

Changing a Child Support Order in Your State

The information below applies only to Missouri

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

A child support case may be managed in one of several offices around the state, based on the needs of the particular case. To locate the Child Support office nearest you, you may go to the Family Support Division website and select the name of the county where you reside. If you are seeking information about your case with an order for support, you may also call (866) 313-9960.

2. How can I contact my child support agency?

Contact information and information regarding the services the Family Support Division provides can be found at <http://dss.mo.gov/cse/index.htm>

Please send all correspondence to:

Family Support Division
PO Box 6790
Jefferson City, MO 65102-6790

Please send your child support payments to:

Family Support Payment Center
P.O. Box 109002
Jefferson City, MO 65110-9002

For questions about cases with a child support order call — 1-866-313-9960

For Paternity questions call — 1-855-454-8037

For a General Overview of child support services call — 1-800-859-7999

To obtain payment information, you may check our Payment Information site or call 1-800-225-0530 You will need your eight-digit case identification.

To check the status of a submitted Application for Child Support Services, call (573) 556-3800.

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

Incarceration is neither a barrier nor a reason to review a child support obligation. If an incarcerated parent's case meets criteria for a 3 year review or, if less than 3 years, meets criteria for a review due to a substantial change in circumstances as described above, (s)he may request a review. Incarceration is not considered an involuntary decrease in a parent's income per the Family Support Division's policy.

However in the case of Oberg v. Oberg, 869 S.W.2d 235 (Mo.App.W.D.1993), the court found that: The change in financial condition which resulted from incarceration (i.e., income reduced from \$3,000/month to \$15/month) did not excuse Oberg's obligation to support his children; on a case-by-case basis, the court should exercise considerable discretion in determining the appropriate support amount for an incarcerated parent who lacks assets, factoring in: (1) Length of incarceration experienced for the current conviction and the anticipated remaining period of incarceration; (2) The earning potential of the incarcerated parent following release; (3) The amount of the existing child support award; and (4) The total amount of child support that will accumulate upon the incarcerated obligor's release.

When a parent is incarcerated in a state or federal prison, the Family Support Division will determine if the case can be closed pursuant to federal regulations (45 CFR §303.11).

Changing a Child Support Order in Your State

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

The Family Support Division website (<http://dss.mo.gov/cse/index.htm>) provides Frequently Asked Questions and Information of Interest links for custodial parents and noncustodial parents which provide some general information regarding requesting a review for modification.

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?

A modification review is appropriate when:

- The order was entered, modified or reviewed for modification at least 36 months ago, unless the case meets a substantial change in circumstances for an earlier review;
- The request is for review of the current child support obligation and/or the inclusion of health benefit plan coverage (but **not** for reviewing custody, visitation, spousal support or an arrearage that accrued under an existing order); or
- A custodial parent or noncustodial parent has a change in income as a result of being called to active military duty for a period of more than thirty days. The Family Support Division will give these requests high priority.

The Family Support Division may complete a review earlier than 36 months if the requesting party (including the Family Support Division) demonstrates one of the following substantial changes in circumstances exist:

- A child needs to be added to an existing administrative order.
- A child on a general order meets termination of support criteria, other children remain active on the order and application of the guidelines results in a change of the child support amount from the existing amount by 20 percent or more.
- The order does not include an obligation to provide health benefit plan coverage for the child(ren).
- The requesting party demonstrates a 50 percent or more **involuntary** decrease in either party's income or a 50 percent or more increase in either party's income and:
 - The circumstances causing the change in income have existed for at least three months and will remain unchanged for at least six months longer; and
 - The order specifically states that no child support is ordered; or
 - The court specifically reserved or retained jurisdiction of the child support issue in the order for a reason other than lack of jurisdiction to enter a support order

Incarceration is not a reason for early review. If a parent is incarcerated and his/her case meets criteria for a review, the Family Support Division will use current income information if the parent is currently employed [e.g., (s)he is on work release] or impute income to the incarcerated parent to ensure the order is not modified to \$0. In most situations an upward modification should **not** occur.

Changing a Child Support Order in Your State

7. How do I request the change?

Either party may send a **written** request for review. The Family Support Division **must** initiate a review when the custodial parent receives TANF for the child(ren) of the order if the order was entered, modified or reviewed for modification **at least** 36 months ago, and it meets criteria mentioned above. The Family Support Division **may** initiate a review when the custodial parent receives TANF, if the order was entered, modified or reviewed **less** than 36 months ago or the custodial parent receives Medicaid for the child(ren) of the order, or the child(ren) are in Foster Care. Within five working days of receiving a request and determining that a review is appropriate, the Family Support Division will generate the initial contact documents, *Notice of Proposed Review and Financial and Informational Statement to each party subject to the order*. The Family Support Division will allow 10 calendar days from the mailing date of the *Notice of Proposed Review* for the parties to return the *Financial and Informational Statement*.

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

After a modification review is requested and the parents' financial information is obtained, the Family Support Division will determine if a modification is appropriate based on the information provided. When determining a monthly child support amount, FSD uses the child support guidelines set by the Missouri Supreme Court. These guidelines consider both parents' incomes and child-related expenses. The *Missouri Child Support Amount Calculation Worksheet* (Form 14) is used to calculate the child support amount.

If modification is appropriate, the Family Support Division will serve the parties with a *Review Determination* and a *Motion for Modification of Child Support Order* or *Motion for Modification of Judicial Child Support Order* using the presumed child support amount arrived at by calculating the Form 14. The parties have 30 days from the date of service to request a hearing.

If the parties agree to the modification, the Family Support Division will send an *Order Modifying Child Support Order* or *Proposed Order Modifying Judicial Child Support Order* first to the noncustodial parent and then to the custodial parent to sign. Each party has 10 days to sign and return the order or proposed order.

If the parties do not respond (i.e., no hearing is requested) to the *Motion for Modification of Child Support Order* or *Motion for Modification of Judicial Child Support Order* or if they agree to the amount, but fail to sign and return the order or proposed order, a default *Order Modifying Child Support Order* or *Proposed Order Modifying Judicial Child Support Order* is prepared.

The *Order Modifying Child Support Order* is completed on an administrative order and becomes final upon signing by an authorized representative of the Family Support Division's director. The Family Support Division files the order with the circuit clerk in the appropriate county and sends copies to the parties.

The *Proposed Order Modifying Judicial Child Support Order* is completed on a judicial order. The modification does not become effective until the court issues a decision approving the order. Therefore the Family Support Division will refer the proposed order to the Missouri Attorney General office for appropriate action to obtain court approval.

If either party requests a hearing within 30 days of receiving the motion or proposed motion, the Family Support Division will refer the matter to the Division of Legal Services, the agency responsible for conducting the Family Support Division's child support hearings. An incarcerated parent should provide a telephone number to the Division of Legal Services where (s)he can be reached at the time of the scheduled hearing.

If no telephone number is provided when the hearing request is submitted, the Division of Legal Services will send a letter to the incarcerated parent with a copy to the facility's warden, advising the inmate that (s)he must make arrangements to call the provided Division of Legal Services telephone number at his/her own expense at the time of the hearing.

(continued on next page)

Changing a Child Support Order in Your State

If the order is judicial, the Division of Legal Services will issue a proposed administrative hearing decision and order. The Family Support Division will refer the proposed administrative hearing decision and order to the Missouri Attorney General office for appropriate action to obtain court approval.

If the order is administrative, after the hearing officer issues a hearing decision and order the Division of Legal Services will distribute the hearing decision to the parties, and the Family Support Division will file the hearing decision and order with the court.

Under federal regulation 45 CFR §303.8, FSD has 180 days after receiving a request for a review or locating the non-requesting party or parties, whichever occurs later, to review the order and, if appropriate, complete a modification.

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

If the parties agree, or fail to respond which will result in a default order, the process is quicker than those situations where the parties request an administrative hearing.

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

The Family Support Division does not charge fees for review and modification.

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

If an incarcerated parent requests an administrative hearing, the incarcerated parent should provide a telephone number to the Division of Legal Services, the agency responsible for conducting the Family Support Division's child support hearings, where (s)he can be reached at the time of the scheduled hearing.

If no telephone number is provided when the hearing request is submitted, the Division of Legal Services will send a letter to the incarcerated parent with a copy to the facility's warden, advising the inmate that (s)he must make arrangements to call the provided Division of Legal Services telephone number at his/her own expense at the time of the hearing.

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

No.

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

Missouri does have third-party services to assist parents and pro se forms on the Missouri Court website, but they are not Family Support Division forms or specifically for incarcerated parents. The forms are Judicial forms and not for Missouri Administrative processes.

- Missouri Child Support Court forms website: <http://www.courts.mo.gov/page.jsp?id=638>
- Missouri Courts website 'Do you need Legal Assistance?': <https://www.courts.mo.gov/page.jsp?id=611>

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.



What is the Putative Father Registry?

The Putative Father Registry records the names and addresses of fathers (or men who believe they might be fathers) of children born outside of marriage.

Why should a man enter his name on the Putative Father Registry?

The Putative Father Registry allows a man to officially claim he is, or believes he might be, the father of a child. A man might want to do this before paternity is legally established if he cannot find the child's mother or if the mother does not want to establish paternity for the child.

The Putative Father Registry is used in adoption proceedings to identify the child's father and promptly secure his consent to proceed with the adoption. A man who is concerned that his child might be adopted without his consent should place his name on the Putative Father Registry before the child's birth, or within 15 days of the child's birth, in order to be notified of an adoption proceeding for the child.

A man can add his name to the Putative Father Registry by filing a *Notice of Intent to Claim Paternity* with the Bureau of Vital Records (BVR). Filing this notice does not establish legal paternity, but it does create an official record of the man's claim to be the father, or possible father, of a child.

A man can obtain a copy of the *Notice of Intent to Claim Paternity* on the Internet at www.health.mo.gov, or he may contact BVR directly at (573) 751-6387.



To obtain a copy of the *Affidavit Acknowledging Paternity* for completion, contact:

**Bureau of Vital Records
PO Box 570
Jefferson City, MO 65102-0570**



For more information about paternity, child support or paternity tests, contact:

**Family Support Division
PO Box 6790
Jefferson City, MO 65102-6790**

1-855-454-8037

www.dss.mo.gov/cse

TDD: 1-800-735-2966
VOICE: 1-800-735-2466

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION
EMPLOYER

services provided on a nondiscriminatory basis

Does Your Child Have A Legal Father?



***Paternity information
for moms and dads***

What is paternity?

Paternity means fatherhood. A child whose parents are not married has no legal father. Paternity establishment is the process of making a man the legal father of his child.

What are the benefits of establishing paternity?

Once paternity is legally established, the father's name will be placed on the child's birth certificate. The parents will need the father listed on the birth certificate to enroll the child in the father's health insurance plan.

When paternity is legally established, the child will be eligible for Social Security and/or Veterans benefits should the father die or become disabled.

And, if necessary, both parents will be able to go to court for issues of custody, visitation and support.

How is paternity established?

The easiest way to establish paternity is for both parents to complete an *Affidavit Acknowledging Paternity* at the hospital when the baby is born. Hospital staff provide the affidavit to parents who are not married. When both parents complete the affidavit, the father's name is added to the child's birth certificate and he becomes the legal father. [If the hospital opportunity is missed, the affidavit may still be completed. Contact the Family Support Division (FSD) at the telephone

number or address on the back of this brochure.]

If there is uncertainty as to whether the man is the biological (natural) father, a paternity test should be done. In many situations, the tests can be provided by FSD.

Paternity testing (also known as DNA testing or genetic testing) involves a simple swipe of a cotton swab inside the cheek of the baby, mother and man. From the sample taken, a laboratory can provide results which show at least a 98 percent probability that the man is the father, a finding which by Missouri law indicates he is the presumed father.

Either the mother or the man who believes he might be the child's father may apply for paternity testing through FSD. The state of Missouri will pay for the test. An application for FSD services is available on the Internet at www.dss.mo.gov/cse or by contacting the telephone number or address on the back of this brochure.

BVR does not add the father to the child's birth certificate based only on paternity test results. Instead, the parents may complete the paternity affidavit or obtain a court order that directs BVR to update the child's birth record.

If either the mother or father do not agree to establish paternity, either parent may ask FSD for help. Either parent may also talk with a private attorney. When there is

disagreement, FSD or a court can order the paternity test at the request of a parent or the child's custodian. Once the test results are obtained, FSD or the court may enter an order establishing paternity and child support.

What last name goes on the child's birth certificate?

When a baby is born to an unmarried mother, the mother can give the child a last name she chooses. Usually, when the parents agree who the father is, they will agree on a last name. This is easiest to do at the hospital when the child is born. If paternity is established after the mother leaves the hospital, the child's last name may be changed when completing the *Affidavit Acknowledging Paternity*. If the parents decide to change the last name after the father's name is added to the birth certificate, a court order is required.

How long after a child is born can paternity be established?

Parents can voluntarily establish paternity by completing the *Affidavit Acknowledging Paternity* any time after their child's birth, regardless of the child's age. If the parents do not agree to establish paternity, either can bring an action — through FSD or the court — to establish paternity any time before the child's 18th birthday. Children may also bring an action to establish paternity for themselves between the ages of 18 and 21.

Does paternity establishment give a father rights to custody and visitation?

The father and mother may agree on custody and visitation without court involvement. If they don't agree, a court must settle the matter.

Will one of the parents have to pay support?

When parents voluntarily sign the *Affidavit Acknowledging Paternity*, there is no order for support or medical coverage. FSD or a court can enter an order for support at the request of a parent or the child's custodian. The parent who does not live with the child is usually required to provide financial and medical support. State guidelines are used to set the amount of support, based on the incomes of both parents.