

Modifying Child Support Orders



How To Increase, Decrease, or Terminate Child Support Orders

Where Do I Apply for a Change?

If your child support order was issued as part of a divorce or dissolution, you can modify the amount of support you receive or pay by:

1. Filing a **Motion to Modify Child Support** with the Court that issued your divorce decree

OR

2. Requesting the Child Support Enforcement Agency modify your previous child support order.

If your child support order was issued by Juvenile Court or the Child Support Enforcement Agency (not part of a divorce or dissolution), you can modify the amount of support you receive or pay by:

1. Filing a **Motion to Modify Child Support** with the Juvenile Court that issued the original order

OR

2. Requesting the Child Support Enforcement Agency modify your previous child support order.

Why Go to the Court?

1. You can apply to the Court at any time. You may not be able to apply to the CSEA under certain circumstances (for example: you must apply to the Court when your support order is less than three years old and you have lost your job through no fault of your own, yet haven't been out of work for 30 days.)
2. If your case is simple and the other parent files no objections, the Court may rule faster than the CSEA.
3. You get to appear in person and tell your story to a magistrate or a judge.
4. Depending on the jurisdiction, you may get a faster decision if you go to court.

Why Go to the CSEA?

1. You do not need a lawyer.
2. You do not have to pay a fee to file your request.
3. You don't have to attend the hearing – everything can be done by phone or mail.

What You must Prove to Get a Child Support Order Changed

If your request is to the Court, you must prove:

- 1) a *significant change in circumstances* (change in needs of child or income/earning capacity of parent) since the first order was issued

AND

- 2) that this change will result in at least a 10% reduction in the amount of child support you currently pay or a 10% increase in the amount of support you are currently receiving, or a change from a 2010 amount of child support.

(Determine the amount of the reduction by completing the child support worksheet)

Examples of change of circumstances you could argue to the Court: you lost your job, your work hours were cut back or you were laid off, you got a new job and are making less money, the custodial parent got a job or an increase in income since the last order, you now have another child that you are paying child support to, or your child has become ill or disabled.

If your request is to the Child Support Enforcement Agency . . .

When your support order is *more than three years old*: you can apply for a change for *any reason*.

When your support order is *less than three years old*: you must prove *one of the following specific reasons*:

- Either party has experienced a 30% change in income for at least six months.
- Either party was under-employed (worked below their skill level) or unemployed at the time the first order was set and now is employed full-time.
- You have been out of work for at least 30 days.
- You began receiving Supplemental Security income.
- You become permanently disabled and can provide medical proof of your disability.
- You are in jail or in an institution and have no assets to pay support.
- You want health insurance coverage for your children.

What Happens after You File a Motion with the Court?

1. A copy of the motion will be sent to the opposing party. This is called “Service.” You must call the Clerk of Courts periodically to ensure service is completed. If you do not know where the opposing party is living, call the CSEA and they will help you.
2. Once service is completed, a hearing date will be set. You must attend the hearing and prove to the judge that a “change in circumstances” has occurred. Bring whatever you need to prove your case with you to Court. Always bring the following financial information:
 - copies of your checks, pay stubs, or income tax returns;
 - if you receive welfare or unemployment compensation — documents proving receipt of these benefits (letter from employer/welfare office.)

What If You Disagree with the CSEA Ruling or Court Decision?

If your case was decided in Court by a magistrate, you can file objections to the magistrate’s decision and then the judge will review your case.

If your case was heard by the CSEA:

- When the CSEA ruling modifies an original CSEA order: you can appeal that order in Juvenile Court.
- When the CSEA ruling modifies a Juvenile or Domestic Relations order, you can request an administrative CSEA hearing. If you still disagree, you can appeal to the Court that issued the original order.



CAUTION

While your case is pending (being heard) before the Court or the CSEA, the law requires you to keep paying support at the old amount. If you fail to make any payments, the amount of these payments will pile up into an arrearage that you will also be required to pay.

How to Determine the Amount of Child Support Owed

In Ohio, there are child support guidelines and a worksheet that determine the amount of support you must pay.

The Court will automatically order child support in the amount calculated by this worksheet unless one or both of the parents show that this *amount is unjust or inappropriate and would not be in the best interest of the child or children involved.*

When Does My Duty to Pay Child Support End?

The law states that when one of the following events occur, you, as the parent, no longer have to pay child support:

- Your child turned 18 years of age. (If your child is still attending high school when he/she turns 18, you are obligated to pay support until the child turns 19 years of age.)
- Your child lives on his/her own, joined the military, or got married (even though he or she has yet to turn 18).
- Your child no longer lives with the custodial parent or has moved in with you, or you have become the legal custodian of the child.
- You have moved in with the custodial parent.
- Your child is now self-supporting and emancipated.

How Do I Terminate a Child Support Order?

You must let the Court or CSEA know that one of the events listed above has occurred before your obligation to pay support ends. You can either:

1. call the CSEA and request termination,
- OR
2. file a **Motion to Terminate Child Support** with the Court.

If you file a motion with the Court, they will either send you a notice that child support has terminated or schedule a hearing on the matter. At the hearing, be prepared to prove that one of these events has occurred.

This pamphlet was developed from information provided by:

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