

Changing a Child Support Order in Your State

 The information below applies only to Kansas

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

Contact the Child Support Call Center at 888-757-2445 to find out basic case information.

2. How can I contact my child support agency?

A parent can contact our Child Support Call Center at 888-757-2445 for basic information and to find out the address for where their case is being worked.

The Kansas Payment Center can be reached at 877-572-5722 for payment information and online at www.kspaycenter.com.

The Department for Children and Families provides pertinent child support information on their website at <http://www.dcf.ks.gov/services/CSS/Pages/default.aspx>.

To request a change to a child support order, you may also contact:

CSS Modification Unit
P.O. Box 497
Topeka, KS 66601

1-888-632-7758

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

Yes. Incarceration by itself may not be grounds for a modification nor suspension of child support as it is generally viewed as “voluntary unemployment.” The facts of each case would need to be reviewed and a determination made.

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

No. The materials needed for a modification are not available online but can be requested by contacting the Child Support Call Center at 888-757-2445.

The current Kansas Child Support Guidelines can be found on the Kansas Judicial Branch website at <http://www.kscourts.org/Rules-procedures-forms/Child-support-guidelines/2012-guidelines.asp>.

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

Yes. See attached “Incarcerated Parents and Child Support Handbook.”

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

You can request a modification when there has been a change in circumstances which would result in a 10% change in the child support amount or after 3 years from the date of the most recent order.

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7. How do I request the change?

The materials needed for a modification are not available online but can be requested by contacting the Child Support Call Center at 888-757-2445. Once the request is made the Domestic Relations Affidavit (or General Testimony in interstate cases) will be sent to the parties to complete and return with attached documentation for income and expenses.

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

The child support legal staff responsible for the enforcement of the order will review the documentation and complete a child support worksheet. If the worksheet shows a change in child support of at least 10% they will file the Motion to Modify Support with the court and set it for hearing. Kansas strives to obtain the necessary documentation and complete the modification process within 180 days from the date of request.

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

Yes, it would be different. If the other parent agrees to the modified amount an Agreed Journal Entry would be created for both parties to sign and file with the court. No hearing would be required.

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

There are no filing fees to request a modification through the Kansas IV-D agency.

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

If the parent is incarcerated and contesting the requested modification they would need to ask the court to be able to attend via telephone or submit a written response to the motion.

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

Kansas Child Support Services sends individuals into the Kansas correctional institutions at various times. Please contact your correctional institution to find out when they would be attending.

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

N/A

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

If a noncustodial parent is receiving Social Security Disability (SSDI) then the amount ordered for child support will be reduced by the child's disability benefit received due to the noncustodial parent's disability. If the noncustodial parent is receiving Social Security Income (SSI) and has no other source of income, the child support obligation will be \$0.



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.



Incarcerated Parents and Child Support Handbook



Strong Families Make a Strong Kansas

Kansas Child Support Services (CSS) helps children receive the financial support necessary for their growth and development. The program helps by establishing parentage and court orders for child and medical support, locating noncustodial parents, enforcing child and medical support orders, and modifying support orders as appropriate. CSS automatically serves families receiving Temporary Assistance to Needy Families (TANF), foster care, medical assistance, and childcare assistance. Assistance from CSS is also available to any family, regardless of income or where they live, who applies for our services.

Kansas Department for Children and Families (DCF) believes that children deserve the love and support of both of their parents. Even while you are incarcerated, you can let your children know that you care about them, want the best for them and are doing everything you can to support them.

The purpose of the Incarcerated Parents and Child Support handbook is to inform incarcerated parents about what they need to do when they are sent to prison, how to handle their child support case when they are incarcerated, and what to do when they are released from prison.

There may be some unfamiliar terms used in this handbook. Please refer to the child support definitions at the end of the handbook.

This is general information about child support services and not legal advice.



Strong Families Make a Strong Kansas

How is Paternity Established?

Kansas law establishes paternity in the following ways:

- ❖ If the man is married to the mother at the time of birth or within 300 days prior to birth;
- ❖ If you have a court order that names the father of the child;
- ❖ If a man adopts the child; and/or
- ❖ If a man signed the Acknowledgment of Paternity.

If I signed the birth certificate, am I the Dad?

In Kansas, you are legally presumed to be the father of the child if you signed the Acknowledgment of Paternity for the child. The Acknowledgment of Paternity is the document that puts your name as the legal father on the birth certificate.

What are the legal benefits for an incarcerated father when paternity is established?

Establishing paternity has many benefits for both children and parents. The most important benefit for children is knowing that they have a father who wants to be in their life. Once paternity has been established, the man becomes the legal father of that child, with all the rights and responsibilities of a father. CSS cannot help you obtain visitation or custody orders for your child.

Frequently Asked Questions About Paternity

What if the mother says I am the father but I don't think I am and we were never married?

If you do not think that you are the biological father and you have not signed an Acknowledgment of Paternity, a case may be brought against you to establish paternity or you may open a case with DCF asking for paternity to be established. When paternity is being established, you can request a DNA test or the court can order a DNA test. If you have been named as the father of a child and are being sued for paternity, you may request DNA testing and CSS can send a lab technician to the facility where you are incarcerated to collect a DNA sample.

What if I signed the Acknowledgment of Paternity and now have reasons to believe I am not the father?

An Acknowledgment of Paternity creates a legal presumption of paternity. To withdraw the acknowledgment the father or the mother must file an action asking a court to revoke the acknowledgment, and this action must be filed within one year after the child is born. If withdrawal is requested before the child is 12 months old, but more than 60 days have elapsed since the Acknowledgment of Paternity was completed, then the person requesting the withdrawal must be able to prove that the Acknowledgment of Paternity was based on fraud, duress or material mistake of fact. A court can overturn the presumption of paternity created by the Acknowledgment of Paternity at any time.

How do I have my name added to the child's birth certificate?

If the child is under the age of 18 years of age, there is no father listed on the birth certificate, and the mother was not married to anyone at any time between conception and the birth of the child, the mother and the father can appear before a judge of a district court in any Kansas county and complete a Paternity Consent Form for Birth Registration called a VS211 form. Additionally, the court can order the birth certificate be amended to reflect the father's name when entering a paternity order. Vital Statistics Contact Information: AMENDMENT UNIT, OFFICE OF VITAL STATISTICS, 1000 SW JACKSON, STE 120 TOPEKA, KS 66612-2221, phone (785) 296-1434

Frequently Asked Questions About Child Support

We're together, so why do I have a child support case?

Since you are incarcerated, the other parent and your children are living separately from you. If the custodial parent (CP) needs assistance from the State and applies for Temporary Assistance for Needy Families (TANF), medical assistance, child care assistance, and/or the child is in foster care, the State may proceed with a child support case whether the CP requests it or not. You will be contacted if CSS is going to establish a court order. Please respond to them in writing if you are contacted. CSS can take default judgments if you are properly served notice and do not respond. Once you are released and return to the home with the child, make sure to contact CSS for instructions on how to get the current child support legally stopped.

Am I still responsible to pay child support while incarcerated?

Yes. If you have the ability to pay child support while incarcerated, it is in your best interest- and your child's interest- to do so.

Can I have someone else talk to CSS on my behalf while I am incarcerated?

Yes. A release of information will need to be signed and submitted to CSS. If you have an attorney representing you, please make sure that the attorney's information is provided to CSS.

Can CSS take my money while I am incarcerated?

If you are in a Kansas State Prison, CSS can serve Income Withholding Orders for current child support and arrears payments if you are working in a private industry or on work release while in the State's Custody. CSS can also garnish money from inmate accounts. If garnishment occurs, you will be served legal notice. If you are in a federal prison, CSS will not serve an IWO nor garnish an account; however, Federal inmates can make voluntary payments.

How can I change (modify) my child support order while incarcerated?

Contact the CSS Modification Unit to request a review of the order. You will receive paperwork to complete and return. There is no guarantee that the child support will be lowered. Please note that it may take several months for the entire modification process to be completed.

CSS Modification Unit
P.O. Box 497
Topeka, KS 66601
1-888-632-7758

I was receiving child support payments before I came to prison. What happens to my child support payments while I'm in prison?

Payments will continue to be sent to the CP through the option he or she selected for receiving payments (i.e. direct deposit or debit card). Child support payments will not stop unless a court order redirects payments to another person or the child opens assistance from the State with another custodian and is receiving Temporary Assistance for Needy Families (TANF), medical assistance, childcare assistance and/or the child is placed in foster care.

Can CSS pursue legal action while I am incarcerated?

Yes. You can be served notice while incarcerated. If you are contacted by CSS, please respond to them in writing.

What do I do about my child support case once I am released from prison?

Contact the CSCC and give them an update on your status. Send child support payments to the KPC while looking for work. Notify the CSCC as soon as you are employed.

Where do I send child support payments while I am incarcerated?

Kansas Payment Center (KPC)
P.O. Box 758599
Topeka, KS 66675-8599
1-877-572-5722
www.kspaycenter.com

Payments can be made using the KPC Payor Form (see page 7). Make sure to include your name, social security number, and court order number (including county) to make sure the payment is credited correctly.

Frequently Asked Questions

Are fathers treated differently from mothers in child support matters?

No. In terms of support, custody, or visitation, the law does not discriminate based upon the gender of a person. The law focuses on the best interest of the child.

How do I contact Child Support Services?

The Child Support Customer Service Call Center (CSCC) can be reached at 1-877-757-2445.

The CSS Central Office address is P.O. Box 497, Topeka, KS 66612.

My child's other parent won't let me see the child. Can CSS help me see the child?

CSS does not deal with custody or parenting time (visitation). Contact an attorney or the county court that established the order for guidance.

Are there any services available to help me get a job so I can pay my child support?

www.KANSASWORKS.com
www.kansasworkforceone.org
www.kansasworkforcecenters.com

CHILD SUPPORT DEFINITIONS:

Accrual – Sum of child support payments that are due or overdue	Genetic testing – (DNA testing) Analysis of inherited factors to determine legal fatherhood or paternity
Acknowledgement of Paternity – A document that both unmarried parents can voluntarily sign to establish paternity for their child without going to court. This document is sent to KS Vital Statistics and the father’s name is placed on the child’s birth record.	Guidelines – A standard method for setting child support amounts based on the income of the parent(s) and other factors determined by state law
Arrearage – Past-due, unpaid child support owed by the noncustodial parent	Income – Any periodic form of payment to an individual, regardless of source, including wages, salaries, commissions, bonuses, worker’s compensation, disability, pension, unemployment, or retirement program payments and interest
Case – A collection of people receiving child support services. This typically includes a custodial party (CP), a dependent(s), and a non-custodial parent (NCP).	KPC - Kansas Payment Center. The payment processing center for all Kansas child support and maintenance (spousal support) payments.
Case ID – Unique identification number assigned to a child support case	Legal father – A man who is recognized by law as the male parent of a child
Child support – Financial support paid by a parent to help support a child or children of whom they do not have custody	Monthly support obligation – The amount of money a non-custodial parent is required to pay per month
Child support modification – A court-ordered change to a child support order, which can include your child support payment amount being lowered or raised	Non-custodial parent (NCP) – The parent who does not have primary care and custody of the child, also referred to as the obligor
Child Support Services (CSS) - Division with the Kansas Department for Children and Families that helps children receive the financial support necessary for growth and development.	Obligated – A term meaning that a non-custodial parent (NCP) is required to meet the financial terms of a court or administrative order
Court order – A legally binding order issued by a court of law. It is issued by a judge or properly empowered administrative officer. A court order related to child support can dictate how often, how much, and/or what kind of support a non-custodial parent must pay and how long he or she must pay.	Obligation – Amount of money to be paid as support by a noncustodial parent (NCP). It can take the form of financial support for the child, medical support, or spousal support. An obligation is recurring and ongoing. It is not a one-time debt.
Custodial parent (CP) – The person who has primary care and custody of the child, also referred to as the obligee	Obligee - The person who has primary care and custody of the child, also referred to as the custodial parent
DCF - Kansas Department for Children and Families	Obligor - The parent who does not have primary care and custody of the child, also referred to as the non-custodial parent
Dependent – A child who is under the care of someone else. Most children are dependents. The child is no longer a dependent when he or she reaches the age of 18 as determined by state law, but may remain eligible for child support for a period after he or she turns 18 years of age.	Order – Direction of a judge or properly empowered administrative officer of the court
Default judgment – A judgment entered when a person fails to respond to a legal action or fails to appear in court	Paternity – Legal determination of fatherhood

Please complete the following Payor form when sending money to the Kansas Payment Center:

KPC <small>KANSAS PAYMENT CENTER</small> Mail To: Kansas Payment Center PO Box 758599 Topeka, KS 66675-8599	Court Order #: _____ Amount: _____
	From: _____ Name _____ Street _____ City, _____ State Zip _____ SSN
To be posted correctly, your payment must include your court order number (including the county identifier) and your social security number.	



KPC <small>KANSAS PAYMENT CENTER</small> Mail To: Kansas Payment Center PO Box 758599 Topeka, KS 66675-8599	Court Order #: _____ Amount: _____
	From: _____ Name _____ Street _____ City, _____ State Zip _____ SSN
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