

PREPARING FOR A MODIFICATION OF CHILD SUPPORT

- Is there an open IV-D Child support case? You may request the county proceed with a review and adjust.**
 - Yes - The hearing must be in the Expedited Process and the county must be notified and served.
 - No - The hearing must be in the District Court

- Terms of current court order:**
 - Basic support?
 - Medical support?
 - Child care support? parenting time schedule?

- Is there a substantial change in circumstances?**
 - Increase or decrease in the gross income of a party
 - Increase or decrease in the needs of a party or the joint child
 - Change in custody or parenting time
 - Receipt of public assistance
 - Change in the cost-of-living
 - Change in extraordinary medical expenses for the joint child
 - Change in the availability or cost of appropriate health care coverage
 - Increase or decrease or addition of work/school related child care expenses
 - Emancipation of a joint child

- Is there a presumption of a substantial change of circumstances and the existing order is rebuttably presumed to be unreasonable and unfair based on:**
 - New order would be 20% and \$75 more or less
 - Medical support provisions are not enforceable
 - Health care coverage ordered is unavailable
 - Percentage order rather than specific dollar amount order
 - Gross income of a party has decreased by 20% (no bad faith)
 - Existing order was based in the child living in a foreign country and that no longer applies

- Was there a change in the child support guidelines (and the order has not been modified since the change)?**

- Gather information:**
 - Income information (W2s, paycheck stubs, tax returns, 1099's, self-employed information – profit and loss statements and bank statements)
 - Verification of child care costs
 - Health care plan information – coverage terms and cost for party and cost for the child, if any
 - Order that shows custody and parenting time; include a statement of the number or percentage of overnights if not shown in the order
 - Names and dates of birth of nonjoint children after the child support order
 - Other relevant information that supports your client's modification motion

- Run a guidelines worksheet.**

- Does a modification make sense for your client?**

- Prepare legal theory regarding the basis for a modification of child support.**

- Draft Notice of Motion and Motion for Modification of child support and an accompanying Affidavit.**

- Serve all parties with the Notice of Motion and Motion, including the county, and file affidavits of service.**