

## Changing a Child Support Order in Your State

**!** The information below applies only to South Dakota

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

Contact the SD Division of Child Support (DCS):

Phone: 605-773-3641

Email: DCS@state.sd.us

Address: Division of Child Support  
Richard F. Kneip Building  
700 Governors Drive  
Pierre, SD 57501

If the DCS has an active case, we can provide parents the amount and date it was last modified. Another option is to contact the Clerk of Court in the county the order was issued. Contact information for SD Clerk of Courts can be found at <http://ujs.sd.gov/Contact/clerkcourts.aspx>.

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

Contact the SD Division of Child Support:

Phone: 605-773-3641

Email: DCS@state.sd.us

Address: Division of Child Support  
Richard F. Kneip Building  
700 Governors Drive  
Pierre, SD 57501

Contact information for child support field offices can be found at <http://dss.sd.gov/childsupport/offices/index.asp>

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

No. However, South Dakota law prevents modifying the ordered child support amount below an obligation computed from full time employment at minimum wage. Under SDCL 25-7-6.4, there is a “rebuttable presumption of employment at minimum wage,” including while incarcerated. Under SDCL 25-7-6.10 (6), courts may deviate from the guidelines schedule due to voluntary unemployment or underemployment, unless it is due to incarceration. However, courts have the authority to order a child support amount less than the minimum guideline amount.

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

Yes. There is modification guide online titled, “How do I modify my support order?” which provides modification information. The modification guide can be found at: <https://dss.sd.gov/childsupport/services/modifysupportorder.asp>

There is also packet of forms online titled, “Petition for Modification” which provides all necessary forms that need to be filed. The Petition for Modification form can be found at: <https://dss.sd.gov/childsupport/docs/SE415.pdf>. This form provides instructions, a modification process flowchart, the petition for modification, a checklist, and a financial statement.

These forms are attached.

## Changing a Child Support Order in Your State

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

The South Dakota Modification handbook references incarceration on page 8. It is available here <http://dss.sd.gov/formspubs/docs/CS/DCSModificationHdbk.pdf>, and is attached.

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

If the child support order was established or last modified before July 1, 2009; or more than three years have passed since establishment or modification of the order, you do not have to demonstrate any “change of circumstances” within the petition to modify. If the order was established after July 1, 2009, and is less than three years old, you must demonstrate a substantial change in circumstances before modification is appropriate.

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

In South Dakota, the Circuit Court is the only entity with the authority to modify a child support obligation. Either parent may file a petition to modify a child support order. An overview of the modification process can be found at <http://dss.sd.gov/childsupport/services/modifysupportorder.asp>.

For further information on the modification process, please call the DCS Modification Unit at 605-773-4724.

In lieu of the submitting a petition for modification, parties with child support cases being enforced by the DCS may submit a request for review to the DCS. In response, DCS will request financial information from both parties. Upon receipt of financial information, a child support specialist will conduct a review to determine whether or not the order should be modified. If the review determines the order should be modified, the child support office will complete the Stipulation for Modification. If either parent fails to provide financial information or sign the stipulation, one of the parents must complete the petition for modification to request the change.

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

The steps for the modification process if filing the petition is necessary are outlined below:

- Petition, financial statement, a copy of the court order, and other attachments are filed with the Department of Social Services (DSS).
- DSS forwards the documents to the clerk of courts in the county where the court order is filed. All documents become permanent part of the court file.
- The Circuit Court judge appoints a referee to conduct a hearing on the petition for modification. NOTE: The \$50 filing fee must be made payable to the Clerk of Courts (check or money order only – DO NOT send cash) before the Court will appoint a referee to conduct a modification hearing, unless the Petitioner is exempt from, or the court has waived, the filing fee.
- The referee sends notice to the parties with a scheduled hearing date, and a request for the non-petitioning party to submit financial statement and other information. If the Petitioner does not appear at the hearing, the referee may dismiss the request for modification.
- The referee conducts a hearing, using the child support guidelines, to determine whether the child support order should be changed. The parties may provide testimony or evidence to the referee for consideration of deviations or other allowable factors.
- Based upon the findings of the referee, the referee enters a report recommending the amount of the monthly support obligation. This report is filed with the Circuit Court, and a copy is served on the custodial parent, non-custodial parent, and the assignee, if applicable, within 60 days from date of hearing.
- Any of the parties may file written objections to the referee's report with the Circuit Court within ten (10) days from the date of service (mailing) of the report. A transcript of the referee's hearing is generally required. If a transcript is desired, it must be ordered from the referee within ten (10) days of the day the referee mails the report.

## Changing a Child Support Order in Your State

- If no objections are filed within ten (10) days, the Circuit Court may enter its order. If the Circuit Court modifies the referee's recommended order without a court hearing, either party may file a written objection to that modification with the Circuit Court within ten days of service of the order.
- If objections are filed within ten (10) days by one of the parties, the other party shall have an additional five (5) days from the date of service of the objections to file additional objections with the court. The Circuit Court then schedules a hearing to consider the objections to the referee's report. After the hearing, the Circuit Court enters an order to adopt the referee's report, modify it, or reject and remand it for further hearing by the referee.
- After entry of the Circuit Court order, the Department of Social Services serves both parties with a copy of the order by certified mail, and files proof of service with the court.
- Either party can appeal the Circuit Court order to the South Dakota Supreme Court within thirty (30) days of entry of the circuit court order.

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

Yes. If one of the parties requests the DCS conduct a review and modification of the order is recommended and the other parent agrees to the modification and signs the stipulation, the need for filing a petition for modification (described above) is eliminated. DCS would file the modification with the clerk of courts and request the clerk to obtain the circuit court judge's signature. DCS will not stipulate to an amount that is below the guidelines.

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

There is not an initial cost to request a review and possible modification of the order. If either party refuses to sign the stipulation and agreement, a Petition for Modification must be utilized. A \$50 filing fee is required to be paid to the Clerk of Courts to file a Petition for Modification. The petitioning parent is not subject to the \$50 filing fee if he/she is a recipient of assistance benefits. The parent may also file a motion requesting the court to waive the \$50 filing fee.

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

No. Individuals, whether incarcerated or not, have the right to request to appear at the modification hearing via phone. The Notice of Hearing advises the parties of this option.

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

DCS is partnering with Lutheran Social Services (LSS) of South Dakota to improve inmate abilities to successfully meet their social and financial responsibilities upon reintegration. LSS was awarded a Responsible Fatherhood Grant from the U.S. Department of Health and Human Services, Office of Family Assistance through September 2014. The objective of this project is to improve the success of inmates in meeting their responsibilities upon release from prison.

In addition to the LSS project, a Child Support staff person located in Yankton, SD makes presentations for incarcerated individuals at the Human Services Center/Yankton SD and educates them about the modification process.

## Changing a Child Support Order in Your State

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

Access to Justice, Inc. (A2J) was formed by the State Bar of South Dakota in 2005 to supplement the state's two legal services programs. A2J is able to provide sample legal documents and arrange assistance from a mentor or law student to help lawyers who volunteer to handle state pro bono cases. The phone number for Access to Justice Inc is (605) 791-4147. Email address is [access.to.justice@sdbar.net](mailto:access.to.justice@sdbar.net)

### 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.





## CHILD SUPPORT

### Child Support Services

#### How do I modify my support order?

#### Filing a petition to change a child support order

In South Dakota, the Circuit Court is the only entity with authority to modify a child support obligation. This is usually done in response to a petition filed by one of the parents. Either parent or a representative may file a petition to modify their child support order. A support order may be modified without showing any change in circumstances if the order was entered prior to July 1, 2009.

An order entered after July 1, 2009 may be modified only:

1. If it was entered three years or more from the date the petition is filed; or
2. Upon showing a substantial change in circumstances has occurred since the entry of the order.

#### Petition for Modification Form

- **Petition for Modification Form**
- These forms are also available from **local offices** throughout the state or by calling the Division of Child Support at 605-773-3641.

A petitioner must provide the complete address of the other parent. Please note that your address may be released to the non-petitioning party during modification proceedings. This release may be necessary even if there is an existing protection order in place.

The completed, notarized petition, along with a financial statement, verification of income, Child Support Order Filing Data form UJS/DSS 089, copy of the most recent South Dakota court order or decree establishing child support and other necessary attachments must be filed with the:

- South Dakota Department of Social Services  
Division of Child Support, Modification Section  
700 Governors Drive  
Pierre, SD 57501

#### Completed petition filed with Clerk of Courts

When the petition and attachments are received by the Department of Social Services, the forms are reviewed for completeness and forwarded to the Clerk of Courts in the county where the support order was entered. Petition and all attachments must be on 8 ½ x 11 size paper. If on any other size paper, the petition will be returned.

A \$50 filing fee is required to be paid to the Clerk of Courts by the petitioning party prior to the Circuit Court Judge appointing a referee. However, the petitioning party or moving party is not subject to the \$50 filing fee if he/she is a recipient of assistance benefits under SDCL Title 28 (i.e. Temporary Assistance for Needy Families (TANF), SNAP (food stamps), Medicaid, child care assistance, energy assistance, etc.). The petitioner may also file a motion requesting the court to waive the \$50 filing fee by completing and attaching the Filing Fee Waiver Request form, which is included with the petition. If the petitioning party or moving party is not a recipient of Title 28 benefit as indicated above, or if the Filing Fee Waiver Request is not included with the petition, the petitioner should attach to the petition a \$50 check or money order payable to the Clerk of Courts. **DO NOT attach cash.** If the payment is made out to an entity other than the Clerk of Court, the petition will be returned and will result in a delay in filing.

If the court denies the filing fee waiver request, the petitioner will be required to pay the \$50 filing fee. If the petitioner does not pay the \$50 filing fee to the Clerk of Courts within 10 days,

the petition will be returned to the petitioning party and the modification action will not be referred to the referee.

### **Referee conducts modification hearing**

The court appointed referee will send a notice of the modification hearing to both parties by mail and request the respondent to submit financial and other information to be considered in establishing the child support obligation. The notice will advise the parties of the time and place of the hearing. This usually occurs within 30 days from the date the petition is filed. This timeframe may vary depending on the workload of the referee and the location of the hearing. The hearing may be held in the county of the parent responding to the petition or in the county where the referee is located. **The petitioner must appear at the hearing in person or by telephone or the referee may dismiss the modification request.**

The referee will designate the location of the hearing, typically a private office or local courthouse. Referees may hold hearings by phone if either party lives a long distance from the hearing site. Distant parties who wish to take part by phone must make arrangements with the referee in advance of the hearing. The referee or the court may assess costs under certain circumstances.

At the hearing, the referee will obtain information and testimony from the parents regarding their financial resources and circumstances in order to determine the child support obligation as provided under the child support guidelines and laws. The parents should present any issues and evidence they want the referee to consider in setting the support order, i.e. deviations or additional factors they want considered in establishing the obligation.

It is not necessary for either party to obtain legal counsel for a modification hearing. However, they may do so if they desire, at their own expense. Persons not licensed as attorneys by the South Dakota Bar Association may not represent the parties at a modification hearing.

**Once a petition is filed with the Clerk of Courts, the parties may not enter into a voluntary agreement for payment of child support without the referee's written approval.**

### **Referee submits a recommended order to the court**

After the modification hearing, the referee will prepare and file a report and a recommended order for support with the Circuit Court. Both parties are sent a copy of the referee's report and the recommended order, usually within 60 days from the date of hearing.

In determining the support obligation, the combined monthly net incomes of both parents and number of children must be used in determining the obligation and divided proportionately between the parties based on their respective net incomes. The amount of child support to be paid by the noncustodial parent is determined by finding the category on the child support payment schedule closest to the combined monthly net incomes for both parents and apportioning that amount between the parents on the basis of their respective incomes.

If the obligation using only the noncustodial parent's monthly net income is within the bolded areas of the schedule, that amount must be compared to the noncustodial parent's proportionate share using both parents' monthly net incomes. The lesser amount establishes the noncustodial parent's child support order.

The referee may also consider deviations provided by the parents and additional issues raised by either party such as child care costs, health insurance coverage, abatements for visitation or shared parenting and travel costs for shared parenting time.

Child support referees are under the authority of the Unified Judicial System (UJS). If you have issues or concerns related to the actions of a referee, contact UJS at (605) 773-3474. The Division of Child Support cannot address issues or concerns related to the actions of a referee.

### **Filing objections to the referee's report**

Within 10 days of the referee's report and recommended order, either party may file objections contesting the recommended child support order. Objections must be in writing and filed with the Clerk of Courts in the county that issued the order being modified. The Circuit Court may require a transcript of the referee hearing to be filed with the written objections.

If objections are filed within 10 days by one of the parties, the other party must have an

additional five days from the date of service of the objections to file additional objections with the court. The Circuit Court then schedules a hearing to consider the objections to the referee's report. This hearing is based solely on the record established at the referee's hearing. That is, the Court may not consider any new evidence or information, only the issues and evidence presented at the referee's modification hearing. After the court hearing on the objections, the Circuit Court may adopt, modify, or reject and remand the referee's report with instructions to the referee for further hearing.

### **Court enters the modification order**

If neither party files objections to the referee's report and recommended order within 10 days of the referee's report, the Circuit Court will enter the order. If objections are filed, the court will enter an order after the court hearing on the objections. A copy of the order will be sent to both parties by certified mail.

A party who disagrees with the court order may appeal the decision to the South Dakota Supreme Court within 30 days.

### **Central Payment Center**

The Department of Social Services is the central payment center for the state and handles all disbursements. Once the modified order is filed with the Clerk of Courts, all future child support payments must be made payable to the Division of Child Support and mailed to:

- Child Support Payment Center,  
700 Governors Drive, Suite 84,  
Pierre, SD 57501

### **Modification of Orders from Other States**

Under the provisions of the Uniform Interstate Family Support Act, an order for child support issued in another state may be registered in South Dakota for modification if certain conditions are met as specified by South Dakota law. ([SDCL 25-9B-611](#) or [25-9B-613](#)).

For further information about modification of out-of-state child support orders, contact your attorney or the [Division of Child Support](#) at 605-773-3641.

---

[Home](#) :: [State Home Page](#) :: [Disclaimer](#) :: [Accessibility](#) :: [Privacy Policy](#) :: [Site Index](#) :: [Contact Us](#)

700 Governors Drive • Pierre, SD 57501 • (605) 773-3165

© 2011. South Dakota Department of Social Services. All Rights Reserved.

## **INSTRUCTIONS FOR FILING A PETITION FOR MODIFICATION OF CHILD SUPPORT OBLIGATION**

South Dakota allows either the custodial or non-custodial parent to petition for modification of a South Dakota child support order. In limited circumstances, another state's child support order may be modified if registered in South Dakota. Please contact the Division of Child Support or your attorney for more information regarding modification of out-of-state child support orders. **You are the Petitioner and the other parent is the Respondent.**

If the support order was established or last modified: (1) before July 1, 2009; or, (2) more than three years have passed since establishment or modification of the order, you do not have to state any change in circumstances within the petition. If the order was established after July 1, 2009, and is less than three years old, you must state a **substantial** change in circumstances before modification is appropriate. (SDCL 25-7-6.13 and 25-7A-22)

In any petition for modification, state law provides that the referee and court may consider health insurance coverage, child care expenses, and immediate wage withholding as part of any decision.

Make certain you complete all sections within the petition and financial statement. **The petition must be signed before a notary public. YOU MUST SUBMIT ALL NECESSARY ATTACHMENTS WITH THE PETITION. SEE CHECKLIST FOR REQUIRED ATTACHMENTS. FAILURE TO ATTACH THE REQUIRED ATTACHMENTS OR FAILURE TO INDICATE WHY THE ATTACHMENT IS NOT INCLUDED WILL RESULT IN THE PETITION BEING RETURNED TO YOU. All pages, including attachments and petition must be printed single sided. If the petition or attachments are printed double sided (front to back), the petition will be returned to you. Petition and all attachments must be on 8 ½ x 11 size paper. If on any other size of paper, the petition will be returned to you. You must use blue or black ink. If you use any other ink color or pencil, the petition will be returned to you. Please print the information legibly.**

A \$50 filing fee is required to be paid to the Clerk of Courts by the petitioning party. However, the petitioning or moving party is not subject to the \$50 filing fee if he/she is a recipient of assistance benefits pursuant to Title 28, Public Welfare and Assistance (i.e. Temporary Assistance to Needy Families, Supplemental Nutrition Assistance Program, Medicaid, Child Care Assistance, Energy Assistance, etc.). (SDCL 16-2-29(4)(a)) The Petitioner may also file a motion requesting the court to waive the \$50 filing fee by completing and submitting the enclosed Filing Fee Waiver Request form with this petition. If you are not a recipient of Title 28 benefits as indicated above, or if you do not submit the waiver request form, attach a \$50 check or money order payable to the Clerk of Courts. **DO NOT ATTACH CASH.** If you are filing more than one petition, a separate \$50 payment must be attached to each petition. If the payment is made out to an entity other than the Clerk of Court, the petition will be returned to you and will result in a delay in filing.

Mail your petition, financial statement, and supporting attachments to: **Modification Section, Division of Child Support, 700 Governors Drive, Pierre, SD 57501-2291.** If you have any questions, call the Modification Section at (605)773-4724. A brochure explaining the process is also available at the local office of the Department of Social Services and at the nearest Division of Child Support.

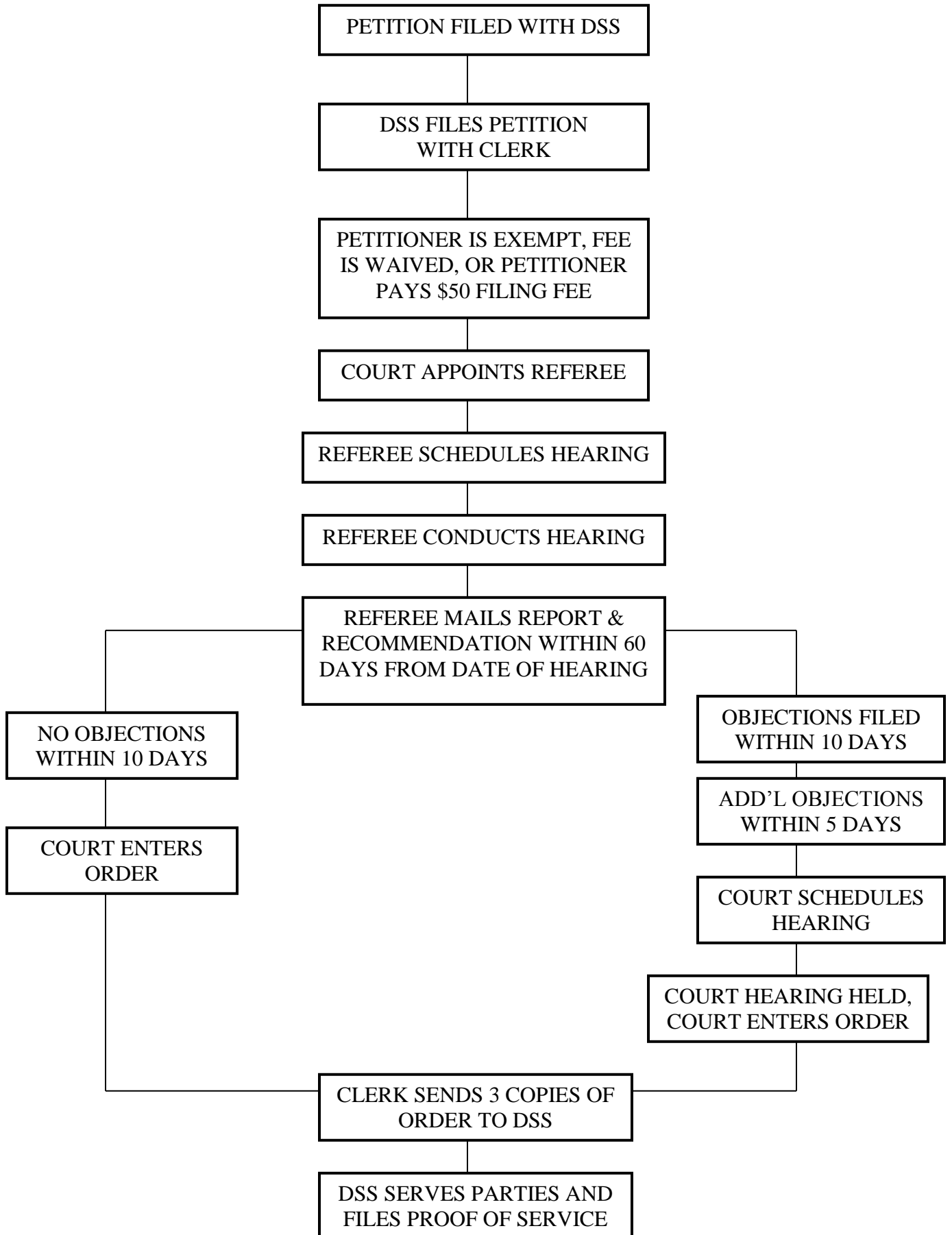


## **MODIFICATION OF SUPPORT ORDERS**

SDCL 25-7A-22 provides for a process for the custodial parent, non-custodial parent, or an assignee to file a petition to increase or decrease South Dakota support orders based upon a change in circumstances. This process involves the Department of Social Services, referees appointed by the Unified Judicial System, and the Circuit Courts. The steps for the modification process are outlined below.

1. Petition, financial statement, a copy of the court order, and other attachments are filed with the Department of Social Services (DSS).
2. DSS forwards the documents to the clerk of courts in the county where the court order is filed. All documents become permanent part of the court file.
3. The Circuit Court judge appoints a referee to conduct a hearing on the petition for modification. NOTE: The \$50 filing fee must be made payable to the Clerk of Courts (check or money order only – **DO NOT send cash**) before the Court will appoint a referee to conduct a modification hearing, unless the Petitioner is exempt from, or the court has waived, the filing fee.
4. The referee sends notice to the parties with a scheduled hearing date, and a request for the non-petitioning party to submit financial statement and other information. If the Petitioner does not appear at the hearing, the referee may dismiss the request for modification.
5. The referee conducts a hearing, using the child support guidelines, to determine whether the child support order should be changed. The parties may provide testimony or evidence to the referee for consideration of deviations or other allowable factors.
6. Based upon the findings of the referee, the referee enters a report recommending the amount of the monthly support obligation. This report is filed with the Circuit Court, and a copy is served on the custodial parent, non-custodial parent, and the assignee, if applicable, within 60 days from date of hearing.
7. Any of the parties may file written objections to the referee's report with the Circuit Court within ten (10) days from the date of service (mailing) of the report. A transcript of the referee's hearing is generally required. If a transcript is desired, it **must** be ordered from the referee within ten (10) days of the day the referee mails the report.
8. If no objections are filed within ten (10) days, the Circuit Court may enter its order. If the Circuit Court modifies the referee's recommended order without a court hearing, either party may file a written objection to that modification with the Circuit Court within ten days of service of the order.
9. If objections are filed within ten (10) days by one of the parties, the other party shall have an additional five (5) days from the date of service of the objections to file additional objections with the court. The Circuit Court then schedules a hearing to consider the objections to the referee's report. After the hearing, the Circuit Court enters an order to adopt the referee's report, modify it, or reject and remand it for further hearing by the referee.
10. After entry of the Circuit Court order, the Department of Social Services serves both parties with a copy of the order by certified mail, and files proof of service with the court.
11. Either party can appeal the Circuit Court order to the South Dakota Supreme Court within thirty (30) days of entry of the circuit court order.

**MODIFICATION PROCESS FLOWCHART**



DSS-SE-415 (08/2016)  
DEPARTMENT OF SOCIAL SERVICES  
DIVISION OF CHILD SUPPORT

\*\*\*\*\*

STATE OF SOUTH DAKOTA ) IN CIRCUIT COURT

COUNTY OF ORDER \_\_\_\_\_ ) \_\_\_\_\_ JUDICIAL CIRCUIT

\*\*\*\*\*

\_\_\_\_\_) )  
PETITIONER, ) ) PETITION FOR  
VS ) ) MODIFICATION  
\_\_\_\_\_) ) OF CHILD SUPPORT

\_\_\_\_\_) )  
RESPONDENT, ) )

\*\*\*\*\*

**INFORMATION ON PETITIONER (Person completing this form):**

NAME \_\_\_\_\_ TELEPHONE # \_\_\_\_\_

RESIDENTIAL ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

COUNTRY \_\_\_\_\_ EMAIL \_\_\_\_\_

MAILING ADDRESS (if different than Residential Address): \_\_\_\_\_

**LAST KNOWN INFORMATION ON RESPONDENT:**

NAME \_\_\_\_\_ TELEPHONE # \_\_\_\_\_

RESIDENTIAL ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

COUNTRY \_\_\_\_\_ EMAIL \_\_\_\_\_

MAILING ADDRESS (if different than Residential Address): \_\_\_\_\_

Address current as of (month, year): \_\_\_\_\_

I am the (select one)  custodial parent,  non-custodial parent, or  guardian of the child(ren) involved in this proceeding.

On \_\_\_\_\_ (date of order), \_\_\_\_\_ (name of parent) was ordered to pay child support for the above-name child(ren). A copy of the order, judgment, decree or administrative order, including the stipulation and agreement, is attached.

**The accompanying financial documents will be treated as confidential by the court and will not be available to the public as defined by SDCL 15-15A-2(1)-(3). Please note that the other party to this action is not considered 'the public' and may have access to this information.**

Since the entry of order, judgment, or decree attached hereto, circumstances have substantially changed as follows: You must complete this section if the order for support was entered after July 1, 2009, and is less than three years old. (Please print. Use additional sheets if necessary.)

In accordance with SDCL 25-7-6.10, I request deviations from the support guidelines for the following reason(s) and will produce evidence at the hearing to prove the claimed deviation(s):

- |   |   |
|---|---|
| <input type="checkbox"/> 1. Income of a new spouse or contributions of a third party. | <input type="checkbox"/> 4. Agreements between parents for extra forms of support.          |
| <input type="checkbox"/> 2. Financial condition of either party.                      | <input type="checkbox"/> 5. Obligation for subsequent children.                             |
| <input type="checkbox"/> 3. Education or health care special needs of the children.   | <input type="checkbox"/> 6. Voluntary and unreasonable act reducing either parent's income. |

I also request that the following factors be considered in this modification proceeding:

- 1. Abatement of support for visitation purposes. (SDCL 25-7-6.14) (**Attach copy of visitation order**)
- 2. Cross Credit for shared parental responsibility. (SDCL 25-7-6.27) (**Attach copy of visitation order**)
- 3. Allocation of travel costs for visitation. (SDCL 25-7-6.15) (**Attach verification of costs, if available**)
- 4. Health insurance coverage for the child(ren). (SDCL 25-7-6.16) (**Attach verification of coverage and cost**)
- 5. Child care costs due to employment, job search, training, or education. (SDCL 25-7-6.18) (**Attach verification of costs**)

I request the following relief:

1. Respondent be required to appear and answer in this proceeding;
2. The Court modify the support obligation as determined by the Court after the hearing taking into consideration the deviations and other factors identified in this petition; and
3. The Court grant other relief as deemed just and equitable.

**VERIFICATION**

STATE OF \_\_\_\_\_ )  
 ) SS  
 COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn, on oath, deposes and states that he/she is the Petitioner in the foregoing Petition; he/she has read the Petition and knows the contents thereof; and, the same is true of his/her own knowledge, except to matters which are stated upon information or belief, and as to those matter he/she believes them to be true.

**Note: A person who signs this document knowing the information to be false or untrue, in whole or in part, is guilty of perjury – a Class 5 Felony punishable by imprisonment of not more than five years and a fine of not more than \$10,000.**

\_\_\_\_\_  
**PETITIONER**

Sworn to and subscribed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

My commission expires: \_\_\_\_\_

Seal

**CHECKLIST (This form must be included with Petition)**

The following list of attachments **MUST** be attached with the Petition for Modification along with this form. If not attached, the Petition will be returned to you. Petition and all attachments must be on 8 1/2 x 11 size paper. If on any other size of paper, the petition will be returned to you.

1. Signed and Notarized Petition – DSS-SE-415
2. Both Petition and Respondent’s name and address. Please note that if a protection order exists, your address may still be released to the non-petitioning party during modification proceedings. Please include a copy of the protection order, if applicable.
3. Signed and Dated Financial Statement – DSS-SE-415A. Failure to include or sign and date will result in the Petition being returned to you.
4. Complete copy of your most recent South Dakota Order for Child Support; divorce decree, including stipulation and agreement; or judgment, which establishes the support obligation you wish to modify.
5. Information Regarding Parents of Child(ren) form
6. A completed UJS/DSS Form 089.
7. Completed Filing Fee Waiver Request form, **OR \$50 check or money order** payable to Clerk of Courts. **DO NOT ATTACH CASH. If you are filing more than one petition, a separate \$50 payment must be attached to each petition. If the payment is made out to an entity other than the Clerk of Court, the petition will be returned to you and will result in a delay in filing.** If neither a \$50 check or money order or completed Filing Fee Waiver Request are attached, please indicate which Title 28 benefits you are receiving. If you are receiving benefits from a State other than South Dakota, verification must be attached.
 

<input type="checkbox"/> Temporary Assistance to Needy Families	<input type="checkbox"/> Medicaid
<input type="checkbox"/> Supplemental Nutrition Assistance Program	<input type="checkbox"/> Child Care Assistance
<input type="checkbox"/> Energy Assistance	<input type="checkbox"/> SSI/SSDI
<input type="checkbox"/> Other: _____	

The following list of attachments **MUST** be attached. If not attached, you **MUST** indicate why the attachment is not included. Failure to include or indicate why will result in the Petition being returned to you.

1. Copy of your most recent pay stubs or other verification of income. If you are not submitting this information, please explain why: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
2. Copy of your last filed Federal Income Tax Return with all supporting schedules and documents. Include your W-2. If you are self-employed, please provide the most recent 3 years of tax returns. If you are not submitting this information, please explain why: \_\_\_\_\_  
 \_\_\_\_\_
3. Verification of health insurance coverage for the child(ren), if any. **If you are the parent providing health insurance coverage, you must provide verification of the cost of adding the child(ren) to existing coverage, the cost of self only coverage and family coverage, or the cost of private coverage for the child(ren).** Title 19 (Medicaid) is not considered adequate coverage. If you are not submitting this information, please indicate why:
  - I’m not the parent providing health insurance coverage.
  - I’m the parent providing health insurance coverage. Verification is not included because: \_\_\_\_\_

4. Verification of child care expenses for the child(ren), if any, and a copy of your child care assistance certificate if you receive State child care assistance. **If you are the parent paying for child care expenses, you must include the documentation for the cost of child care expenses.**
- No child care expenses are incurred.
  - Child care expenses are incurred. Verification is not included because: \_\_\_\_\_
- 
5. A copy of your most recent visitation order, if you are requesting an abatement for visitation or shared parenting cross credit.
- There is no court order for visitation.
  - There is a court order for visitation. A copy is not included because: \_\_\_\_\_
- 
6. Copy of court order and evidence of payment if claiming deduction for other child support obligations and/or alimony payments.
- I do not have another child support obligation.
  - I do not have a court order for alimony/spousal support.
  - I do have another child support obligation. A copy of the order is not included because: \_\_\_\_\_
  - I do have a court order for alimony/spousal support. A copy of the order is not included because: \_\_\_\_\_
- 
7. Is a protection order for domestic violence or any other order that prohibits release of information involving the parties in effect? Yes No Unknown **If yes, please attach a copy of the order.**
8. Do you need interpreter services? Yes No  
If yes, specify what type of service you require (language type, sign, etc) \_\_\_\_\_
- 

**I certify that the above information is true and accurate to the best of my knowledge.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**INFORMATION REGARDING PARENTS OF CHILD(REN)**

The  biological /  adoptive parents of the child(ren) listed below in this proceeding are:

Father: Name \_\_\_\_\_  
Address (if known) \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Phone Number \_\_\_\_\_

Mother: Name \_\_\_\_\_  
Address (if known) \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Phone Number \_\_\_\_\_

1. Child Name \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Is there a current order for child support for this child?  Yes  No

If there is not a current order for child support, please answer the following:

Was the child born during marriage of the father and mother?  Yes  No

If yes, date of marriage: \_\_\_\_\_

If no, was an Acknowledgment of Paternity or Paternity Affidavit signed?

Yes (attach affidavit)  No

Was genetic testing done showing 99% or higher probability of paternity?

Yes (attach report)  No

Was paternity established by court order?  Yes (attach order)  No

2. Child Name \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Is there a current order for child support for this child?  Yes  No

If there is not a current order for child support, please answer the following:

Was the child born during marriage of the father and mother?  Yes  No

If yes, date of marriage: \_\_\_\_\_

If no, was an Acknowledgment of Paternity or Paternity Affidavit signed?

Yes (attach affidavit)  No

Was genetic testing done showing 99% or higher probability of paternity?

Yes (attach report)  No

Was paternity established by court order?  Yes (attach order)  No

3. Child Name \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Is there a current order for child support for this child?  Yes  No

If there is not a current order for child support, please answer the following:

Was the child born during marriage of the father and mother?  Yes  No

If yes, date of marriage: \_\_\_\_\_

If no, was an Acknowledgment of Paternity or Paternity Affidavit signed?

Yes (attach affidavit)  No

Was genetic testing done showing 99% or higher probability of paternity?

Yes (attach report)  No

Was paternity established by court order?  Yes (attach order)  No

STATE OF SOUTH DAKOTA )  
IN THE MATTER OF THE CHILD )  
SUPPORT OBLIGATION OF ) SS  
\_\_\_\_\_ )

**FINANCIAL STATEMENT**  
DCS #: \_\_\_\_\_

**Please answer every question or state not applicable if the question does not pertain to your financial situation. If you need more space to answer a question, please attach additional sheets if necessary to fully answer any item. Be sure to attach a copy of your most recent paycheck stub and a copy of your last filed Federal Income Tax Return, including a copy of your W-2. Be sure to date and sign the financial statement after completion.**

**PERSONAL INFORMATION**

Name: \_\_\_\_\_ Birthdate: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: Home: ( ) \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Work: ( ) \_\_\_\_\_  
Cell: ( ) \_\_\_\_\_

**EMPLOYMENT INFORMATION**

Employer: \_\_\_\_\_ Dates employed: From: \_\_\_\_\_  
Employer Address: \_\_\_\_\_ To: \_\_\_\_\_  
Employer's Phone #: \_\_\_\_\_ Occupation: \_\_\_\_\_  
Rate of Pay: \$ \_\_\_\_\_ per \_\_\_\_\_ hours worked per week: \_\_\_\_\_ Tips: \$ \_\_\_\_\_ per \_\_\_\_\_

**GROSS MONTHLY INCOME**

1. \$ \_\_\_\_\_ Salary, Wages, Tips, Commissions, Bonus or Other Designations
2. \$ \_\_\_\_\_ Gain or profit from a business or profession (self-employment)
3. \$ \_\_\_\_\_ Pension, retirement, disability, veterans, social security or insurance payments
4. \$ \_\_\_\_\_ Interest, dividends, rentals, royalties or other gain
5. \$ \_\_\_\_\_ Gain from sale, trade or conversion of capital assets
6. \$ \_\_\_\_\_ Unemployment insurance and workers compensation benefits
7. \$ \_\_\_\_\_ Benefit in lieu of compensation including, but not limited to, military pay allowances
8. \$ \_\_\_\_\_ Other income (including Spousal Support received). Explain \_\_\_\_\_
9. \$ \_\_\_\_\_ **TOTAL GROSS MONTHLY INCOME** (add lines 1 through 8).

**HEALTH INSURANCE INFORMATION**

Do you have health care insurance available for dependents?  No  Yes  
If you provide health care insurance (medical, optometric, dental or orthodontic, or counseling costs) for your child(ren) please complete the following:

Name of the Health Care Insurance Company: \_\_\_\_\_  
Address of the Health Care Insurance Company: \_\_\_\_\_

Policy Number of the policy: \_\_\_\_\_ Total monthly cost of the insurance: \_\_\_\_\_  
Persons covered under the policy of insurance: \_\_\_\_\_

If you can identify the exact amount of the premium each month that is solely for the child(ren) in this matter, please specify that amount. \$ \_\_\_\_\_

Cost of insurance for single (self only) coverage: \$ \_\_\_\_\_

**Please attach verification of health insurance coverage and cost of the health insurance coverage. You must provide verification of the cost of adding the child(ren) to existing coverage, the cost of self only coverage and family coverage, or the cost of private coverage for the child(ren).**



## CHILD CARE (DAYCARE) COSTS

Child care costs may be considered in computing the monthly child support obligation provided the costs are incurred as a result of employment of either parent, job search of either parent, or the training or education of either parent necessary to obtain a job or enhance earning potential. Please complete the following for only those children that the support obligation will pertain to and **attach verification of child care expenses**. If this information is not provided, there may be no allocation of child care expenses in computing the support obligation.

Name and address of child care provider: \_\_\_\_\_

The name of the child(ren) for whom child care is provided: \_\_\_\_\_

How many hours per week is child care being provided? \_\_\_\_\_

Cost of Child Care: Monthly: \$\_\_\_\_\_ Weekly: \$\_\_\_\_\_ Hourly: \$\_\_\_\_\_

List the costs, per month, of the child care expenses incurred for the past six months: \_\_\_\_\_

Do you receive any state assistance for child care?  No  Yes If yes, attach copy of child care certificate.

Do you claim the Federal Child Care Tax Credit?  No  Yes

## OTHER INFORMATION

Do you make payments on any other child support orders for children other than those involved in this proceeding?  No  Yes

If yes, attach a copy of the court order and evidence of payments. If not attached, the referee will not consider.

Do you make payments for spousal support?  No  Yes

If yes, attach a copy of the court order and evidence of payments. If not attached, the referee will not consider.

Do you make contributions to an IRS qualified retirement plan not exceeding 10% of gross income?

No  Yes If yes, attach documentation showing the amount being contributed.

**I declare and affirm under the penalties of perjury that the information contained herein has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.**

**Note: A person who signs this document knowing the information to be false or untrue, in whole or in part, is guilty of perjury – a Class 5 Felony punishable by imprisonment of not more than five years and a fine of not more than \$10,000.**

**Signature of person completing this Financial Statement is required.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF SOUTH DAKOTA	IN CIRCUIT COURT
COUNTY OF _____	_____ JUDICIAL CIRCUIT
Plaintiff,	CASE FILE NO: _____
vs.	<b>APPLICATION FOR INDIGENT WAIVER OF \$50 FILING FEE FOR THE MODIFICATION OF A FINAL CHILD SUPPORT, CHILD CUSTODY, PARENTING TIME, OR SPOUSAL SUPPORT ORDER</b>
Defendant	

I \_\_\_\_\_ come before the court to make a PETITION to modify an existing order; however, I am unable to pay the required \$50 filing fee. Therefore, I respectfully request that the court waive the filing fee for this modification.

The existing order was entered into on: Date \_\_\_\_\_

The existing order was last modified on: Date \_\_\_\_\_

I (DO) (DO NOT) HAVE A LAWYER      Lawyer's Name: \_\_\_\_\_

- (1) My address is: \_\_\_\_\_
- (2) My telephone number is: \_\_\_\_\_, my date of birth is: \_\_\_\_\_
- (3) I am (check one)      \_\_\_\_\_ EMPLOYED      \_\_\_\_\_ UNEMPLOYED      \_\_\_\_\_ SELF EMPLOYED
- (4) (If employed), my **weekly** take home pay is: \$ \_\_\_\_\_.
- (5) Retirement, disability, or insurance benefits: \$ \_\_\_\_\_ per \_\_\_\_\_.
- (6) My total income before deductions for year \_\_\_\_\_ was: \$ \_\_\_\_\_
- (7) My total income **after** deduction for year \_\_\_\_\_ was: \$ \_\_\_\_\_
- (8) Including myself, I have the following number of dependants: \_\_\_\_\_.
- (9) The following amounts accurately represent my assets and liabilities:

**I. ASSETS (things I own or am buying)**

- |  |          |
|--|----------|
| a. CASH (on hand or in banks)  | \$ _____ |
| b. ACCOUNTS and NOTES RECEIVABLE (IOU's and other money payable to me) | \$ _____ |
| c. INVESTMENTS (stocks, bonds, savings bonds, etc.)                    | \$ _____ |
| d. REAL ESTATE (house, land, tribal lease land, rental property, etc.) | \$ _____ |
| e. AUTOMOBILE(S) (make, model & year)                                  | \$ _____ |
| f. HOUSEHOLD GOODS (furniture, appliances, TV, stereo, etc.)           | \$ _____ |
| g. OTHER PERSONAL PROPERTY (tools, sports equipment, etc.)             | \$ _____ |
| h. ANY OTHER ASSETS (anything else I could sell or borrow money on)    | \$ _____ |

**II. LIABILITIES (money that I owe)**

- |   |          |
|---|----------|
| a. My regular monthly expenses are: (housing utilities, food, etc.) | \$ _____ |
| b. LOANS:    I owe _____ this amount                                | \$ _____ |
| I owe _____ this amount   | \$ _____ |
| I owe _____ this amount   | \$ _____ |

**III. ANTICIPATED INCOME (money or property you are expecting)**

a. Total monies or income from the sale of house or land, alimony, gifts inheritance, allotments, trust funds, lease money, etc \$ \_\_\_\_\_

(10) I affirm the above information is correct and accurate to the best of my knowledge and fully understand any misrepresentation or misleading of fact will subject me to the penalty of perjury.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

X \_\_\_\_\_, Petitioner

---

\_\_\_\_\_ APPROVED          \_\_\_\_\_ DENIED

ATTEST:

BY THE COURT:

\_\_\_\_\_  
CLERK OF COURTS/DEPUTY  
(SEAL)

\_\_\_\_\_  
CIRCUIT COURT JUDGE

*To be completed by clerk of court:*  
 County: \_\_\_\_\_  
 \_\_\_\_\_  
 (Original Court - Docket Number)  
 \_\_\_\_\_  
 (Court transferred to - new Docket Number)  
 Date \_\_\_\_\_ Clerks Initials \_\_\_\_\_

*Please type or print.*

**CONFIDENTIAL  
FORM**

- Original Court Order  
 Modification Order  
 Information Change  
 Change of Venue

**Child Support Order Filing Data**

PLAINTIFF/PETITIONER <i>(Circle one)</i>	DEFENDANT/RESPONDENT <i>(Circle one)</i>
Name: _____	Name: _____
SSN: _____ SEX: M F	SSN: _____ SEX: M F
Driver's License # : _____	Driver's License # : _____
Date of Birth: _____ Race: _____	Date of Birth: _____ Race: _____
Residential Address: _____	Residential Address _____
Mailing Address (if different from above) _____	Mailing Address (if different from above) _____
Phone No. _____	Phone No. _____
Attorney Name _____	Attorney Name _____
Attorney Phone No. _____	Attorney Phone No. _____
Employer _____	Employer _____
Employer Address _____	Employer Address _____
Employer Phone No. _____	Employer Phone No. _____
Second Employer _____	Second Employer _____
Second Employer Address _____	Second Employer Address _____
Second Employer Phone No. _____	Second Employer Phone No. _____

Full names, sex of child, dates of birth, and social security numbers of the children involved in this proceeding:

_____	SEX: M / F	DOB: _____	SSN: _____ - _____ - _____
_____	SEX: M / F	DOB: _____	SSN: _____ - _____ - _____
_____	SEX: M / F	DOB: _____	SSN: _____ - _____ - _____
_____	SEX: M / F	DOB: _____	SSN: _____ - _____ - _____
_____	SEX: M / F	DOB: _____	SSN: _____ - _____ - _____

Is a protection order for domestic violence against a spouse or abuse of a child currently in effect?  
 Yes     No     Unknown    **If yes, please attach a copy of the order.**

I certify that the above information is true and accurate concerning  Plaintiff/Petitioner  
 Defendant/Respondent and is accurate to the best of my knowledge as to the other party, or is unavailable.  
 The information is unavailable because \_\_\_\_\_

I hereby certify that the information required by SDCL 25-7A-56.7 is not available. _____ Circuit Judge
--

_____	Signature	_____	Date
1			UJS/DSS Form-089 Rev. 08/2011



# **Modification of Child Support Orders**

This guide will provide you with information  
about changing child support orders.



**DSS**   
**Strong Families - South Dakota's Foundation and Our Future**



# Contents

---

<b>How to Modify a Child Support Order</b> .....	1
Steps in the Modification Process.....	1
<b>Modification Process Flowchart</b> .....	6
Central Payment Center.....	7
Modification of Orders from Other States.....	7
<b>Provisions of the Child Support Guideline Laws</b> .....	7
Income of Both Parents Considered.....	7
Determining Basic Child Support	
Obligation from Schedule.....	10
Deviations May Be Made.....	11
<b>Other Factors that May Be Considered</b> .....	12
Visitation Abatement and Shared Responsibility Adjustment.....	12
Child Care Expenses.....	13
Travel Costs.....	14
Medical Insurance.....	14
Medical Expenses Not Covered by Insurance.....	15
Immediate Income Withholding.....	15
<b>Support Obligation Schedule</b> .....	16
Combined Income \$0-2,100.....	16
Combined Income \$2,150-4,350.....	17
Combined Income \$4,400-6,600.....	18
Combined Income \$6,650-8,850.....	19
Combined Income \$8,900-11,100.....	20
Combined Income \$11,150-13,350.....	21
Combined Income \$13,400-15,600.....	22
Combined Income \$15,650-17,850.....	23
Combined Income \$17,900-20,000.....	24
<b>Child Support Offices</b> .....	25

# Steps to Modify a Child Support Order

---

## 1. Filing a petition to change a child support order

In South Dakota, the Circuit Court is the only entity with authority to modify a child support obligation. This is usually done in response to a petition filed by one of the parents. Either parent or a representative may file a petition to modify their child support order. A support order may be modified without showing any change in circumstances if the order was entered prior to July 1, 2009.

An order entered on or after July 1, 2009 may be modified only: 1) if it was entered three years or more from the date the petition is filed; or 2) upon showing that a substantial change in circumstances has occurred since the entry of the order. Petition for Modification forms are available from Child Support offices throughout the state, online at [www.dss.sd.gov/childsupport](http://www.dss.sd.gov/childsupport), or by calling the Division of Child Support at 605-773-3641.

A petitioner must provide the complete address of the other parent and enter the actual dollar amount of the support obligation being requested. If the petitioner is not sure what this amount should be, he or she should enter an amount that they believe the support order should be. See child support payment guidelines at the end of this handbook.

The completed, notarized petition, along with a financial statement, verification of income, Child Support Order Filing Data form UJS/DSS 089, copy of the most recent South Dakota court order or decree establishing child support, and other necessary attachments must be filed with the:

Department of Social Services  
Division of Child Support  
Modification Section  
700 Governors Drive  
Pierre, SD 57501-2291

## 2. Complete petition filed with Clerk of Courts

When the petition and attachments are received by the Department of Social Services, the forms

1

are reviewed for completeness and forwarded to the Clerk of Courts in the county where the support order was entered.

## 3. \$50 filing fee

A \$50 filing fee is required to be paid to the Clerk of Courts by the petitioning party prior to the Circuit Court Judge appointing a referee. However, the petitioning party or moving party is not subject to the \$50 filing fee if he/she is a recipient of assistance benefits pursuant to Title 28 (i.e. Temporary Assistance to Needy Families (TANF), Food Stamps, Medicaid, Child Care Assistance, Energy Assistance, etc. The petitioner may also file a motion requesting the court to waive the filing fee by completing and attaching the Filing Fee Waiver Request form which is included with the petition. If the petitioning party or moving party is not a recipient of Title 28 benefits, as indicated above, or if the Filing Fee Waiver Request is not included with the petition, the petitioner should attach a \$50 check or money order payable to the Clerk of Courts to the petition.

If the court denies the filing fee waiver request, the petitioner will be required to pay the \$50 filing fee. If the petitioner does not pay the \$50 filing fee within 10 days to the Clerk of Courts, the petition will be returned to the petitioning party and the modification action will not be referred to the referee.

## 4. Referee conducts modification hearing

The court appointed referee will send a notice of the modification hearing to both parties by regular mail, and request the respondent to submit financial and other information to be considered in establishing the child support obligation. The notice will advise the parties of the time and place of the hearing. This usually occurs within 30 days from the date the petition is filed. This time frame may vary depending on the workload of the referee and the location of the hearing. The hearing may be held in the county of the parent responding to the petition or in the county where the referee is located. **The petitioner must appear at the hearing in person or by telephone or the referee may dismiss the modification request.**

The referee or the court may assess costs under

2

certain circumstances. The referee will designate the location of the hearing, typically a private office or local courthouse. Referees may hold hearings by telephone if either party lives a long distance from the hearing site. Distant parties who wish to take part by telephone must make arrangements with the referee in advance of the hearing.

At the hearing, the referee will obtain information and testimony from the parents regarding their financial resources and circumstances in order to determine the child support obligation as provided under the child support guidelines and laws. The parents should present any issues and evidence they want the referee to consider in setting the support order, i.e. deviations or additional factors that they want considered in establishing the obligation.

It is not necessary for either party to obtain legal counsel for a modification hearing. However, they may do so if they desire, at their own expense. Persons not licensed as attorneys by the SD Bar Association may not represent the parties at a modification hearing.

**Once a petition is filed with the Clerk of Courts, the parties may not enter into a voluntary agreement for payment of child support without the referee's written approval.**

#### **5. Referee submits a recommended order to court**

After the modification hearing, the referee will prepare and file a report and a recommended order for support with the Circuit Court. Both parties are sent a copy of the referee's report and the recommended order.

In determining the support obligation, the combined monthly net incomes of both parents and number of children shall be used in determining the obligation and divided proportionately between the parties based on their respective net incomes. The amount of child support to be paid by the noncustodial parent is determined by finding the category on the child support payment schedule that is closest to the combined monthly net incomes for both parents and apportioning that amount between the parents on the basis of their respective net incomes. (The schedule is located in the back of this book.)

If the obligation using only the noncustodial parent's monthly net income is within the bolded areas of

the schedule, that amount shall be compared to the noncustodial parent's proportionate share using both parents' monthly net incomes. The lesser amount establishes the noncustodial parent's child support order.

The referee may also consider deviations provided by the parents and additional issues raised by either party such as child care costs, health insurance coverage, abatements for visitation or shared parenting, and travel costs for visitation.

Child support referees are under the authority of the Unified Judicial System (UJS). If you have issues or concerns related to the actions of a referee, you must contact the UJS at (605) 773-3474, not the Division of Child Support.

#### **6. Filing objections to the referee's report**

Within 10 days of the referee's report and recommended order, either party may file objections contesting the recommended child support order. Objections must be in writing and filed with the Clerk of Courts in the county that issued the order being modified. The Circuit Court may require a transcript of the referee hearing to be filed with the written objections.

If objections are filed within 10 days by one of the parties, the other party shall have an additional five days from the date of service of the objections to file additional objections with the court. The Circuit Court then schedules a hearing to consider the objections to the referee's report. This hearing is based solely on the record established at the referee's hearing. That is, the Court may not consider any new evidence or information, only the issues and evidence presented at the referee's modification hearing. After the court hearing on the objections, the Circuit Court may adopt, modify, or reject and remand the referee's report with instructions to the referee for further hearing.

#### **7. Court enters the modification order**

If neither party files objections to the referee's report and recommended order within 10 days of the referee's report, the Circuit Court will enter the order. If objections are filed, the court will enter an order after the court hearing on the objections. A copy of the order will be sent to both parties by certified mail. A party who disagrees with the court order may appeal the decision to the South Dakota Supreme Court within 30 days. 4

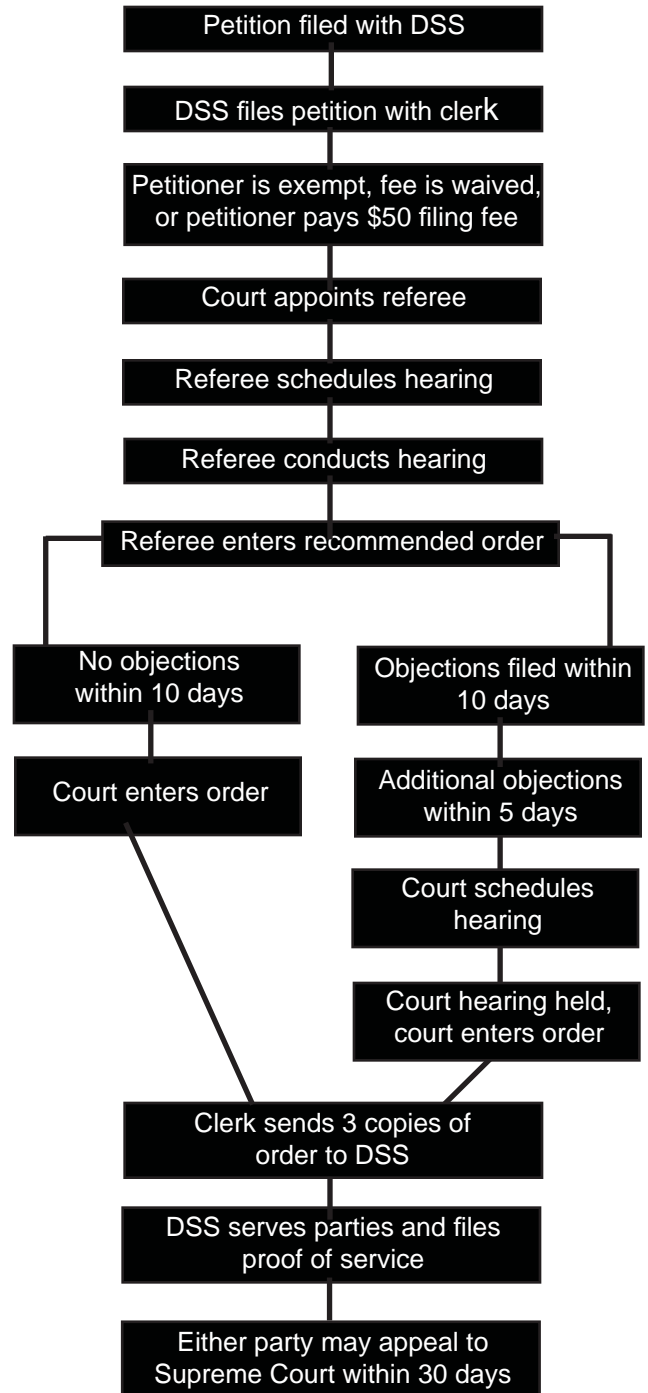


## 8. Circuit Court Order

If no objections are filed within ten (10) days, the Circuit Court may enter its order.

If the Circuit Court modifies the referee's recommended order without a court hearing, either party may file a written objection with the Circuit Court to that modification within ten (10) days of service of the order.

## Modification Process Flowchart



## Central Payment Center

---

The Department of Social Services is the central payment center for the state and handles all disbursements. (SDCL 25-7A-3.2) Once the modified order is filed with the Clerk of Courts, all future child support payments shall be made payable to the Division of Child Support and mailed to:

South Dakota Department of Social Services  
Child Support Payment Center  
700 Governors Drive, Suite 84  
Pierre, SD 57501

## Modification of Orders from Other States

---

Under the provisions of the Uniform Interstate Family Support Act, an order for child support issued in another state may be registered in South Dakota for modification if certain conditions are met as specified by South Dakota law. (SDCL 25-9B-611 or 25-9B-613). For further information about modification of out-of-state child support orders, contact your attorney or the Division of Child Support.

## Provisions of the Child Support Guideline Laws

---

### Income of Both Parents Considered

The combined monthly net incomes of both parents is generally used in determining the obligation and divided proportionately between the parents based on their respective net incomes. The noncustodial parent's proportionate share establishes the amount of the child support order. If the obligation using only the noncustodial parent's monthly net income is an obligation within the bolded areas of the guidelines, that amount shall be compared to the noncustodial parent's proportionate share using both parents' monthly net incomes. The lesser amount establishes the noncustodial parent's child support order. The net income is determined by the gross income of each parent minus allowable deductions.

7

If either parent is a recipient of Temporary Assistance for Needy Families (TANF) or is unemployed or incarcerated, that parent's income is figured at minimum wage. If either parent is disabled, that parent's actual income is used. (SDCL 25-7-6.4). Additionally, the referee and/or court may consider assets when income of the parents is insufficient to meet the child's needs (SDCL 25-7-6.5), and may disallow depreciation and other expenses allowed for federal income tax purposes in computing a parent's net income for purposes of calculating child support obligations. (SDCL 25-7-6.6).

### Monthly gross income includes income received from any of the following (SDCL 25-7-6.3):

- ✓ Compensation paid to an employee for personal services, whether salary, wages, commissions, bonuses or otherwise designated.
- ✓ Self-employment income including gain, profit or loss from a business, farm or profession.
- ✓ Periodic payments from pensions or retirement programs, including Social Security or veteran's benefits, disability payments or insurance contracts.
- ✓ Interest, dividends, rentals, royalties, or other gain derived from investment of capital assets.
- ✓ Gain or loss from the sale, trade or conversion of capital assets.
- ✓ Unemployment insurance benefits.
- ✓ Worker's compensation benefits.
- ✓ Benefits in lieu of compensation including military pay allowances.

Overtime wages, commissions and bonuses may be excluded if the compensation is not a regular and recurring source of income for the parent. Income derived from seasonal employment shall be annualized to determine a monthly average income.

If the parent is employed full time at a rate of pay that equals or exceeds the state's minimum wage, it shall

8

be presumed that a parent's second job income is not to be considered in establishing a child support obligation. This presumption may be rebutted by evidence that the income source was available to pay expenses related to the child when the parent initially became obligated for the support of the child pursuant to SDCL 25-7-6.21 (SDCL 25-7-6.22).

If a parent in a modification proceeding fails to furnish income or other financial information, the parent shall be in default, and that parent's income for purposes of determining child support shall be computed at a rate not less than the most recent annual pay standard as reported by the Department of Labor (SDCL 25-7-6.26).

**The following are profits or losses shown on federal income tax schedules as gross income (SDCL 25-7-6.6):**

Gross income from a business, profession, farming, rentals, royalties, estates, trusts, or other sources, are the net profits or gain, or net losses shown on any or all schedules filed as part of the parents' federal income tax returns or as part of any federal income tax returns for any business with which he is associated, except that the court may allow or disallow deductions for federal income taxation purposes which do not require the expenditure of cash, including, but not limited to, depreciation or depletion allowances, and may further consider the extent to which household expenses, automobile expenses, and related items are deductible or partially deductible for income tax purposes. In the event a court disallows depreciation, it may consider necessary capital expenditures which enhance the parent's current income for child support purposes. (SDCL 25-7-6.6)

**The following deductions from monthly gross income are allowed (SDCL 25-7-6.7):**

- ✓ Income taxes payable based on the applicable tax rate for a single taxpayer with one withholding allowance and a monthly payroll period rather than the actual tax rate.
- ✓ Social Security and Medicare taxes based on the applicable tax rate for an employee or a self-employed taxpayer.

- ✓ Contributions to an IRS qualified retirement plan not exceeding 10 percent of gross income.
- ✓ Actual business expenses of an employee, incurred for the benefit of his or her employer, that are not reimbursed.
- ✓ Payments made on other support and maintenance orders.

## **Determining the Basic Child Support Obligation from the Schedule**

---

After the monthly gross incomes and allowable deductions of each parent are determined, each party's net income is calculated by deducting the allowable deductions from their gross income. The net incomes of each party are then added together to arrive at the combined monthly net income for child support purposes. The combined child support obligation is then determined by the amount listed in the guidelines for the combined monthly net income and the number of children.

**EXAMPLE:**

If the net income of the custodial parent is \$1,120 and the net income of the noncustodial parent is \$1,230, the combined net income is \$2,350. The combined child support obligation at the \$2,350 net income level for two children is \$840 per month as found in the guidelines.

The \$840 combined child support obligation from the schedule is then divided proportionately between the parents based on their respective incomes.

In the above example, the noncustodial parent's proportionate share of the combined child support obligation is \$445 per month for two children. ( $1,230/2,350 = 53\% \times \$840 = \$445$ ).

Because the obligation amount using only the non-custodial parent's net income falls within the bolded areas of the guidelines, that amount must be compared

to the \$445 obligation amount as computed above. The noncustodial parent's basic support obligation using only his or her net income of \$1,230 is \$359 for two children. Since the obligation using only the non-custodial parent's net income is less than the \$445 obligation using both parent's incomes, the basic child support obligation would be \$359 (SDCL 25-7-6.2).

### **Deviations May Be Made**

Deviations from the schedule may be considered, if raised by either parent, and based upon one or more of the following factors (SDCL 25-7-6.10):

- ✓ The income of a subsequent spouse or contribution of a third party to the income or expenses of that parent, but only if the application of the schedule works a financial hardship on either parent.
- ✓ Any financial condition of either parent that would make application of the schedule inequitable. If the total amount of the child support obligation, including any adjustments for health insurance and child care costs, exceeds 50 percent of the noncustodial parent's monthly net income, it shall be presumed that the amount of the obligation imposes a financial hardship on the noncustodial parent. This presumption may be rebutted based upon other factors set forth in SDCL 25-7.
- ✓ Any necessary education or health care special needs of the child.
- ✓ The effect of agreements between the parents regarding extra forms of support for the direct benefit of the child.
- ✓ The obligation of either parent to provide for subsequent natural children, adopted children or step-children. However, an existing support order may not be modified solely for this reason.
- ✓ The voluntary and unreasonable act by either parent which causes that parent to be unemployed or underemployed, unless the reduction of income is due to incarceration.

## **Other Factors that May Be Considered**

---

### **Shared Parenting Time (Visitation) Abatement and Shared Parenting Plan Cross Credit**

**Abatement (SDCL 25-7-6.14):** If the child resides with the obligor ten or more nights in a month pursuant to a custody order, the court may, if deemed appropriate, grant an abatement of not less than 38 percent nor more than 66 percent of the basic child support obligation for the nights the child resides with the obligor. The order granting the abatement shall specify the number of nights for which the abatement is allowed and the amount of the abatement. In deciding whether an abatement is appropriate, the court shall consider whether it would have a substantial negative effect on the child's standard of living. The court shall allow the abatement to the obligor in the month in which the parenting time is ordered or apportion the abatement over a period of 12 months. It shall be presumed that the parenting time is exercised. If the parenting time exercised substantively deviates from the parenting time ordered, either party may petition the court for modification of the support order without showing any other change in circumstances.

**Shared Parenting Plan Cross Credit (SDCL 25-7-6.27):** If the parents have agreed in writing to a detailed shared parenting plan which provides that the child will reside no less than 180 nights per calendar year in each parent's home, and that the parents will share the duties and responsibilities of parenting the child and the expenses of the child in proportion to their incomes, and the shared parenting plan has been incorporated in the custody order, the court may, if deemed appropriate under the circumstances, grant a cross credit on the amount of the child support obligation based on the number of nights the child resides with each parent. The shared parenting child support cross credit shall be calculated as follows:

1. Multiply the parents' combined child support obligation under the schedule by 1.5 to establish their combined shared parenting child support obligation;
2. Multiply the combined shared parenting child

support obligation by each parent's percentage share of their combined net incomes to establish each parent's shared parenting child support obligation;

3. Multiply each parent's shared parenting child support obligation by the percentage of nights the child resides with each parent based on a 365-day calendar year to establish each parent's prorated shared parenting child support obligation;
4. Offset the parents' prorated shared parenting child support obligations;
5. The parent with the larger prorated shared parenting child support obligation shall pay the difference between these amounts.

In deciding whether a shared parenting child support cross credit is appropriate, the court shall consider whether it would have a substantial negative effect on the child's standard of living. It shall be presumed that the parenting time is exercised. If the parenting time exercised substantially deviates from the parenting time ordered, either party may petition the court for a modification of the support order without showing any other change in circumstances.

**Definition of Night for Purposes of Abatement or Cross Credit (SDCL 25-7-6.28):** For the purposes of the shared parenting time abatement and the shared parenting plan cross credit, a child resides with a parent for a night if the child sleeps (1) at the residence of that parent at night, whether or not the parent is present or (2) in the company of the parent, when the child does not sleep at a parent's residence. If, in a calendar year, due to a parent's nighttime work schedule, a child resides with a parent for days, but not nights, the Court may condition the abatement on the required days rather than nights. In those instances, on a school day, the child is treated as residing at the primary residence registered with the school.

### **Child Care Expenses**

The court may enter an order allocating the reasonable child care expenses for the child(ren), which are due to employment, job search or the training or education of either parent necessary to obtain a job or enhance earning potential. The court may consider whether the federal child care tax credit is available as a benefit to the custodial parent. If so, it shall be calculated at 25 percent of the eligible expense. (SDCL 25-7-6.18).

**A party seeking child care expenses must submit verification of expenses incurred for the child(ren).**

### **Travel Costs**

If travel costs are substantial due to the distance between the parents, the court may order the allocation of such costs, taking into consideration the circumstances of the respective parties as well as which parent moved and the reason for the move (SDCL 25-7-6.15). **A party seeking allocation of travel costs must submit verification of travel costs, if available.**

### **Medical Insurance**

The court shall enter an order addressing how the child's health needs will be met by medical support to be provided by one or both parents. The medical support order shall include a provision for medical insurance if the insurance is accessible for the child and available to a parent at a reasonable cost. Medical insurance is considered accessible if a medical insurance benefit plan is available and provides coverage for the child residing within the geographic area covered by the insurance policy. Medical insurance is considered reasonable in cost if the cost attributable to the child is equal to or less than 8 percent of the parent's net income as determined under SDCL 25-7, and the amount shall be specified in the order for support.

The cost of insurance attributable to the child is the cost of adding the child to existing coverage, the difference between self-only coverage and family coverage, or the cost of private medical insurance for the child. The cost attributable to the child under family coverage is the difference between self-only coverage and family coverage divided by the number of individuals, excluding the parent, enrolled in the family coverage. The cost so computed shall be apportioned between the parents on the basis of income. If one parent pays the entire amount, that parent shall either be reimbursed by the other parent for that parent's portion of the payment, or shall receive a credit against his or her support obligation, whichever is appropriate.

Any additional, reasonable health care costs, including medical, optometric, dental or orthodontic, or

counseling costs for each minor child which exceed \$250 in any year and are not covered by insurance, shall be apportioned between the parents in proportion to the support obligation of each parent. The parent that has primary physical custody of the child is responsible for the first \$250 of health care costs each calendar year (SDCL 25-7-6.16). **A party seeking allocation of health insurance costs must submit verification of health insurance coverage for the child. Medicaid is not considered satisfactory health insurance.**

**Medical Expenses Not Covered by Insurance**

A parent, guardian or other custodian may obtain a standardized form from the Clerk of Court, referee or Division of Child Support to request reimbursement of any medical or health care costs from the responsible parent. If the responsible parent does not reimburse the other parent, a small claims action may be initiated by the parent, guardian or other custodian to obtain a judgment against the responsible parent to collect unreimbursed medical or health care costs from the responsible parent. (SDCL 25-7-6.25)

Forms to initiate a small claims action may be obtained from the Clerk of Court. You must provide a written statement, signed and notarized, describing how the loss or damage occurred. This statement, along with supporting documents (receipts, cost estimates, etc) and the address of the parties, must be filed with the Clerk of Court. The fee for starting the action, and the postage and service cost required, may be added to the damages claimed against the defendant. The Division of Child Support does not initiate the small claims action. For more information on initiating a small claims action, see the South Dakota Unified Judicial System’s website at: [www.sdjudicial.com](http://www.sdjudicial.com)

**Immediate Income Withholding**

South Dakota law requires immediate withholding of income to be considered as part of any child support order. (SDCL 25-7A-23). However, the actual withholding process does not begin automatically.

To make sure a withholding order becomes effective, you should contact your attorney or the Child Support office nearest you.

## Support Obligation Schedule SDCL 25-7-6.2

The child support obligation shall be established in accordance with the following schedule subject to such revisions or deviations permitted by SDCL 25-7. Except as provided in this chapter, the combined monthly net incomes of both parents shall be used in determining the obligation which shall be divided proportionately between the parents based upon their respective net incomes. The noncustodial parent’s proportionate share establishes the amount of the child support order.

If the obligation using only the noncustodial parent’s monthly net income is an obligation within the shaded areas of the schedule, that amount shall be compared to the noncustodial parent’s proportionate share using both parents’ monthly net incomes. The lesser amount establishes the noncustodial parent’s child support order. The share of the custodial parent is presumed to be spent directly for the child’s benefit.

Monthly net income	Number of Children					
	1	2	3	4	5	6
0-1100	<b>216</b>	<b>279</b>	<b>312</b>	<b>335</b>	<b>357</b>	<b>379</b>
1,150	<b>256</b>	<b>319</b>	<b>352</b>	<b>375</b>	<b>397</b>	<b>419</b>
1,200	<b>296</b>	<b>359</b>	<b>392</b>	<b>415</b>	<b>437</b>	<b>459</b>
1,250	319	<b>399</b>	<b>432</b>	<b>455</b>	<b>477</b>	<b>499</b>
1,300	332	<b>439</b>	<b>472</b>	<b>495</b>	<b>517</b>	<b>539</b>
1,350	344	<b>479</b>	<b>512</b>	<b>535</b>	<b>557</b>	<b>579</b>
1,400	357	<b>519</b>	<b>552</b>	<b>575</b>	<b>597</b>	<b>619</b>
1,450	369	539	<b>592</b>	<b>615</b>	<b>637</b>	<b>659</b>
1,500	381	557	<b>632</b>	<b>655</b>	<b>677</b>	<b>699</b>
1,550	393	574	<b>672</b>	<b>695</b>	<b>717</b>	<b>739</b>
1,600	405	590	700	<b>735</b>	<b>757</b>	<b>779</b>
1,650	416	607	719	<b>775</b>	<b>797</b>	<b>819</b>
1,700	428	624	738	<b>815</b>	<b>837</b>	<b>859</b>
1,750	440	640	757	846	<b>877</b>	<b>899</b>
1,800	451	657	777	868	<b>917</b>	<b>939</b>
1,850	463	674	796	889	<b>957</b>	<b>979</b>
1,900	475	690	815	911	<b>997</b>	<b>1019</b>
1,950	487	707	835	932	1025	<b>1059</b>
2,000	498	723	854	954	1049	<b>1099</b>
2,050	510	740	873	975	1073	<b>1139</b>
2,100	522	757	892	997	1096	<b>1179</b>

Monthly net income	Number of Children						Monthly net income	Number of Children					
	1	2	3	4	5	6		1	2	3	4	5	6
2,150	533	773	912	1018	1120	1218	4,400	903	1297	1517	1694	1863	2025
2,200	545	790	931	1040	1144	1243	4,450	907	1302	1521	1699	1869	2031
2,250	557	807	950	1061	1167	1269	4,500	910	1306	1525	1703	1874	2037
2,300	568	823	969	1083	1191	1295	4,550	914	1310	1529	1708	1879	2043
2,350	580	840	989	1104	1215	1321	4,600	917	1315	1534	1713	1884	2048
2,400	592	857	1008	1126	1239	1347	4,650	921	1319	1538	1718	1890	2054
2,450	603	873	1028	1148	1263	1373	4,700	924	1324	1543	1723	1896	2061
2,500	615	890	1047	1170	1287	1399	4,750	928	1329	1548	1730	1903	2068
2,550	627	907	1067	1191	1311	1425	4,800	932	1334	1554	1736	1909	2076
2,600	638	923	1086	1213	1334	1450	4,850	936	1339	1560	1742	1916	2083
2,650	650	940	1105	1235	1358	1476	4,900	940	1344	1565	1748	1923	2091
2,700	662	957	1125	1257	1382	1502	4,950	943	1349	1571	1755	1930	2098
2,750	673	973	1144	1278	1406	1528	5,000	947	1354	1577	1761	1937	2106
2,800	685	990	1164	1300	1430	1554	5,050	951	1360	1582	1767	1944	2113
2,850	696	1007	1183	1322	1454	1580	5,100	955	1365	1588	1774	1951	2121
2,900	708	1023	1203	1343	1478	1606	5,150	958	1370	1593	1780	1958	2128
2,950	720	1040	1222	1365	1502	1632	5,200	962	1375	1599	1786	1965	2136
3,000	731	1056	1242	1387	1526	1658	5,250	966	1380	1605	1792	1972	2143
3,050	743	1073	1261	1409	1549	1684	5,300	970	1385	1610	1799	1979	2151
3,100	755	1090	1281	1430	1573	1710	5,350	973	1390	1616	1805	1985	2158
3,150	766	1106	1300	1452	1597	1736	5,400	977	1395	1622	1811	1992	2166
3,200	776	1120	1316	1470	1617	1757	5,450	981	1400	1627	1818	1999	2173
3,250	779	1125	1321	1476	1623	1765	5,500	985	1406	1633	1824	2006	2181
3,300	782	1129	1327	1482	1630	1772	5,550	988	1411	1638	1830	2013	2188
3,350	786	1134	1332	1488	1637	1779	5,600	992	1416	1644	1836	2020	2196
3,400	789	1139	1337	1494	1643	1786	5,650	996	1421	1650	1843	2027	2203
3,450	792	1144	1343	1500	1650	1793	5,700	1000	1426	1655	1849	2034	2211
3,500	796	1148	1348	1506	1657	1801	5,750	1004	1432	1662	1856	2042	2219
3,550	799	1153	1354	1512	1663	1808	5,800	1009	1439	1670	1865	2051	2230
3,600	802	1158	1359	1518	1670	1815	5,850	1014	1446	1678	1874	2061	2241
3,650	810	1169	1371	1532	1685	1832	5,900	1019	1453	1686	1883	2071	2251
3,700	819	1181	1386	1548	1703	1851	5,950	1024	1460	1694	1892	2081	2262
3,750	828	1194	1401	1565	1721	1871	6,000	1029	1467	1702	1901	2091	2273
3,800	836	1206	1416	1581	1739	1891	6,050	1034	1474	1710	1910	2101	2284
3,850	845	1219	1430	1598	1758	1911	6,100	1039	1481	1718	1919	2111	2294
3,900	854	1232	1445	1614	1776	1930	6,150	1043	1488	1726	1928	2121	2305
3,950	863	1244	1460	1631	1794	1950	6,200	1048	1495	1734	1937	2130	2316
4,000	872	1257	1475	1647	1812	1970	6,250	1053	1502	1742	1946	2140	2327
4,050	879	1267	1487	1661	1827	1986	6,300	1058	1509	1750	1955	2150	2337
4,100	882	1272	1491	1665	1832	1991	6,350	1063	1516	1758	1964	2160	2348
4,150	886	1276	1495	1670	1837	1997	6,400	1068	1523	1766	1973	2170	2359
4,200	889	1280	1499	1675	1842	2003	6,450	1073	1530	1774	1982	2180	2370
4,250	893	1285	1504	1680	1848	2008	6,500	1078	1537	1782	1991	2190	2380
4,300	896	1289	1508	1684	1853	2014	6,550	1083	1544	1790	2000	2200	2391
4,350	900	1293	1512	1689	1858	2020	6,600	1088	1551	1798	2009	2210	2402

Monthly net income	Number of Children					
	1	2	3	4	5	6
6,650	1093	1558	1806	2018	2219	2413
6,700	1098	1565	1814	2027	2229	2423
6,750	1103	1572	1822	2036	2239	2434
6,800	1108	1579	1830	2045	2249	2445
6,850	1113	1586	1839	2054	2259	2456
6,900	1118	1593	1847	2063	2269	2466
6,950	1123	1600	1855	2072	2279	2477
7,000	1128	1607	1863	2081	2289	2488
7,050	1133	1614	1871	2090	2299	2498
7,100	1138	1620	1879	2099	2308	2509
7,150	1142	1627	1887	2108	2318	2520
7,200	1147	1634	1895	2117	2328	2531
7,250	1152	1641	1903	2125	2338	2541
7,300	1157	1648	1911	2134	2348	2552
7,350	1162	1655	1919	2143	2358	2563
7,400	1167	1662	1927	2152	2368	2574
7,450	1172	1669	1934	2161	2377	2583
7,500	1175	1673	1939	2166	2383	2590
7,550	1178	1678	1944	2172	2389	2597
7,600	1181	1682	1949	2177	2395	2603
7,650	1185	1687	1954	2183	2401	2610
7,700	1188	1691	1959	2188	2407	2616
7,750	1191	1695	1964	2194	2413	2623
7,800	1194	1700	1969	2199	2419	2630
7,850	1197	1704	1974	2205	2425	2636
7,900	1201	1709	1979	2210	2431	2643
7,950	1204	1713	1984	2216	2438	2650
8,000	1207	1718	1989	2222	2444	2656
8,050	1210	1722	1994	2227	2450	2663
8,100	1214	1726	1999	2233	2456	2670
8,150	1217	1731	2004	2238	2462	2676
8,200	1220	1735	2009	2244	2468	2683
8,250	1223	1740	2014	2249	2474	2689
8,300	1227	1744	2019	2255	2480	2696
8,350	1230	1749	2024	2260	2486	2703
8,400	1233	1753	2029	2266	2493	2709
8,450	1236	1758	2034	2271	2499	2716
8,500	1239	1762	2039	2277	2505	2723
8,550	1243	1766	2043	2283	2511	2729
8,600	1246	1771	2048	2288	2517	2736
8,650	1249	1775	2053	2294	2523	2743
8,700	1252	1780	2058	2299	2529	2749
8,750	1256	1784	2063	2305	2535	2756
8,800	1259	1789	2068	2310	2541	2762
8,850	1262	1793	2073	2316	2547	2769

Monthly net income	Number of Children					
	1	2	3	4	5	6
8,900	1265	1797	2078	2321	2554	2776
8,950	1268	1802	2083	2327	2560	2782
9,000	1272	1806	2088	2332	2566	2789
9,050	1275	1811	2093	2338	2572	2796
9,100	1278	1815	2098	2344	2578	2802
9,150	1281	1820	2103	2349	2584	2809
9,200	1285	1824	2108	2355	2590	2815
9,250	1288	1829	2113	2360	2596	2822
9,300	1291	1833	2118	2366	2602	2829
9,350	1294	1837	2123	2371	2608	2835
9,400	1297	1842	2128	2377	2615	2842
9,450	1301	1846	2133	2382	2621	2849
9,500	1304	1851	2138	2388	2627	2855
9,550	1307	1855	2143	2394	2633	2862
9,600	1309	1857	2145	2396	2635	2865
9,650	1310	1859	2146	2397	2637	2866
9,700	1312	1860	2147	2398	2638	2867
9,750	1313	1861	2148	2399	2639	2869
9,800	1314	1863	2149	2401	2641	2870
9,850	1315	1864	2150	2402	2642	2872
9,900	1317	1866	2151	2403	2643	2873
9,950	1318	1867	2152	2404	2645	2875
10,000	1319	1868	2154	2406	2646	2876
10,050	1321	1870	2155	2407	2647	2878
10,100	1322	1871	2156	2408	2649	2879
10,150	1323	1873	2157	2409	2650	2881
10,200	1325	1874	2158	2410	2652	2882
10,250	1326	1876	2159	2412	2653	2884
10,300	1327	1877	2160	2413	2654	2885
10,350	1329	1878	2161	2414	2656	2887
10,400	1330	1880	2162	2415	2657	2888
10,450	1331	1881	2164	2417	2658	2890
10,500	1333	1883	2165	2418	2660	2891
10,550	1334	1884	2166	2419	2661	2893
10,600	1335	1885	2167	2420	2662	2894
10,650	1337	1887	2168	2422	2664	2895
10,700	1338	1888	2169	2423	2665	2897
10,750	1339	1890	2170	2424	2666	2898
10,800	1341	1891	2171	2425	2668	2900
10,850	1342	1892	2172	2427	2669	2901
10,900	1343	1894	2173	2428	2671	2903
10,950	1345	1895	2175	2429	2672	2904
11,000	1346	1897	2176	2430	2673	2906
11,050	1347	1898	2177	2431	2675	2907
11,100	1348	1900	2178	2433	2676	2909



Monthly net income	Number of Children					
	1	2	3	4	5	6
11,150	1350	1901	2179	2434	2677	2910
11,200	1351	1902	2180	2435	2679	2912
11,250	1352	1904	2181	2436	2680	2913
11,300	1354	1905	2182	2438	2681	2915
11,350	1355	1907	2183	2439	2683	2916
11,400	1356	1908	2184	2440	2684	2918
11,450	1358	1909	2186	2441	2685	2919
11,500	1359	1911	2187	2443	2687	2921
11,550	1360	1912	2188	2444	2688	2922
11,600	1362	1914	2189	2445	2689	2923
11,650	1363	1915	2190	2446	2691	2925
11,700	1365	1918	2193	2449	2694	2929
11,750	1370	1924	2200	2458	2703	2939
11,800	1374	1930	2207	2466	2712	2948
11,850	1379	1937	2215	2474	2721	2958
11,900	1383	1943	2222	2482	2730	2968
11,950	1387	1949	2229	2490	2739	2978
12,000	1392	1956	2237	2498	2748	2987
12,050	1396	1962	2244	2507	2757	2997
12,100	1401	1968	2251	2515	2766	3007
12,150	1405	1975	2259	2523	2775	3017
12,200	1410	1981	2266	2531	2784	3026
12,250	1414	1987	2273	2539	2793	3036
12,300	1418	1993	2280	2547	2802	3046
12,350	1423	2000	2288	2555	2811	3056
12,400	1427	2006	2295	2564	2820	3065
12,450	1432	2012	2302	2572	2829	3075
12,500	1436	2019	2310	2580	2838	3085
12,550	1441	2025	2317	2588	2847	3095
12,600	1445	2031	2324	2596	2856	3104
12,650	1449	2038	2332	2604	2865	3114
12,700	1454	2044	2339	2613	2874	3124
12,750	1458	2050	2346	2621	2883	3134
12,800	1463	2056	2354	2629	2892	3143
12,850	1467	2063	2361	2637	2901	3153
12,900	1472	2069	2368	2645	2910	3163
12,950	1476	2075	2375	2653	2919	3173
13,000	1480	2082	2383	2662	2928	3182
13,050	1485	2088	2390	2670	2937	3192
13,100	1489	2094	2397	2678	2946	3202
13,150	1494	2101	2405	2686	2955	3212
13,200	1498	2107	2412	2694	2964	3221
13,250	1503	2113	2419	2702	2973	3231
13,300	1507	2119	2427	2710	2982	3241
13,350	1512	2126	2434	2719	2990	3251

Monthly net income	Number of Children					
	1	2	3	4	5	6
13,400	1516	2132	2441	2727	2999	3260
13,450	1520	2138	2448	2735	3008	3270
13,500	1525	2145	2456	2743	3017	3280
13,550	1529	2151	2463	2751	3026	3290
13,600	1534	2157	2470	2759	3035	3299
13,650	1538	2163	2478	2768	3044	3309
13,700	1543	2170	2485	2776	3053	3319
13,750	1547	2176	2492	2784	3062	3329
13,800	1551	2182	2500	2792	3071	3338
13,850	1556	2189	2507	2800	3080	3348
13,900	1560	2195	2514	2808	3089	3358
13,950	1565	2201	2521	2817	3098	3368
14,000	1569	2208	2529	2825	3107	3377
14,050	1574	2214	2536	2833	3116	3387
14,100	1578	2220	2543	2841	3125	3397
14,150	1582	2226	2551	2849	3134	3407
14,200	1587	2233	2558	2857	3143	3416
14,250	1591	2239	2565	2865	3152	3426
14,300	1596	2245	2573	2874	3161	3436
14,350	1600	2252	2580	2882	3170	3446
14,400	1605	2258	2587	2890	3179	3455
14,450	1609	2264	2595	2898	3188	3465
14,500	1614	2271	2602	2906	3197	3475
14,550	1618	2277	2609	2914	3206	3485
14,600	1622	2283	2616	2923	3215	3495
14,650	1627	2289	2624	2931	3224	3504
14,700	1631	2296	2631	2939	3233	3514
14,750	1636	2302	2638	2947	3242	3524
14,800	1640	2308	2646	2955	3251	3534
14,850	1645	2315	2653	2963	3260	3543
14,900	1649	2321	2660	2972	3269	3553
14,950	1653	2327	2668	2980	3278	3563
15,000	1658	2334	2675	2988	3287	3573
15,050	1662	2340	2682	2996	3296	3582
15,100	1667	2346	2689	3004	3305	3592
15,150	1671	2352	2697	3012	3314	3602
15,200	1676	2359	2704	3020	3322	3612
15,250	1680	2365	2711	3029	3331	3621
15,300	1684	2371	2719	3037	3340	3631
15,350	1689	2378	2726	3045	3349	3641
15,400	1693	2384	2733	3053	3358	3651
15,450	1698	2390	2741	3061	3367	3660
15,500	1702	2397	2748	3069	3376	3670
15,550	1707	2403	2755	3078	3385	3680
15,600	1711	2409	2762	3086	3394	3690

Monthly net income	Number of Children					
	1	2	3	4	5	6
15,650	1716	2415	2770	3094	3403	3699
15,700	1720	2422	2777	3102	3412	3709
15,750	1724	2428	2784	3110	3421	3719
15,800	1729	2434	2792	3118	3430	3729
15,850	1733	2441	2799	3126	3439	3738
15,900	1738	2447	2806	3135	3448	3748
15,950	1742	2453	2814	3143	3457	3758
16,000	1747	2460	2821	3151	3466	3768
16,050	1751	2466	2828	3159	3475	3777
16,100	1755	2472	2836	3167	3484	3787
16,150	1760	2478	2843	3175	3493	3797
16,200	1764	2485	2850	3184	3502	3807
16,250	1769	2491	2857	3192	3511	3816
16,300	1773	2497	2865	3200	3520	3826
16,350	1778	2504	2872	3208	3529	3836
16,400	1782	2510	2879	3216	3538	3846
16,450	1786	2516	2887	3224	3547	3855
16,500	1791	2523	2894	3233	3556	3865
16,550	1795	2529	2901	3241	3565	3875
16,600	1800	2535	2909	3249	3574	3885
16,650	1804	2541	2916	3257	3583	3894
16,700	1809	2548	2923	3265	3592	3904
16,750	1813	2554	2930	3273	3601	3914
16,800	1817	2560	2938	3281	3610	3924
16,850	1822	2567	2945	3290	3619	3933
16,900	1826	2573	2952	3298	3628	3943
16,950	1831	2579	2960	3306	3637	3953
17,000	1835	2585	2967	3314	3646	3963
17,050	1840	2592	2974	3322	3655	3972
17,100	1844	2598	2982	3330	3663	3982
17,150	1849	2604	2989	3339	3672	3992
17,200	1853	2611	2996	3347	3681	4002
17,250	1857	2617	3003	3355	3690	4011
17,300	1862	2623	3011	3363	3699	4021
17,350	1866	2630	3018	3371	3708	4031
17,400	1871	2636	3025	3379	3717	4041
17,450	1875	2642	3033	3388	3726	4050
17,500	1880	2648	3040	3396	3735	4060
17,550	1884	2655	3047	3404	3744	4070
17,600	1888	2661	3055	3412	3753	4080
17,650	1893	2667	3062	3420	3762	4089
17,700	1897	2674	3069	3428	3771	4099
17,750	1902	2680	3077	3436	3780	4109
17,800	1906	2686	3084	3445	3789	4119
17,850	1911	2693	3091	3453	3798	4129

Monthly net income	Number of Children					
	1	2	3	4	5	6
17,900	1915	2699	3098	3461	3807	4138
17,950	1919	2705	3106	3469	3816	4148
18,000	1924	2711	3113	3477	3825	4158
18,050	1928	2718	3120	3485	3834	4168
18,100	1933	2724	3128	3494	3843	4177
18,150	1937	2730	3135	3502	3852	4187
18,200	1942	2737	3142	3510	3861	4197
18,250	1946	2743	3150	3518	3870	4207
18,300	1951	2749	3157	3526	3879	4216
18,350	1955	2756	3164	3534	3888	4226
18,400	1959	2762	3171	3543	3897	4236
18,450	1964	2768	3179	3551	3906	4246
18,500	1968	2774	3186	3559	3915	4255
18,550	1973	2781	3193	3567	3924	4265
18,600	1977	2787	3201	3575	3933	4275
18,650	1982	2793	3208	3583	3942	4285
18,700	1986	2800	3215	3591	3951	4294
18,750	1990	2806	3223	3600	3960	4304
18,800	1995	2812	3230	3608	3969	4314
18,850	1999	2819	3237	3616	3978	4324
18,900	2004	2825	3244	3624	3987	4333
18,950	2008	2831	3252	3632	3995	4343
19,000	2013	2837	3259	3640	4004	4353
19,050	2017	2844	3266	3649	4013	4363
19,100	2021	2850	3274	3657	4022	4372
19,150	2026	2856	3281	3665	4031	4382
19,200	2030	2863	3288	3673	4040	4392
19,250	2035	2869	3296	3681	4049	4402
19,300	2039	2875	3303	3689	4058	4411
19,350	2044	2882	3310	3698	4067	4421
19,400	2048	2888	3318	3706	4076	4431
19,450	2053	2894	3325	3714	4085	4441
19,500	2057	2900	3332	3722	4094	4450
19,550	2061	2907	3339	3730	4103	4460
19,600	2066	2913	3347	3738	4112	4470
19,650	2070	2919	3354	3746	4121	4480
19,700	2075	2926	3361	3755	4130	4489
19,750	2079	2932	3369	3763	4139	4499
19,800	2084	2938	3376	3771	4148	4509
19,850	2088	2945	3383	3779	4157	4519
19,900	2092	2951	3391	3787	4166	4528
19,950	2097	2957	3398	3795	4175	4538
20,000	2101	2963	3405	3804	4184	4548

## Child Support Offices

---

The forms to petition for a modification of child support are free and available online at:

[www.dss.sd.gov/formspubs](http://www.dss.sd.gov/formspubs)

Forms are updated regularly, so do not use forms from sources other than the Division of Child Support. You can also obtain a petition form or apply for services by contacting the Division of Child Support nearest you.

### State Office Address:

Division of Child Support  
700 Governors Drive  
Pierre, SD 57501-2291  
605-773-4724  
[www.dss.sd.gov/childsupport](http://www.dss.sd.gov/childsupport)

### Local Offices:

#### Aberdeen:

3401 10th Ave SE, 57401-8000  
Phone: 605-626-3160 or 1-866-239-8855

#### Huron:

110 Third St. SW, Suite 200, 57350-2450  
Phone: 605-353-7100 or 1-877-329-0019

#### Mitchell:

116 E. 11th Ave., 57301-1432  
Phone: 605-995-8000 or 1-800-231-8346

#### Pierre:

912 E Sioux Ave, 57501-3940  
Phone: 605-773-3612 or 1-800-226-1033

#### Rapid City:

510 N Campbell, PO Box 2440, 57709-2440  
Phone: 605-394-2525 or 1-800-644-2914

#### Sioux Falls:

811 E 10th St. Dept. 2, 57103-1650  
Phone: 605-367-5444 or 1-866-801-5421

#### Watertown:

2001 9th Ave SW, Suite 300, 57201-4029  
Phone: 605-882-5000 or 1-866-239-6787

#### Yankton:

3113 N Spruce St., Suite 200, 57078-5320  
Phone: 605-668-3030 or 1-800-455-5241

For more information, please visit:  
[www.dss.sd.gov/childsupport](http://www.dss.sd.gov/childsupport)

**DSS**   
Strong Families - South Dakota's Foundation and Our Future

*Printed by the South Dakota Department of  
Social Services on recycled paper, September 2010.*