

Changing a Child Support Order in Your State

! The information below applies only to Alabama

1. How can I find out if I have a “IV-D” child support case in this state?

Call Alabama’s Customer Services Unit at (334) 242-9300 or email csed@dhr.alabama.gov.

2. How can I contact my child support agency?

Department of Human Resources
Child Support Enforcement Division
50 Ripley Street
Montgomery, AL 36130-4000

(334)242-9300
<http://www.dhr.alabama.gov>

3. If I am incarcerated, are there any barriers to having my order changed?

No.

4. Do you provide any materials online that I can use to ask for a change to my child support order?

No.

5. Do you have any printed materials I could read to learn more about child support for parents who are incarcerated?

No.

6. When can I ask to have my order changed?

An order may be reviewed for modification if the order was entered, last reviewed or modified at least three years ago, unless a significant change of circumstances warrant an earlier review. An order may also be reviewed if it does not contain a medical support provision. The Review and Adjustment process is used to determine if the support amount is in accordance with the child support guidelines and/or to determine if medical support needs to be added to the order. DHR will only review orders once every 36 months, unless a significant change such as a financial windfall or a severe medical crisis occurs.

7. How do I request the change?

A request for a review and adjustment of the order to DHR must be received in writing and include any information that the individual wants considered during the review process. State why you believe the order should be changed. The request may be submitted on the “IV-D review request document” or in some other written form.

8. What is the process after I’ve asked to have my order changed, and how long does it take?

DHR will obtain income information from both parties and an administrative review will be conducted to determine if the case should be referred to court for modification. If the review finds that your support order should be changed (modified), DHR will prepare the legal papers and arrange a court hearing for you. However, an attempt will be made to obtain a voluntary settlement agreement prior to referring to court if the review determines an adjustment of the order is appropriate. If an agreement cannot be reached, the judge will make the final decision about whether an order will be changed. The length of time depends upon the court docket schedule in each jurisdiction.

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9. Is this process different if the other parent agrees to the change in advance?

Yes, if both agree to a modification, a court hearing will not be necessary. However, the voluntary settlement must be approved by the court who will make the final determination to modify the order. But, the length of time to obtain a final order could be shortened.

10. Does it cost anything to try to have my order changed?

Maybe. If you request modification through the IV-D agency, there are no initial filing fee costs. Depending on the jurisdiction, however, a court may order court costs in the final order. If you file a modification directly with the court, there are initial filing fees, though you may also file to have these fees waived.

11. If I am incarcerated, do I need to do anything else to have my order changed?

Maybe. The incarcerated parent may need to request a telephonic hearing, depending on the specific case circumstances as well as the court jurisdiction.

12. If I am incarcerated, does my state have any programs to help me with child support?

IV-D child support personnel visit Alabama correctional institutions on occasion, and as requested, to provide general information on the child support program, as well as to provide information on review and adjustment of child support orders. Child support information specifically related to review and adjustment is disseminated upon entry into some of the state prisons. The IV-D agency has provided forms to the state prisons which incarcerated parents can complete and forward to the IV-D agency in order to request a review and adjustment of their child support order.

13. Can I get help with child support questions from other sources?

The AlabamaLegalHelp.org website contains information and pro se forms developed by the Alabama State Bar that can be used to make a direct request to the court to change the child support amount ordered to the court. The link is here: <http://www.alabamalegalhelp.org/resource/how-to-change-a-child-support-order?ref=qoPEW> and the two court forms are included here.

14. Is there anything else I should know about trying to change my order?

No.



The federal Office of Child Support Enforcement prepared this guide; however, your local child support agency can provide the most current information. This guide does not have any binding legal authority and does not constitute legal advice. You may wish to consult a lawyer before using the forms or information provided.



AlabamaLegalHelp.org

How to Change a Child Support Order

Authored By: Alabama State Bar

Information

Who can ask the Court to change the amount of child support?

Either parent (or other person with legal custody) can ask. You can ask the court for more support. Or you can ask to lower the support amount.

Will the judge make the changes I am asking for?

Maybe. If the child/ren are under 19 and not married, you will have to prove that:

- One parent is earning more (or less) now than before so that the child support will change more than 10%, or
- Something else happened that changed the financial situation of one of the parents.

Caution! A new order could be more, or it could be less support than you have now. The judge will use a special formula (called guidelines) to decide the amount of support.

How do I ask the court for a new support order?

You must fill out and file these forms:

- Request to Change Child Support (Form PS-02)
- Child Support Obligation Income Statement/Affidavit (Form CS-41)

Where can I get the court forms?

You can ask the court clerk for these forms.

Or you can get them on this website:

[Click here for PS-02.](#)

[Click here for CS-41.](#)

Can the court help me fill out my forms?

No. But this sheet gives general information about how to fill out your forms.

What do I do after I fill out my forms?

Take your original forms and 2 copies to the court clerk in the **same** county where your current child support orders are from.

What will the clerk do with my forms?

The clerk will:

- date-stamp all your forms,
- keep 2 copies, and
- give you a date-stamped copy for your records.

Do I have to pay the court anything?

Yes. You must pay a filing fee in cash or with a money order. The court clerk will tell you the exact amount. If you cannot afford to pay the fee, also fill out this form to tell the court about your income and expenses:

[Click here for the Affidavit of Substantial Hardship \(Form C-10A\)](#)

But do not sign it until you are in front of a notary and swear that the information is true. The judge will decide if the fees can be postponed.

Will the other parent know I am asking for a new support order?

Yes. The clerk will have someone serve (give or mail) the other parent a copy of your court forms. That way the

other parent knows what you are asking for and when to go to court.

How will the judge decide?

There will be a hearing at court. You and the other parent will have a chance to tell your side.

When will the judge decide?

The judge will decide at or after the hearing. If you have not received the judge's decision within 45 days of your hearing, you may contact the court clerk.

What should I bring to my hearing?

Bring financial information and other evidence that supports the change you are asking for, such as your most recent:

- pay stubs, W-2s, income tax returns,
- Social Security statements (if you get disability), or
- bank statements.

You may also bring witnesses who know about the financial changes.

What if I lose my job?

It depends. If you lose your job through no fault of your own, the Court may lower or stop the support until you find a new job. But if you quit or get fired, the Court usually will not change the order.

Need help?

Call Legal Services Alabama at **1-866-456-4995**

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Request to Change Child Support

Case Number: _____

In the _____ Court of (county): _____ County, Alabama

Plaintiff's First and Last Name
(the person listed as Plaintiff on your previous Order)

v.

Defendant's First and Last Name
(the other parent)

Plaintiff's Information

Street Address: _____

Date of Birth (mm/dd/yyyy): _____

Phone #: (____) _____

Defendant's Information

Street Address: _____

Date of Birth (mm/dd/yyyy): _____

Phone #: (____) _____

① List the date and place where your current child support order was made

Date: _____ County and State: _____

List the court case number of your current order (case #): _____

List the children your current child support order covers:

Name(s):	Age
_____	_____
_____	_____
_____	_____
_____	_____

② Why are you asking for a change in child support? *(Explain what has changed):*

Important! You must also fill out and file an updated Form CS-41 (Financial Declaration).

③ What orders are you asking for now?

Because of significant financial changes, I am asking the court to *(check all that apply):*

- Make new child support orders at a court hearing to *(check one):*
 - increase child support decrease child support
- Make an order to take child support from the supporting parent's paycheck (a withholding order).
- Order the other parent to keep (or get) health insurance that covers the child/ren listed above.
- Other *(explain):* _____

Print your name: _____

Sign here:  _____

Date: _____

CHILD-SUPPORT-OBLIGATION
INCOME STATEMENT/AFFIDAVIT

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: _____

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 insurance from me and/or my employer.

covered by health insurance, and I pay the following amount monthly for the insurance coverage. \$ _____
(if none, write "None")

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

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 pre-existing 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, 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.