

## Changing a Child Support Order in Your State

 The information below applies only to Maine

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

Contact the Division of Support Enforcement and Recovery, 11 State House Station, Augusta ME 04333, or call 800-371-7179 or 207-624-4100.

### 2. How can I contact my child support agency?

Division of Support Enforcement and Recovery  
11 State House Station  
Augusta ME 04333

207-624-4100  
<http://www.maine.gov/dhhs/ofi/dser/index.html>

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

No. And, under Maine law, a party who is incarcerated in a correctional or penal institution is deemed available only for employment that is available through such institutions.

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

Pine Tree Legal Assistance, has interactive Motion to Modify forms on its website for using the judicial process, <http://www.ptla.org/motion-modify-maine-court-forms>.

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

Yes, see attached “FAQs for Incarcerated Parents” and “Non-Custodial Parent Application For Review & Modification Services.”

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

You can ask for a review if there is a “substantial change of circumstances” if it has been less than 3 years since the order was issued or modified. If it has been 3 years or longer since the order was issued or modified, the court or administrative hearing officer shall review the order without requiring proof or showing of a change of circumstances and shall modify the order if the amount of the child support award under the order differs from the guidelines amount.

### 7. How do I request the change?

If a Maine court issued the original child support order and the parent wants help from the child support agency, the parent has to initiate a change request by filling out an application form requesting the modification service from the child support agency. If the parent sends a request via letter, the child support agency will send the application form to the parent.

If the Maine administrative hearings unit issued the original child support order, the child support agency will automatically generate a notice if there has been a substantial change in circumstances or more than three years has passed from the date the support order was established or last modified to either party as well as affidavits to collect information about earnings. Either party may also request a review of the order due to a change in circumstances at any time.

For more information, see Maine Child Support Enforcement Manual, <http://www.maine.gov/sos/cec/rules/10/144/144c351.doc>, Chapter 19, p. 109, “Review of Support Orders” and Chapter 12.

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

The length of time depends on the complexity of issues surrounding the request.

Maine has developed an administrative process to modify child support obligations to \$0 while the parent is incarcerated. The judicial process is not as fast but usually moves quickly unless the custodial parent objects.

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

The process, whether administrative or judicial, can be faster when parties agree.

### 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?

It is not uncommon for an inmate to be transported to a court when their child support case comes before a judge. The only additional step would be a telephonic hearing if a sheriff declines to deliver the inmate to the court.

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

Yes, the Maine Child Support Program periodically sends child support personnel to prisons and jails to provide child support program information to inmates.

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

The Maine prisons provide an array of assistance to inmates, including help with child support modifications.

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

As indicated above, an incarcerated parents' order is often set at \$0. Maine frequently issues "springing orders" if it is known that an inmate will be in jail for only a short while. A "springing order" sets the beginning date of the obligation at four weeks after the obligor's release, or sooner if the obligor has access to pre-release employment.



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.



**MAINE DEPT OF HEALTH AND HUMAN SERVICES  
DIVISION OF SUPPORT ENFORCEMENT & RECOVERY (DSER)**

**Answers to Frequently Asked Questions  
From Incarcerated Parents**

**PATERNITY/PARENTAL RIGHTS & RESPONSIBILITIES**

**Q) I have been served with papers naming me as a possible father of a child. What should I do?**

A) Most importantly you should thoroughly read the paperwork you received. It will explain the paternity process and your options. If you know you are the father you can choose to complete an “Acknowledgement of Paternity”, which will make you the legal father and result in your name being entered on your child’s birth record. Or, you can deny that you are the father and request genetic paternity testing. The worst choice you can make is to ignore these options and do nothing.

**Q) I am ordered to pay support for a child, but I no longer believe that I am the biological father of that child. What are my options?**

A) You may be able to have your attorney file a court action requesting that genetic paternity tests be performed on the mother, child and yourself. If the court approves your request and you are subsequently found not to be the biological father you will still be held responsible for child support that is owed up to the date of the finding of non-paternity.

**Q) My child was adopted or my parental rights and responsibilities were terminated, so why is DSER still trying to collect child support from me?**

A) Your obligation to pay ongoing child support may have ended, but your previously accrued child support debt has not been forgiven. DSER is required to collect the existing debt balance. If your debt is increasing it is probably because we are not aware of the adoption or termination order.

**Q) I have not had any contact from my child(ren). Why won’t DSER do something about this?**

A) DSER does not have the legal authority to address custody or visitation issues. You should consider seeking legal counsel to address these issues.

**ESTABLISHING/MODIFYING A CHILD SUPPORT ORDER**

**Q) Why is the Department attempting to establish an order for me to pay child support while I am incarcerated?**

A) The Department may be establishing a past-necessary support obligation for periods prior to when you were incarcerated. Depending on your expected length of incarceration the Department may also seek to establish a ‘springing order’ for ongoing support that does not become effective until you are released from incarceration or become employed, whichever occurs first.

**Q) Why must I keep DSER updated with my current address and employer?**

A) Maine law requires parents obligated to pay child support to notify the Department of their change of address or employment. You can be assessed a civil penalty for each noncompliance. Also, if the Department is in the process of establishing an order you may not receive important documents and information regarding your rights, resulting in a default child support order.

**Q) Why is the Department trying to establish an order when I already have a court order?**

A) The Department may be attempting to establish a past-necessary support obligation for periods prior to the effective date of the court order. Or, the Department may simply be unaware of the existence of the court order. You should make DSER aware of this information.

**Q) I am incarcerated and can't afford to pay my child support. What can I do to change or stop the order during my incarceration?**

A) You can write to DSER and request that your order be changed or stopped during your incarceration. If you have been ordered to pay child support via an Administrative Decision the Department will forward your request to the Office of Administrative Hearings to schedule a hearing. The hearing will be conducted telephonically due to your incarceration. If you have been court ordered to pay support the Department will mail you a packet of forms to assist you in filing a motion to change your order directly with the court.

**Q) I want to have my court order changed or stopped, but I don't know the other parent's address to have the necessary papers served. Can the Department help me?**

A) Yes. Included in the court packet referenced above is a "Non-Custodial Parent Request for Review and Modification Services" form. If you complete and return this form, along with the other forms in the packet, the Department will assist with having the other parent served and filing the forms with the court. The Department does not legally represent you during this process.

**Q) I have been incarcerated for awhile and just recently filed to change my order. Will the change be retroactive to when I was first incarcerated?**

A) No. According to Maine law a change in the order cannot take effect any earlier than the date of service of the motion on the other parent. Therefore, it is in your best interest to file your request to modify the order directly with the court as soon as possible.

### **ENFORCING A CHILD SUPPORT ORDER**

**Q) The Department or Court has issued a 'springing order' for me to pay child support when I am released from incarceration. What does this mean, when does this take effect, and will the order automatically stop if I am incarcerated in the future?**

A) A 'springing order' is one that generally goes into effect automatically upon your release from incarceration or becoming employed, whichever occurs first. Once the order 'springs' into effect it will not automatically stop if you are incarcerated in the future. You will have to file a new modification request to change or stop the order.

**Q) I am incarcerated, so why do I get a monthly statement from DSER?**

A) DSER is required to mail these notices to you, unless you notify us in writing that you want us to stop them. It may be necessary for you to notify DSER upon your release for the notices to resume.

**Q) Prior to or during my incarceration DSER had my driver's license suspended for failing to pay child support. When I am released from incarceration how can I get my license reinstated so I can travel back and forth to work?**

A) Cases may be handled differently depending on the circumstances of each, but the best place to start is to begin a discussion regarding reinstatement by contacting the DSER office nearest you and disclosing your present circumstances.

**Q) In the past, whenever DSER discovered where I was working they had my employer take half of my paycheck for child support. Can anything be done about this?**

A) It depends. DSER must attempt to collect the amount of the ongoing child support order, as a minimum. If the amount DSER has instructed your employer to withhold substantially exceeds this amount then a reduction may be possible, and you should contact the enforcement agent assigned to your case. The reason for DSER requesting 50% of earnings, after taxes are withheld, is most often because the parent ordered to pay child support did not notify us of this information directly or inform us of their present circumstances.

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## Motion to Modify: Maine Court Forms

[Printer-friendly version \(http://www.ptla.org/print/181\)](http://www.ptla.org/print/181)

**Important Notice: Doing your own court case without a lawyer is hard and not always a good idea. Before going ahead, we advise you to read [Family Law in Maine: Post-Judgment Motions](#) ([family-law-post-judgment-motions](#)).**

To get your case into court, you must prepare, file, and serve certain court forms. Here is a list of the forms you will need to get your case started.

**We offer two options for preparing your court forms. See the chart below.**

- Fillable forms.** These are our older .pdf forms. You can fill them out online, then print. Or you can print, then fill them out by hand. We believe that these forms will work if you have Adobe Reader 4.0 or higher; you can save your forms if you're using Adobe Reader 8.0 or higher. [Get more details on using fillable .pdf forms \(using-pine-trees-interactive-forms\)](#).
- HotDocs interviews.** This is a newer way to prepare your forms. It may be easier for you. The links will send you to an online interview on another trustworthy website. You just answer the questions, then print out your forms. [More technical details here \(using-hotdocs-automated-document-assembly-program\)](#)

[FM-088 Motion to Modify: What to do with these Court Forms \(sites/ptla.org/files/FM-088.pdf\)](#). This is not a form but it includes important instructions. **Read this first.**

FM-002 Confidential Family Matter Summary Sheet	<a href="#">Get fillable .pdf form (sites/ptla.org/files/FM-002.pdf)</a>	<a href="https://lawhelpinteractive.org/login_form?template_id=template.2009-05-07.4905002919&amp;set_language=en">Go to HotDocs interview (https://lawhelpinteractive.org/login_form?template_id=template.2009-05-07.4905002919&amp;set_language=en)</a>
CV/CR/FM/PC-200 Social Security Number Disclosure Form	<a href="#">Get fillable .pdf form (sites/ptla.org/files/CV-CR-FM-PC-200.pdf)</a>	<a href="https://lawhelpinteractive.org/login_form?template_id=template.2009-05-06.4156710256&amp;set_language=en">Go to HotDocs interview (https://lawhelpinteractive.org/login_form?template_id=template.2009-05-06.4156710256&amp;set_language=en)</a>
FM-062 Motion to Modify	<a href="#">Get fillable .pdf form (sites/ptla.org/files/FM-062.pdf)</a>	<a href="https://lawhelpinteractive.org/login_form?template_id=template.2009-05-11.6612862657&amp;set_language=en">Go to HotDocs interview (https://lawhelpinteractive.org/login_form?template_id=template.2009-05-11.6612862657&amp;set_language=en)</a>
CV-036 Acknowledgment of Receipt of Summons and Complaint or Post-Judgment Motion	<a href="#">Get fillable .pdf form (sites/ptla.org/files/cv-036.pdf)</a>	<a href="https://lawhelpinteractive.org/login_form?template_id=template.2009-05-06.8113659871&amp;set_language=en">Go to HotDocs interview (https://lawhelpinteractive.org/login_form?template_id=template.2009-05-06.8113659871&amp;set_language=en)</a>
FM-050 Child Support Affidavit	<a href="#">Get fillable self-calculating .pdf form (sites/ptla.org/files/FM-050calc.pdf)</a>	<a href="https://lawhelpinteractive.org/login_form?template_id=template.2009-05-06.2627288522&amp;set_language=en">Go to HotDocs interview (https://lawhelpinteractive.org/login_form?template_id=template.2009-05-06.2627288522&amp;set_language=en)</a> (self-calculating)

[FM-087 Important Information Regarding Case Management Conference \(sites/ptla.org/files/FM-087.pdf\)](#). This is not a form. This tells you about your first meeting at the court, after you get the court forms filed and served.

Find [more court forms \(all-court-forms\)](#)

**Feedback** ([javascript:void\(0\)](#))