

# **CHILD SUPPORT**



## **CHANGING A COURT ORDER**



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A change up or down in a court order is called a **modification**. For a court to modify an order, there must be a "material" change in circumstances in one or both of the parents' lives since the last time child support was ordered. If a change is made, the child support order may go up (increase) or go down (decrease).

## WHAT IS CONSIDERED A "MATERIAL CHANGE IN CIRCUMSTANCES?"

The court may change the child support order based upon a material change in circumstances.

Here are some examples of changes that may qualify as material changes in circumstances.

- Involuntary loss of employment
- Becoming employed
- Reduction in income
- Increase in income
- Child's living arrangement changes
- Add or drop medical insurance
- Change in childcare costs
- Extraordinary medical bills
- Child turns 18 and is not in school
- Incarceration

### WHO MAY REQUEST A MODIFICATION:

- NONCUSTODIAL PARENT
- CUSTODIAL PARENT (CARETAKER)
- CHILD SUPPORT OFFICE

If the court set a child support amount less than three years ago, a material change in circumstances also exists when there will be a 25% change in the child support amount.

## COST

To request a modification, you must file a rule to modify. A Rule to Modify Child Support form (CSE 886) may be requested through the Clerk of Court's office. The court and sheriff may charge the parent with the cost of making the change. However, if you cannot afford these costs, you may request that the judge allow you to proceed without cost (called in forma pauperis).

An in forma pauperis form is available at the Clerk of Court's office upon request. If the judge agrees that you cannot afford these costs, you may be able to receive a discount of any and all of the costs for filing.

## MODIFICATION HEARING

At the hearing, the parent asking for the modification of the order must present evidence that supports his or her request to change the order.

The court may require documents, testimony and/or witnesses to show that the order should be changed and that the change is not voluntary. Some documents that the court may request are:

- Recent pay stubs or other proof of income
- Federal income tax returns
- State income tax returns
- Childcare expenses
- Health insurance costs
- Income and expenses affidavit
- Copy of the order changing custody or visitation



If the court agrees that there has been a material change in circumstances, a new document is completed according to the child support guidelines (laws).

The order is effective as of the date it is signed by the judge and may go all the way back to the date the change was requested in writing to the court.

Child support due prior to the filing of a rule to modify support cannot be changed.

## THINGS TO REMEMBER

- You may have the option of filing a rule on your own or through an attorney.
- Child support offices may review and file with the court for you, but the office cannot change a court order. The office may also draw up an agreement for the parents to sign, but the court has to approve the agreement. Changes do not start until the court has signed the order.
- A change in the law does not constitute a "material change in circumstance" for the purposes of modifying a child support order.
- Please be sure to respond on time. When you are served with legal papers, it is very important to take steps right away to figure out how to respond. In most cases, if you do not respond on time, the other party will automatically win what they are requesting.
- File a rule to modify as soon as you are aware of a change in circumstances! The modification may stop you from paying child support that is more than you can afford to pay.

## INCARCERATION

**Incarceration means placement of an obligor in a county, parish, state, or federal prison or jail, in which the obligor is not permitted to earn wages from employment outside of the facility. Incarceration does not include probation or parole.**

Will your incarceration last more than 180 consecutive days? If yes, your child support case will be suspended during your period of incarceration. A suspension means the modification of your child support order to zero dollars during the period of your incarceration.

**Note:** *The suspension of your child support order will begin on the date that the department files the affidavit with the court. Your child support order will resume on the first day of the second full month after your release from incarceration.*

## CONTACT US

For your convenience, you may access your child support account 24/7 at [www.dcfsl.a.gov/caf](http://www.dcfsl.a.gov/caf) or by calling:

- 1-888-LA-HELP-U (1-888-524-3578), toll-free, for customers outside of the Baton Rouge area, 225-922-8100 for callers within the Baton Rouge area, or 225-922-8111 TTY service for the hearing impaired.
- For automated information on your case, you may reach the LA HELP-U interactive voice response (IVR) system.
- The IVR provides payment receipt and disbursement information (on the last five payments), arrearages, current financial obligation balances, as well as general child support information. The IVR is available 24 hours a day, seven days a week.
- If you do not have a user ID and PIN for the IVR, follow the prompts to "Register." You will be taken through the registration process. Please make note of your user ID, and keep your PIN confidential.

**You may also follow these simple steps to send your caseworker a message from your child support account.**

1. Sign in using your LA CAFÉ account.
2. Click on the "**Check My Cases**" link on the page, labeled My Account.
3. Click on "**Child Support Enforcement Details**," located under "General Information."
4. Click on the "**Child Support Enforcement Message Center**" link.
5. Click on "**Submit a Question**," and send your questions or information.

*This brochure provides general information about how to change or modify a child support order. It is only intended as a general overview. This pamphlet is by no means a complete list of your rights and responsibilities when trying to change or modify a child support order. It does not replace an attorney. Whenever possible, an attorney should be hired to assist you with your legal matters.*

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