

Changing a Child Support Order in Your State

 The information below applies only to Massachusetts

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

A parent can contact our Customer Service Bureau at 1-800-332-2733 (toll-free in U.S. and Puerto Rico), 617-660-1234 (for local callers in the Boston area), or 1-800-255-5587 (TTY/TDD/TT (for the hearing impaired)). Parents can also contact us via email at csegen@dor.state.ma.us.

2. How can I contact my child support agency?

Child Support Enforcement Division - Department of Revenue
PO Box 9561
Boston, Massachusetts 02114-9561

Website: <http://www.mass.gov/dor/child-support/>

Customer Service: 1-800-332-2733 (toll-free in U.S. and Puerto Rico), 617-660-1234 (for local callers in the Boston area), or 1-800-255-5587 (TTY/TDD/TT (for the hearing impaired)).

Link to PDF file of DOR/CSE locations and phone numbers:
<http://www.mass.gov/dor/docs/cse/regional/regional-info.pdf>

Email: csegen@dor.state.ma.us

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

No. There are no specific legal statutes or policies that prevent incarcerated parents from requesting or obtaining a modification. The Massachusetts Child Support Guidelines provide that a payor’s incarceration for at least three years may be the basis for a deviation from the Guidelines. State law permits a deviation from the child support guidelines where the parent “is incarcerated, is likely to remain incarcerated for an additional 3 years and has insufficient financial resources to pay support.”

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

No, the forms necessary to request a modification are not currently available online. If a customer wants to request a modification, he or she must request the forms from DOR or pick them up at the court. There is, however, a page on the website informing customers on how to file for a modification:
<http://www.mass.gov/dor/child-support/court-information/modify-your-court-order.html>, which is attached here.

Parents who are incarcerated may request a meeting with the DOR staff person who works with inmates at the facility.

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

No.

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

Massachusetts law provides that child support orders may be modified if there is an inconsistency between the amount of the existing child support order and the amount that would result from application of the child support guidelines. If an obligor is incarcerated and has no income, a court might reduce the order to the minimum amount until the obligor is released.

DOR, as the IV-D agency, provides assistance to customers who want to ask the court to modify their orders if the case is an open IV-D case, has a current child support order (and/or medical support order), the youngest child is 17.5 years old, and the order is over 3 years old.

If the order is less than 3 years old, DOR has the discretion to decide whether there has been a substantial change in circumstances and if DOR will provide assistance with a modification.

Incarcerated individuals can also find instructions on the website,
<http://www.mass.gov/dor/child-support/court-information/modify-your-court-order.html>.

7. How do I request the change?

For incarcerated individuals: Incarcerated individuals should follow the instructions listed on the following DOR/CSE web page: <http://www.mass.gov/dor/child-support/court-information/modify-your-court-order.html>. If you are a parent who pays child support and you are incarcerated, send an email to csegen@dor.state.ma.us, or fill out the form at <https://wfb.dor.state.ma.us/dorcommon/contactus.aspx?grp=cse&type=generalinfo>, or send a letter to the address below to request a package specific to your needs.

Massachusetts Department of Revenue
Child Support Enforcement Division
P.O. Box 7057
Boston, MA 02204
Attention: Modification

For others: A IV-D customer submits a request for modification by submitting a modification pleading to DOR. The form is available from DOR or at the probate court.

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

If a noncustodial parent who is requesting a modification is **incarcerated**, and DOR is providing assistance, DOR will file the modification pleading, schedule a hearing, and present the facts to the court. DOR may also require the noncustodial parent to report to DOR upon his/her release.

For others, DOR reviews the pleadings to determine whether they are complete. It will take DOR about a week to review a modification request to determine if it is complete and if we can locate the nonrequesting party. If not complete or not for modification of current support, the pleading is returned to the customer. If DOR is providing assistance to the customer, DOR files the modification pleading with the court and obtains a hearing date; DOR serves the other parent (and pay any cost of service); and DOR notifies both parties (the party requesting the modification and the other parent) of the hearing date. It may take several weeks to get a hearing date, but usually within two months. The requesting party must appear in court for the hearing.

If DOR does not agree that a modification might be appropriate, DOR will return the forms to you and, if you decide to go forward, you will have to file the forms, serve required legal notice on the other parent (and pay any cost for service), and schedule a hearing on your own. If you do NOT want DOR's help, you can file your forms directly with the court. If you file the forms directly with the court, DOR will not serve the forms, will not pay for service, and will not schedule a hearing for you.

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

If both parties agree to a modification, there is a process for a joint petition for modification that is signed by both parties and then filed with the court. That process may take less time.

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

No.

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

No, but the process is different. Incarcerated parents should review the instructions on <http://www.mass.gov/dor/child-support/court-information/modify-your-court-order.html> which are attached.

If the requesting party is incarcerated, DOR does not require him/her to appear in court. Whether the court requires the party to attend depends on the court.

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

Yes, DOR staff meet regularly with incarcerated parents in most State Department of Correction and 9 of 13 county correctional facilities. Staff at the remaining county facilities and at the Federal Medical Center, Devens, regularly contact DOR on behalf of incarcerated parents. DOR staff can assist incarcerated parents by providing the necessary forms to request a modification and explaining the process. Incarcerated parents should be in regular contact with DOR during incarceration and after release to ensure that their orders are consistent with their ability to pay and to responsibly manage their child support obligations.

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

A variety of Massachusetts legal services programs and advocates provide legal assistance to incarcerated individuals, and their contact information is available at <http://www.mass.gov/lwd/unemployment-insur/need-help/finding-a-legal-representative.html>

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

Noncustodial parents who received Social Security Disability Insurance (SSDI) (and have no other source of income) are likely eligible for a reduction in their child support orders. In Massachusetts, a noncustodial parent must file a complaint for modification before that parent can receive credit against a child support obligation for dependent benefits the child receives from the noncustodial parent's SSA benefits. If a parent owes arrears and receives SSDI or SSI benefits, DOR may consider reducing or adjusting arrears assigned to the State. The noncustodial parent should contact DOR for more information.

 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.





The Official Website of the Department of Revenue (DOR)

Department of Revenue

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Modify Your Court Order

If you are a Department of Revenue Child Support Enforcement Division (DOR) customer and your youngest child is under the age of 17½, DOR can help you with your request for modification whether you are the parent who receives support or the parent who pays support and:

- You are asking for a modification of a current child support order (an increase or decrease or to add an order for health care coverage for the children); and
- Your request for modification involves **ONLY** child or medical support for a minor child (e.g., it does **not** involve custody or visitation).

The first step is for you to consider the reason you think a modification of your child support order might be appropriate. Two common reasons for a modification are:

- A parent's income changes. For example a parent becomes unemployed, starts to receive disability payments or public assistance, or becomes incarcerated. Or a parent gets a new job at higher pay.
- A parent's health care coverage changes. For example, the parent ordered to provide health care coverage no longer has coverage available to him or her.

You should also consider what the court might order for child support. In Massachusetts, the court uses the Massachusetts Child Support Guidelines to determine the amount of a child support order. Only the court can change the amount of your child support order. The Guidelines consider several factors including both parents' income and ability to earn income, the number and ages of the children, and the cost of health care coverage for the children. You can see the Guidelines and get an idea of how much child support the court might order by using the Child Support Calculation Worksheet available on the court's website at:

<http://www.mass.gov/courts/childsupport/index.html>

If you ask the court to modify your order, the court may increase or decrease your child support order or may make no change at all. We recommend you use this online worksheet to see if a modification would be called for at the present time.

Note: If you are a parent who pays child support and you are incarcerated and will be for more than one year, **do not follow these instructions**. Send us an email at [CSE General Information](#), or send a letter to the address above, to request a package specific to your needs.

If you want DOR's help YOU MUST:

- Ask DOR or the court staff for the necessary forms; and
- Submit the forms and any necessary documents to DOR at the following address:

Massachusetts Department of Revenue
Child Support Enforcement Division
P.O. Box 7057
Boston, MA 02204
Attention: Modification

Note: DO NOT submit a modification form with your address on it if you want your address protected from the other parent.

Call DOR before submitting a modification form if you have safety concerns related to the other parent and moving forward with a modification could create a safety risk to you or your children.

You must also call DOR **before** submitting a modification form if any of the following apply:

- Your child support order is not from a Massachusetts court; or
- You want to end your child support order because you and the other parent are now living together.

DOR will review the forms and documents you provide and DOR's information on your case and:

- If DOR agrees that a modification of the child support order might be appropriate DOR will file the forms for you; serve the other parent (and pay any cost of service); and ask the court to schedule a hearing. It may take several weeks to get a hearing date.

- If DOR does not agree that a modification might be appropriate, DOR will return the forms to you and, if you decide to go forward, you will have to file the forms, serve the other parent (and pay any cost for service), and schedule a hearing on your own.
- If we agree that a modification might be appropriate, but the location of the other parent is unknown, we will try to locate the other parent. We will proceed with the modification once the other parent is located.
- If we agree that a modification might be appropriate, but a Massachusetts court does not have authority to modify your order, we will send a request to the state that can modify the order.

If you do NOT want DOR's help, you can file your forms directly with the court. If you file the forms directly with the court, DOR will NOT serve the forms, will NOT pay for service, and will NOT schedule a hearing for you.

The court will require some sort of evidence (documentation or testimony) about a parent's ability to pay. Examples of documents include copies of:

- Orders to report for military duty;
- Paystubs, bank statements, or income tax returns;
- A letter verifying receipt of public assistance benefits;
- A court order giving you custody of the children;
- Verification that you are providing medical insurance coverage;
- Proof of unemployment benefits;
- Proof of Social Security or Veterans' benefits;
- Workers' Compensation award letters;
- Proof of public assistance benefits; or
- Medical documentation.

If DOR is assisting you to go to court, our staff will appear at the court hearing and provide the court with any information we have about the income and assets of both parents. DOR does not represent either parent. Our goal is to ensure that the child support order is consistent with the parents' ability to pay and the Child Support Guidelines.

The modification form that is filed with the court includes your address, and it will be delivered to the other parent. You must call DOR if you want your address protected from the other parent or if you have safety concerns related to the other parent and moving forward with a modification could create a safety risk to you or your children.