

Changing a Child Support Order in Your State

 The information below applies only to Idaho

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

Call Idaho Child Support Services at 1-800-356-9868 or if you are in the Boise area, call (208) 334-2479 to ask if there is an open or closed child support case with the state of Idaho.

2. How can I contact my child support agency?

Call Child Support Services at 1-800-356-9868.

If you are in the Boise area, call (208) 334-2479.

To request Child Support Services review your child support order, explain in writing why you believe the order should change. Mail the request to:

Idaho Child Support
P.O. Box 70008
Boise, ID 83707-0108

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

One potential barrier is cost (see Question 10 below). There is not a process to reduce or waive fees for an incarcerated parent, and there are fees to modify a child support order.

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

Yes, for forms on the Idaho Child Support website to request a modification, see the “Modification Request” form, attached here, and available at <http://healthandwelfare.idaho.gov/Portals/0/Children/Child%20Support/csModForm.pdf>. This form is available, but it is not required.

For information about “Changing an Order” on the Idaho website, visit “Changing an Order” at <http://healthandwelfare.idaho.gov/Children/ChildSupport/ChildSupportOrders/ChanginganOrder/tabid/374/Default.aspx>

You do not have to get the help of Child Support Services to have your child support order modified. You can get free legal forms through the Idaho Court Assistance Office that you can file with the court on your own to request your child support order be modified. You can obtain these legal forms at the Court Assistance Office, State of Idaho Judicial Branch, available here: <http://www.courtsselfhelp.idaho.gov>

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?

Parents may ask Idaho Child Support Services (CSS) to review child support orders to determine if the child support amount should change. Requests should include information about major changes that have occurred if it has been less than three years since the order was signed, changed or last reviewed. A noncustodial parent may request a review of the child support order based only upon incarceration. Unless major changes have occurred, CSS will not review child support orders until it has been three years since the order was signed, changed, or last reviewed. For CSS to provide modification assistance, the review must show that the monthly child support order amount should increase or decrease by more than 15 percent and by at least \$50.

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7. How do I request the change?

You can ask CSS to guide you through the process of changing a child support order, you can choose to hire a private attorney, or you can do it yourself. To request CSS review your child support order, explain in writing why you believe the order should change.

Mail the request to:

Idaho Child Support
P.O. Box 70008
Boise, ID 83707-0108

CSS will review the circumstances of the case and determine if the parent qualifies for a review based on a substantial and material change in circumstances and if the parent has the present ability to pay. CSS will verify what income and asset sources are available to an incarcerated parent to determine if a review for modification is appropriate.

You do not have to get the help of CSS to have your child support order modified. You can get free legal forms through the Idaho Court Assistance Office that you can file with the court on your own (referred to as «pro se») to request your child support order be modified. You can either complete this process on your own or hire a private attorney to help you. You can obtain these legal forms at <http://www.courtselfhelp.idaho.gov>.

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

If you request a review with CSS, they will send a letter to you titled "Limited Services Agreement." This agreement explains the costs involved with changing a child support order and requires the signature of the parent requesting the review. Signing this agreement requires the parent requesting the review to pay the legal costs involved in changing a child support order. If the requesting parent returns the Limited Services Agreement, CSS will send a letter to you and the other parent requesting information about your current circumstances, such as your income. You have 30 days to provide the information to CSS for the review.

When the completed documents are received from the parties, a review is conducted, based on the Idaho Child Support Guidelines. When the review is complete, CSS sends both parents a letter explaining the results.

If the review indicates the child support order should change, and the parties are agreeable, a stipulation is completed by CSS, with the assistance of a Deputy Attorney General. The stipulation, along with an order, is presented to the court for a judge's signature.

If the review indicates the child support order should change, and both parties are not agreeable, the case is referred to a Deputy Attorney General. The attorney will take the legal actions necessary to change the court order, including preparing the legal documents, filing them with the court, and having both parties served. When both parties are served, they have the option to stipulate or request a hearing. If the non-requesting party does not respond, a modified order will be entered by default.

If the CSS review indicates the child support order should not change, you are not charged any fees. You still can choose to hire a private attorney to help you through the legal process of changing an order, or you can do it on your own. CSS is required to have the entire modification process including the review, legal referral and filing of the order completed within one hundred and eighty (180) calendar days of receiving the request to review or locating the noncustodial parent.

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

If both parents agree to the suggested changes, you can both sign a stipulation (agreement). In that case, you will not need to go to court. A judge reviews the changes and signs the order.

When a request for review is received at CSS from an incarcerated parent, CSS's first step after reviewing the case is to contact the other parent to propose a stipulation for the modified order. If the other parent does not agree, then the normal judicial process occurs.

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

Yes, CSS charges for legal services. The legal costs for modifying an order could be as much as \$525. If the existing order is a divorce decree, or if the State of Idaho is not a party to the existing order, or if a change of venue is necessary, additional fees up to \$270 may be charged. If the parent who pays support requests the review, payments can be made each month until the fee is paid. If the parent who receives support requests the review, CSS keeps 20 percent of each support payment until the fee is paid. However, if the CSS review indicates the child support order should not change, you are not charged any fees.

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

No.

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

When requested by the incarcerated parent, CSS's Modification Team informs the incarcerated parent about their options for a review.

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

Idaho Court Assistance Office, <http://www.courtselfhelp.idaho.gov>

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

An initial order for an incarcerated parent may be entered with a contingent amount that does not begin accruing until sixty days after the noncustodial parent is released from incarceration or 60 days after release into a work program. If you modify an incarcerated parent's child support obligation, it will automatically increase to the amount of the prior order 60 days after release or 60 days after release into a work program.



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.





Idaho Child Support SERVICES FOR FAMILIES

Changing a Child Support Order

Each child support order is carefully determined with a child's best interest in mind. However, as time passes, circumstances change, and it may become necessary to change your child support order.

In Idaho, all child support orders must be signed by a judge. You can ask Child Support Services to guide you through the process of changing a child support order, you can choose to hire a private attorney, or you can do it yourself.

Reasons Why a Child Support Order Should Change

Child Support Services can help you through the process of changing a child support order to:

- Require a parent to provide medical insurance coverage when the coverage is available through an employer;
- Increase or decrease the monthly child support amount by more than 15 percent, but by at least \$50; and
- Indicate how much a parent must pay for each child, if the previous order listed only a total child support obligation. This is especially important when one or more of the children no longer live with the custodial parent, or if a child turns 19-years-old or graduates from high school.

If you would like other issues addressed in the child support order, you may choose to hire a private attorney or do it yourself.

How to Request a Review of Your Child Support Order

In Idaho, all changes to child support orders must be signed by a judge. To avoid unnecessary legal fees, Child Support Services reviews child support orders and parents' current circumstances before beginning the legal process.

To request Child Support Services review your child support order, explain in writing why you believe the order should change. Mail the request to:

Idaho Child Support
P.O. Box 70008
Boise, ID 83707-0108

Unless major changes have occurred, Child Support Services will not review child support orders until it has been three years since the order was signed, changed, or last reviewed.

When You or the Other Parent Request a Review

When a review is requested, Child Support Services sends a letter to you titled Limited Services Agreement. This agreement explains the legal costs involved with changing a child support order and requires the signature of the parent requesting the review. Signing this agreement holds the parent requesting the review obligated to repay the State of Idaho for the legal costs involved in changing a child support order.

Once Child Support Services receives a request to review, and the signed Limited Services Agreement, they will send a letter to you and the other parent requesting information about your current circumstances, such as your income, how many children you support, etc. You have 30 days to provide the information to Child Support Services for the review.

When the review is complete, Child Support Services sends both parents a letter explaining the decision about whether to change the child support order.

If the review indicates the child support order should change, Child Support Services sends the case to an attorney who takes the legal actions necessary to change the court order.

If the review indicates the child support order should not change, you are not charged any fees. You still can choose to hire a private attorney to help you through the legal process of changing an order, or you can do it on your own.

The Legal Process

Child Support Services' attorneys gather information and suggest changes to the child support order based on the parents' current situation.

If Both Parents Agree to the Suggested Changes

If both parents agree to the suggested changes, you can both sign a stipulation (agreement). In that case, you will not need to go to court. A judge reviews the changes and signs the order.

If Parents Do Not Agree to the Suggested Changes

If both parents do not agree to the suggested changes, a court date is set, and a judge decides if changes should be made to the order. This process may take up to a few months.

If you requested the modification, a Child Support Services' attorney will let you know if your presence is required at the court hearing. You are always welcome to come, if you wish.

If you did not request the modification and do not agree with the suggested changes, you may contest the changes at the court hearing. You can hire a private attorney to help you. If you do not come to the hearing, the judge will sign the suggested changes.

How a Child Support Amount is Determined

Child support amounts are set using Idaho Child Support Guidelines. The income of both parents, the number of children each parent supports, the cost of medical insurance premiums, and the child tax credit are all considered in determining a child support amount.

Legal Costs of Changing a Child Support Order

Because changing (modifying) a child support order involves attorneys and courts, Child Support Services must charge for legal services. The legal costs for modifying an order is \$525, which is significantly less than the cost of hiring a private attorney.

If the existing order is a divorce decree, or if the State of Idaho is not a party to the existing order, additional fees up to \$180 may be charged.

If the parent who pays support requests the review, payments can be made each month until the fee is paid.

If the parent who receives support requests the review, Child Support Services keeps 20 percent of each support payment until the fee is paid.

Contact Child Support Services:

Toll free: 1-800-356-9868
Boise area: 334-2479
Fax: (855) 349-2408
[e-mail Child Support Services](#)

Mail your Child Support payments:

Idaho Child Support Receiving Services
P.O. Box 70008
Boise, Idaho 83707-0108

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IDAHO DEPARTMENT OF
HEALTH & WELFARE

C.L. "BUTCH" OTTER – GOVERNOR
RICHARD M. ARMSTRONG – DIRECTOR

Child Support Information: 1-800-356-9868
208-334-2479 (Boise Area)
Mailing Address:
Mail Distribution Unit
3402 Franklin Road
Caldwell, ID 83605-6932

Modification Request

I, _____ request that Child Support Services review my order for
(Please Print Name)

modification for the following reason(s):

(Signature)

(Date)

(Social Security Number)