: _____ Name: _____ DOB: _____		

CURRENT ORDER

Date of Current Order:	_____	**Current Monthly Support:**	$_____
Obligor (payor):	_____	**Payment via:**	■ VT SDU ■ Direct ■ Other: _____

GROUNDS FOR MODIFICATION (check all that apply)

■ THREE-YEAR REVIEW: Current order is ≥ 3 years old AND guideline amount differs by ≥ 15%. (15 V.S.A. § 660(b)) Attach completed Worksheet.

■ REAL, SUBSTANTIAL, AND UNANTICIPATED CHANGE: Significant change in circumstances since last order.

■ INCOME CHANGE: Significant increase or decrease in either parent's gross income.

■ PARENTING TIME CHANGE: Change in custody arrangement or parenting schedule.

■ NEW CHILD: Obligor has a new legal support obligation for a child in another household.

■ HEALTH INSURANCE CHANGE: Significant change in cost or availability of child's health coverage.

■ DISABILITY / UNEMPLOYMENT: Obligor's ability to pay has substantially changed.

■ OTHER: _____

DESCRIPTION OF CHANGED CIRCUMSTANCES

State specific facts (dates, dollar amounts, percentages):

_____

_____

_____

PROPOSED MODIFICATION

Obligor's Gross Monthly Income:	$_____	**Obligee's Gross Monthly Income:**	$_____
Parenting Time (non-custodial %):	_____% — ■ < 25% ■ ≥ 25% (parenting credit applies)		
Proposed Monthly Support:	$_____ (per attached Worksheet)		

SIGNATURE			
Signature:	_____	**Date:**	_____
Printed Name:	_____	**VT Bar No.:**	_____
Address:	_____	**Phone:**	_____
Email:	_____		

CERTIFICATE OF SERVICE

I certify that on _____, 20___, I served a copy on the opposing party by: ■ Certified Mail ■ Personal Service ■ Sheriff ■ E-Service Address served: _____
Signature: _____ Date: _____

Line-by-Line Completion Guide, Motion to Modify Child Support

- **COURT UNIT**

  Vermont's Superior Courts are organized by county. Enter the county Unit (e.g., 'Chittenden Unit'). File in the unit where the original order was entered, unless venue has been transferred.

- **DOCKET NUMBER**

Copy the docket number exactly from your existing order. Vermont dockets typically follow the format: [year]-[county code]-[number]-[type] (e.g., 180-10-23 Cnfm for Chittenden Family matters).

- **PLAINTIFF / DEFENDANT**

  These are the original parties from the divorce or parentage case. Either party may file a motion to modify. The Vermont Office of Child Support (OCS) may also file on behalf of a custodial parent in Title IV-D cases.

- **MOVANT**

  Check who is filing this motion: Plaintiff, Defendant, or the Vermont Office of Child Support. OCS typically files when the custodial parent is receiving public assistance or when enforcement is at issue.

- **GROUNDS, THREE-YEAR REVIEW**

  Check this box if the current order was entered or last modified 3+ years ago. For such orders, the court may waive the requirement of showing a real, substantial, and unanticipated change of circumstances (15 V.S.A. § 660(a)). Attach a current guideline calculation either way; a variance of more than 10% independently qualifies as a change.

- **GROUNDS, REAL, SUBSTANTIAL CHANGE**

  Vermont courts require the change to be 'real' (actual, not speculative), 'substantial' (significant, not trivial), and 'unanticipated' at the time of the last order. Anticipated events (like a known scheduled raise) may not qualify. Qualifying events: job loss, disability, significant income change, change in parenting time crossing 25% threshold, new child obligation, child's medical needs.

- **PARENTING TIME PERCENTAGE**

  Calculate the noncustodial parent's percentage: (NCP annual overnights ÷ 365) × 100. At 25% to 30% (about 91 to 109 overnights), the partial shared-costs table applies; at 30% or more (about 110 overnights with each parent), the full shared-custody formula applies (15 V.S.A. § 657).

- **PROPOSED MONTHLY SUPPORT**

  Vermont worksheets and orders use monthly figures. The proposed monthly support must be traceable to the completed Worksheet.

- **SIGNATURE**

  Vermont does not require notarization for the motion itself, but the Financial Affidavit must be notarized. Sign all documents in front of the filing date.

- **CERTIFICATE OF SERVICE**

  Vermont courts require proper service of all motions on the opposing party. If OCS is involved, they must also be served. In-person service or certified mail is standard for initial motions; subsequent filings may be served on counsel of record by regular mail or e-service.

FORM 2, CHILD SUPPORT WORKSHEET

VERMONT CHILD SUPPORT WORKSHEET

15 V.S.A. § 653 et seq. | Vermont Child Support Guidelines — Income Shares Model

Docket No.:	_____	**Unit:**	_____	**Date:**	_____
Obligor:	_____	**Obligee:**	_____	**# Children:**	_____

SECTION A — GROSS WEEKLY INCOME [Note: Vermont uses weekly figures — divide monthly by 4.333]

	Income Source	Obligor (weekly)	Obligee (weekly)
A1	Wages / Salary (gross)	$_____	$_____
A2	Self-Employment Net Income	$_____	$_____
A3	Interest / Dividends / Rental	$_____	$_____
A4	Social Security / Disability / Pension	$_____	$_____
A5	Unemployment / Workers' Comp	$_____	$_____
A6	All Other Income	$_____	$_____
A7	TOTAL GROSS WEEKLY INCOME	$_____	$_____

SECTION B — ADJUSTMENTS TO INCOME

B1	Court-Ordered Support for Other Children (paid, not this case)	$_____	$_____
B2	ADJUSTED GROSS WEEKLY INCOME (A7 − B1)	$_____	$_____

SECTION C — COMBINED INCOME AND BASIC OBLIGATION

C1	COMBINED ADJUSTED WEEKLY INCOME (Obligor B2 + Obligee B2)	$_____	combined
C2	BASIC WEEKLY CHILD SUPPORT OBLIGATION (from Vermont Child Support Schedule — C1 and # children)	$_____	from table
C3	Obligor's Income % (Obligor B2 ÷ C1 × 100)	_____%	
C4	Obligee's Income % (Obligee B2 ÷ C1 × 100)	_____%	
C5	Obligor's Share of Basic Obligation (C2 × C3)	$_____	

SECTION D — ADDITIONAL EXPENSES

D1	Work-Related Childcare (weekly, after tax credit adj.)	$_____	$_____
D2	Health Insurance Premium — Child's Share (weekly)	$_____	$_____
D3	Uninsured Medical / Dental Expenses	$_____	$_____
D4	Obligor's Share of Additional Expenses (D1+D2+D3) × C3	$_____	

SECTION E — PARENTING TIME ADJUSTMENT (applies when NCP has ≥ 25% of parenting time)

E1	Non-Custodial Parent's % of Parenting Time (overnights ÷ 365 × 100)	_____%	
E2	Is NCP parenting time ≥ 25%?	■ Yes → apply credit ■ No → skip to F	

E3	Parenting Time Credit (per Vermont formula — see Guidelines Worksheet instructions)	$_____	
E4	Obligation After Parenting Time Credit (C5 − E3)	$_____	

SECTION F — FINAL WEEKLY CHILD SUPPORT OBLIGATION		
F1	Base Obligation (from C5 or E4 if PTA applies)	$_____
F2	Additional Expenses (from D4)	$_____
F3	TOTAL WEEKLY OBLIGATION (F1 + F2)	$_____
F4	TOTAL MONTHLY OBLIGATION (F3 × 4.333) [Minimum: $50/month]	$_____

Line-by-Line Completion Guide, Child Support Worksheet

▸ **WEEKLY INCOME, CRITICAL NOTE**

Vermont's official Child Support Guidelines use monthly figures: monthly gross income is adjusted and converted to monthly available income through the OCS tax conversion tables. To convert weekly income to monthly, multiply by 4.333; annual income divides by 12. The OCS online calculator at dcf.vermont.gov performs the conversions automatically.

- **SECTION A, GROSS WEEKLY INCOME**

  Include all income sources from both parents: wages, self-employment, rental, interest, dividends, Social Security, disability, pension, retirement, unemployment, workers' compensation, and any other regular income. Gross income is then converted to available income, with taxes handled through the standardized tax conversion tables along with the other adjustments in 15 V.S.A. § 653.

- **A2, SELF-EMPLOYMENT**

  Use net business income (gross receipts minus ordinary and necessary business expenses). Do not deduct depreciation on personal-use assets, home office beyond actual business use, or personal expenses run through the business. Vermont courts scrutinize self-employed income carefully and may impute income based on earning capacity.

- **SECTION B, ADJUSTMENTS**

  Adjustments include pre-existing court-ordered child support actually paid, spousal support, a self-employment adjustment, the children's health insurance premiums, and an additional-dependent adjustment for other children a parent has a duty to support (15 V.S.A. §§ 653, 656a). Taxes are handled through the standardized tax conversion tables rather than itemized deductions.

- **C1, COMBINED INCOME**

  The sum of both parents' monthly available incomes. This figure is used to look up the basic obligation in Vermont's Table of Intact Family Expenditures.

- **C2, BASIC OBLIGATION FROM SCHEDULE**

  Vermont publishes a Table of Intact Family Expenditures showing the expected monthly child-rearing cost at various combined available income levels and family sizes. The table is updated periodically; use the most current version available at dcf.vermont.gov/ocs.

- **C3 / C4, INCOME PERCENTAGES**

  Each parent's proportionate share equals their adjusted income divided by combined income. These percentages determine how the basic obligation and additional expenses are split. Both percentages must sum to 100%.

- **SECTION D, ADDITIONAL EXPENSES**

  Vermont's worksheet adds work-related or education-related child care (annualized, excluding child care subsidies and tax credits) and extraordinary expenses, including uninsured medical expenses over $16 per month, to the basic obligation; the combined family expenditure is then split between the parents in proportion to available income. Health insurance for the children is handled earlier, as a deduction in computing the paying parent's available income.

- **SECTION E, PARENTING TIME CREDIT (≥25%)**

  Vermont's shared-custody adjustments begin at 25% of overnights: from 25% to 30%, a partial shared-costs table applies; at 30% or more with each parent, the full formula multiplies the total obligation by 1.5, prorates by income and time, and offsets (15 V.S.A. § 657). The OCS online calculator is the most reliable way to compute these adjustments accurately.

- **SECTION F, FINAL OBLIGATION**

  The worksheet caps support payable at the lesser of the parental support obligation and the obligor's income remaining above the self-support reserve (15 V.S.A. § 656). There is no flat dollar minimum in the guideline worksheet; in very low-income cases the court orders a nominal amount in its discretion.

FORM 3, FINANCIAL AFFIDAVIT

VERMONT FINANCIAL AFFIDAVIT

Required in All Vermont Family Court Child Support Proceedings | 15 V.S.A. § 653

SECTION A — PERSONAL INFORMATION

Full Legal Name:	_____	**Role:**	■ Plaintiff ■ Defendant
Home Address:	_____	**County:**	_____
Employer:	_____	**Occupation:**	_____
Date of Birth:	_____	**Last 4 SSN:**	XXX-XX-_____

SECTION B — WEEKLY INCOME (Gross — Vermont Guidelines use weekly figures)

Wages / Salary / Tips (weekly gross):	$_____
Monthly equivalent: $_____ ÷ 4.333 OR Annual ÷ 52	(show calculation above)
Self-Employment / Business Income (weekly net):	$_____
Rental Income (net of operating expenses):	$_____
Interest / Dividends / Capital Gains (weekly avg.):	$_____
Social Security / SSDI / Pension / Retirement:	$_____
Unemployment / Workers' Compensation:	$_____
Other Income (specify: _____):	$_____
TOTAL GROSS WEEKLY INCOME (must match Worksheet Line A7):	$_____
TOTAL GROSS MONTHLY INCOME (× 4.333 for reference):	$_____

SECTION C — MONTHLY EXPENSES

Rent / Mortgage:	$_____	**Utilities (all):**	$_____	**Home Insurance:**	$_____
Car Payment:	$_____	**Auto Insurance:**	$_____	**Fuel:**	$_____
Groceries:	$_____	**Clothing:**	$_____	**Personal Care:**	$_____
Health Ins. (self):	$_____	**Child's Health Ins.:**	$_____	**Medical Co-pays:**	$_____
Childcare:	$_____	**Child's Education:**	$_____	**Phone / Internet:**	$_____
Other Support Orders:	$_____	**Loans / Credit Cards:**	$_____	**Student Loans:**	$_____

Other:	$_____			**TOTAL EXPENSES:**	$_____

SECTION D — ASSETS AND LIABILITIES			
Real Property (FMV − mortgage):	$_____	**Mortgage Balance:**	$_____
Vehicles (FMV − loan):	$_____	**Vehicle Loan Balance:**	$_____
Bank / Investment Accounts:	$_____	**Credit Card Balances:**	$_____
Retirement / 401(k) / IRA:	$_____	**Other Liabilities:**	$_____

SECTION E — PARENTING TIME	
My Annual Overnights:	_____ overnights = _____% of parenting time (≥ 25% = parenting credit applies)
Other Children I Support:	_____ children | Weekly court-ordered support: $_____
Child's Health Insurance:	■ Covered by me ■ Covered by other parent ■ Neither | Weekly premium (child's share): $___

VERIFICATION AND OATH

I swear or affirm, under penalty of perjury under the laws of the State of Vermont, that the information in this Financial Affidavit is true and complete. Signature: _____ Date: _____ Subscribed and sworn before me: _____ Date: _____ Notary Public / Court Clerk: Commission Expires: _____

REQUIRED ATTACHMENTS: ■ Last 2 pay stubs ■ Federal tax return (last year) ■ Self-employment P&L; ■ Health insurance premium statement ■ Childcare receipts

Line-by-Line Completion Guide, Financial Affidavit

- **SECTION A, PERSONAL**

  Provide your legal name as it appears in the court order. Vermont does not restrict SSN disclosure on the Financial Affidavit as strictly as some states, but provide only the last four digits in public filings. Sealed financial affidavits may require the full SSN for IV-D enforcement purposes.

- **SECTION B, WEEKLY INCOME**

  Vermont's Financial Affidavit (Form 813) collects income that the worksheet uses on a monthly basis. For salaried workers: annual salary ÷ 12. For hourly: rate × hours/week × 4.333. Show your conversion calculation so the court can verify your figures.

- **SELF-EMPLOYMENT**

  Attach Schedule C from your most recent federal tax return AND a current profit and loss statement. Vermont courts are attentive to business owners who keep personal living expenses in the business or who retain earnings in the business rather than taking them as income.

- **INCOME CONSISTENCY CHECK**

  The total gross income on the Financial Affidavit must match the Worksheet. Courts compare both documents. An unexplained discrepancy will be questioned and may undermine your credibility.

- **SECTION C, MONTHLY EXPENSES**

  Report monthly expense amounts. The court uses expense information to assess hardship and reasonableness, not to modify the guideline calculation directly. Be accurate and consistent; inflated expenses invite judicial skepticism.

- **SECTION D, ASSETS AND LIABILITIES**

  List significant assets at current fair market value. Courts use asset information to assess earning capacity and ability to pay. A parent with substantial assets who claims inability to pay may be ordered to liquidate or draw on assets, or have income imputed.

- **SECTION E, PARENTING TIME**

  Accurately count your overnights. Vermont's 25% threshold is approximately 91–92 overnights per year. If you are seeking to qualify for the parenting time credit, document your schedule carefully: attach the parenting plan and any calendar records.

- **VERIFICATION / NOTARIZATION**

  The Financial Affidavit must be sworn before a notary public or court clerk. Vermont courts will reject unsworn financial affidavits. The notary must affix their seal and list their commission expiration date.

- **REQUIRED ATTACHMENTS**

  Always attach: (1) last 2 pay stubs; (2) most recent federal tax return; (3) for self-employed: 2 years of returns + current P&L; (4) health insurance premium documentation; (5) childcare receipts; (6) any documentation of unusual income or expenses.

FILING TIPS, VERMONT

• File your Motion to Modify at the clerk's office of the Superior Court, Family Division, in the county that issued the original order. Vermont has 14 county units.

• Vermont OCS Title IV-D: If OCS is managing your case, contact them at (800) 786-3214 before filing independently. OCS can file a review petition on your behalf at no cost if the criteria are met.

• Vermont offers an online child support calculator at the Vermont Judiciary website (vermontjudiciary.org). Use it to verify your worksheet calculations before filing.

• Filing fees: Family Division modification motions typically cost $85–$150. Vermont's hardship fee waiver process is available, ask the clerk for the Affidavit of Indigency form.

• For orders 3+ years old, the court may waive the change-of-circumstances showing entirely (§ 660(a)), and a variance of more than 10% from the guideline is itself a qualifying change at any time (§ 660(b)). Even a modest income change may satisfy these standards.

• Vermont worksheets and orders both run on monthly figures. Confirm that any proposed order states the monthly amount and that it traces to the worksheet.

• Shared-custody adjustments start at 25% of overnights (partial shared-costs table) and shift to the full 1.5x offset formula at 30%. Carefully document your overnights if you are near either line.

• Vermont allows parties to stipulate (agree) to a modified support amount without a full hearing. If both parties sign a Stipulated Order and it meets or exceeds guidelines, the court will typically approve it without a hearing.

• Service: Vermont courts accept service by first-class mail with a certificate of service in most modification proceedings after the initial filing. Check your local unit's rules for e-service eligibility.

• Support runs until age 18 or the child's completion of secondary education, whichever is later. Confirm whether your order tracks that statutory language.

End of Appendix AS - Vermont | Appendix AT - Virginia follows.

Appendix AT — Virginia: Statutes, Case Law, Forms, and Resources

Key Statutes

• Va. Code Ann. § 20-108.2, child support guidelines; income shares model; shared custody formula

• Va. Code Ann. § 20-108, revision and alteration of support decrees; material change in circumstances standard; § 20-108.1, factors for determination and deviation

• Va. Code Ann. § 20-108.2(G), shared custody adjustment; 91+ days per year

• Va. Code Ann. § 46.2-320.1, driver's license suspension, delinquency of 90 days or more or $5,000 or more; § 63.2-1937, court-ordered suspension of occupational and recreational licenses on the same thresholds

• Va. Code Ann. § 20-61, criminal nonsupport (misdemeanor; up to 12 months in jail, fine up to $500)

Key Case Law

• Published Virginia appellate opinions are searchable at vacourts.gov, verify any case before citing it in a filing

• Blackburn v. Michael, 30 Va. App. 95 (1999), imputed income; voluntary underemployment

• Watkinson v. Henley, 13 Va. App. 151 (1991), the court must first compute the presumptive guideline amount, then justify any deviation, including where the parties had an agreement

Official Forms

• Child Support Guidelines Worksheet (Form DC-637; Form DC-640 for shared custody), Virginia Courts (vacourts.gov)

• Motion to Amend or Review Order (Form DC-630), Juvenile and Domestic Relations District Court (JDR)

• Income Withholding Order

State Agency Contact

• Virginia Division of Child Support Enforcement (DCSE): (800) 468-8894

• Website: dss.virginia.gov/family/dcse

• Virginia Courts self-help: selfhelp.vacourts.gov

• Central Virginia Legal Aid Society: (800) 768-8845 | cvlas.org

Filing Checklist

- Child Support Guidelines Worksheet (both parents current income)
- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion to Amend or Review Order (Form DC-630), filed in JDR court in originating county
- Documentation of the material change in circumstances
- Filing fee or fee waiver application
- Proof of service on other parent

Court Forms & Completion Guide

Virginia uses the Income Shares model under Va. Code Ann. § 20-108.2. Child support may be modified upon a showing of a material change in circumstances of either party or the child. Virginia does not prescribe a specific percentage deviation threshold in the statute, courts look for a genuine, material change such as a significant income shift, change in custody, new child obligation, or change in the child's needs. The state's shared custody formula applies when each parent has more than 90 days per year with the child.

VIRGINIA QUICK REFERENCE

Statute: Va. Code Ann. §§ 20-108, 20-108.1, 20-108.2

Model: Income Shares, Gross Income Basis

Modification standard: Material change in circumstances of either party or the child

Shared custody: each parent more than 90 days/year, shared custody formula under § 20-108.2(G)(3)

Shared custody formula: shared support need = basic obligation × 1.4, allocated by income shares and custody shares, parents' obligations offset

Support ends: Age 18; continues while the child is a full-time high school student, not self-supporting, and living with the parent receiving support, until graduation or 19, whichever first; courts may order support for adult disabled children

Payment: Virginia DCSE State Disbursement Unit (SDU)

DCSE: (800) 468-8894 | dss.virginia.gov/family/dcse

FORM 1, MOTION TO AMEND CHILD SUPPORT ORDER

COMMONWEALTH OF VIRGINIA — MOTION TO AMEND CHILD SUPPORT ORDER

Circuit Court or Juvenile & Domestic Relations District Court | Va. Code Ann. § 20-108

COURT INFORMATION

Court Type:	■ Circuit Court ■ Juvenile and Domestic Relations District Court	**Case No.:**	_____
Jurisdiction:	_____ County / City	**Court Code:**	_____

PARTIES

Petitioner:	_____	**Role:**	■ Custodial Parent ■ Non-Custodial Parent
Respondent:	_____	**Role:**	■ Custodial Parent ■ Non-Custodial Parent
Child(ren):	Name: _____ DOB: _____ Age: ___ Name: _____ DOB: _____ Age: ___ Name: _____ DOB: _____ Age: ___		

CURRENT ORDER

Date of Current Order:	_____	**Current Monthly Support:**	$_____
Obligor (payor):	_____	**Custody Type:**	■ Sole ■ Shared (≥ 90 days each) ■ Split
Payment via:	■ VA DCSE (SDU) ■ Direct ■ Other: _____		

GROUNDS FOR MODIFICATION (check all that apply)

■ MATERIAL CHANGE IN CIRCUMSTANCES: A material change in the circumstances of either party or the child(ren) has occurred since the last order. (Va. Code Ann. § 20-108)

■ INCOME CHANGE: Significant increase or decrease in either parent's gross income.

■ CUSTODY / VISITATION CHANGE: Actual custody arrangements have materially changed; non-custodial parent's days may now meet or exceed the 90-day shared custody threshold.

■ CHILD'S NEEDS CHANGED: Child has new medical, educational, or other extraordinary needs.

■ NEW CHILD OBLIGATION: Obligor has a new legal duty to support a child in another household.

■ HEALTH INSURANCE CHANGE: Significant change in health insurance cost or availability.

■ DISABILITY / INCARCERATION: Obligor's ability to pay has substantially changed.

■ OTHER: _____

DESCRIPTION OF CHANGED CIRCUMSTANCES

Describe the change with specific dates, dollar amounts, and facts:

_____

_____

_____

PROPOSED MODIFICATION

Obligor's Gross Monthly Income:	$_____	**Obligee's Gross Monthly Income:**	$_____
NCP Days Per Year:	_____ days — ■ < 90 ■ ≥ 90 (shared custody formula)		

Proposed Monthly Support:	$_____ (per attached Worksheet)

SIGNATURE			
Signature:	_____	**Date:**	_____
Printed Name:	_____	**VA Bar No.:**	_____
Address:	_____	**Phone:**	_____

CERTIFICATE OF SERVICE

I certify that on _____, 20___, I served a copy on Respondent by: ■ Certified Mail ■ Personal Service ■ Sheriff ■ E-Service Address served: _____ Signature: _____ Date: _____

Line-by-Line Completion Guide, Motion to Amend Child Support Order

- **COURT TYPE**

  Virginia has two courts that handle child support: the Circuit Court (which handles divorces and appeals) and the Juvenile and Domestic Relations District Court (JDR), which handles initial child support orders in non-divorce cases and many

enforcement matters. File in the court that entered the most recent child support order. If you are unsure, call the clerk's office.

- **JURISDICTION / COUNTY**

  Virginia is notable for having independent cities that are not part of any county. Enter the county or independent city where the case is filed. Virginia has 95 counties and 38 independent cities, each has its own Circuit Court and JDR Court.

- **CASE NUMBER**

  Copy the full case number from your existing order. Virginia case numbers include a prefix indicating the court type and year.

- **PARTIES**

  Virginia uses Petitioner/Respondent in JDR cases and Plaintiff/Defendant in Circuit Court divorce cases. Use the terminology that matches your original case.

- **MATERIAL CHANGE IN CIRCUMSTANCES**

  Virginia does not specify a percentage threshold by statute, courts decide what is 'material.' In practice, courts look for a change that would produce a significantly different guideline figure. For DCSE administrative reviews, an income change of at least 25% is a special circumstance justifying review before the three-year mark. Involuntary job loss, crossing the 90-day custody threshold, and new child obligations are typically considered material. Document the change with dates and amounts.

- **90-DAY SHARED CUSTODY THRESHOLD**

  Count all days the NCP spends with the child under the court-ordered schedule. A day is a period of 24 hours; when the parent with the fewer overnights has an overnight period but less than 24 hours of physical custody, each parent is presumed allocated one-half day for that period. Above 90 days, the shared custody formula produces a meaningfully different result than the standard calculation.

- **PROPOSED MONTHLY SUPPORT**

  Attach the completed Worksheet showing the new calculated amount. Virginia judges are accustomed to reviewing completed Worksheets. Submit both the current guideline figure and the prior ordered amount to demonstrate the change.

- **SIGNATURE AND VERIFICATION**

  Virginia motions do not typically require notarization, but the Financial Statement (Affidavit) must be signed under oath. Many courts require the Financial Statement to be notarized. Confirm your local court's requirement before filing.

- **SERVICE**

  After filing, the Respondent must be served. In the JDR Court, the clerk typically issues a summons and the sheriff serves the Respondent. In Circuit Court, you arrange for a process server. Allow sufficient lead time before the hearing date.

FORM 2, CHILD SUPPORT WORKSHEET

VIRGINIA CHILD SUPPORT WORKSHEET

Va. Code Ann. § 20-108.2 | Income Shares Model — Gross Income Basis

Case No.:	_____	**Court:**	_____	**Date:**	_____
Obligor:	_____	**Obligee:**	_____	**# Children:**	_____
Custody Type:	■ Sole (NCP < 90 days) ■ Shared (NCP ≥ 90 days) ■ Split Custody				

SECTION A — GROSS MONTHLY INCOME [Col 1 = Obligor | Col 2 = Obligee]			
A1	**Gross Wages / Salary**	$_____	$_____
A2	**Self-Employment Net Income**	$_____	$_____
A3	**Interest / Dividends / Rental Income**	$_____	$_____
A4	**Social Security / Disability / Pension**	$_____	$_____
A5	**Unemployment / Workers' Comp**	$_____	$_____
A6	**All Other Income**	$_____	$_____
A7	**TOTAL GROSS MONTHLY INCOME**	$_____	$_____

SECTION B — ADJUSTMENTS TO GROSS INCOME			
B1	**Court-Ordered Support for Other Children (not in this case)**	$_____	$_____
B2	**ADJUSTED GROSS MONTHLY INCOME (A7 − B1)**	$_____	$_____

SECTION C — COMBINED INCOME AND BASIC OBLIGATION			
C1	**COMBINED ADJUSTED GROSS INCOME (Obligor + Obligee B2)**	$_____	combined
C2	**BASIC MONTHLY CHILD SUPPORT OBLIGATION (from Virginia Schedule of Basic Support, C1 and # children)**	$_____	from table
C3	**Obligor's Income % (Obligor B2 ÷ C1)**	_____%	
C4	**Obligee's Income % (Obligee B2 ÷ C1)**	_____%	
C5	**Obligor's Share of Basic Obligation (C2 × C3)**	$_____	

SECTION D — ADDITIONAL EXPENSES			
D1	**Work-Related Childcare (monthly, after tax credit adj. × 75%)**	$_____	$_____
D2	**Health Insurance Premium — Child's Share**	$_____	$_____
D3	**Extraordinary Medical / Educational Expenses**	$_____	$_____
D4	**Obligor's Share of Additional Expenses (D1+D2+D3) × C3**	$_____	

SECTION E — SHARED CUSTODY ADJUSTMENT (Va. Code Ann. § 20-108.2(B)(3) — NCP ≥ 90 days per year)			
E1	**NCP Days Per Year**	_____ days	
E2	**NCP % of Year (E1 ÷ 365)**	_____%	
E3	**CP % of Year (100% − E2)**	_____%	

E4	**Obligor's Sole-Custody Obligation (C2 × C3)**	$_____	
E5	**Obligee's Sole-Custody Obligation (C2 × C4)**	$_____	
E6	**Shared Custody Obligation: (E4 × 1.5 × E2) − (E5 × 1.5 × E3)**	$_____	
E7	**If E6 is negative, E6 = $0. Absolute value = amount owed by the parent with higher obligation.**	$_____	+ D4 = final

SECTION F — FINAL MONTHLY CHILD SUPPORT OBLIGATION (SOLE CUSTODY)		
F1	**Obligor's Share of Basic Obligation (from C5)**	$_____
F2	**Obligor's Share of Additional Expenses (from D4)**	$_____
F3	**TOTAL MONTHLY OBLIGATION (F1 + F2)**	$_____

Line-by-Line Completion Guide, Child Support Worksheet

- **SECTION A, GROSS MONTHLY INCOME**

  Virginia uses gross income, income before any deductions for taxes or other withholdings. Include all income from all sources. If a parent is voluntarily unemployed or underemployed, the court will impute income based on earning capacity (Va. Code Ann. § 20-108.1(B)(3)).

- **A2, SELF-EMPLOYMENT**

  Net business income after deducting ordinary and necessary business expenses. Do not deduct personal-use expenses, excess depreciation, or retained earnings. Attach Schedule C or business P&L.

- **SECTION B, ADJUSTMENTS**

  Court-ordered support for children not in this case and court-ordered spousal support actually paid reduce gross income. Virginia does not permit deductions for taxes, union dues, health insurance premiums, or other personal expenses at the adjustment stage. Those are handled through the additional expense allocation in Section D.

- **C2, BASIC OBLIGATION FROM SCHEDULE**

  Virginia publishes a Schedule of Basic Child Support Obligations available from the Virginia DSS website. The schedule is based on combined gross income and number of children. Use the most current version.

- **SECTION D, ADDITIONAL EXPENSES**

  Virginia allocates work-related childcare and the child's health insurance costs proportionally by income share. For childcare: enter the actual cost of quality care from a licensed source, the Virginia worksheet applies no tax-credit multiplier. For health insurance: use only the child's share of the premium (family minus employee-only). These are added to the basic obligation proportionate to each parent's income share.

- **SECTION E, SHARED CUSTODY FORMULA (≥90 days)**

  Virginia's shared custody calculation under § 20-108.2(G)(3) uses a multiplier of 1.4: the basic obligation is multiplied by 1.4 to produce the shared support need, reflecting that both parents maintain households for the child. Each parent's share of that need is weighted by income share and custody share, and the two obligations are offset, the parent with the larger figure pays the difference.

- **DAY COUNTING IN VIRGINIA**

  Virginia defines a 'day' as a period of 24 hours. When the parent with the fewer overnights has an overnight period with the child but less than 24 hours of physical custody, there is a presumption that each parent is allocated one-half day for that period. Count from the court-ordered schedule, not informal practice.

- **MINIMUM SUPPORT**

  Virginia sets a presumptive minimum support order of $68 per month (§ 20-108.2(B)). Obligors with gross income at or below 150% of the federal poverty level may be set below that minimum on a showing of inability to pay, with exemptions for parents who are institutionalized, permanently and totally disabled (including SSI recipients), or otherwise involuntarily unable to produce income. Any deviation requires specific findings.

FORM 3, FINANCIAL STATEMENT / AFFIDAVIT

VIRGINIA FINANCIAL STATEMENT — AFFIDAVIT OF INCOME AND EXPENSES

Va. Code Ann. § 20-108.1 | Required in All Virginia Child Support Proceedings

SECTION A — PERSONAL INFORMATION

Full Legal Name:	_____	**Role:**	■ Petitioner ■ Respondent
Home Address:	_____	**City / County:**	_____
Employer:	_____	**Occupation:**	_____
Date of Birth:	_____	**Last 4 SSN:**	XXX-XX-_____

SECTION B — MONTHLY INCOME (Gross)

Wages / Salary / Tips (gross, before deductions):	$_____
Self-Employment / Business Income (net of expenses):	$_____
Rental Income:	$_____
Interest / Dividends:	$_____
Social Security / Disability / SSDI:	$_____
Pension / Retirement / Annuity:	$_____
Unemployment / Workers' Compensation:	$_____
Veterans' Benefits:	$_____
Other Income (specify: _____):	$_____
TOTAL GROSS MONTHLY INCOME (must match Worksheet Line A7):	$_____

SECTION C — MONTHLY EXPENSES

Rent / Mortgage:	$_____	**Utilities:**	$_____	**Home Insurance:**	$_____
Car Payment:	$_____	**Auto Insurance:**	$_____	**Fuel:**	$_____
Groceries:	$_____	**Clothing:**	$_____	**Personal Care:**	$_____
Health Ins. (self):	$_____	**Child's Health Ins.:**	$_____	**Medical Co-pays:**	$_____
Childcare:	$_____	**Child's Education:**	$_____	**Phone / Internet:**	$_____
Other Support Orders:	$_____	**Loans / Credit Cards:**	$_____	**Student Loans:**	$_____

Other:	$_____			**TOTAL EXPENSES:**	$_____

SECTION D — ASSETS AND LIABILITIES			
Real Property (FMV – mortgage):	$_____	**Mortgage Balance:**	$_____
Vehicles (FMV – loan):	$_____	**Vehicle Loan Balance:**	$_____
Bank / Investment Accounts:	$_____	**Credit Card Balances:**	$_____
Retirement / VRS / 401(k):	$_____	**Other Liabilities:**	$_____

SECTION E — PARENTING TIME AND CHILDREN	
My Days Per Year with Child(ren):	_____ days/year (≥ 90 days = shared custody formula applies)
Other Children I Support (other households):	_____ children | Monthly court-ordered support: $_____
Child's Health Insurance:	■ Covered by me ■ Covered by other parent ■ Neither | Monthly premium (child's share): $___

VERIFICATION AND OATH

I swear or affirm under penalty of perjury under the laws of the Commonwealth of Virginia that the information in this Financial Statement is true and complete. Signature: _____ Date: _____ Subscribed and sworn before me this ___ day of _____, 20____. Notary Public: _____ Registration No.: _____ My Commission Expires: _____

REQUIRED ATTACHMENTS: ■ Last 2 pay stubs ■ Federal tax return ■ Self-employment P&L; ■ Health insurance premium ■ Childcare receipts

Line-by-Line Completion Guide, Financial Statement / Affidavit

- **SECTION A, PERSONAL**

  Enter your full legal name as it appears in the court records. Virginia courts use the last four digits of the SSN in most filed documents. List your city or county of residence, Virginia's independent city structure means your city and county may be different entities.

- **SECTION B, GROSS INCOME**

  Report all income gross (before any deductions). For wages: attach your last two pay stubs. For variable income (tips, commissions, overtime): average your last 12–24 months to arrive at a representative monthly figure.

- **SELF-EMPLOYMENT**

  Attach your most recent two federal tax returns (Schedule C) plus a current profit and loss statement. Virginia courts look carefully at self-employment income for underreporting or business expenses that are personal in nature.

- **INCOME CONSISTENCY**

  The total on the Financial Statement must match the Worksheet. Courts compare both documents. If the figures differ without explanation, credibility suffers. If income varies seasonally, show how you arrived at a representative monthly figure.

- **SECTION C, MONTHLY EXPENSES**

  Virginia courts use expense information to assess the reasonableness of hardship claims. Be accurate and honest, overstating expenses invites judicial skepticism. Separately list child-related expenses so the court can verify whether they are already reflected in the Worksheet additional expense section.

- **SECTION D, ASSETS**

  Report fair market value, not purchase price. For Virginia state employees: the Virginia Retirement System (VRS) pension may be a significant asset. Report the present value estimate if available from VRS.

- **SECTION E, PARENTING TIME**

  Virginia counts days, a day is a 24-hour period, with a half-day presumption for short overnight periods, so be precise. More than 90 days is the threshold. Document your actual schedule: list specific days in a year if necessary. If your schedule varies, use the court-ordered schedule as the baseline.

- **NOTARIZATION**

  Virginia courts require the Financial Statement to be sworn before a notary public. The notary must provide their registration number and commission expiration date. Virginia notaries are registered with the Secretary of the Commonwealth.

- **REQUIRED ATTACHMENTS**

  Required: (1) last 2 pay stubs; (2) most recent federal tax return; (3) for self-employed: 2 years of returns + current P&L; (4) health insurance premium statements; (5) childcare receipts.

FILING TIPS, VIRGINIA

• File your Motion to Amend at the clerk's office of the court that entered the original order, Circuit Court or JDR Court in the appropriate city or county.

• Virginia DCSE Title IV-D: If DCSE is already managing your case, contact them at (800) 468-8894. They can modify an order administratively in some circumstances.

• Filing fees: Circuit Court modifications typically cost $83–$150+. JDR Court filings are generally less expensive. Fee waivers (in forma pauperis) are available, ask the clerk.

• Virginia's independent cities: Virginia has 38 independent cities separate from surrounding counties. Make sure you file in the correct court, the City of Fairfax court is different from Fairfax County court.

• No automatic percentage threshold: Virginia courts require a 'material' change, judges have discretion. DCSE's administrative benchmark for an early review is an income change of at least 25%; once three years have passed, a IV-D review is available on request with no special showing.

• Day counting: a day is a 24-hour period, and short overnight periods for the lesser-time parent are presumed split as half days between the parents. Daytime-only parenting time does not automatically count as full days.

• The shared custody formula uses a 1.4 multiplier to reflect duplicate household costs. It can significantly reduce the obligation when both parents have substantial time with the child.

• Retroactivity: a modified amount applies only from the date notice of the petition is given to the responding party (§ 20-108). File and serve promptly once grounds are established.

• VRS and state employee income: Virginia state employees (teachers, state workers, judges) often have complex income including VRS contributions. Be sure to accurately characterize VRS employee contributions in the income calculation.

• Virginia allows agreed orders: If both parties sign a consent order agreeing to the modified amount, the court will typically approve it without a hearing if it meets or exceeds guidelines.

End of Appendix AT - Virginia | Appendix AU - Washington follows.

Appendix AU — Washington: Statutes, Case Law, Forms, and Resources

Key Statutes

• RCW 26.09.170, modification of child support; substantial change of circumstances

• RCW 26.19, child support guidelines; income shares model; net-income worksheets

• RCW 26.19.075, standards for deviation; significant residential time is a discretionary deviation ground

• RCW 74.20A.320, license suspension; noncompliance = arrears exceeding six months of support payments

• RCW 26.20.035, family nonsupport (gross misdemeanor); RCW 26.20.030, family abandonment (class C felony)

Key Case Law

• In re Marriage of Arvey, 77 Wn. App. 817 (1995), split-custody offset formula where each parent has primary care of one of the children

• Published Washington appellate opinions are searchable at courts.wa.gov, verify any case before citing it in a filing

• In re Marriage of Scanlon, 109 Wn. App. 167 (2001), no statutory basis to adjust support on overnight counts alone, residential time is a deviation question

Official Forms

• Child Support Schedule Worksheets (WSCSS), WA Courts (courts.wa.gov)

• Petition for Modification of Child Support, Superior Court

• Financial Declaration (FL All Family 131)

• Child Support Order (FL All Family 130)

State Agency Contact

• Washington DSHS Division of Child Support (DCS): (800) 442-5437

• Website: dshs.wa.gov/esa/division-child-support

• Washington Courts self-help: courts.wa.gov/selfhelp

• Northwest Justice Project: (888) 201-1014 | nwjustice.org

Filing Checklist

- Child Support Schedule Worksheets (both parents' net income)
- Financial Declaration (FL All Family 131)
- Federal tax returns (last 2 years) and three most recent pay stubs
- Petition for Modification of Child Support
- Documentation of the substantial change (or proof the order is 24+ months old for an adjustment)
- Filing fee or fee waiver application
- Proof of service on other parent

Court Forms & Completion Guide

Washington uses a net income-based Income Shares model under RCW 26.19.020. Unlike most states that use gross income, Washington calculates the child support obligation from each parent's net monthly income after deducting income taxes, FICA, state industrial insurance, mandatory union dues, mandatory pension contributions, court-ordered spousal support paid, and up to $5,000 per year of voluntary retirement contributions. The Washington Economic Table then determines the basic support obligation. Washington has no automatic residential time credit, significant residential time supports a discretionary deviation under RCW 26.19.075. Modification requires a substantial change in circumstances, or, once 24 months have passed, an adjustment based on changes in income or the economic table.

WASHINGTON QUICK REFERENCE

Statute: RCW 26.19.020; RCW 26.09.170; RCW 4.56.110 (12% interest on support arrears)

Model: Income Shares, NET Income Basis (deduct income taxes, FICA, industrial insurance, mandatory dues, mandatory pension, spousal support paid)

State income tax: Washington has NO state income tax, deduction is $0

Residential credit: none automatic; significant residential time = discretionary deviation (RCW 26.19.075(1)(d))

Shared residential: no formula; even equal schedules do not zero support when incomes differ, deviation only

24-month adjustment: order 24+ months old, adjustment based on changes in income or the economic table, no substantial-change showing (RCW 26.09.170)

Material change: Substantial change in economic circumstances of either party or the child

Minimum support: $50 per child per month (presumptive; self-support reserve = 180% of the federal poverty guideline since 1/1/2026)

Support ends: Age 18 or HS graduation, whichever is later; postsecondary educational support possible to 23 if petitioned before support ends (RCW 26.19.090)

Payment: Washington State Support Registry (SSR)

DSHS Child Support: (800) 442-KIDS (5437) | dshs.wa.gov/childsupport

FORM 1, PETITION TO MODIFY CHILD SUPPORT ORDER

STATE OF WASHINGTON — PETITION TO MODIFY CHILD SUPPORT ORDER

Superior Court — Family Law Department | RCW 26.09.170

COURT INFORMATION			
County:	_____ County Superior Court	**Cause No.:**	_____

PARTIES			
Petitioner:	_____	**Role:**	■ Residential Parent ■ Non-Residential Parent
Respondent:	_____	**Role:**	■ Residential Parent ■ Non-Residential Parent
Child(ren):	Name: _____ DOB: _____ Name: _____ DOB: _____ Name: _____ DOB: _____		

CURRENT ORDER			
Date of Current Order:	_____	**Current Monthly Support:**	$_____
Obligor (payor):	_____	**Custody Type:**	■ Primary Residential ■ Shared (≥ 135 nights)
Payment via:	■ WA State Support Registry (SSR) ■ Other: _____		

GROUNDS FOR MODIFICATION (check all that apply — RCW 26.09.170)

■ SUBSTANTIAL CHANGE IN CIRCUMSTANCES: A substantial change in the economic circumstances of either party or the child has occurred. (RCW 26.09.170(5)(a))

■ TWO-YEAR ECONOMIC TABLE REVIEW: The order is ≥ 2 years old AND applying current incomes to the economic table would change the order by 15% or more. (RCW 26.09.170(7))

■ INCOME CHANGE: Significant increase or decrease in either parent's net monthly income.

■ RESIDENTIAL SCHEDULE CHANGE: The actual residential schedule has materially changed; non-residential parent may now qualify for the 92-night residential credit or 135-night shared residential formula.

■ NEW CHILD: Obligor has a new legal duty to support a child in another household.

■ HEALTH INSURANCE: Significant change in health insurance cost or availability for the child.

■ DISABILITY / UNEMPLOYMENT: Obligor's ability to pay has substantially changed.

■ OTHER: _____

DESCRIPTION OF CHANGED CIRCUMSTANCES

Describe the specific change with dates, dollar amounts, and facts:

_____

_____

_____

PROPOSED MODIFICATION			
Obligor's Net Monthly Income:	$_____	**Obligee's Net Monthly Income:**	$_____
Non-Residential Parent Overnights:	_____ nights/year — ■ <92 ■ 92-134 ■ ≥135		

Proposed Monthly Support:	$_____ (per attached Worksheet)

SIGNATURE			
Signature:	_____	**Date:**	_____
Printed Name:	_____	**WA Bar No.:**	_____
Address:	_____	**Phone:**	_____

CERTIFICATE OF SERVICE

I certify that on _____, 20___, I served a copy on Respondent by: ■ Certified Mail ■ Personal Service ■ Process Server ■ E-Service Address served: _____
Signature: _____ Date: _____

Line-by-Line Completion Guide, Petition to Modify Child Support Order

- **COUNTY SUPERIOR COURT**

  Washington child support orders are filed in the Superior Court of the county where the original order was entered. Unlike some states that allow venue transfer, you generally return to the originating county. Washington has 39 counties.

- **CAUSE NUMBER**

Copy the cause number exactly from the existing order. Washington cause numbers typically include the year, county abbreviation, and case type code (e.g., 22-3-01234-06 for King County).

- **PETITIONER / RESPONDENT ROLES**

  Washington uses 'Residential Parent' for the parent with primary custody and 'Non-Residential Parent' for the other parent. Either party (or DSHS on behalf of a parent) may petition to modify.

- **GROUNDS, TWO-YEAR REVIEW**

  Washington's 24-month adjustment (RCW 26.09.170) is one of the more favorable in the nation: once the order is 24 months old, either parent may move to adjust based on changes in the parties' income or changes in the economic table and standards, with no substantial-change showing required. The 2026 rewrite of the economic table is itself a qualifying change.

- **GROUNDS, SUBSTANTIAL CHANGE**

  Washington requires a 'substantial' economic change for a true modification. Courts look for: significant involuntary income change, a material change in the residential schedule, a new child obligation, a major change in health insurance costs, or disability/incarceration.

- **NET MONTHLY INCOME**

  This is the most common point of confusion in Washington child support cases. Always state net income (after all Washington deductions), not gross income. See the Worksheet, Section B, for the specific allowable deductions.

- **RESIDENTIAL TIME AND DEVIATIONS**

  Washington has no fixed shared-residential threshold. Significant residential time with the paying parent is a deviation ground (RCW 26.19.075(1)(d)), weighed against the receiving household's needs, and unavailable where it would leave that household unable to meet the child's basic needs or where the child receives TANF.

- **SIGNATURE**

  Washington petitions to modify do not require notarization, but the Financial Declaration must be signed under penalty of perjury. Washington uses 'penalty of perjury' rather than a traditional oath, no notary is required for the Financial Declaration.

- **SERVICE**

  Serve the Respondent according to Washington Superior Court Civil Rules. Personal service by a process server is standard. After the Respondent has appeared in the case, service may be by mail or e-service on counsel.

FORM 2, CHILD SUPPORT WORKSHEET

WASHINGTON STATE CHILD SUPPORT WORKSHEET

RCW 26.19.020 | Washington Economic Table — NET Income Basis

Cause No.:	_____	**County:**	_____	**Date:**	_____
Obligor:	_____	**Obligee:**	_____	**# Children:**	_____
Residential Type:	■ Primary Residential ■ Residential Credit (92–134 nights) ■ Shared Residential (≥135 nights)				

SECTION A — GROSS MONTHLY INCOME [Col 1 = Obligor | Col 2 = Obligee]			
A1	**Wages / Salary / Tips (gross)**	$_____	$_____
A2	**Self-Employment Net Income**	$_____	$_____
A3	**Rental / Interest / Dividends**	$_____	$_____
A4	**Social Security / Disability / Pension**	$_____	$_____
A5	**Unemployment / Workers' Comp**	$_____	$_____
A6	**All Other Income**	$_____	$_____
A7	**TOTAL GROSS MONTHLY INCOME**	$_____	$_____

SECTION B — DEDUCTIONS TO CALCULATE NET MONTHLY INCOME (RCW 26.19.071)			
B1	**Federal Income Tax (per W-4 filing status, actual withholding)**	$_____	$_____
B2	**Washington State Income Tax (WA has NO state income tax — enter $0)**	$ 0.00	$ 0.00
B3	**FICA / Social Security (6.2% up to wage base)**	$_____	$_____
B4	**Medicare Tax (1.45%)**	$_____	$_____
B5	**Mandatory Union Dues (required as condition of employment)**	$_____	$_____
B6	**Mandatory Pension Contributions (employer-required, not voluntary)**	$_____	$_____
B7	**Health Insurance Premium — ALL Dependents (not just this child)**	$_____	$_____
B8	**Child Support Paid in Other Cases (court-ordered)**	$_____	$_____
B9	**TOTAL DEDUCTIONS (B1 + B3 + B4 + B5 + B6 + B7 + B8)**	$_____	$_____
B10	**NET MONTHLY INCOME (A7 − B9)**	$_____	$_____

SECTION C — COMBINED NET INCOME AND BASIC SUPPORT OBLIGATION			
C1	**COMBINED NET MONTHLY INCOME (Obligor B10 + Obligee B10)**	$_____	combined
C2	**BASIC MONTHLY SUPPORT OBLIGATION (from Washington Economic Table — C1 and # children)**	$_____	from table
C3	**Obligor's Income % (Obligor B10 ÷ C1)**	_____%	
C4	**Obligor's Share of Basic Obligation (C2 × C3)**	$_____	

SECTION D — ADDITIONAL CHILD-RELATED EXPENSES			
D1	**Work-Related Childcare (monthly; multiply by 0.75 for tax credit adjustment)**	$_____	$_____

D2	Child's Health Insurance Premium (child's share of premium, not included in B7 for this case)	$_____	$_____
D3	Extraordinary Medical/Educational Expenses	$_____	$_____
D4	Obligor's Share of Additional Expenses (D1+D2+D3) × C3	$_____	

SECTION E — RESIDENTIAL TIME ADJUSTMENT (RCW 26.19.075)			
E1	Non-Residential Parent's (NRP) Annual Overnights	_____ nights	
E2	NRP Overnight Category	■ <92 (no credit) ■ 92–134 (graduated credit) ■ ≥135 (shared residential)	
E3	Residential Credit % from Washington Table (for 92–134 nights; per RCW 26.19.075(3))	_____%	
E4	Residential Credit Amount (C4 × E3) [for 92–134 nights only]	$_____	
E5	SHARED RESIDENTIAL (≥135 nights): Each parent's obligation = C2 × their income%. Multiply each by 1.5, multiply by other parent's % of time. Net the two figures.	$_____	net amount

SECTION F — FINAL MONTHLY CHILD SUPPORT OBLIGATION		
F1	Base Obligation (C4, or net from E5 if shared residential)	$_____
F2	Minus Residential Credit (E4, if applicable)	($_____)
F3	Plus Additional Expenses (D4)	$_____
F4	TOTAL MONTHLY SUPPORT OBLIGATION (F1 − F2 + F3) [Minimum: $50/month]	$_____

Line-by-Line Completion Guide, Child Support Worksheet

▸ NET INCOME MODEL, KEY DISTINCTION

Washington is one of a small number of states that base child support on NET income, not gross income. This means the worksheet starts with gross income (Section A) and then deducts specific allowable items (Section B) to arrive at net income (B10). All calculations from C1 onward use net income, not gross.

- **SECTION A, GROSS INCOME**

  Include all income from all sources: wages, self-employment, rental, interest, dividends, Social Security, disability, pension, unemployment, workers' compensation, and any other regular income. Gross income is the starting point before any deductions.

- **B1, FEDERAL INCOME TAX**

  Use the parent's actual federal income tax withholding from their pay stub, not a theoretical amount. Washington uses actual withholding, not the 'single filer, one exemption' standard used by Texas and some other states. If a parent claims many exemptions, this affects the deduction.

- **B2, WASHINGTON STATE INCOME TAX**

  Washington has no state income tax. Always enter $0 on the state income tax line. Note: effective January 1, 2026, mandatory premiums for Paid Family and Medical Leave and the WA Cares Fund are allowable deductions under the updated guidelines; the capital gains tax is not.

- **B7, HEALTH INSURANCE PREMIUM (ALL DEPENDENTS)**

  Health insurance premiums are NOT a net-income deduction in Washington. The child's health care costs are handled separately: they are apportioned between the parents in proportion to net income under RCW 26.19.080, with credit to the parent paying the premium. Do not subtract premiums in Section B.

- **B8, OTHER CHILD SUPPORT ORDERS**

  Support paid for children from other relationships is not a net-income deduction in Washington; it is a deviation ground under RCW 26.19.075(1)(e). Raise it as a deviation request with documentation of the other order and actual payments.

- **B10, NET MONTHLY INCOME**

  This is the key figure for all subsequent calculations. Verify this number carefully. It is the foundation of the entire worksheet. The Financial Declaration must show a net income that matches B10.

- **C2, WASHINGTON ECONOMIC TABLE**

  The Washington Economic Table is published by the Administrative Office of the Courts. Find the row matching the combined net income (C1) and the column for the number of children. Use the most current version, the table is updated periodically. The DSHS child support calculator at dshs.wa.gov uses the current table automatically.

- **RESIDENTIAL TIME: DEVIATION, NOT A CREDIT LINE**

  Washington's worksheets contain no graduated residential credit, and there is no credit schedule in the Economic Table footnotes. If you have significant residential time, request a deviation under RCW 26.19.075 and document your expenses during residential time, the court decides, not the table.

- **SHARED AND EQUAL SCHEDULES**

  There is no cross-offset formula at any overnight count. Even an equal 50/50 schedule does not automatically eliminate support, the higher earner typically still pays a transfer payment unless the court grants a deviation and explains it in written findings.

- **MINIMUM SUPPORT**

  Washington's presumptive minimum is $50 per child per month, which applies when the paying parent's net income falls below the self-support reserve (180% of the federal poverty guideline for one person as of January 1, 2026). Courts may go below $50 only on specific written findings. Income imputation applies if a parent is voluntarily unemployed or underemployed.

FORM 3, FINANCIAL DECLARATION

WASHINGTON STATE FINANCIAL DECLARATION

RCW 26.18.220 | Required in All Washington Child Support Proceedings

SECTION A — PERSONAL INFORMATION

Full Legal Name:	_____	**Role:**	■ Petitioner ■ Respondent
Home Address:	_____	**County:**	_____
Employer:	_____	**Occupation:**	_____
Date of Birth:	_____	**Last 4 SSN:**	XXX-XX-_____

SECTION B — MONTHLY INCOME (Gross — before deductions)

Wages / Salary / Tips (gross):	$_____
Self-Employment / Business Income (net of business expenses):	$_____
Rental Income:	$_____
Interest / Dividends:	$_____
Social Security / Disability / SSDI:	$_____
Pension / Retirement / L&I; / Workers' Comp:	$_____
Unemployment Compensation:	$_____
Other Income (specify: _____):	$_____
TOTAL GROSS MONTHLY INCOME (must match Worksheet Line A7):	$_____

SECTION C — MONTHLY DEDUCTIONS (to calculate Net Income)

Federal Income Tax (actual withholding):	$_____
WA State Income Tax ($0 — Washington has no state income tax):	$ 0.00
Social Security (FICA — 6.2%):	$_____
Medicare Tax (1.45%):	$_____
Mandatory Union Dues:	$_____
Mandatory Pension (employer-required, not voluntary 401(k)):	$_____
Health Insurance — ALL Dependents (full premium for covered dependents):	$_____
Child Support Paid in Other Court Orders:	$_____
TOTAL DEDUCTIONS:	$_____
NET MONTHLY INCOME (Gross − Total Deductions):	$_____

SECTION D — MONTHLY LIVING EXPENSES

Rent / Mortgage:	$_____	**Utilities:**	$_____	**Home Insurance:**	$_____

Car Payment:	$_____	**Auto Insurance:**	$_____	**Fuel:**	$_____
Groceries:	$_____	**Clothing:**	$_____	**Personal Care:**	$_____
Health (self, above B):	$_____	**Child's Childcare:**	$_____	**Phone / Internet:**	$_____
Loans / Credit Cards:	$_____	**Student Loans:**	$_____	**Other:**	$_____
				TOTAL EXPENSES:	$_____

SECTION E — ASSETS AND LIABILITIES			
Real Property (FMV – mortgage):	$_____	**Mortgage Balance:**	$_____
Vehicles (FMV – loan):	$_____	**Vehicle Loan Balance:**	$_____
Bank / Investment Accounts:	$_____	**Credit Card Balances:**	$_____
Retirement Accounts:	$_____	**Other Liabilities:**	$_____

SECTION F — RESIDENTIAL SCHEDULE AND CHILDREN	
My Annual Overnights with Child(ren):	_____ overnights (92–134 = residential credit; ≥135 = shared residential formula)
Other Children I Support (other households):	_____ children | Monthly court-ordered support: $_____
Children Covered by My Health Insurance:	_____ (list all, including children not in this case)
Monthly Health Insurance Premium (all covered dependents):	$_____

VERIFICATION — PENALTY OF PERJURY

I declare under penalty of perjury under the laws of the State of Washington that the information in this Financial Declaration is true and correct. Signed at _____, Washington, this ___ day of _____, 20____.
Signature: _____ Printed Name: _____
Date: _____

REQUIRED ATTACHMENTS: ■ Last 2 pay stubs ■ Federal tax return ■ Self-employment P&L; ■ Health insurance premium statement ■ Childcare receipts ■ Other support orders

Line-by-Line Completion Guide, Financial Declaration

- **SECTION A, PERSONAL**

  Washington uses penalty of perjury (not a notarized oath) for the Financial Declaration. You sign under penalty of perjury and include your location, no notary required. This is specific to Washington's system.

- **SECTION B, GROSS INCOME**

Report all income gross. The gross total must match Line A7 on the Worksheet. Attach your two most recent pay stubs for wage income.

- **SECTION C, DEDUCTIONS**

  Washington's deduction section on the Financial Declaration mirrors the Worksheet Section B. Report the same figures in both documents. The net income calculated here must match Line B10 on the Worksheet.

- **HEALTH INSURANCE, ALL DEPENDENTS**

  Health insurance premiums are not deducted in the Financial Declaration's net-income section either. The child's premium is allocated proportionally under RCW 26.19.080, with credit to the paying parent. Attach your premium statement so the allocation can be computed.

- **SECTION D, LIVING EXPENSES**

  Washington courts use expense information to assess hardship, evaluate income imputation questions, and consider deviation requests. Be accurate, overstating expenses undermines credibility. List actual current monthly amounts.

- **SECTION F, RESIDENTIAL SCHEDULE**

  Count overnights carefully and document your actual schedule: if you have a court-ordered parenting plan, count the nights specified in it. There is no fixed overnight threshold in Washington, but a well-documented count anchors any deviation request. If your actual practice differs from the court order, note both and explain.

- **PENALTY OF PERJURY LANGUAGE**

  Washington's Financial Declaration requires the specific perjury certification language: 'I declare under penalty of perjury under the laws of the State of Washington.' Include the city and date of signing. No notary is needed, but the specific language is required by statute (RCW 9A.72.085).

- **REQUIRED ATTACHMENTS**

  Required: (1) last 2 pay stubs; (2) most recent federal tax return; (3) for self-employed: 2 years of returns + current P&L; (4) health insurance premium documentation for ALL covered dependents; (5) childcare receipts; (6) documentation of any other support orders.

FILING TIPS, WASHINGTON

• File your Petition to Modify at the Superior Court clerk's office in the county that issued the original order. Washington has 39 counties, each with its own Superior Court.

• DSHS DCS Title IV-D: If DSHS Division of Child Support is managing your case, call (800) 442-KIDS before filing. DCS reviews and adjusts orders on request once three years have passed, or earlier on a showing of changed circumstances, at no charge.

• Washington's online calculator: Use the Washington State Child Support Calculator at dshs.wa.gov to verify your worksheet calculations. Confirm the tool reflects the post-January 2026 Economic Table before relying on it.

• Filing fees: Modification petitions typically cost $200–$300 in Washington Superior Courts. Fee deferrals are available, ask the clerk about the Deferral of Filing Fee procedure.

• Washington's e-filing: Most Washington Superior Courts accept electronic filing through the Washington Courts E-Filing portal. Check your county's specific rules.

• Net income, not gross: This is the most common error in Washington cases. Washington deducts income taxes, FICA, industrial insurance, mandatory dues, mandatory pension contributions, and court-ordered spousal support paid before calculating support. Health insurance premiums are not on that list. Always double-check that you're using net income throughout.

• Health insurance handling: the child's premium is not a net-income deduction; it is shared proportionally under RCW 26.19.080 with a credit to the paying parent. Budget for your proportional share on top of the transfer payment.

• 24-month adjustment (not 3 years): Washington's adjustment window opens at 24 months, shorter than the 3-year standard in most states, and requires no substantial-change showing, only changed income or a changed economic table.

• No credit footnotes: residential-credit percentages do not exist in the Economic Table or its footnotes. Treat any worksheet or calculator claiming an automatic residential credit as out of date or wrong, residential time is argued as a deviation.

• Retroactivity: modification relief reaches only installments accruing after the petition is filed (RCW 26.09.170). File promptly.

End of Appendix AU - Washington | Appendix AV - West Virginia follows.

Appendix AV — West Virginia: Statutes, Case Law, Forms, and Resources

Key Statutes

• W. Va. Code § 48-11-105, modification; a guideline shift of more than 15% is deemed a substantial change

• W. Va. Code § 48-13-301, child support guidelines; income shares model

• W. Va. Code §§ 48-13-501, 48-13-502, extended shared parenting; more than 127 overnights each (Worksheet B, 1.6 multiplier)

• W. Va. Code § 48-15-101 et seq., license suspension; arrears equal to six months' worth of support

• W. Va. Code § 61-5-29, criminal nonsupport (felony, 1–3 years, where 12 months of willful nonpayment remains unpaid)

Key Case Law

• Holley v. Holley (W. Va. 1989), support awards must follow the statutory guideline requirements; reversal where the trial court failed to apply them

• Published West Virginia opinions are searchable at courtswv.gov, verify any case before citing it in a filing

Official Forms

• Child Support Worksheet, West Virginia BCSE and Family Court (courtswv.gov)

• Petition for Modification of Child Support, Family Court

• Financial Disclosure Statement

• Income Withholding Order

State Agency Contact

• West Virginia Bureau for Child Support Enforcement (BCSE): (800) 249-3778

• Website: dhhr.wv.gov/bcse

• West Virginia Supreme Court of Appeals self-help: courtswv.gov

• Legal Aid of West Virginia: (800) 642-8279 | lawv.net

Filing Checklist

• Child Support Worksheet A or B (both parents' current adjusted gross income)

- Financial Disclosure Statement
- Federal tax returns (last 2 years; last 3 years for extraction industry workers)
- Petition for Modification of Child Support, Family Court in originating county
- Documentation of triggering change (15% threshold or material change)
- Filing fee, paid to Family Court clerk
- Proof of service on other parent

Court Forms & Completion Guide

West Virginia uses the Income Shares model under W. Va. Code § 48-13-101 et seq., based on both parents' adjusted gross income (gross income minus preexisting support actually paid, court-ordered spousal support paid, and qualified student loan payments). Child support may be modified upon a substantial change in circumstances of either party or the child, and a guideline amount differing from the current order by more than 15% is deemed a substantial change, with no waiting period (§ 48-11-105). West Virginia's extended shared parenting calculation applies when each parent has more than 127 overnights per year (35% of the year).

WEST VIRGINIA QUICK REFERENCE

Statute: W. Va. Code §§ 48-13-101 et seq.

Model: Income Shares, Adjusted Gross Income Basis (gross minus preexisting support, alimony paid, qualified student loans)

Shared parenting: each parent more than 127 overnights/year (35%), Worksheet B extended shared parenting (1.6 multiplier, offset)

15% rule: New guideline calc differing more than 15% from the order = deemed substantial change (§ 48-11-105), no waiting period; BCSE offers 3-year IV-D reviews separately

Material change: Substantial change in circumstances of either party or child

Minimum support: $50/month basic obligation when combined adjusted gross income is below $550/month (court may vary)

Support ends: Age 18; or while an unmarried full-time secondary/vocational student living with a parent, until graduation or age 20, whichever first

Payment: West Virginia Bureau for Child Support Enforcement (BCSE) State Disbursement Unit

BCSE: (800) 249-3778 | dhhr.wv.gov/bcse

FORM 1, MOTION TO MODIFY CHILD SUPPORT ORDER

STATE OF WEST VIRGINIA — MOTION TO MODIFY CHILD SUPPORT ORDER

West Virginia Family Court | W. Va. Code § 48-13-901

COURT INFORMATION			
County:	_____ County, WV — Family Court	**Civil Action No.:**	_____

PARTIES			
Petitioner:	_____	**Role:**	■ Custodial Parent ■ Non-Custodial Parent
Respondent:	_____	**Role:**	■ Custodial Parent ■ Non-Custodial Parent
Child(ren):	Name: _____ DOB: _____ Name: _____ DOB: _____ Name: _____ DOB: _____		

CURRENT ORDER			
Date of Current Order:	_____	**Current Monthly Support:**	$_____
Obligor (payor):	_____	**Custody Type:**	■ Sole ■ Shared (≥ 128 overnights NCP)
Payment via:	■ WV BCSE (SDU) ■ Direct ■ Other: _____		

GROUNDS FOR MODIFICATION (check all that apply)

- ■ THREE-YEAR REVIEW: Order is ≥ 3 years old AND guideline amount differs by ≥ 15%. (W. Va. Code § 48-13-901)
- ■ SUBSTANTIAL CHANGE: A substantial change in circumstances has occurred since the last order.
- ■ INCOME CHANGE: Significant increase or decrease in either parent's gross income.
- ■ CUSTODY CHANGE: Non-custodial parent's overnights have materially changed (e.g., approaching/crossing 128-night threshold).
- ■ NEW CHILD: Obligor has a new legal support obligation for a child in another household.
- ■ HEALTH INSURANCE CHANGE: Significant change in cost or availability of child's coverage.
- ■ OTHER: _____

DESCRIPTION OF CHANGED CIRCUMSTANCES

Describe the change with specific dates, dollar amounts, and facts:

_____

_____

PROPOSED MODIFICATION			
Obligor's Gross Monthly Income:	$_____	**Obligee's Gross Monthly Income:**	$_____
NCP Overnights/Year:	_____ — ■ <128 (sole) ■ ≥128 (shared)		
Proposed Monthly Support:	$_____ (per attached Worksheet)		

SIGNATURE			
Signature:	_____	**Date:**	_____

Printed Name:	_____	**WV Bar No.:**	_____
Address:	_____	**Phone:**	_____

CERTIFICATE OF SERVICE

I certify that on _____, 20___, I served a copy on Respondent by: ■ Certified Mail ■ Personal Service ■ Sheriff ■ E-Service Respondent's address: _____ Signature: _____ Date: _____

Line-by-Line Completion Guide, Motion to Modify Child Support Order

- **FAMILY COURT**

  West Virginia created dedicated Family Courts in 2002. All domestic relations matters (including child support modifications) are heard in the Family Court of the county where the original order was entered. The Family Court judge handles modifications; the Circuit Court hears appeals of Family Court decisions.

- **CIVIL ACTION NUMBER**

  Copy the number exactly from your most recent order. WV civil action numbers typically include the county initials, year, and sequential number (e.g., 22-D-123 for Kanawha County, divorce).

- **GROUNDS, THE 15% RULE**

  Check this box if applying both parents' current adjusted gross incomes to the WV Child Support Schedule produces an amount that differs from the current order by more than 15%. No waiting period applies, the 15% shift is itself deemed a substantial change (§ 48-11-105). Attach the completed Worksheet.

- **GROUNDS, SUBSTANTIAL CHANGE**

  Examples include: job loss, significant wage change, incarceration, disability, birth of a new child the obligor is legally required to support, change in the child's needs (medical, educational), or a change in overnight custody that crosses the 128-night shared parenting threshold.

- **128-NIGHT SHARED PARENTING THRESHOLD**

  West Virginia's shared parenting formula (35% of the year ÷ 365 = 127.75, rounded to 128) produces a meaningfully reduced obligation for the non-custodial parent. Document overnight counts carefully, one night can matter at the threshold.

- **PROPOSED MONTHLY SUPPORT**

  Enter the figure from Line F3 of the completed Worksheet. Attach the Worksheet.

- **SIGNATURE**

  West Virginia does not require notarization for the motion itself. The Financial Statement must be sworn before a notary.

- **SERVICE**

  The Respondent must be served. West Virginia Family Courts issue a summons that can be served by a process server, sheriff's deputy, or certified mail (if the Respondent signs the return receipt). Allow adequate lead time before the scheduled hearing.

FORM 2, CHILD SUPPORT WORKSHEET

WEST VIRGINIA CHILD SUPPORT WORKSHEET

W. Va. Code § 48-13-301 | Income Shares Model — Gross Income Basis

Civil Action No.:	_____	**County:**	_____	**Date:**	_____
Obligor:	_____	**Obligee:**	_____	**# Children:**	_____
Custody Type:	■ Sole Physical (NCP < 128 nights) ■ Shared Parenting (NCP ≥ 128 nights)				

SECTION A — GROSS MONTHLY INCOME [Col 1 = Obligor | Col 2 = Obligee]			
A1	Wages / Salary (gross)	$_____	$_____
A2	Self-Employment Net Income	$_____	$_____
A3	Rental / Interest / Dividends	$_____	$_____
A4	Social Security / Disability / Pension	$_____	$_____
A5	Unemployment / Workers' Comp	$_____	$_____
A6	All Other Income	$_____	$_____
A7	TOTAL GROSS MONTHLY INCOME	$_____	$_____

SECTION B — ADJUSTMENTS AND NET INCOME			
B1	Court-Ordered Support for Other Children (not this case, paid)	$_____	$_____
B2	ADJUSTED GROSS INCOME (A7 − B1)	$_____	$_____

SECTION C — COMBINED INCOME AND BASIC OBLIGATION			
C1	COMBINED ADJUSTED GROSS INCOME (Obligor + Obligee B2)	$_____	combined
C2	BASIC MONTHLY SUPPORT OBLIGATION (from WV Child Support Schedule — C1 and # children)	$_____	from table
C3	Obligor's Income % (Obligor B2 ÷ C1)	_____%	
C4	Obligee's Income % (Obligee B2 ÷ C1)	_____%	
C5	Obligor's Share of Basic Obligation (C2 × C3)	$_____	

SECTION D — ADDITIONAL EXPENSES			
D1	Work-Related Childcare (monthly × 75%)	$_____	$_____
D2	Health Insurance Premium — Child's Share	$_____	$_____
D3	Extraordinary Medical/Educational Expenses	$_____	$_____
D4	Obligor's Share of Additional Expenses (D1+D2+D3) × C3	$_____	

SECTION E — SHARED PARENTING ADJUSTMENT (NCP ≥ 128 overnights = 35% of year)			
E1	NCP Overnights / Year	_____ nights	
E2	NCP % of Year (E1 ÷ 365)	_____%	
E3	Obligor's Standard Obligation (C5)	$_____	

E4	Obligee's Standard Obligation (C2 × C4)	$_____	
E5	Shared Parenting Net: (E3 × 1.5 × E2) − (E4 × 1.5 × (1−E2))	$_____	

SECTION F — FINAL MONTHLY CHILD SUPPORT OBLIGATION		
F1	Base Obligation (C5 for sole custody; E5 for shared parenting)	$_____
F2	Additional Expenses (D4)	$_____
F3	TOTAL MONTHLY OBLIGATION (F1 + F2) [Minimum: $50/month]	$_____

Line-by-Line Completion Guide, Child Support Worksheet

▸ SECTION A, GROSS INCOME

West Virginia includes all income from all sources: wages, self-employment, rental, interest, Social Security, disability, pension, unemployment, workers' compensation. Gross income is the starting point; the worksheet then applies the

limited adjustments below to reach adjusted gross income. If a parent is voluntarily unemployed or underemployed, the court imputes income based on earning capacity.

- **B1, ADJUSTMENTS**

  Adjustments to gross income: preexisting court-ordered support actually paid for other children, court-ordered spousal support or maintenance actually paid, and qualified student loan payments (capped at 25% of gross income). No other deductions are permitted at this stage.

- **C2, BASIC OBLIGATION FROM SCHEDULE**

  West Virginia publishes a Schedule of Basic Child Support Obligations available from the WV DHHR website. Find the row for the combined adjusted gross income (C1) and the column for the number of children. Use the most current version.

- **SECTION D, ADDITIONAL EXPENSES**

  Childcare: enter the actual work-related cost, allocated pro rata by income share, West Virginia applies no federal-tax-credit multiplier. Health insurance: use only the child's proportionate share (family minus employee-only premium), also allocated pro rata.

- **SECTION E, SHARED PARENTING (≥128 NIGHTS)**

  West Virginia's extended shared parenting calculation (Worksheet B, § 48-13-502) multiplies the basic obligation by 1.6 to reflect the cost of two full households, allocates each parent's share by income and by the other parent's overnights, and offsets the two obligations. Add additional expenses to the net result.

- **MINIMUM SUPPORT**

  West Virginia's $50/month minimum basic obligation applies when the parents' combined adjusted gross income falls below $550/month; the court may set a different figure based on resources and living expenses. Income imputation applies if a parent is voluntarily unemployed or underemployed.

FORM 3, FINANCIAL STATEMENT

WEST VIRGINIA FINANCIAL STATEMENT

W. Va. Code § 48-13-601 | Required in All WV Child Support Proceedings

SECTION A — PERSONAL INFORMATION

Full Legal Name:	_____	**Role:**	■ Petitioner ■ Respondent
Home Address:	_____	**County:**	_____
Employer:	_____	**Occupation:**	_____
Date of Birth:	_____	**Last 4 SSN:**	XXX-XX-_____

SECTION B — GROSS MONTHLY INCOME

Wages / Salary / Tips (gross):	$_____
Self-Employment Net Income:	$_____
Rental / Interest / Dividends:	$_____
Social Security / Disability / Pension:	$_____
Unemployment / Workers' Comp:	$_____
Other Income (specify: _____):	$_____
TOTAL GROSS MONTHLY INCOME (must match Worksheet Line A7):	$_____

SECTION C — MONTHLY EXPENSES

Rent / Mortgage:	$_____	**Utilities:**	$_____	**Home Insurance:**	$_____
Car Payment:	$_____	**Auto Insurance:**	$_____	**Fuel:**	$_____
Groceries:	$_____	**Health Ins. (self):**	$_____	**Child's Health Ins.:**	$_____
Childcare:	$_____	**Child's Education:**	$_____	**Phone / Internet:**	$_____
Loans / Credit Cards:	$_____	**Other Support Orders:**	$_____	**TOTAL EXPENSES:**	$_____

SECTION D — ASSETS, LIABILITIES, AND PARENTING TIME

Real Property (FMV – mortgage):	$_____	**Mortgage Balance:**	$_____
Vehicles (FMV – loan):	$_____	**Vehicle Loan Balance:**	$_____
Bank / Investment / Retirement:	$_____	**Credit Card / Other Liabilities:**	$_____
My Annual Overnights w/ Child(ren):	_____ overnights (≥ 128 = shared parenting formula; ≥ 35% of year)		

Other Children I Support:	_____ children | Monthly court-ordered support paid: $_____

VERIFICATION AND OATH

I swear or affirm under penalty of perjury under the laws of the State of West Virginia that the information in this Financial Statement is true and complete. Signature: _____ Date: _____
Subscribed and sworn before me this ___ day of _____, 20____. Notary Public: _____
Commission Expires: _____

ATTACHMENTS: ■ Last 2 pay stubs ■ Federal tax return ■ Self-employment P&L; ■ Health insurance premium ■ Childcare receipts ■ Other support orders

Line-by-Line Completion Guide, Financial Statement

- **PERSONAL INFORMATION**

  Provide your full legal name as it appears in the court record. West Virginia courts use county-level records; confirm the county where your case is filed. Last four SSN digits only in public filings.

- **GROSS INCOME**

Report all income gross. The total must match Worksheet Line A7. Attach your two most recent pay stubs. For variable income (seasonal work, overtime, tips), average the last 12–24 months.

- **SELF-EMPLOYMENT**

  Attach your most recent two federal tax returns (Schedule C) and a current profit and loss statement. West Virginia courts look carefully at business income and disallowed personal expenses.

- **MONTHLY EXPENSES**

  Accurate, realistic expenses support hardship arguments. Separately itemize child-related expenses (childcare, child's health insurance, education, activities) as these feed the Worksheet's additional expense section.

- **ASSETS AND LIABILITIES**

  Report fair market value for assets. Coal country assets (mineral rights, land with resource value) may be significant in West Virginia, report all assets accurately.

- **PARENTING TIME**

  Count overnights. At 128 overnights, the shared parenting formula applies. Document your schedule with the parenting plan; if actual practice differs from the court order, note both.

- **NOTARIZATION**

  West Virginia requires the Financial Statement to be notarized. Sign before a notary public who must affix their seal and commission expiration date. West Virginia notaries are commissioned through the Secretary of State.

- **ATTACHMENTS**

  Required: (1) last 2 pay stubs; (2) most recent federal tax return; (3) self-employment P&L if applicable; (4) health insurance premium statement; (5) childcare receipts; (6) documentation of other support obligations.

FILING TIPS, WEST VIRGINIA

• File your Motion to Modify at the Family Court clerk's office in the county where the original order was entered. West Virginia has 55 counties, each with its own Family Court.

• BCSE Title IV-D: Contact WV BCSE at (800) 249-3778 before filing independently. BCSE can initiate an administrative review and file a modification petition at no cost if the criteria are met.

• Filing fees: Family Court modification petitions typically cost $135–$200. West Virginia allows fee waivers (in forma pauperis), ask the clerk for the Affidavit of Financial Condition form.

• West Virginia e-filing: Many WV courts now use the Odyssey e-filing system. Check your county Family Court for specific requirements, some counties still prefer in-person filing.

• 15% rule: Calculate both the current and proposed guideline amounts and compare them. A shift of more than 15% is deemed a substantial change by statute, no three-year wait required. Even a modest income change often produces a 15%+ difference.

• 128-night shared parenting threshold: One night can trigger the shared parenting formula, which produces a meaningfully lower obligation. Document parenting time meticulously in your parenting plan and actual records.

• Support extends to age 20 in some cases: West Virginia statute allows support continuation past age 18 if the child is still enrolled in secondary school full-time. Confirm with the court whether your order includes this provision.

• Retroactivity: West Virginia courts may make modification retroactive to the date the motion was filed. File promptly once grounds exist.

• Coal and mining income: West Virginia has significant coal, gas, and natural resource industry employment. Overtime, hazard pay, and shift differential from these industries should be included in gross income calculations.

ADDITIONAL CASE LAW, WEST VIRGINIA

• Verify case law before citing: published Supreme Court of Appeals opinions are searchable at courtswv.gov, and family-law holdings are frequently fact-specific.

BCSE, REGIONAL OFFICES

BCSE operates 11 regional offices across West Virginia. The statewide intake line is (800) 249-3778, but for case-specific matters parents often get faster responses by calling the regional office serving their county directly. The official directory is published at dhhr.wv.gov/bcse, search "regional offices." The Kanawha (Charleston) office at (304) 558-2280 handles the highest case volume in the state and is the central point for interstate UIFSA referrals.

FAMILY COURT APPEALS, THE TWO-STAGE PATH

A Family Court order is not directly appealable to the West Virginia Supreme Court of Appeals. A party who is dissatisfied with a Family Court ruling must first petition the Circuit Court for review under West Virginia Code § 51-2A-15. The Circuit Court reviews the record and may affirm, reverse, or remand. Only after the Circuit Court rules can the matter be appealed to the Supreme Court of Appeals. The petition for review to the Circuit Court must be filed within 30 days of the Family Court order. Pro se filers regularly miss this deadline because Family Court orders look final.

WEST VIRGINIA-SPECIFIC INCOME CALCULATION CONSIDERATIONS

Extraction industry workers (coal mining, natural gas drilling, oil services) have income patterns that the standard guideline calculation does not always capture well. The W. Va. Code § 48-13-301 income definition is broad and includes all gross income, but courts in mining-heavy counties (Logan, Mingo, McDowell, Boone, Wyoming, Raleigh) have developed practical conventions for averaging fluctuating income: typically three years of W-2s or Schedule Cs, plus any short-term layoff documentation. Bring three years of pay history, not just two, to any West Virginia modification hearing.

Multi-state workers. Many West Virginia residents earn income in Pennsylvania, Ohio, Kentucky, Maryland, or Virginia (especially for pipeline, mining, healthcare, and construction work). Out-of-state income is fully includable as West Virginia gross income for guideline purposes, the location of the work does not change the analysis. If the West Virginia parent has moved out of state but the child remains in West Virginia, UIFSA continuing-exclusive jurisdiction stays with the West Virginia Family Court that issued the order (see Chapter 52 of this book).

ADDITIONAL RESOURCES

• WV Legal Aid Family Law Helpline: (866) 255-4370, free advice for income-qualifying West Virginia residents on child support, custody, and divorce matters.

• West Virginia State Bar Lawyer Referral: (304) 553-7220, fee-based attorney referrals for family law matters with a reduced initial consultation rate.

• WV Family Court Self-Help: courtswv.gov/lower-courts/family-court, official forms, instructions, and county-specific filing requirements.

• WV BCSE customer portal: cse.wv.gov, online access to payment history, modification status, and address-update tools for IV-D parents.

End of Appendix AV - West Virginia | Appendix AW - Wisconsin follows.

Appendix AW — Wisconsin: Statutes, Case Law, Forms, and Resources

Key Statutes

• Wis. Stat. § 767.59, modification of child support; substantial change in circumstances, presumed after 33 months (rebuttable; inapplicable to percentage-expressed orders)

• DCF 150, child support guidelines; percentage of income (payer gross only)

• Wis. Admin. Code DCF 150.04(2), shared-placement formula; each parent 25%+ of placement (92+ days)

• Wis. Stat. § 49.857, license denial/suspension/restriction; delinquency equal to three months' support

• Wis. Stat. § 948.22, criminal failure to support; under 120 consecutive days = Class A misdemeanor, 120+ consecutive days = Class I felony

Key Case Law

• In re Marriage of Rottscheit v. Dumler, 2003 WI 62, incarceration alone neither mandates nor prevents modification; totality of circumstances governs

• In re Marriage of Chen v. Warner, 2005 WI 55, shirking standard; a voluntary income reduction bars relief only if unreasonable under the circumstances

• Frisch v. Henrichs, 2007 WI 102, remedial contempt for withholding income information; stipulations freezing child support are against public policy. Verify current treatment of any decision at wicourts.gov before relying on it

Official Forms

• Child Support Worksheet, Wisconsin DCF (dcf.wisconsin.gov)

• Notice of Motion and Motion to Change Legal Custody, Placement, Support (FA-4170V), wicourts.gov

• Financial Disclosure Statement (FA-4139V); some counties accept the Income and Asset Statement (FA-4138V)

State Agency Contact

• Wisconsin Child Support Program (DCF), administered by county child support agencies; agency directory at dcf.wisconsin.gov; payments: WI SCTF (800) 991-5530

• Website: dcf.wisconsin.gov/cs

- Wisconsin Courts self-help: wicourts.gov/selfhelp
- Wisconsin Judicare: (800) 472-1638 | judicare.org

Filing Checklist

• Child Support Worksheet (payer gross income only. Wisconsin is percentage of income, not income shares)

- Financial Disclosure Statement (FA-4139V); some counties accept the Income and Asset Statement (FA-4138V)
- Federal tax returns (last 2 years) and three most recent pay stubs
- Motion to Modify Child Support
- Documentation of the substantial change in circumstances (or proof 33 months have passed since the last order)
- Filing fee or fee waiver application
- Proof of service on other parent

Court Forms & Completion Guide

Wisconsin uses the Percentage of Income standard applied to the payer's gross monthly income only, unlike most states, there is no combined income worksheet. The percentage increases with the number of children: 17% for 1 child, 25% for 2, 29% for 3, 31% for 4, and 34% for 5 or more. The shared-placement formula applies when each parent has 92 or more overnights per year (25%). Authority: Wis. Stat. § 767.511 and Wis. Admin. Code ch. DCF 150.

Form 1 — Motion to Modify Child Support (Wisconsin)

STATE OF WISCONSIN — MOTION TO MODIFY CHILD SUPPORT

Circuit Court — Family Division | Wis. Stat. § 767.59

COURT INFORMATION			
County:	_____ County, State of Wisconsin — Circuit Court	**Case No.:**	_____

PARTIES			
Petitioner:	_____	**Role:**	■ Primary Physical Placement ■ Other Parent
Respondent:	_____	**Role:**	■ Primary Physical Placement ■ Other Parent
Child(ren):	Name: _____ DOB: _____ Name: _____ DOB: _____ Name: _____ DOB: _____		

CURRENT ORDER			
Date of Current Order:	_____	**Current Monthly Support:**	$_____
Payer (obligor):	_____	**Placement Type:**	■ Primary ■ Shared (≥ 92 nights payer) ■ Serial Shared
Payment via:	■ WI SCTF (SDU) ■ Income Assignment ■ Other		

GROUNDS FOR MODIFICATION (check all that apply)

■ 33% CHANGE: Applying current guidelines to payer's current gross income produces an amount differing by ≥ 33% from the current order. (Wis. Stat. § 767.59(1f))

■ SUBSTANTIAL CHANGE IN CIRCUMSTANCES: A substantial change has occurred since the last order.

■ PAYER'S INCOME CHANGED: Significant increase or decrease in the payer's gross income.

■ PLACEMENT CHANGE: The physical placement schedule has materially changed (e.g., crossing 92-night threshold).

■ NEW CHILD OBLIGATION: Payer has a new legal duty to support a child in another household.

■ HEALTH INSURANCE CHANGE: Significant change in cost or availability of the child's health coverage.

■ OTHER: _____

DESCRIPTION OF CHANGED CIRCUMSTANCES

Describe the change with specific dates, dollar amounts, and facts:

_____

_____

PROPOSED MODIFICATION			
Payer's Gross Monthly Income:	$_____	**Number of Children This Order:**	_____
Applicable Percentage:	_____% (17/25/29/31/34%)	**Proposed Monthly Support:**	$_____
Payer Placement Nights/Year:	_____ — ■ <92 (primary) ■ ≥92 (shared placement)		

Figure AW-1a: WI Motion to Modify Child Support — Page 1 (Caption & Grounds)

SIGNATURE			
Signature:	_____	**Date:**	_____
Printed Name:	_____	**WI Bar No.:**	_____
Address:	_____	**Phone:**	_____

CERTIFICATE OF SERVICE

I certify that on _____, 20___, I served a copy on Respondent by: ■ Certified Mail ■ Personal Service ■ Process Server ■ E-Service Address served: _____ Signature: _____ Date: _____

Figure AW-1b: WI Motion to Modify Child Support — Page 2 (Relief & Signature)

Line-by-Line Completion Guide, Motion to Modify Child Support

- **STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY**

  Enter the county where the original child support order was entered. Example: DANE COUNTY, MILWAUKEE COUNTY.

- **Case No.**

Enter the full case number from the original support order, including year prefix (e.g., 24-FA-001234).

- **In re the Marriage of / In re the Paternity of**
  Strike whichever does not apply. For paternity cases the caption reads 'In re the Paternity of [Child Name].'
- **Petitioner / Respondent**
  The person who filed the original action is the Petitioner. The other party is the Respondent. Use the same designations as the original case.
- **[Movant Name], Petitioner/Respondent, moves the Court**
  Enter your full legal name. Circle or underline whether you are the Petitioner or Respondent in this case.
- **for modification of the child support order entered on ___**
  Enter the exact date of the most recent child support order you are asking to modify (month/day/year).
- **Ground 1, Substantial Change in Circumstances**
  Check this box if there has been a substantial change in circumstances since the last order, such as a significant involuntary change in either party's income. No fixed percentage is required. Wis. Stat. § 767.59(1f).
- **Ground 2, Three-Year Review (33-Month Clock)**
  Check if 33 months or more have passed since the last support order was entered or last reviewed. After 33 months a substantial change in circumstances is presumed (rebuttable; inapplicable to percentage-expressed orders). Wis. Stat. § 767.59(1f)(b).
- **Ground 3, Change in Placement Schedule**
  Check if the physical placement schedule has changed materially, for example, if the payer's overnights have increased to 92 or more per year, triggering shared placement credit eligibility.
- **Ground 4, Other Substantial Change**
  Use for changes not covered above: child's emancipation, loss of employment, disability, new dependent children, or health insurance changes.
- **Current monthly support amount: $___**
  Enter the dollar amount currently ordered. Find this in the most recent support order or through the Wisconsin Support Collections Trust Fund (WI SCTF) at wisctf.wi.gov.
- **Payer's current gross monthly income: $___**
  Enter your verified current gross monthly income, before any deductions. Include wages, overtime (averaged), bonuses (averaged), self-employment net profit, rental income, and all recurring income sources.
- **Number of children subject to this order: ___**
  Enter the number of minor children covered by this specific order. Do not include stepchildren or children from other relationships.
- **Applicable percentage under DCF 150.03: ___%**
  Look up the correct percentage: 1 child=17%, 2 children=25%, 3 children=29%, 4 children=31%, 5+ children=34%. Apply only to the payer's gross income. Reduced percentages apply to monthly income above $7,000 (DCF 150.04(5)).
- **Calculated base support (Gross × %): $___**
  Multiply the payer's gross monthly income by the applicable percentage. Example: $4,500 gross × 25% (2 children) = $1,125/month base support.

- **Shared placement adjustment (if applicable): $___**
  If the payer has 92+ overnights, the shared-placement formula reduces the base. Attach the DCF shared-placement worksheet (dcf.wisconsin.gov) if claiming the adjustment.
- **WHEREFORE, Movant requests the Court modify support to $___/month**
  Enter the new monthly amount you are requesting. This should match your calculated figure from the worksheet. Round to the nearest dollar.
- **Date / Signature / Address / Phone**
  Sign and date before filing. Print your address and phone for court contact. Self-represented parties must include a mailing address for service.

Form 2 — Child Support Worksheet / Financial Disclosure (Wisconsin)

WISCONSIN CHILD SUPPORT WORKSHEET

Wis. Stat. § 767.511; Wis. Admin. Code DWD Ch. 40 | Percentage of Income Model

Case No.:	_____	**County:**	_____	**Date:**	_____
Payer (Obligor):	_____	**Payee (Obligee):**	_____	**# Children:**	_____
Placement Type:	■ Primary Physical Placement (payer < 92 nights) ■ Shared Placement (payer ≥ 92 nights)				

SECTION A — PAYER'S GROSS MONTHLY INCOME (Wisconsin applies percentage to PAYER only)

A1	**Wages / Salary / Tips (gross, before deductions)**	$_____
A2	**Self-Employment Net Income (gross receipts minus ordinary business expenses)**	$_____
A3	**Rental / Interest / Dividends**	$_____
A4	**Social Security / Disability / Pension / Retirement**	$_____
A5	**Unemployment / Workers' Compensation**	$_____
A6	**All Other Income**	$_____
A7	**TOTAL GROSS MONTHLY INCOME — PAYER**	$_____

SECTION B — APPLICABLE PERCENTAGE AND BASE OBLIGATION

Children in Order	1	2	3	4	5+
Percentage	17%	25%	29%	31%	34%

B1	**Applicable Percentage (from table above)**	_____%
B2	**BASE MONTHLY OBLIGATION (A7 × B1)**	$_____

SECTION C — ADJUSTMENTS (credits against base obligation)

C1	**Health Insurance Premium — Child's Share (paid by payer)**	$_____
C2	**Work-Related Childcare (paid by payer, × 70%)**	$_____
C3	**Other Children Legally Obligated to Support (reduces %)**	_____ children
C4	**TOTAL CREDITS (C1 + C2)**	$_____

SECTION D — SHARED PLACEMENT ADJUSTMENT (payer ≥ 92 overnights = 25% of year)

D1	**Payer's Overnights / Year**	_____ nights
D2	**Payer's % of Year (D1 ÷ 365 × 100)**	_____%
D3	**Shared Placement Multiplier: (1.5 − D2) [if D2 < 50%] OR (D2/50 × 0.5 + 0.5) [if ≥ 50%]**	_____
D4	**Adjusted Base Obligation (B2 × D3)**	$_____

SECTION E — FINAL MONTHLY CHILD SUPPORT OBLIGATION

E1	**Base Obligation (B2 for primary placement; D4 for shared placement)**	$_____
E2	**Minus Total Credits (C4)**	($_____)
E3	**FINAL MONTHLY OBLIGATION (E1 − E2) [Minimum: $25/month per DWD 40.04(3)]**	$_____

Figure AW-2a: WI Child Support Worksheet — Page 1 (Income & Percentage Calculation)

WISCONSIN CHILD SUPPORT WORKSHEET

Wis. Stat. § 767.511; Wis. Admin. Code DWD Ch. 40 | Percentage of Income Model

Case No.:	_____	**County:**	_____	**Date:**	_____
Payer (Obligor):	_____	**Payee (Obligee):**	_____	**# Children:**	_____
Placement Type:	■ Primary Physical Placement (payer < 92 nights) ■ Shared Placement (payer ≥ 92 nights)				

SECTION A — PAYER'S GROSS MONTHLY INCOME (Wisconsin applies percentage to PAYER only)

A1	**Wages / Salary / Tips (gross, before deductions)**	$_____
A2	**Self-Employment Net Income (gross receipts minus ordinary business expenses)**	$_____
A3	**Rental / Interest / Dividends**	$_____
A4	**Social Security / Disability / Pension / Retirement**	$_____
A5	**Unemployment / Workers' Compensation**	$_____
A6	**All Other Income**	$_____
A7	**TOTAL GROSS MONTHLY INCOME — PAYER**	$_____

SECTION B — APPLICABLE PERCENTAGE AND BASE OBLIGATION

Children in Order	1	2	3	4	5+
Percentage	17%	25%	29%	31%	34%

B1	**Applicable Percentage (from table above)**	_____%
B2	**BASE MONTHLY OBLIGATION (A7 × B1)**	$_____

SECTION C — ADJUSTMENTS (credits against base obligation)

C1	**Health Insurance Premium — Child's Share (paid by payer)**	$_____
C2	**Work-Related Childcare (paid by payer, × 70%)**	$_____
C3	**Other Children Legally Obligated to Support (reduces %)**	_____ children
C4	**TOTAL CREDITS (C1 + C2)**	$_____

SECTION D — SHARED PLACEMENT ADJUSTMENT (payer ≥ 92 overnights = 25% of year)

D1	**Payer's Overnights / Year**	_____ nights
D2	**Payer's % of Year (D1 ÷ 365 × 100)**	_____%
D3	**Shared Placement Multiplier: (1.5 − D2) [if D2 < 50%] OR (D2/50 × 0.5 + 0.5) [if ≥ 50%]**	_____
D4	**Adjusted Base Obligation (B2 × D3)**	$_____

SECTION E — FINAL MONTHLY CHILD SUPPORT OBLIGATION

E1	**Base Obligation (B2 for primary placement; D4 for shared placement)**	$_____
E2	**Minus Total Credits (C4)**	($_____)
E3	**FINAL MONTHLY OBLIGATION (E1 − E2) [Minimum: $25/month per DWD 40.04(3)]**	$_____

Figure AW-2b: WI Child Support Worksheet — Page 2 (Adjustments & Net Obligation)

Line-by-Line Completion Guide, Child Support Worksheet

- **Line 1, Payer's Gross Monthly Income**

  Enter all income before deductions. Include wages (divide annual salary by 12), net self-employment income, overtime and bonuses (average last 12-24 months), investment income, rental net income,

unemployment, disability, and pension. Wisconsin's Percentage of Income model applies the percentage to gross figures. Do NOT deduct taxes.

- **Line 2, Number of Children in This Order**
  Enter the count of minor children covered. Wisconsin applies one percentage to all children in a single order.
- **Line 3, Applicable Percentage (DCF 150.03 Table)**
  1 child=17%; 2=25%; 3=29%; 4=31%; 5 or more=34%. These are statutory percentages and cannot be negotiated below the minimum without a deviation finding.
- **Line 4, Base Child Support (Line 1 x Line 3)**
  Multiply Line 1 by Line 3. This is the starting obligation before any adjustments. Round to nearest dollar. Example: $5,000 x 29% = $1,450.
- **Line 5, Other Child Support Orders Paid by Payer**
  Enter amounts currently ordered and being paid for other children in other cases. These reduce the payer's available income for percentage purposes.
- **Line 6, Adjusted Gross for Percentage Purposes**
  Some courts allow reducing Line 1 by Line 5 before applying the percentage. Consult your county's local rules. Not all courts apply this adjustment uniformly.
- **Line 7, Shared Placement Credit (if 92+ overnights/year)**
  If each parent has 92+ overnights (25%), complete the DCF shared-placement worksheet. The formula accounts for the payer's direct expenditures during placement using the 150% multiplier method. Enter the net adjustment as a negative number.
- **Line 8, Health Insurance Premium (payer's share for children)**
  Enter the monthly premium the payer pays for the children's health insurance. This credit is subtracted from the support obligation when the payer carries the children's coverage.
- **Line 9, Variable Costs (child care, tuition, special needs)**
  Wisconsin treats work-related child care, tuition, and a child's special needs as variable costs rather than a worksheet credit. In shared-placement cases the court assigns them in proportion to each parent's share of placement time (DCF 150.04(2)); otherwise they are addressed in the order itself.
- **Line 10, Net Child Support Obligation**
  Line 4 (or Line 6) minus Line 7 (shared adjustment) minus Line 8 (health insurance) minus Line 9 (variable-cost allocation, if ordered). Wisconsin's guidelines set no fixed dollar minimum; low-income payers use the DCF 150 Appendix C table.
- **Line 11, Payment Frequency**
  Most orders specify twice-monthly (semi-monthly) payments through WI SCTF. Divide Line 10 by 2 for the per-payment amount.
- **Deviation Request**
  If the calculated amount creates extreme hardship, attach a written statement requesting deviation. The court must make written findings to deviate from the percentage standard.
- **Certification / Signature**
  Both parties (or their attorneys) typically sign the worksheet. If uncontested, attach to the stipulation. If contested, each party may submit a separate worksheet.

Form 3 — Financial Disclosure Affidavit / Supporting Declaration (Wisconsin)

WISCONSIN FINANCIAL DISCLOSURE STATEMENT

Wis. Stat. § 767.127 | Required in All WI Family Law Proceedings

SECTION A — PERSONAL INFORMATION

Full Legal Name:	_____	**Role:**	■ Payer ■ Payee
Home Address:	_____	**County:**	_____
Employer:	_____	**Occupation:**	_____
Date of Birth:	_____	**Last 4 SSN:**	XXX-XX-_____

SECTION B — PAYER'S GROSS MONTHLY INCOME (Wisconsin applies % to PAYER only; payee income used for deviation analysis)

Wages / Salary / Tips (gross):	$_____
Self-Employment Net Income (attach Schedule C):	$_____
Rental / Interest / Dividends:	$_____
Social Security / Disability / SSDI:	$_____
Pension / Retirement / Annuity:	$_____
Unemployment / Workers' Comp:	$_____
Other Income (specify: _____):	$_____
TOTAL GROSS MONTHLY INCOME (must match Worksheet Line A7):	$_____

SECTION C — MONTHLY EXPENSES

Rent / Mortgage:	$_____	**Utilities:**	$_____	**Home Insurance:**	$_____
Car Payment:	$_____	**Auto Insurance:**	$_____	**Fuel:**	$_____
Groceries:	$_____	**Health Ins. (self):**	$_____	**Child's Health Ins.:**	$_____
Childcare:	$_____	**Child's Education:**	$_____	**Phone / Internet:**	$_____
Loans / Credit Cards:	$_____	**Other Support Orders:**	$_____	**TOTAL EXPENSES:**	$_____

SECTION D — ASSETS, LIABILITIES, AND PLACEMENT

Real Property (FMV – mortgage):	$_____	**Mortgage Balance:**	$_____
Vehicles (FMV – loan):	$_____	**Vehicle Loan Balance:**	$_____

Figure AW-3a: WI Financial Disclosure Affidavit — Page 1 (Income & Employment)

Bank / Investment / Retirement:	$_____	**Credit Card / Other Liabilities:**	$_____
My Annual Overnights w/ Child(ren):	_____ overnights (≥ 92 = 25% of year = shared placement adjustment applies)		
Other Children I Support:	_____ children | Monthly court-ordered support paid: $_____		

VERIFICATION — PENALTY OF PERJURY

I declare under penalty of perjury that the information provided in this Financial Disclosure Statement is true and correct to the best of my knowledge and belief. Signature: _____ Date: _____
Printed Name: _____ WI Bar No. (if atty): _____

REQUIRED ATTACHMENTS: ■ Last 2 pay stubs ■ Federal tax return ■ Self-employment P&L; ■ Health insurance premium ■ Childcare receipts

Figure AW-3b: WI Financial Disclosure Affidavit — Page 2 (Expenses & Certification)

Line-by-Line Completion Guide, Financial Disclosure Affidavit

- **Full Legal Name / Date of Birth / Case No.**
  Enter your complete legal name as it appears on government-issued ID. Include date of birth for court identification. Enter the case number matching your modification motion.
- **Current Employer / Employer Address**

Provide current employer's full legal name and address. If self-employed, write 'Self-Employed' and describe your business.

- **Date of Hire / Job Title / Hours per Week**
  Enter start date with current employer, your job title, and average weekly hours worked. Relevant for overtime or part-time documentation.
- **Gross Monthly Wage/Salary (W-2 Employment)**
  Divide annual salary by 12, or multiply hourly rate x weekly hours x 52 / 12. For hourly with overtime: use base pay plus averaged overtime for the past 12-24 months.
- **Bonuses / Commissions / Tips (Averaged)**
  Report total bonuses, commissions, or tips received in the past 12 months divided by 12. If highly variable, use a 24-month average. Attach documentation (pay stubs, 1099s).
- **Self-Employment Net Income**
  Report net profit from Schedule C (or Schedule E for rental, S-Corp, or partnership income). Average the last 2 years if income fluctuates. Add back depreciation and non-cash deductions that artificially deflate net income.
- **Other Income Sources**
  List all other income: Social Security (SSDI/SSA received for the child offsets support), pension/retirement distributions, rental net income, alimony received, investment dividends, trust income, workers' compensation. Enter monthly amounts.
- **Total Gross Monthly Income**
  Sum of all income lines. This is the figure used in Line 1 of the worksheet and is the basis for the percentage calculation.
- **Monthly Expenses, Housing**
  Rent or mortgage (principal + interest), property taxes, homeowners/renters insurance. List monthly amounts.
- **Monthly Expenses, Transportation**
  Car payment, insurance, fuel, maintenance average. If no car payment, estimate fuel and maintenance.
- **Monthly Expenses, Health Insurance for Self**
  Monthly premium for your own health insurance. Children's health insurance is listed separately on the worksheet as a credit.
- **Monthly Expenses, Children's Health Insurance**
  Monthly premium attributable to the children covered by this order. Enter the children's share only, not the full family rate.
- **Monthly Expenses, Work-Related Childcare**
  Total monthly childcare costs required for work or job-search. Document with provider statements. In shared-placement cases these are variable costs assigned in proportion to placement time (DCF 150.04(2)).
- **Monthly Expenses, Other Support Orders**
  List any other child support or maintenance orders you currently pay, including amounts and case numbers.
- **Assets**

List significant assets: real estate (estimated value and mortgage balance), vehicles (value and loan), bank accounts (balance ranges), retirement accounts (approximate value). Used for deviation analysis.

- **Statement of Change / Grounds for Modification**

  In your own words, describe what has changed since the last order. Be specific: 'I lost my job at [Employer] on [Date] and my income decreased from $X to $Y per month.' Vague statements weaken your motion.

- **Oath / Jurat / Notary Block**

  Sign before a notary public. The notary completes the jurat block. Financial affidavits must be sworn and notarized. Some counties accept unsworn declarations under penalty of perjury under Wis. Stat. § 887.015, check local rules.

- **Attachments Checklist**

  Attach: last 3 months pay stubs; last 2 years federal tax returns (all pages + schedules); most recent W-2 or 1099; bank statements (last 3 months); childcare cost documentation; health insurance premium statements; any other support order documentation.

Wisconsin Filing Tips & Key Deadlines

FILING VENUE: File in the Circuit Court (Family Division) of the county that entered the original order. If you have relocated, petition to transfer venue under Wis. Stat. § 801.52 after demonstrating the child's new county of residence.

SCTF PAYMENT: All child support payments in Wisconsin must route through the Wisconsin Support Collections Trust Fund (WI SCTF). Direct payments between parties do not count as support. Contact WI SCTF at (800) 991-5530 or wisctf.wi.gov.

MODIFICATION THRESHOLD: Wisconsin requires a substantial change in circumstances, such as a change in placement schedule or involuntary loss of employment. A substantial change is presumed once 33 months have elapsed since the last order (rebuttable; inapplicable to percentage-expressed orders). Wis. Stat. § 767.59.

SHARED PLACEMENT (92+ OVERNIGHTS): If each parent has 92 or more overnights per year (25%), the court applies the shared-placement formula using the DCF worksheet. Track overnights carefully, courts scrutinize disputed placement counts.

LOW-INCOME PAYERS: Wisconsin has no fixed statutory minimum order. For payers between 75% and 150% of the federal poverty guidelines, the DCF 150 Appendix C low-income table sets reduced amounts; below 75%, the court sets support based on ability to pay and total economic circumstances. Document all income sources carefully.

DCF FORMS: Wisconsin provides standardized family law forms at wicourts.gov and dcf.wisconsin.gov/cs. Required forms typically include FA-4170V (Notice of Motion and Motion to Change), FA-4139V (Financial Disclosure Statement), and the DCF support worksheets. Check your county for local supplemental forms.

INCOME IMPUTATION: If the court finds a party is voluntarily unemployed or underemployed, it will impute income at earning capacity. Courts use labor market data and work history. Document any involuntary job loss with termination letters, unemployment records, and job-search logs.

HEALTH INSURANCE ORDER: If children are uninsured, the court may order either party to obtain coverage when available at reasonable cost (generally 5% or less of gross income). This is separate from the support calculation.

SELF-REPRESENTED LITIGANTS: Wisconsin has Self-Help Centers in every Circuit Court, with downloadable forms and county-specific instructions. Visit the Wisconsin Circuit Court Self-Help website at wicourts.gov/selfhelp for forms, instructions, and county-specific resources. Many counties have family law facilitators available without charge.

End of Appendix AW - Wisconsin | Appendix AX - Wyoming follows.

Appendix AX — Wyoming: Statutes, Case Law, Forms, and Resources

Key Statutes

• Wyo. Stat. § 20-2-311, adjustment of child support orders; order 6+ months old, petition alleging a 20% change in the presumptive amount

• Wyo. Stat. § 20-2-304, child support guidelines; income shares (net income)

• Wyo. Stat. § 20-2-303, definitions; net income = gross minus taxes, social security, mandatory pension, preexisting support paid, and the children's health-insurance cost

• Wyo. Stat. §§ 20-6-106 and 20-6-112, license enforcement powers; administrative driver's-license suspension requires more than $5,000 unpaid and 90 consecutive days without payment

• Wyo. Stat. § 20-3-101(b), criminal nonsupport (misdemeanor; enhanced after prior conviction or 60+ days' court-ordered nonpayment); 18 U.S.C. § 228 for interstate felony cases

Key Case Law

• Basolo v. Basolo, 907 P.2d 348 (Wyo. 1995), child support is committed to the district court's sound discretion; the children's best interests override other considerations

• Verify the current treatment of any decision at courts.wyo.gov before relying on it; Wyoming Supreme Court opinions are posted there

Official Forms

• Child Support Worksheet, Wyoming Judicial Branch (courts.wyo.gov)

• Petition to Modify Child Support, District Court

• Financial Disclosure Affidavit

• Income Withholding Order

State Agency Contact

• Wyoming Department of Family Services Child Support Enforcement Services (CSES): (307) 777-6948

• Website: dfsweb.wyo.gov/child-support-enforcement

• Wyoming Judicial Branch self-help: courts.wyo.gov

• Wyoming State Bar Lawyer Referral Service: (307) 632-9061 | wyomingbar.org

Filing Checklist

- Child Support Worksheet (both parents current NET income, Wyoming uses net, not gross)
- Financial Disclosure Affidavit
- Federal tax returns (last 2 years; last 3 years for oil, gas, or mining workers)
- Petition to Modify Child Support, District Court in originating county
- Documentation of the change plus a completed worksheet showing a 20% difference from the current order (and confirm the order is at least six months old)
- Filing fee, paid to District Court clerk
- Proof of service on other parent

Court Forms & Completion Guide

Wyoming uses the Income Shares model applied to both parents' NET monthly income. Net income is gross income minus federal income taxes, FICA, mandatory deductions, preexisting support actually paid, and the children's health-insurance cost. Wyoming has no state income tax. An order may be adjusted under Wyo. Stat. § 20-2-311 once it is at least six months old, on a petition alleging that the presumptive guideline amount would change by 20% or more per month. Authority: Wyo. Stat. §§ 20-2-303, 20-2-304; Wyoming Child Support Schedule (DFS Child Support Enforcement Services).

Form 1 — Motion to Modify Child Support (Wyoming)

STATE OF WYOMING	MOTION TO MODIFY CHILD SUPPORT	District Court

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT	
STATE OF WYOMING, _____ COUNTY	
In the Matter of:	Case No.: _____
Petitioner: _____	DFS CSES Case No.: _____
Respondent: _____	

MOTION TO MODIFY CHILD SUPPORT ORDER

_____, Petitioner/Respondent (circle one), moves this Court to modify the child support order entered on _____ pursuant to Wyo. Stat. § 20-2-304.

I. GROUNDS FOR MODIFICATION

- ■ **Material Change in Circumstances** — A substantial, continuing change has occurred that was not contemplated at the time of the last order. Describe: _____.
- ■ **20% Deviation from Current Guideline Amount** — Application of the current Wyoming Child Support Schedule to the parties' present incomes produces an amount that differs from the existing order by 20% or more.
- ■ **Change in Physical Custody or Parenting Time** — The actual custody arrangement or parenting time has materially changed since the last order was entered.
- ■ **Three-Year Review (DFS CSES IV-D Cases)** — Three years have elapsed since the last support order, and this is a IV-D case subject to DFS CSES periodic review under federal guidelines.
- ■ **Other** — Describe: _____

II. CURRENT SUPPORT INFORMATION

Current monthly support order:	$_____	Date of last order:	_____
County / District Court of original order:	_____ County, _____ Judicial District		
Number of children covered:	_____	Child(ren)'s age(s):	_____
DFS CSES involvement (IV-D)?	■ Yes ■ No		

III. INCOME INFORMATION (NET MONTHLY)

Wyoming uses NET income (gross income minus federal income taxes, FICA, and mandatory deductions). Wyoming has no state income tax.

	PETITIONER	RESPONDENT
Gross Monthly Income:	$_____	$_____
Federal Income Tax (actual):	($_____)	($_____)
FICA / Medicare (7.65%):	($_____)	($_____)
Mandatory Retirement:	($_____)	($_____)

Figure AX-1a: WY Motion to Modify Child Support — Page 1 (Caption, Grounds & Income)

Other Mandatory Deductions:	($_____)	($_____)
NET Monthly Income:	$_____	$_____

IV. RELIEF REQUESTED

WHEREFORE, Movant respectfully requests that this Court:

1. Modify the existing child support order to $_____ per month;
2. Make the modification effective as of the date of filing or such other date as the Court deems appropriate;
3. Order payment through the Wyoming Child Support Enforcement (DFS CSES) payment center;
4. Grant such other relief as the Court deems just and equitable.

V. CERTIFICATION & SIGNATURE

I certify that the information in this motion and all attachments is true and correct to the best of my knowledge, information, and belief. I understand that false statements may subject me to penalties under Wyoming law.

Signature: _____ Date: _____

Printed Name: _____ Phone: _____

Address: _____ Email: _____

City, State, ZIP: _____

File in: District Court of the county where the original order was entered | Serve on: Other party and DFS CSES if IV-D case | Attach: Financial Affidavit + Child Support Worksheet

Figure AX-1b: WY Motion to Modify Child Support — Page 2 (Relief & Signature)

Line-by-Line Completion Guide, Motion to Modify Child Support

- **IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT**

  Enter the judicial district number. Wyoming has nine judicial districts. Enter the one that covers the county where the original order was entered (e.g., First, Second, Seventh). County assignments are on the Wyoming Judiciary website at courts.wyo.gov.

- **STATE OF WYOMING, _____ COUNTY**

  Enter the county where the original child support order was entered. All modification petitions must be filed in the same county and court as the original order unless venue has been formally transferred.

- **Case No.**

  Enter the full case number from the original child support or paternity order. Wyoming case numbers typically follow the format: year-CV-XXXXXX or year-DV-XXXXXX.

- **DFS CSES Case No.**

  If your case is a IV-D case (the state's child support enforcement office is involved in collection), enter the Department of Family Services Child Support Enforcement Services case number. Leave blank if DFS is not involved.

- **In the Matter of: Petitioner / Respondent**

  Use the same party designations as the original case. In Wyoming, the person who filed the original case is the Petitioner and the other party is the Respondent. Use these labels consistently throughout all filings.

- **Ground 1, Material Change in Circumstances**

  Check this box for any substantial, continuing change that was not contemplated at the time of the last order. This is Wyoming's primary modification standard. Examples: job loss, disability, significant income change, change in the child's needs, relocation. Describe the specific change in the space provided.

- **Ground 2, 20% Deviation from Current Guideline Amount**

  Check this box if re-running the Wyoming Child Support Schedule with current net incomes produces a result that is 20% or more different from the current order. You must complete the worksheet to demonstrate this; under Wyo. Stat. § 20-2-311(a) the 20% allegation is the statutory basis for a review-and-adjustment petition once the order is at least six months old.

- **Ground 3, Change in Physical Custody or Parenting Time**

  Check if the actual custody arrangement or the amount of parenting time has materially changed, for example, if a child's primary residence has changed or parenting time has substantially increased or decreased.

- **Ground 4, Three-Year Review (IV-D Cases)**

  If DFS CSES is involved in your case (a IV-D case), federal regulations require a review every three years. DFS CSES typically initiates these reviews, but either party can request one. Check this box if 36 months have passed since the last order.

- **Current monthly support order: $___**

  Enter the dollar amount of the most recently ordered monthly support obligation. Do not include arrears payments, list only the ongoing monthly obligation.

- **Date of last order:**

  Enter the date the most recent support order was signed by the judge. This is critical for the 20% deviation analysis and for the three-year review clock.

- **Number of children covered: ___**

  Enter the number of minor children covered by this specific order. Do not include children from other relationships.

- **Payer's Net Monthly Income / Payee's Net Monthly Income**

Enter current NET income for both parties. Net = gross minus federal income taxes, FICA/Medicare (7.65%), and mandatory deductions. Wyoming has no state income tax, so enter $0 for state tax. Use the same figures that will appear on your completed worksheet.

- **WHEREFORE, Movant requests modification to $___/month**

  Enter the monthly support amount your worksheet calculation produces. Round to the nearest dollar.

- **Date / Signature / Address / Phone**

  Sign and date before filing. Include a complete mailing address, Wyoming courts serve all notices by mail. Self-represented parties must keep the court updated on any address changes.

Form 2 — Child Support Worksheet / Net Income Calculation (Wyoming)

STATE OF WYOMING	CHILD SUPPORT WORKSHEET — NET INCOME MODEL	District Court

Case Name:	_____ _____	**Case No.:**	_____
Petitioner (circle role):	Obligor / Obligee	**No. of Children:**	_____

PART A — GROSS AND NET MONTHLY INCOME

Wyoming uses NET income. Deductions allowed: federal income tax (actual), FICA (7.65%), state income tax (Wyoming has none), mandatory retirement/pension contributions (required by employer or law), health insurance premiums for self only (not for children).

LINE	DESCRIPTION	OBLIGOR	OBLIGEE
A1	Gross Monthly Income (all sources)	$_____	$_____
A2	Federal Income Tax (actual withholding or estimated)	($_____)	($_____)
A3	FICA / Medicare (7.65% of gross up to annual cap)	($_____)	($_____)
A4	Wyoming State Income Tax (enter $0 — WY has no state income tax)	$0	$0
A5	Mandatory Retirement / Pension (required, not voluntary)	($_____)	($_____)
A6	Other Mandatory Payroll Deductions (court-ordered, union dues)	($_____)	($_____)
A7	**NET Monthly Income (A1 minus A2 through A6)**	**$_____**	**$_____**

PART B — COMBINED INCOME & SCHEDULE LOOKUP

Look up the basic support obligation in the Wyoming Child Support Schedule (DFS CSES website) using Combined Net Monthly Income (B1) and the number of children. The Schedule is a lookup table — find the row matching combined net income and the column for number of children.

LINE	DESCRIPTION	AMOUNT
B1	Combined Net Monthly Income (A7 Obligor + A7 Obligee)	$_____
B2	Basic Child Support Obligation from Schedule (lookup B1 × # children)	$_____
B3	Obligor's Share of Combined Income (A7 Obligor ÷ B1)	_____%
B4	**Obligor's Basic Support (B2 × B3)**	**$_____**

PART C — ADJUSTMENTS & NET OBLIGATION

LINE	DESCRIPTION	OBLIGOR	OBLIGEE
C1	Health Insurance Premium (children's share only — paid by Obligor)	($_____)	
C2	Health Insurance Premium (children's share only — paid by Obligee)		($_____)
C3	Work-Related Childcare Costs (monthly, obligor's proportionate share × B3)	($_____)	
C4	Other Support Orders Paid Under Court Order (other children)	($_____)	($_____)
C5	Parenting Time Deviation (if equal/near-equal time — court discretion)	($_____)	
C6	Other Adjustments (specify): _____	($_____)	($_____)
C7	**NET CHILD SUPPORT OBLIGATION (B4 ± C1 through C6)**	**$_____**	

PART D — DEVIATION (if applicable)

Figure AX-2a: WY Child Support Worksheet — Page 1 (Net Income & Schedule Lookup)

Wyoming courts may deviate from the guideline amount when the guideline amount is unjust or inappropriate. Common grounds: equal or near-equal parenting time, extraordinary medical expenses, high-income cases, child's special needs, obligor's multiple family support obligations.

Deviation requested?	■ Yes ■ No
Basis for deviation:	_____
Proposed amount:	$_____ per month

CERTIFICATION

I certify under penalty of perjury that the information in this worksheet is true and correct.

Obligor Signature: _____ Date: _____ Obligee Signature: _____ Date: _____

Wyoming Child Support Schedule: dfs.wyo.gov/child-support | No state income tax: enter $0 on Line A4 | Parenting time deviation requires written court findings

Figure AX-2b: WY Child Support Worksheet — Page 2 (Adjustments, Deviation & Certification)

Line-by-Line Completion Guide, Child Support Worksheet

- **Line A1, Gross Monthly Income (all sources, both parties)**

  Enter all income before any deductions for both the Obligor (payer) and Obligee (recipient). Include wages, salary, overtime and bonuses (averaged over 12-24 months), self-employment net profit, rental

income, pension, disability, investment income, and any other recurring income source. Extraction industry income (oil, gas, coal, trona) should be averaged over multiple years due to volatility.

- **Line A2, Federal Income Tax (actual withholding or estimated)**
  Deduct the actual federal income tax withheld or estimated for the year divided by 12. Use the most recent W-2 or pay stub withholding. Do not use a theoretical tax rate, courts want actual tax liability. If self-employed, use the estimated quarterly tax payment divided by 3.
- **Line A3, FICA / Medicare (7.65%)**
  Deduct 7.65% of gross wages up to the Social Security wage base. For income above the SS cap, deduct only Medicare (1.45%). Self-employed parties pay the full 15.3% self-employment tax, use half the SE tax as the deductible amount (the employer equivalent portion).
- **Line A4, Wyoming State Income Tax**
  Enter $0. Wyoming is one of seven states with no state income tax. Do not leave this line blank, enter zero to show it was considered.
- **Line A5, Mandatory Retirement / Pension**
  Deduct only contributions that are required by the employer or by law, not voluntary 401(k) contributions. Public employees (teachers, state employees, first responders) often have mandatory pension contributions. If the retirement contribution is truly optional, do not deduct it.
- **Line A6, Other Mandatory Payroll Deductions**
  Deduct court-ordered support for other children (amounts actually paid under existing orders), mandatory union dues, and other payroll deductions required by law or court order. Do not deduct voluntary deductions like health savings accounts or supplemental insurance.
- **Line A7, NET Monthly Income**
  Subtract Lines A2 through A6 from Line A1. This is the net monthly income figure for each party used in the Schedule lookup. Both parties' net income figures are needed.
- **Line B1, Combined Net Monthly Income**
  Add Obligor's A7 plus Obligee's A7. This combined figure is the row you look up in the Wyoming Child Support Schedule.
- **Line B2, Basic Child Support Obligation from Schedule**
  Using B1 (combined net income) and the number of children in this order, look up the basic support obligation in the Wyoming Child Support Schedule published by DFS CSES. The Schedule is available at dfs.wyo.gov. Find the row closest to your combined income figure and the column for your number of children.
- **Line B3, Obligor's Income Share**
  Divide the Obligor's A7 by B1 (combined net income). Express as a percentage. Example: Obligor net $3,000 / Combined $5,000 = 60%.
- **Line B4, Obligor's Basic Support**
  Multiply B2 by B3. This is the Obligor's proportionate share of the basic support obligation before adjustments.
- **Line C1, Health Insurance (children, paid by Obligor)**
  Enter the monthly premium the Obligor pays for the children's health insurance. This is a credit against the Obligor's obligation. Use the incremental cost of adding the children to the policy, the difference between employee-only coverage and family coverage.

- **Line C2, Health Insurance (children, paid by Obligee)**
  Enter the monthly premium the Obligee pays for the children's health insurance. This reduces the net amount the Obligor owes.
- **Line C3, Work-Related Childcare (Obligor's proportionate share)**
  Enter work-related childcare costs attributable to the Obligor based on their income share (B3). Total monthly childcare × B3 = Obligor's share.
- **Line C4, Other Court-Ordered Support**
  Deduct amounts the Obligor or Obligee pays under existing support orders for other children. This reduces net available income for the current order's calculation.
- **Line C5, Parenting Time Deviation**
  Wyoming applies a shared-custody formula when each parent keeps the children overnight for more than 25% of the year and both contribute substantially to the children's expenses: the total obligation is multiplied by 150%, prorated between the parents, and offset (Wyo. Stat. § 20-2-304(c)). Below that threshold, parenting time supports a discretionary deviation under § 20-2-307. Enter the formula result or approved deviation amount. The Obligor must raise it and present parenting time evidence.
- **Line C6, Other Adjustments**
  Specify any other adjustments the court approves: extraordinary medical expenses, educational costs, special needs expenses, or other documented extraordinary costs. Attach supporting documentation for any amount entered here.
- **Line C7, Net Child Support Obligation**
  B4 plus or minus C1 through C6. This is the monthly support amount ordered. Wyoming protects low-income payers through a self-support reserve set at the one-person federal poverty line: if the difference between the obligor's net income and that reserve is less than the table amount, support is set at the difference instead (Wyo. Stat. § 20-2-304). There is no fixed dollar minimum; in extreme-poverty cases the court may set a nominal amount.
- **Deviation Request**
  If requesting a deviation from the guideline amount, explain the basis in writing. The court must make specific written findings that the guideline amount is unjust or inappropriate and that the deviation is in the best interest of the child. Common deviations: equal parenting time, child with special medical needs, high-income cases, extraordinary travel costs for parenting time.

Form 3 — Financial Affidavit / Supporting Declaration (Wyoming)

STATE OF WYOMING	FINANCIAL AFFIDAVIT — CHILD SUPPORT MODIFICATION	District Court

PART I — IDENTIFICATION

Full Legal Name:	_____	**Date of Birth:**	_____
Case No.:	_____	**Role:**	■ Petitioner ■ Respondent
Address:	_____		
Phone:	_____	**Email:**	_____

PART II — EMPLOYMENT & GROSS INCOME

Employer Name:	_____	**Hire Date:**	_____
Employer Address:	_____		
Job Title:	_____	**Hours/Week:**	_____
Employment Type:	■ W-2 ■ Self-Employed ■ Contract ■ Unemployed ■ Other		

INCOME SOURCE	MONTHLY AMOUNT	DOCUMENTATION
Wages / Salary (gross, before deductions)	$_____	Pay stubs / W-2
Overtime (12-24 month average)	$_____	Pay stubs
Bonuses / Commissions (12-24 month average)	$_____	1099 / Pay stubs
Self-Employment Net Profit (Schedule C avg)	$_____	Tax returns × 2 yrs
Rental Income (net of expenses)	$_____	Schedule E
Investment / Interest / Dividends	$_____	1099-DIV / 1099-INT
Pension / Retirement Distributions	$_____	1099-R
Unemployment / Disability Benefits	$_____	Award letter
Oil/Gas/Mining Production Income (averaged)	$_____	K-1 / check stubs
Other Income (specify): _____	$_____	
TOTAL GROSS MONTHLY INCOME	**$_____**	

PART III — MONTHLY EXPENSES

EXPENSE CATEGORY	MONTHLY AMOUNT
Housing (rent or mortgage P+I)	$_____
Property Taxes / HOA / Renters Insurance	$_____
Utilities (electricity, gas, water, internet)	$_____
Transportation (car payment, insurance, fuel)	$_____
Health Insurance — Self only	$_____

Figure AX-3a: WY Financial Affidavit — Page 1 (Identification, Employment & Income)

Health Insurance — Children (this order)	$_____
Work-Related Childcare (this order's children)	$_____
Other Child Support Orders Paid (specify case)	$_____
Food / Groceries	$_____
Medical Out-of-Pocket (not reimbursed)	$_____
Other Necessary Expenses (specify)	$_____
TOTAL MONTHLY EXPENSES	**$_____**

PART IV — ASSETS & STATEMENT OF CHANGE

Real Property (address / est. value / mortgage balance):	_____
Vehicles (year/make/model, est. value, loan balance):	_____
Bank / Financial Accounts (institution / approx. balance):	_____
Retirement / Investment Accounts (approx. value):	_____

Statement of Material Change in Circumstances:

Describe in your own words the change that has occurred since the last order was entered, including dates, amounts, and supporting facts:

PART V — OATH & NOTARIZATION

STATE OF WYOMING, COUNTY OF _____

I, _____, being first duly sworn upon oath, depose and state that the information set forth in this Financial Affidavit is true, correct, and complete to the best of my knowledge, information, and belief. I understand that a false statement made herein may subject me to prosecution for perjury under Wyoming law.

Affiant Signature: _____ Date: _____

Printed Name: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Notary Public: _____ My Commission Expires: _____

[NOTARY SEAL]

Attach: 3 months pay stubs | 2 years federal tax returns | W-2s / 1099s | bank statements (3 months) | health insurance documentation | childcare receipts

Figure AX-3b: WY Financial Affidavit — Page 2 (Expenses, Assets, Statement & Notarization)

Line-by-Line Completion Guide, Financial Affidavit

- **Full Legal Name / Date of Birth / Case No.**

  Enter your complete legal name exactly as it appears on government-issued photo ID. Include date of birth for positive identification. Enter the case number from the original order.

- **Role: Petitioner / Respondent**

Check the box for your role in this case, use the same designation as in the original order. Do not change your designation even if you are the one initiating the modification.

- **Address / Phone / Email**

  Provide your current mailing address. Wyoming courts serve all documents by mail, keep this address current with the court clerk throughout the case. If you have safety concerns about address disclosure, contact the court clerk about address confidentiality procedures.

- **Current Employer / Address / Hire Date**

  Provide your employer's full legal name and address. If self-employed, write 'Self-Employed, [Business Name or Type]' and attach your most recent Schedule C. If currently unemployed, write 'Unemployed' and describe your job search efforts.

- **Job Title / Hours per Week / Employment Type**

  Enter your current job title and average weekly hours. Check the employment type box. Part-time status is relevant when courts assess earning capacity. If working multiple jobs, list all employers on a separate attachment.

- **Wages / Salary (gross, before deductions)**

  Enter gross monthly wages, before any deductions. For salaried workers: annual salary divided by 12. For hourly workers: hourly rate × average weekly hours × 52 / 12. Include all regular pay, not just base pay.

- **Overtime (12-24 month average)**

  If you regularly earn overtime, average the past 12 to 24 months. Wyoming courts average volatile income over multiple periods. Do not inflate overtime by using a high recent month or deflate by using a period with minimal overtime.

- **Bonuses / Commissions (12-24 month average)**

  Report total bonuses and commissions for the past 12 months divided by 12. Use a 24-month average if income is highly variable. Attach bonus award letters, commission statements, or 1099 records.

- **Self-Employment Net Profit (Schedule C average)**

  Report the net profit from your Schedule C averaged over the past two years. If you have significant depreciation or other non-cash deductions, courts may add them back. Attach complete federal tax returns for the past two years, including all schedules.

- **Oil / Gas / Mining Production Income**

  Wyoming has a significant extraction economy. Production bonuses, royalties, and shift differentials from oil, gas, coal, or trona operations should be averaged over multiple years. Attach K-1 statements and check stubs. Courts recognize that extraction income fluctuates with commodity prices.

- **Other Income Sources**

  List all other income: rental net income (net of expenses), pension distributions (1099-R), Social Security or SSDI (Social Security received by or for the child directly offsets support obligations), investment dividends and interest, workers' compensation, and any other recurring income. Enter monthly amounts.

- **Total Gross Monthly Income**

  Sum all income entries. This is Line A1 on your worksheet. Attach documentation for every income source listed.

- **Monthly Expenses, Housing**

  Enter rent or mortgage principal and interest only. Do not include property taxes and insurance in the mortgage line, list those separately. Renters: enter monthly rent amount.

- **Monthly Expenses, Transportation**

  Enter car payment, auto insurance premium, and an average monthly fuel and maintenance estimate. In Wyoming's rural counties, transportation costs are often higher than national averages due to distances involved.

- **Monthly Expenses, Health Insurance (Self)**

  Enter only your own health insurance premium, the portion attributable to yourself. Children's health insurance is listed on the worksheet separately as a credit.

- **Monthly Expenses, Children's Health Insurance**

  Enter only the portion of your health insurance premium attributable to the children in this order. If you have a family plan covering multiple people, calculate the children's proportionate share.

- **Monthly Expenses, Work-Related Childcare**

  Enter total monthly childcare costs required for your employment or job search. Attach provider statements or receipts. This amount flows into the worksheet as an adjustment.

- **Monthly Expenses, Other Support Orders**

  List all other child support or maintenance orders you currently pay, including amounts and case numbers. Provide payment records confirming these amounts are actually being paid.

- **Assets**

  Disclose significant assets: real property (address, estimated fair market value, outstanding mortgage balance), vehicles (year/make/model, estimated value, loan balance), bank and investment accounts (institution and approximate balance range), retirement accounts (approximate current value). Wyoming courts use this for deviation analysis and to verify ability to pay.

- **Statement of Material Change**

  Write a clear, specific narrative of what has changed. Include: what changed, when it changed, the amount of change, and why it is ongoing rather than temporary. Example: 'I was laid off from [Employer] on [Date]. My income decreased from $X/month to $Y/month. I have applied for [number] jobs and my current income from part-time work is $Z/month.' Vague statements are insufficient. Attach documentation that corroborates your narrative.

- **Oath / Notarization**

  Sign before a notary public. The notary completes the jurat block and applies their seal. Wyoming financial affidavits must be sworn and notarized, an unsworn declaration is not sufficient for most Wyoming District Courts. Notary services are available at banks, UPS stores, and many county clerk offices.

- **Attachments**

  Attach: last 3 months pay stubs; last 2 years federal tax returns (all pages and schedules including C, E, and K-1); most recent W-2s and 1099s; bank statements for last 3 months; health insurance premium documentation; childcare provider receipts; documentation of any other support orders. Wyoming courts expect complete documentation, missing attachments delay hearings.

Wyoming Filing Tips & Critical Practice Notes

FILING VENUE: File in the District Court of the county where the original order was entered. Wyoming has 23 counties and 9 judicial districts. If the child has moved, you may seek a venue transfer but the original court retains jurisdiction until formally transferred. Contact the clerk of court in the original county first.

DFS CSES (IV-D CASES): If your case involves DFS Child Support Enforcement Services (a IV-D case, typically when a party received public assistance), DFS has an active role. Serve the motion on DFS CSES in addition to the other party. DFS CSES can be reached at (307) 777-6948 or dfs.wyo.gov/child-support.

MODIFICATION STANDARD, 20% THRESHOLD: Wyoming's 20% standard gives both parties a relatively accessible route to adjustment, but two conditions apply: the order must be at least six months old, and the petition must allege that the presumptive amount would change by 20% or more per month (Wyo. Stat. § 20-2-311(a)). Run the current worksheet before filing.

NET INCOME, NO STATE TAX: Wyoming is one of seven states with no state income tax. When completing your worksheet, enter $0 on the state tax line. Courts will question any state tax deduction claimed by a Wyoming resident.

EXTRACTION INDUSTRY INCOME: If you or the other party works in oil, gas, coal, or trona extraction, expect the court to scrutinize income carefully. Wyoming courts average extraction income across multiple years due to commodity price volatility. Bring 3-5 years of tax returns if extraction income is at issue.

PARENTING TIME: Wyoming has a shared-custody formula. When each parent has the children overnight more than 25% of the year and both contribute substantially to expenses, Wyo. Stat. § 20-2-304(c) multiplies the total obligation by 150%, prorates it between the parents, and offsets the results. Below that threshold, request a discretionary deviation under § 20-2-307. Either way, bring a calendar or journal documenting overnights for the past 12-24 months; the court will scrutinize disputed counts.

LICENSE SUSPENSION THRESHOLD: DFS CSES can pursue administrative driver's license suspension once more than $5,000 in support is unpaid and no payment has been made for at least 90 consecutive days, with certified-mail notice and a 60-day window to respond; professional and recreational licenses can be reached through court-based enforcement. Wyoming has only about 580,000 residents across 97,000 square miles, a suspended driver's license in a rural Wyoming county can be economically devastating. Do not allow arrears to accumulate.

WYOMING LEGAL SERVICES: Free civil legal services for qualifying low-income Wyoming residents are available through Wyoming Legal Services at wyolegalservices.org or (307) 634-1566. The Wyoming State Bar Lawyer Referral Service can connect you with a family law attorney at (307) 632-9061 or wyomingbar.org.

SELF-REPRESENTED LITIGANTS: Pro se resources including modification motion forms, child support worksheets, and procedural guides are available on the Wyoming Judiciary website at courts.wyo.gov. Many clerk of court offices can direct you to local resources. The Wyoming Child Support Schedule is available at dfs.wyo.gov.

INCOME IMPUTATION: If the court finds you are voluntarily unemployed or underemployed, it will impute income based on your earning capacity, your skills, education, work history, and local labor market. Document any involuntary unemployment with termination letters, layoff notices, and job search records. Wyoming courts treat voluntary underemployment skeptically.

End of Appendix AX - Wyoming | Appendix AY — Military Child Support follows.

Military Child Support, Court Forms & Completion Guide

This appendix provides model forms and line-by-line completion guides for three core military child support documents: the SCRA Stay Request, the Military Modification Motion, and the LES-Based Financial Affidavit. These

forms work in conjunction with your state's modification process, see your state's chapter for state-specific procedures. For the complete military child support framework, see Chapter 51. For interstate jurisdiction when you receive PCS orders, see Chapter 52.

Form 1 — Motion for SCRA Stay of Proceedings (50 U.S.C. § 3932)

UNITED STATES MILITARY	MOTION FOR SCRA STAY OF PROCEEDINGS	Child Support Form

IN THE [COURT NAME] OF [STATE]	
Case No.: _____	Branch of Service: _____
Petitioner: _____	Unit / Installation: _____
Respondent: _____	Deployment Orders Date: _____

MOTION FOR STAY OF PROCEEDINGS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT

_____, Petitioner/Respondent (circle one), requests a stay of these proceedings pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. § 3931 et seq.

I. MILITARY SERVICE STATUS

Branch of Service:	■ Army ■ Navy ■ Air Force ■ Marines ■ Coast Guard ■ Space Force ■ National Guard / Reserve		
Active Duty Status:	■ Regular Active Duty ■ Activated Reservist / Guard (Title 10 / Title 32)		
Orders Date / Type:	_____	**Deployment Date:**	_____
Anticipated Return / ETS Date:	_____		

II. BASIS FOR STAY

Movant states the following in support of this request:

■ **Current military duty materially affects Movant's ability to appear.** Describe: _____

■ **Leave is not authorized for the period of the proceeding.** Commanding Officer's statement attached as Exhibit A.

■ **Movant has no attorney representation and has been unable to retain counsel due to deployment.**

III. REQUIRED ATTACHMENTS

• Exhibit A — Letter from Commanding Officer stating current duty materially affects ability to appear AND that leave cannot be authorized for the period of the proceeding. (MANDATORY under 50 U.S.C. § 3931(b)(2).)

• Exhibit B — Copy of deployment/mobilization orders or active duty orders.

• Exhibit C — Servicemember's own statement explaining how military duty affects ability to appear (if Commanding Officer letter alone is insufficient).

NOTE: The court MUST grant a 90-day stay upon receipt of Exhibits A and the servicemember's statement (50 U.S.C. § 3931(d)). Additional stays may be granted at the court's discretion. A SCRA stay pauses the proceeding — it does NOT pause the child support obligation.

IV. RELIEF REQUESTED

WHEREFORE, Movant requests: (1) A stay of these proceedings for a minimum of 90 days pursuant to 50 U.S.C. § 3931; (2) Such additional stays as the Court deems appropriate; (3) Such other relief as is just.

Figure AY-1a: SCRA Stay Motion — Page 1 (Service Status & Grounds)

V. CERTIFICATION

Signature: _____ Date: _____

Printed Name / Rank: _____ Phone / DSN: _____

Unit / Address: _____ Email: _____

JAG Legal Assistance available at every installation · Military OneSource: 1-800-342-9647 · DFAS Garnishment: 888-332-7411

Figure AY-1b: SCRA Stay Motion — Page 2 (Attachments & Relief)

Line-by-Line Completion Guide, SCRA Stay Motion

- **Court Name / State / Case No.**

  File in the court that has jurisdiction over your child support order, the state with Continuing Exclusive Jurisdiction (CEJ). See Chapter 52 to confirm which state controls your order. Use the court's full formal name (e.g., 'Superior Court of the State of Arizona, County of Maricopa').

- **Branch of Service, check the correct box.**

  Check your branch: Army, Navy, Air Force, Marines, Coast Guard, Space Force, or National Guard/Reserve. For Guard/Reserve, specify whether you are activated under Title 10 (federal orders) or Title 32 (state orders). SCRA applies to both Title 10 and Title 32 activations.

- **Active Duty Status.**

  Regular Active Duty members always qualify. Guard and Reserve members qualify from the date active duty orders are issued, not from the date you report. Retain a copy of the orders with the specific effective date.

- **Orders Date / Type / Deployment Date.**

  Enter the date your orders were issued and the type (deployment, activation, PCS). Enter the date you will actually depart or report, which is distinct from the orders issue date.

- **Exhibit A, Commanding Officer Letter. MANDATORY.**

  SCRA requires a letter from your Commanding Officer stating TWO things: (1) that your current military duty materially affects your ability to appear in court; AND (2) that leave cannot be authorized for the period of the proceeding. Without this letter, the court is not required to grant the stay. Get this letter from your CO or First Sergeant before filing. JAG can help draft it.

- **Exhibit B, Copy of Orders.**

  Attach your deployment or mobilization orders. Redact any classified mission information, the court needs to see the effective dates and unit designation, not operational details. If orders are classified, a JAG officer can provide a certification letter in lieu of the orders themselves.

- **Servicemember's Own Statement.**

  You may also submit your own sworn statement explaining how military duty prevents your court appearance. This is required when the CO letter alone may be insufficient. Describe specifically: where you will be, why you cannot appear, and why leave cannot be granted.

- **Relief Requested, 90-day stay.**

  The statute requires the court to grant at least one 90-day stay. You may request a longer initial stay if your deployment is known to exceed 90 days. Additional stays may be granted at the court's discretion upon renewal.

- **CRITICAL REMINDER: What the stay does NOT do.**

  A SCRA stay pauses the court proceeding. It does not pause your child support obligation. The amount in your current order continues to accrue every month the stay is in effect. If your income has changed due to deployment, you must also file a modification motion, the stay alone will not reduce your obligation.

- **Signature / Date / Contact Information.**

  Sign and date. If you are already deployed and cannot appear in court, note your APO/FPO address and DSN or personal email. The court will communicate through these channels during the stay.

Form 2 — Motion to Modify Child Support — Military Service

UNITED STATES MILITARY	MOTION TO MODIFY CHILD SUPPORT — MILITARY SERVICE	Child Support Form

Court:	_____	**Case No.:**	_____
State of Original Order:	_____		
Movant:	_____	**Role:**	■ Petitioner ■ Respondent

I. MILITARY STATUS & GROUNDS FOR MODIFICATION

Branch / Component:	■ Active Duty ■ Reserve / Guard — Branch: _____
Event triggering change:	■ Deployment orders received ■ Activation orders received ■ Return from deployment ■ PCS orders ■ Separation / ETS
Effective date of income change:	_____

II. INCOME COMPARISON (from Leave and Earnings Statement — LES)

PAY ELEMENT	PRE-CHANGE ($/mo)	POST-CHANGE ($/mo)	COUNTED FOR CS?
Base Pay	$_____	$_____	Yes — always
BAH (Basic Allowance for Housing)	$_____	$_____	Yes — most states
BAS (Basic Allowance for Subsistence)	$_____	$_____	Yes — most states
Special Pay (hazard, flight, sub, etc.)	$_____	$_____	Yes — counted
Combat Zone Pay / Tax Exclusion	$_____	$_____	Yes — tax-exempt ≠ CS-exempt
Family Separation Allowance (FSA)	$_____	$_____	Yes — counted
Reenlistment / Signing Bonus	$_____	$_____	Yes — year received
Expense Reimbursements / Per Diem	$_____	$_____	No — reimbursements excluded
TOTAL MONTHLY INCOME FOR CS PURPOSES	**$_____**	**$_____**	

III. CURRENT ORDER & PROPOSED MODIFICATION

Current monthly support:	$_____	**Order date:**	_____
Number of children:	_____	**State guideline model:**	_____
Calculated support at new income:	$_____	**Change %:**	_____%
Proposed modified amount:	$_____ per month		
Requested effective date:	■ Date of filing: _____ ■ Other: _____		

NOTE: Modification is retroactive ONLY to the date of filing. File the day you receive orders — do not wait until after deployment begins.

IV. JURISDICTION & SERVICE

State with CEJ over this order:	_____

Figure AY-2a: Military Modification Motion — Page 1 (Status, LES Income & Grounds)

Is Movant requesting video appearance?	■ Yes ■ No — state policy: _____
POA holder (if applicable):	_____
Method of service on other party:	■ Personal ■ Mail ■ Agency coordination

V. RELIEF REQUESTED & SIGNATURE

WHEREFORE, Movant requests: (1) Modification of child support to $_____/month effective date of filing; (2) Issuance of a revised IWO to DFAS Garnishment Operations; (3) Such other relief as the Court deems just.

Signature: _____ Date: _____

Printed Name / Rank: _____ Phone / DSN: _____

Address / APO / FPO: _____ Email (mypay/AF portal):___

Attach: Current LES · Deployment/PCS Orders · State guidelines worksheet · If requesting SCRA stay, attach CO letter

Figure AY-2b: Military Modification Motion — Page 2 (Current Order, Jurisdiction & Relief)

Line-by-Line Completion Guide, Military Modification Motion

- **Branch / Component, Active Duty or Reserve/Guard.**

  This distinction matters. Active duty members have a different income structure than reservists moving between civilian and military pay. If you are a reservist who has just been activated, check 'Activated Guard/Reserve' and note your branch.

- **Event triggering the change, check all that apply.**
  Deployment orders received (income may increase due to combat pay, FSA, tax exclusion); Activation orders received (income often decreases for reservists going from civilian to military pay); Return from deployment (income may decrease as combat pays end, or increase if civilian pay was higher); PCS orders (may trigger jurisdiction change, see Chapter 52); Separation/ETS (civilian income replacing military income).
- **Effective date of income change.**
  This is the date your income actually changed, usually the first day of the pay period covering your deployment date or activation date. This is NOT the filing date. The filing date determines retroactivity. File as close to the income change date as possible.
- **Base Pay (LES Entitlements section).**
  Base pay appears in the 'Entitlements' column of your LES. It is determined by rank (E-4, O-3, etc.) and years of service. It is always counted as income in every state.
- **BAH, Basic Allowance for Housing.**
  BAH appears in your LES Entitlements. The amount depends on rank, dependency status, and duty station ZIP code. Most states count BAH as income. A few states specifically exclude housing allowances, check your state's chapter. Use your actual LES figure, not the published table rate, since BAH varies by location.
- **BAS, Basic Allowance for Subsistence.**
  BAS is $476.95 per month for enlisted members and $328.48 for officers in 2026. It is an entitlement, not a reimbursement, and most states count it as income.
- **Combat Zone Pay / Tax Exclusion.**
  Combat zone pay is exempt from federal income tax, but it is NOT exempt from child support calculations in most states. This surprises many service members. You do not pay taxes on it, but courts count it as income. Enter the total monthly pay while in a combat zone (this may include base pay, specialty pays, and other entitlements that are all tax-excluded in a combat zone).
- **Family Separation Allowance (FSA), $300/month.**
  FSA is paid when you are separated from your dependents for more than 30 consecutive days due to military orders. It is a fixed $300 per month as of January 2026 (raised from $250) and counts as income in nearly every state.
- **Expense Reimbursements / Per Diem / Uniform Allowance, $0.**
  Reimbursements for actual expenses (travel, per diem, uniform allowance) are NOT income. They compensate you for money you spent. Enter $0 on this line. Courts will question if you try to deduct these from income.
- **Total Monthly Income for CS Purposes.**
  Sum all counted items: Base Pay + BAH + BAS + all counted special pays. This is the income figure you enter into your state's guidelines worksheet. The resulting obligation calculation runs off this number.
- **Current monthly support / Proposed modified amount.**
  Enter the current order amount and the amount your worksheet produces. The difference, expressed as a percentage, is what the court evaluates against your state's modification threshold. Most states require a 10-20% change. A reservist moving from a $90,000 civilian salary to a $55,000 activation salary almost certainly meets any state's threshold.
- **Requested effective date: Date of filing.**

Always request the date of filing as the effective date. Courts will not backdate a modification before the filing date, and many states allow the new amount to reach back only to the date the other party was served with notice, so file and serve the same week.

- **Video appearance request.**
  Many states now allow military members to appear remotely for modification hearings. Check your state's chapter for the specific procedure. Include your JAG office contact information if appearing remotely.
- **IWO to DFAS.**
  If the court issues a modified IWO, it must be served on DFAS Garnishment Operations at P.O. Box 998002, Cleveland, OH 44199-8002. Your attorney or the court clerk can handle service, but confirm it happened. Call DFAS at 888-332-7411 to verify receipt within 2-4 weeks.

Form 3 — Military Financial Affidavit (LES-Based)

UNITED STATES MILITARY	MILITARY FINANCIAL AFFIDAVIT — CHILD SUPPORT	Child Support Form

PART I — IDENTIFICATION & SERVICE STATUS

Full Legal Name:	_____	**DOB:**	_____
Rank / Pay Grade:	_____	**Branch:**	_____
Case No.:	_____	**Role:**	■ Petitioner ■ Respondent
Installation / Unit:	_____		
Current Status:	■ Active Duty ■ Deployed ■ Activated Guard/Reserve ■ Transitioning / ETS		

PART II — LEAVE AND EARNINGS STATEMENT (LES) INCOME

Complete from your most recent LES. Download from MyPay at mypay.dfas.mil.

LES LINE ITEM	MONTHLY AMOUNT	CS TREATMENT
Base Pay	$_____	Always counted — all states
BAH (w/ dependents / w/o dependents)	$_____	Counted — most states
BAS	$_____	Counted — most states
Hazard / Hostile Fire Pay	$_____	Counted
Flight / Submarine / Special Duty Pay	$_____	Counted
Family Separation Allowance (FSA)	$_____	Counted — $250/mo
Combat Zone Pay (federal tax-exempt)	$_____	Counted — CS not exempted
COLA (overseas cost of living)	$_____	Counted
Reenlistment Bonus (÷ 12 for monthly)	$_____	Counted year received
Travel / Per Diem / Uniform Allowance	$0	NOT counted — reimbursements
TOTAL MONTHLY INCOME FOR CS PURPOSES	**$_____**	**Sum of counted items**

PART III — DEDUCTIONS & MONTHLY EXPENSES

ITEM	MONTHLY AMOUNT	NOTES
Federal Income Tax (LES deductions)	($_____)	Actual — from LES
FICA/Medicare (7.65% — suspended in combat zones)	($_____)	From LES
Child support IWO — other orders (currently paid)	($_____)	Other-order support
Health insurance — children (Tricare, if applicable)	($_____)	Children's share only
Work-related childcare — children of this order	($_____)	
Off-base rent / mortgage (if BAH doesn't cover)	($_____)	
TSP contributions (voluntary — NOT typically deducted)	($_____)	Note if mandatory
Net Take-Home Pay (LES 'Net Pay' — for reference)	$_____	CS uses entitlements, not net

PART IV — ASSETS & STATEMENT OF CHANGE

Figure AY-3a: Military Financial Affidavit — Page 1 (ID, Status & LES Income)

TSP / Thrift Savings balance (approx):	$_____	**Military retirement eligible?**	■ Yes ■ No
Other assets (vehicles, bank accounts, property):	_____		

Statement of material change (be specific — include dates, amounts, and orders received):

PART V — OATH & CERTIFICATION

I certify under penalty of perjury that the information in this affidavit is true and correct. False statements may subject me to prosecution under federal and state law and may constitute conduct unbecoming under the UCMJ.

Signature: _____ Date: _____

Printed Name / Rank: _____ Notary / JAG Witness: _____

Attach: Current LES (all pages) · Deployment/activation orders · Most recent W-2 · Documentation of civilian income if reservist

Figure AY-3b: Military Financial Affidavit — Page 2 (Deductions, Expenses & Oath)

Line-by-Line Completion Guide, Military Financial Affidavit

- **Part I, Identification & Service Status.**

  Enter your full legal name as it appears on your military ID. Your rank and pay grade establish which LES line items apply. Note your installation and current status. For deployed members: note deployment status specifically, as combat zone tax exclusions and special pays depend on it.

- **Part II, LES Income. Download your LES from mypay.dfas.mil.**
  Your LES is the authoritative document for military income. Courts treat it as the equivalent of a pay stub. Print the most recent full LES and attach it to this affidavit. If your LES shows year-to-date figures, courts may ask you to convert them to monthly amounts, divide the YTD figure by the number of full months elapsed.
- **Base Pay line.**
  Find 'BASE PAY' in the Entitlements column of your LES. This is the gross figure before any deductions. It is always counted as income.
- **BAH line, specify with or without dependents.**
  Circle whether you receive BAH with dependents or without dependents, the rates differ significantly. The 'with dependents' rate applies if you have a dependent child or spouse. Even if your child does not live with you, you may still receive BAH 'with dependents' if the child is a qualifying dependent for military purposes.
- **Combat zone pay, note the tax exemption but include it as income.**
  Your LES will show the combat zone tax exclusion in the Remarks or Leave section. The excluded amount is still income for child support purposes. Add together all entitlements that are part of your combat zone pay package.
- **Reenlistment / Signing Bonus, divide annual by 12.**
  If you received a large reenlistment bonus, courts include it as income in the year received. Divide the gross bonus amount by 12 to get a monthly figure. If you received $24,000 in a lump sum, report $2,000/month for that year. Courts may average a bonus over 2-3 years if it is non-recurring.
- **Reimbursements / Per Diem / Uniform Allowance, $0.**
  These are reimbursements for actual expenses and are categorically not income. Do not include them. If the other party claims they are income, your LES will show them in the Remarks section labeled as reimbursements.
- **Part III, Deductions. Federal income tax from LES deductions.**
  Your LES shows federal income tax withheld in the Deductions column. Use the actual LES figure. Combat zone months may show $0 federal tax. That is correct. Use the actual number for each month.
- **FICA/Medicare in combat zones.**
  FICA is not suspended in combat zones. The combat zone exclusion applies to federal income tax only; your LES Deductions column will continue to show Social Security and Medicare withholding during combat zone service. Expect federal income tax withheld to drop to $0 in qualifying months while FICA continues.
- **TSP, Thrift Savings Plan.**
  TSP contributions are voluntary in most cases and are generally NOT deducted from income for child support purposes. Enter them for transparency but note they are typically not treated as income deductions by courts. Mandatory TSP contributions (rare) are different, note if yours is mandatory.
- **Part IV, Statement of Material Change.**
  Write specifically what changed and when. Example: 'I received deployment orders dated [DATE]. I deployed to [LOCATION] on [DATE]. My pre-deployment monthly income was $X. My deployment monthly income (including BAH, BAS, combat pay, and FSA) is $Y. [Increase/Decrease] of $Z per month.' Attach your orders as an exhibit.
- **Part V, Oath and Certification.**

Have the affidavit notarized if your state requires it. Many states accept JAG officer certification as a substitute for civilian notarization for military members deployed overseas. Your installation's JAG legal assistance office can notarize documents at no charge.

- **Attachments.**

Always attach: current LES (most recent month); deployment or activation orders; prior year W-2 or LES year-end statement; documentation of any civilian income (for reservists); documentation of any other support orders currently being paid.

Military Child Support, Filing Tips & Key Rules

FILE THE DAY YOU GET ORDERS: A modification reaches back no earlier than the date of filing, and in many states only to the date of notice or service. Every day you delay after receiving orders is a day the wrong amount continues to accrue. File by mail or online if necessary, just file.

JAG FIRST: Every military installation has a Judge Advocate General (JAG) legal assistance office offering free family law services. See JAG before any hearing, before signing any agreement, and before executing a POA for family law matters. Find your installation's JAG at legalassistance.law.af.mil (Air Force), jagcnet.army.mil (Army), or navy.mil/Resources/Legal (Navy/Marines).

VIDEO APPEARANCES: Most states now allow military members to appear remotely for modification hearings. Your JAG office can request this accommodation from the court. Do not assume you need to fly home for a hearing.

POWER OF ATTORNEY: A properly executed military POA authorizes a trusted person to file documents, appear at hearings, and manage family law matters while you are deployed. Execute one before deploying. Your JAG office provides this service free of charge.

DFAS IWO SERVICE: Any modified IWO must be physically served on DFAS Garnishment Operations, P.O. Box 998002, Cleveland, OH 44199-8002 (not your unit or installation). Call 888-332-7411 to verify receipt. Allow 2-4 pay periods for withholding to begin.

SECURITY CLEARANCES: Significant child support arrears can trigger a security clearance review under DoD Adjudicative Guidelines (Guideline F, Financial Considerations). Address arrears proactively. Contact your command's security manager if clearance issues arise.

UCMJ COMPLIANCE: Article 134 of the Uniform Code of Military Justice, the General Article, covers conduct prejudicial to good order and discipline and conduct that brings discredit upon the armed forces. Willful failure to pay court-ordered child support can result in military disciplinary action in addition to civil and criminal consequences. Your CO takes this seriously.

MILITARY ONESOURCE: Free 24/7 consultation with family law attorneys is available through Military OneSource at 1-800-342-9647 or militaryonesource.mil. Covers active duty, Guard, Reserve, and their families.

MILITARY-SPECIFIC RESOURCES

The following federal and military-system resources are the primary references for every form and procedure in this appendix.

• myPay (DFAS), mypay.dfas.mil. Self-service portal for LES (Leave and Earnings Statement) downloads, allotment changes, address updates, and tax document retrieval. Required for completing every form in this appendix.

• Military OneSource, militaryonesource.mil | (800) 342-9647. Free legal consultations including child support and family law for active-duty, Guard, Reserve, and their dependents. 24/7 availability.

• DFAS Garnishment Operations, (888) 332-7411 | dfas.mil/garnishment. Handles military-pay IWO processing for all branches. Mailing: DFAS-HGA/CL, P.O. Box 998002, Cleveland, OH 44199-8002.

• SCRA Verification, scra.dmdc.osd.mil. Defense Manpower Data Center portal that confirms active-duty status for SCRA purposes. Use it to document status for any motion seeking a stay under 50 U.S.C. § 3932.

• Survivor Benefit Plan (SBP), dfas.mil (Retired Military & Annuitants, SBP pages). Information on former-spouse SBP coverage when the support order requires the service member to maintain it. SBP elections have hard deadlines after divorce, check 10 U.S.C. § 1448(b).

• Branch JAG Legal Assistance: the armed forces legal assistance locator at legalassistance.law.af.mil covers all branches; Navy/Marine Corps legal assistance via jag.navy.mil; Coast Guard via uscg.mil. Free legal counsel for service members and dependents, including help completing family-law forms.

• Servicemembers Civil Relief Act resources, (800) 342-9647 (Military OneSource SCRA hotline) | servicemembers.gov (USDOJ portal). Authoritative information on SCRA protections including stays of civil proceedings.

• Defense Finance and Accounting Service, Customer Service (888) 332-7411 | dfas.mil. Authoritative source for pay calculation, BAH/BAS tables, and allotment processing.

• OCSS Military and Veterans page, acf.hhs.gov/css/policy-guidance/military-and-veterans. Federal child support enforcement policy guidance specific to military and veteran obligors.

End of Appendix AY — Military Child Support | Appendix AZ — Interstate & International (UIFSA/Hague) follows.

APPENDIX AZ — INTERSTATE & INTERNATIONAL CHILD SUPPORT

UIFSA Modification, Registration, and Hague Convention Model Forms

This appendix provides three model forms for navigating child support orders that cross state or national borders. Use these forms when: (1) you need to modify a child support order issued in a state where neither parent nor the child still lives; (2) a foreign state has registered your home-state order and you wish to contest the registration; or (3) the other parent has taken the child to a foreign country and you need to enforce your support order internationally. See Chapter 52 for the complete legal framework governing each situation.

Form 1 of 3 — Interstate Modification Motion (UIFSA § 611)

Use this motion when you seek to modify a child support order issued in a different state, and UIFSA § 611 gives the new state authority to hear the case. Before filing, confirm the jurisdictional posture: either (a) neither parent nor the child still lives in the issuing state, you are filing in a state where you do NOT reside, and that state has personal jurisdiction over the respondent (UIFSA § 611(a)(1), the nonresident-petitioner rule); or (b) all parties have filed written consents allowing your forum to modify. Filing in the wrong forum is a jurisdictional defect that will cause dismissal.

UIFSA / HAGUE CONVENTION	INTERSTATE MOTION TO MODIFY CHILD SUPPORT (UIFSA)	Interstate & International

IN THE [COURT] OF THE STATE OF [ISSUING STATE]	
Case No.: _____	UIFSA Case Ref.: _____
Petitioner: _____	Issuing State: _____
Respondent: _____	Movant's Current State: _____

INTERSTATE MOTION TO MODIFY CHILD SUPPORT — UIFSA § 611

_____, Petitioner/Respondent (circle), files this interstate motion to modify child support pursuant to the Uniform Interstate Family Support Act (UIFSA), as adopted by [Issuing State] at [Citation].

I. JURISDICTION — CONTINUING EXCLUSIVE JURISDICTION (CEJ)

State that issued original order:	_____		
Date of original order:	_____	**Date of last modification:**	_____

CEJ Analysis — check all that apply:

- ■ The child currently resides in the issuing state — issuing state retains CEJ.
- ■ The obligee (support recipient) currently resides in the issuing state — issuing state retains CEJ.
- ■ The obligor (support payer) currently resides in the issuing state — issuing state retains CEJ.
- ■ ALL parties and the child have left the issuing state — CEJ has dissolved; either party may file in current state.

II. PARTIES — CURRENT RESIDENCY

PARTY	CURRENT STATE	CITY	RESIDED THERE SINCE
Obligor (Payer):	_____	_____	_____
Obligee (Recipient):	_____	_____	_____
Child / Children:	_____	_____	_____

III. GROUNDS FOR MODIFICATION

- ■ Substantial change in circumstances — describe: _____
- ■ Guideline deviation — current order differs from [Issuing State] guidelines by ____%
- ■ Three-year periodic review (IV-D case)
- ■ Change in physical custody / parenting time schedule

IV. INCOME & PROPOSED MODIFICATION

Current monthly support:	$_____	Order date:	_____
Movant's gross monthly income:	$_____	Other party income (if known):	$_____

Calculated guideline amount:	$_____	**% change from current:**	_____%
Proposed modified amount:	$_____ per month	**Effective:**	Date of filing
Remote appearance requested?	■ Yes — video ■ No		

V. RELIEF REQUESTED & SIGNATURE

WHEREFORE, Movant requests: (1) Modification of child support to $_____/month; (2) Application of [Issuing State] guidelines; (3) Effective date of filing; (4) Such other relief as the Court deems just.

Signature: _____ Date: _____

Printed Name: _____ Phone: _____

Current Address / State: _____ Email: _____

File in: State with CEJ (confirm before filing) · UIFSA 2008 — uniformlaws.org · IV-D Interstate: contact your state's child support agency

Line-by-Line Guide, Form 1: Interstate Modification Motion

SECTION A, Jurisdiction & CEJ Analysis

Current State of Residence, Petitioner/Respondent/Child: Enter the current state for each party. All three boxes must reflect non-issuing-state addresses for jurisdiction to attach under UIFSA § 611(a)(1).

Issuing State: The state that entered the original order, not necessarily where either parent was born or where the divorce occurred.

CEJ Transfer Basis (check one): Check 'No party resides in issuing state' if all parties have relocated. Check 'Written consent' only if you have signed, filed consent from all parties. Check 'Issuing state has relinquished jurisdiction' only if you have a court order confirming it.

Date of Original Order: Use the date the original order was signed by the judge, not the date it was entered in the register, served, or mailed.

SECTION B, Parties

Petitioner / Respondent names: Use the exact legal names as they appear in the original order. Do not use nicknames or abbreviations.

Children subject to the order: List all children covered by the order with full names and dates of birth. If a child has reached the age of majority, note that separately, support may have terminated.

SECTION C, Grounds for Modification

Material Change in Circumstances: Many states treat a significant gap between the guideline amount and the existing order (commonly 10 to 25 percent) as a presumptive change; others require only a substantial change in circumstances with no fixed percentage. See your state's chapter for the exact standard.

Three-Year Automatic Review: Some states allow modification every 3 years without proving a material change. Check your state's chapter (Section 4) before relying on this ground.

Change in Custody: If physical custody has changed since the order was entered, attach any custody order or parenting plan documenting the change.

SECTION D, Income Comparison

At time of last order: Use the income figures from the financial affidavit or worksheet filed when the existing order was entered, not your recollection.

Current income: Use monthly gross income. If self-employed, average the last 24 months. Attach your most recent pay stub or last 2 years of tax returns.

- Include all income sources: wages, tips, commissions, bonuses, rental income, self-employment, disability, social security, and investment income.
- Do NOT include public assistance (SNAP, Medicaid, housing subsidies) as income for either parent.

SECTION E, Remote Hearing Request

Check if applicable: UIFSA § 316 requires courts to permit a party in another state to appear remotely (by phone or videoconference) in lieu of traveling. Assert this right early and in writing.

SECTION F, Verification & Signature

Verification paragraph: Sign under penalty of perjury. The verification makes the motion a sworn document, treat every factual statement as you would sworn testimony.

Service: After filing, serve the respondent by the method required in the forum state. Out-of-state service under UIFSA is typically permitted by certified mail. Keep proof of service.

- File the original with the clerk; keep a conformed copy (date-stamped) for your records.
- Attach: (a) certified copy of the existing order; (b) financial affidavit or worksheet; (c) income documentation; (d) parenting plan or custody order if applicable.

- UIFSA § 316 remote hearing: submit a separate written request to the court at the time of filing, do not wait for the hearing notice.

Form 2 of 3 — Notice of Contest of Registration (UIFSA § 607)

When the state where you live registers an out-of-state child support order, you have exactly 20 days from the date the notice of registration is served on you to file a contest. Missing this window results in the registered order being confirmed as a matter of law, you lose the right to contest the registration, though you may still seek modification through the normal process. A contest of registration is NOT the same as a motion to modify: a contest challenges the validity of the registration itself, not the amount of support.

⚠ DEADLINE WARNING: Calculate 20 days from the date service was made on you, not the date you received it in the mail. If served by certified mail, most states count from the date of delivery. File immediately.

UIFSA / HAGUE CONVENTION	NOTICE OF CONTEST OF REGISTRATION OF FOREIGN SUPPORT ORDER	Interstate & International

Court (Registering State):	_____ _____	**Case No.:**	_____
Foreign Order From (Issuing State):	_____		
Respondent / Contestor:	_____		
Date Registration Notice Received:	_____		

20-DAY DEADLINE: This Notice must be filed within 20 days of receipt of the Registration Notice. Miss this deadline and the registration is confirmed by operation of law.

I. GROUNDS FOR CONTEST — CHECK ALL THAT APPLY (UIFSA § 607)

- ■ LACK OF PERSONAL JURISDICTION: The issuing tribunal lacked personal jurisdiction over me when the order was entered. I was not a resident of the issuing state, did not consent to jurisdiction, and did not have minimum contacts with that state. Describe: _____
- ■ FRAUD: The order was obtained through fraud, misrepresentation, or duress. Describe: _____
- ■ ORDER VACATED, SUSPENDED, OR SUPERSEDED: The registered order is no longer the operative order. A later order modifying or replacing it was entered on _____ in _____ Court.
- ■ LACK OF SUBJECT MATTER JURISDICTION: The issuing tribunal did not have proper authority over this child support matter.
- ■ IMPROPER NOTICE: I was not properly served with notice of the proceeding in the issuing state and did not voluntarily appear.
- ■ OBLIGATION SATISFIED: The support obligation has been paid in full. Proof of payment attached as Exhibit _____.
- ■ STATUTE OF LIMITATIONS: The applicable statute of limitations bars enforcement of this obligation in the registering state.

II. STATEMENT OF FACTS

Describe the specific facts supporting the selected ground(s):

III. RELIEF REQUESTED

Respondent/Contestor requests: (1) A hearing on the validity of the registration; (2) An order denying confirmation of the registration; (3) Such other relief as the Court deems just.

NOTE: Contesting registration is NOT the same as requesting modification of the support amount. If you wish to modify the support amount, file a separate Motion to Modify. Registration contest challenges the legal validity of the registration process only.

IV. CERTIFICATION & SIGNATURE

I certify under penalty of perjury that the statements in this Notice are true and correct.

Signature: _____ Date: _____

Printed Name: _____ Phone: _____

Address (current state): _____ Email: _____

FILE WITHIN 20 DAYS OF REGISTRATION NOTICE · UIFSA § 607 · Consult a family law attorney immediately upon receipt of registration notice

Line-by-Line Guide, Form 2: Notice of Contest of Registration

HEADER, Case Identification

Registering State Case Number: The case number assigned by the new (registering) state when the order was registered. It appears on the notice of registration you received.

Issuing State Case Number: The original case number from the state that first issued the order, on the certified copy that was registered.

Date of Service of Notice of Registration: This is your 20-day clock start. Write the exact date you were served, not when you opened the envelope or noticed the notice.

SECTION A, Grounds for Contest (UIFSA § 607)

You may only contest registration on one or more of the following seven grounds. Courts will not consider grounds not raised in the notice.

Ground 1, Issuing tribunal lacked jurisdiction: The state that entered the original order did not have personal jurisdiction over you at the time the order was entered.

Ground 2, Order was vacated or obtained by fraud: The original order was procured by fraud, or was later vacated, reversed, or set aside. Attach supporting evidence or a certified copy of the vacating order.

Ground 3, Stayed pending appeal: The original order is currently stayed by the issuing court pending appellate review.

Ground 4, Order was modified: A later order from a state with continuing jurisdiction supersedes the order being registered. Attach the superseding order.

Ground 5, Support debt is satisfied: The amount registered as owed has already been paid in full. Attach payment records or a satisfaction of judgment.

Ground 6, Statute of limitations: The claim is time-barred. Note: Some states have no SOL on child support, research both the issuing state's and forum state's SOL.

Ground 7, Other defense: Any other defense available in a proceeding to enforce a final judgment. Be specific, vague statements are waived.

SECTION B, Statement of Facts

Supporting Facts: For each ground checked, write a clear, concise statement of facts. Use numbered paragraphs. Avoid legal conclusions, state the facts and let the court draw conclusions.

Exhibits: Number each exhibit and reference it in the statement of facts (e.g., 'See Exhibit 1, certified copy of vacating order').

IMPORTANT DISTINCTIONS

- A contest of registration does NOT allow you to argue that the support amount is too high. That is a modification.
- If your contest is denied, the registration is confirmed. You may then file a separate motion to modify.
- Filing a contest does not automatically stay enforcement. File a separate stay motion if needed.
- If you miss the 20-day window, do not file this form, go directly to a motion to modify.
- Serve the contest notice on the other party and all agencies of record (IV-D agency if applicable).
- File the original with the clerk of the registering court and keep a conformed copy.
- Request a hearing date at the time of filing, some courts will not schedule the hearing unless you ask.

Form 3 of 3 — International Enforcement Application Cover Sheet (Hague 2007)

The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (2007) provides a mechanism for enforcing U.S. child support orders in foreign countries that have ratified the Convention. Enforcement requests are channeled through Central Authorities in each country, in the United States, the Office of Child Support Services (OCSS) serves as the Central Authority. Submit your application to your state's IV-D agency, which forwards it through OCSS to the Central Authority in the foreign country.

UIFSA / HAGUE CONVENTION	INTERNATIONAL CHILD SUPPORT — HAGUE CONVENTION APPLICATION COVER SHEET	Interstate & International

This cover sheet summarizes the application packet for international child support enforcement under the 2007 Hague Convention on the International Recovery of Child Support (implemented in the U.S. through UIFSA 2008 amendments). Submit through your state's IV-D agency or directly to the U.S. Office of Child Support Services (OCSS).

PART I — APPLICANT INFORMATION

Applicant Full Name:	_____	**Role:**	■ Obligee ■ Obligor
U.S. Address:	_____		
Phone:	_____	**Email:**	_____
State IV-D Agency (if enrolled):	_____	**IV-D Case No.:**	_____

PART II — RESPONDENT / OBLIGOR INFORMATION

Respondent Full Name:	_____
Country where respondent lives:	_____
Is that country a 2007 Hague member?	■ Yes ■ No ■ Unknown — check hcch.net
Respondent's known address abroad:	_____
Respondent's employer abroad (if known):	_____

PART III — THE SUPPORT ORDER

Issuing State / Court:	_____	**Case No.:**	_____
Order date:	_____	**Monthly amount:**	$_____
Current arrears (total owed):	$_____	**As of date:**	_____
U.S. passport denied/revoked?	■ Yes (at $2,500+ arrears) ■ No ■ Unknown		

PART IV — TYPE OF REQUEST

■ Recognition and Enforcement: Request the foreign country recognize and enforce the existing U.S. order against the respondent's foreign income and assets.

■ Enforcement Only: The order is already recognized — request active enforcement against specific known income or assets.

■ Establishment: No existing order — request the foreign country establish support under its own laws (available in some member countries).

■ Modification: Request modification of the U.S. order through the Central Authority process (limited availability).

PART V — REQUIRED ATTACHMENTS

■ Certified copy of the child support order (with apostille if required by destination country)

■ Certified copy of any modification orders

■ Proof of arrears calculation (certified statement from the state payment registry or IV-D agency)

■ Proof of the child's current residence and relationship to the applicant

■ Any known information about respondent's employer, bank accounts, or property abroad

■ Completed OCSS international application forms (available at acf.hhs.gov/css/international)

■ Translation of documents if required by the destination country (OCSS can advise)

PART VI — SUBMISSION & CONTACTS

• Submit to: Your state's IV-D child support agency — they will transmit to OCSS as the U.S. Central Authority.

• OR submit directly to: U.S. Office of Child Support Services (OCSS), Administration for Children and Families, acf.hhs.gov/css/international

• OCSS International phone: 1-800-537-7072

• U.S. Central Authority designation under 2007 Convention: Office of Child Support Services, U.S. Department of Health and Human Services

• Timeline: Allow 6-18 months for Central Authority processing. Enforcement in the foreign country proceeds under that country's domestic legal system once the request is transmitted.

• Passport sanction: Separate from the Hague process — if arrears exceed $2,500, contact your state IV-D agency to initiate passport denial through the federal system. This applies regardless of the destination country.

• Federal criminal referral: If arrears exceed $10,000 or support has not been paid for 2+ years, contact your local U.S. Attorney's office for potential Deadbeat Parents Punishment Act referral (18 U.S.C. § 228).

Applicant Signature: _____ Date: _____

2007 Hague Convention — hcch.net · OCSS International — acf.hhs.gov/css/international · UIFSA 2008 — uniformlaws.org

Line-by-Line Guide, Form 3: Hague Application Cover Sheet

SECTION A, Applicant & Respondent Information

Applicant: The parent or guardian seeking enforcement, typically the custodial parent in the United States.

Respondent: The parent from whom support is sought, typically residing in the foreign country.

Respondent's country: Verify that this country is a signatory to the Hague 2007 Convention. A current list is maintained at hcch.net (Convention No. 38).

SECTION B, Convention Eligibility Check

Is the respondent's country a Hague 2007 member? As of 2026, members include the EU states, the United Kingdom, Norway, Ukraine, Turkey, Serbia, Albania, Bosnia, Montenegro, Brazil, Ecuador, Colombia, the Philippines, New Zealand, and Canada (British Columbia, Ontario, and Manitoba). A few accessions (Azerbaijan, Botswana, Guyana, Kazakhstan) are not in force with respect to the United States. Many countries in Asia, Africa, and Latin America are NOT yet members; check hcch.net for the current list.

If NOT a member: Bilateral arrangements may apply; check with your IV-D agency. Canadian provinces outside British Columbia, Ontario, and Manitoba are reached through reciprocal arrangements rather than the Convention.

SECTION C, Order Information

Court and case number: From the support order. Attach a certified copy of the complete order, translated if required by the respondent's country.

Monthly support amount: State in U.S. dollars. The Central Authority in the foreign country handles currency conversion.

Arrears: If the respondent owes back support, calculate the total through the date of application and attach an arrears calculation showing monthly obligation × months unpaid, minus payments made.

SECTION D, Types of Assistance Requested

Enforcement of existing order: The most common request. You have a valid order and need it enforced in the foreign country.

Establishment of new order: Rare when a U.S. order already exists. Request this only if no order has been entered.

Recognition only: Request this if you need formal recognition before enforcement, sometimes required as a precursor in countries with multi-step procedures.

Modification: Complex, consult your IV-D agency before checking this box.

SECTION E, Supporting Documentation Checklist

- Certified copy of the child support order (all pages)
- Proof of service of the original order on the respondent
- Arrears calculation worksheet (if claiming back support)
- Proof of the child(ren)'s identity and relationship to both parents (birth certificate)
- Any subsequent modification orders (all must be included)
- Translation of documents into official language of respondent's country (if required)
- Completed Hague 2007 Application Form (obtained from your state IV-D agency)

SUBMITTING YOUR APPLICATION

Do NOT send your application directly to the foreign country. Submit everything to your state's IV-D child support agency. The state agency reviews your application and transmits it to OCSS (the U.S. Central Authority), which then forwards it to the Central Authority in the respondent's country. Processing time varies, plan for 6–18 months in many countries. OCSS: acf.hhs.gov/css/contact.

- Keep certified copies of everything you submit, the originals may not be returned.
- Note the date of submission and request a written acknowledgment from your IV-D agency.
- Passport denial/revocation: U.S. citizens with support arrears of $2,500+ are ineligible for a U.S. passport. Your IV-D agency can flag arrears with the State Department if the respondent is a U.S. citizen abroad.
- If the respondent's country is NOT a Hague member and NO bilateral agreement exists, you may need to retain private legal counsel in that country to pursue enforcement directly.

General Interstate & International Filing Tips

Determining Which State Controls Modification

The single most important question in interstate child support is: which state has the right to modify the order? The answer depends on the Continuing Exclusive Jurisdiction (CEJ) rules in UIFSA § 205. The issuing state retains CEJ as long as one party or the child continues to live there. CEJ transfers ONLY when all parties and the child have left the issuing state, or when all parties consent in writing.

- Step 1: Identify the issuing state, the state that entered the order you want to modify.
- Step 2: Determine who still lives in the issuing state, you, the other parent, or the child.
- Step 3: If anyone still lives in the issuing state, you must file your modification motion there.
- Step 4: If no one lives in the issuing state, file in the state where the respondent lives. Under UIFSA § 611(a)(1) the petitioner must be a nonresident of the forum, so the respondent's home state is the required forum, not merely the preferred one.
- Step 5: The rule cuts both ways: you file where the respondent is, and the respondent files where you are. UIFSA deliberately blocks each side from litigating at home, which is also why you cannot pick the state whose guidelines favor your position.

The Registration Process Explained

Registration is the process by which a child support order from one state is given legal effect in another state. Either parent or a IV-D agency can register an order. Once registered, the order can be enforced in the registering state using that state's enforcement tools. Registration does NOT give the registering state the power to modify the order, modification authority depends on CEJ, not registration.

Who registers: Usually the parent seeking enforcement, or the IV-D agency in public assistance cases.

How to register: File a certified copy of the order with the clerk of the court in the state where enforcement is sought. Some states require a UIFSA registration form, ask your IV-D agency.

Notice requirement: After registration, the registering court must notify the respondent. This triggers the 20-day contest window.

Effect of registration: The registered order has the same force as an order entered by the registering court, including access to all local enforcement remedies.

When You Live in a Different State from the Order

If you relocate after a support order is entered, your obligations under the order do not change. Many parents mistakenly believe that moving to a new state allows them to re-litigate the order there. It does not. You must return to the issuing state to modify, or wait until all parties have relocated before filing in a new state.

- Your obligation to pay continues regardless of which state you move to.
- Income withholding orders cross state lines automatically under UIFSA, your employer in the new state must honor an IWO from the issuing state.
- Contact your IV-D agency when you move to update your address in the registry and understand your obligations.

INTERSTATE & INTERNATIONAL, KEY CONTACTS AND RESOURCES

These are the agency contacts, portals, and resources referenced throughout this appendix and Chapter 52. Keep them at hand for any UIFSA, FFCCSOA, or international matter.

• U.S. Office of Child Support Services (OCSS), (202) 401-9373 | acf.hhs.gov/css. Federal headquarters for the IV-D program. Policy guidance, interstate case escalation, and the Federal Parent Locator Service.

• OCSS International Program, acf.hhs.gov/css/international. Country-specific guidance on enforcement abroad, Central Authority directory for the 2007 Hague Convention, and application forms for international cases.

• Hague Conference on Private International Law (HCCH), hcch.net | +31 70 363 3303. Authoritative source for the 1965 Hague Service Convention, the 1980 Hague Child Abduction Convention, the 2007 Hague Child Support Convention, and the 1961 Apostille Convention. Member-country lists, declarations, and reservations are published here.

• U.S. Department of State (Office of Children's Issues) (888) 407-4747 | travel.state.gov/childabduction. International parental child abduction (1980 Hague Convention) and child custody/abduction matters. NOT the right office for support enforcement. That is OCSS.

• U.S. Department of State Office of Authentications (Apostilles for federal documents), (202) 485-8000 | travel.state.gov/content/travel/en/records-and-authentications.html. For documents issued by federal agencies (not state courts). State court orders are apostilled by the issuing state's Secretary of State.

• Uniform Law Commission, uniformlaws.org. Official UIFSA 2008 model act text, legislative history, state adoption charts, and explanatory comments. Useful when interpreting a state-specific UIFSA enactment against the model.

• LawHelp.org, lawhelp.org. State-by-state directory of legal aid organizations. Many state legal aid offices have family law units experienced in interstate UIFSA cases.

• Federal Treasury Offset Program, (800) 304-3107 | fiscal.treasury.gov/top. Authoritative source for federal tax refund offset and administrative offset. State IV-D agencies certify arrears to this program.

• U.S. State Department Passport Denial Program, Office of Children's Issues handles inquiries from custodial parents; OCSS handles obligor certifications. $2,500 in certified arrears triggers denial.

• CSENet (Child Support Enforcement Network), the federal communication backbone for state-to-state interstate case transmissions. Parents do not interact with CSENet directly; state IV-D agencies use it to transmit cases under UIFSA.

• ACES (Association for Children for Enforcement of Support), childsupport-aces.org. National parent-advocacy organization with state chapters, useful for cross-state network and procedural advice.

WHEN TO CALL WHICH OFFICE

Domestic interstate case where the other state is not responding. Start with your own state IV-D agency. If unresolved within 60 days, escalate to OCSS at (202) 401-9373.

International enforcement application (member country). Contact your state IV-D agency. The state agency transmits to OCSS International, which routes to the foreign Central Authority. Do not contact the foreign authority directly.

Child abducted abroad. Call the State Department Office of Children's Issues at (888) 407-4747 immediately. The 1980 Hague Convention process is time-sensitive, petition deadlines run from the date of wrongful removal.

Apostille needed for a state court order. Contact the Secretary of State office of the state that issued the order. Each state's Secretary of State website has an "apostilles" or "authentications" page with the current fee and processing time.

Country-specific enforcement question. Email OCSS International at OCSE.International@acf.hhs.gov for country-specific guidance, including bilateral arrangements with non-Hague countries.

End of Appendix AZ — Interstate & International Child Support (UIFSA/Hague) | End of Appendices.