

Changing a Child Support Order in Your State

 The information below applies only to New Hampshire

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

By writing or calling:

Division of Child Support Services
New Hampshire Department of Health & Human Services
129 Pleasant St.
Concord NH 03301

Customer Services: 800 852-3345, ext 4427 or 603 271-4745
Automated/Voice Response: 800 371-8844

2. How can I contact my child support agency?

Division of Child Support Services
NH Department of Health & Human Services (DHHS)
129 Pleasant Street
Concord, NH 03301

800-852- 3345 ext 4427 or 603-271-4745

www.dhhs.nh.gov/dcsc

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

No, an incarcerated parent is not prohibited by law or policy from attempting to modify his or her obligations. However, courts “may consider as gross income the difference between the amount a parent is earning and the amount a parent has earned in cases where the parent voluntarily becomes unemployed or underemployed, unless the parent is physically or mentally incapacitated.” In practice, New Hampshire courts typically modify the orders of incarcerated obligors down to \$50 a month (the guideline amount for a parent with no income), unless the obligor has other income or assets.

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

Yes, the Department of Health & Human Services (DHHS) provides a “modification kit” in PDF format that provides step-by-step information on how to petition the court for a modification. The kit is here, <http://www.dhhs.state.nh.us/dcsc/documents/modification.pdf>, and the instructions are attached. The PDF includes links to the necessary forms available at the New Hampshire court web site, <http://www.courts.state.nh.us/fdpp/forms/index.htm>, including Petition to Change Court Order, Uniform Support Order, Child Support Guidelines Worksheet, Financial Affidavit, Personal Data Sheet, Agreement, and Motion to Waive Filing Fee.

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?

A support order can be changed if (a) three years have passed since the date of the most recent order for support, or (b) there has been a “substantial change in circumstances” that makes the original order unfair to one or both of the parties. As incarceration (or release from incarceration) would affect the ability of an able-bodied person to work, the court would likely conclude that a substantial change in circumstances has occurred.

7. How do I request the change?

Follow the instructions in the modification packet describe above, and attached. The party seeking a modification needs to file an original and two copies of a “Petition to Change Court Order” with the court that issued the current order, which is usually the Family Division of the Circuit Court. In addition to the petition, the parent should also file an original, up-to-date financial affidavit, a personal data sheet, and pay the filing fee. The court’s Petition to Change Court Order form is available at <http://www.courts.state.nh.us/forms/nhjb-2062-fs.pdf>.

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

When a parent files for a modification, the parent will receive Orders of Notice to serve upon the other part(ies). The Orders of Notice contain a hearing date and a copy of the petition. The hearing date will vary by court, but typically the hearing date is approximately two months from the date that the Orders of Notice are issued. The petitioner must serve the Orders of Notice upon the other part(ies) and provide proof of service to the Court in order for the hearing to go forward. A hearing will be scheduled on the issue of support unless the parties reach an agreement.

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

Yes, if the other parent signs a Waiver of Service, the requirement of serving that parent becomes unnecessary. If the appropriate parties sign a Uniform Support Order modifying the child support obligation, it can be submitted to the court with a request that the hearing be removed from the calendar. The parties would also have to file their own notarized financial affidavits and a completed Child Support Guidelines Worksheet.

The New Hampshire courts website provides more information on how to modify a child support order where both parents agree to the change. See <http://www.courts.state.nh.us/fdpp/servicecenters/checklists/checklistfiles/changing-child-support-by-agreement.pdf>.

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

Yes. The court’s filing fees to petition the court to change an order are listed here, http://www.courts.state.nh.us/fdpp/filing_fees.pdf, and the form to ask to waive any fees is located here, <http://www.courts.state.nh.us/forms/nhjb-2341-f.pdf>.

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

An incarcerated parent should mention his/her incarcerated status in a cover letter to the court and ask for transportation to the hearing. Some counties are equipped with video conference equipment that will eliminate the need for physical transport.

It is not necessary for the incarcerated parent to speak with the child support office before filing his/her request for modification. If the child support order is payable through the New Hampshire child support office, a copy of the modification should be sent to that office.

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

No, but the child support office will send a modification packet with the necessary forms and instructions to any incarcerated parent who requests such a packet.

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

NH DHHS and the New Hampshire courts provide online resources explaining how an incarcerated parent can request a modification of support.

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

Under the New Hampshire Child Support Guidelines, the guideline amount for a parent with no income is \$50 per month. Although the court has the discretion to set child support as low as zero, \$50 per month is typically ordered for incarcerated parents. The incarcerated parent should file for a modification as soon as possible after incarceration because New Hampshire law prevents the modification of arrears beyond the date of filing.



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.

