

Changing a Child Support Order in Your State

 The information below applies only to Utah

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

Correspondence Address:

Office of Recovery Services
PO Box 45033
Salt Lake City, Utah 84145-0033

801-536-8500

2. How can I contact my child support agency?

Correspondence Address:

Office of Recovery Services
PO Box 45033
Salt Lake City, Utah 84145-0033

801-536-8500

www.ors.utah.gov

Payment Address:

Office of Recovery Services
PO BOX 45011
Salt Lake City, UT 84145-0011

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

Yes, ORS will not adjust your order if either parent is incarcerated.

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

No, Utah does not have modification forms online. But, modification forms and information packets can be requested by phone at 801-536-8500 using the “Get General Information” and “Common Questions Menu” prompts to listen to information about “Review and Adjustment.” The child support website, www.ors.utah.gov, offers a “Common Questions” link which includes information about modification of child support amounts.

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

Yes, the brochure “Incarcerated/Released Parents and Child Support: Overview of Services” Provided by the Office of Recovery Services is attached.

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

A parent can request a modification at any time, but the modification will only be granted if: The order is at least 3 years old and the new award for the paying parent is at least 10% higher or lower than the current award; OR the order is less than 3 years old and you provide proof that a substantial change in circumstances has occurred that is not a temporary change (less than 12 months); and the new award for the paying parent is at least 15% higher or lower than the current award.

ORS will not adjust your order: if the youngest child will be 18 years old within a year; if either parent cannot be located; if either parent is incarcerated; or, for other issues, such as visitation or custody.

7. How do I request the change?

If you have an open child support case with ORS, upon written request from either parent, ORS will ask for certain documents that are needed to complete the request for review. These documents include (at a minimum) a completed Financial Statement, verification of each parent's yearly gross income, and a copy of the Findings of Fact for Judicial orders. Additional information may be needed on a case-by-case basis.

After receiving all of the necessary information, ORS will review your order to decide if the amount of child support needs to be changed and will request that the child support award be modified, if appropriate.

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

This varies from case to case.

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

No.

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

No.

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

ORS will not adjust your order if either parent is incarcerated, but you may be able to ask to have it modified without the assistance of ORS.

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

ORS will be developing online training modules for use by prison authorities to answer basic child support questions related to incarceration and release.

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

ORS does not have any established relationships with third-party resources that provide these services.

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.



The Office of Recovery Services (ORS) provides child support services for the State of Utah. Most services involve collecting financial support for children. ORS also establishes paternity for children, establishes court orders for financial and medical support, and enforces child support orders.

CSS Definitions:

- **Arrearage or arrears:** Past due, unpaid support owed by the non-custodial parent.
- **Child Support Services (CSS):** Administers the IV-D full-range child support program for the Department of Human Services, Office of Recovery Services.
- **Custodial Parent (CP):** The person who as primary care, custody and control of the child(ren).
- **Income Withholding:** A document that instructs an NCP's payor of income (i.e., employer) to withhold part of the income and send it to ORS to be applied to his/her support debts.
- **Noncustodial parent (NCP):** A parent who does not have primary care, custody or control of the child and has an obligation to pay child support.

SERVICES PROVIDED

How to Apply for Child Support Services

1. **Get an application:** Call ORS to ask for an application, pick an application up at any office location or print the form from the ORS webpage at www.ors.utah.gov.
2. **Read** the Notice of Services carefully.
3. **Complete and sign** the application.
4. **Send** the application and any supporting documents to the Office of Recovery Services.

Order Establishment Services:

ORS will:

- establish the paternity of children who are born to unmarried parents;
- provide genetic testing to confirm the paternity of a child; and,
- establish a child support and medical support order.

ORS child support orders include:

- an ongoing child support amount, in most cases, for both parents;
- a requirement to carry medical insurance for the child(ren) when it is available at a reasonable cost;
- a cash medical support amount that is due when insurance is not available;
- a requirement for the parents to share the child(ren)'s uninsured medical expenses;
- establishment of paternity, if the child was born to unmarried parents; and,
- a judgment for past-due support, in some situations.

ORS cannot address custody, visitation, property settlement issues or any other non-support issues.

Modification Services:

Either parent may ask ORS to review the child support amount once every three years, or when a substantial change in circumstances has occurred.

Not all reviews result in a change (adjustment) to the child support order. If there is a change, the amount could go up OR down.

To get an idea what the new amount may be, request a "Review and Adjustment Information Packet" by calling ORS, completing the Inquiry Form, or on the ORS web site.

Reviews must be requested from ORS in writing.

Medical Support Enforcement:

ORS provides medical support enforcement services to people who are receiving cash assistance or Medicaid or who apply for child support services.

If medical insurance coverage is not included in the support order, ORS may modify the order to include a provision for medical insurance or cash medical support.

If the parent who is ordered to maintain insurance coverage does not enroll, ORS will send a notice to the employer to enroll the children in a health insurance plan.

Utah's child support guidelines allow the parent who is ordered to maintain insurance coverage to receive credit for up to 50% of the child's portion of the premium. The parent must provide the insurance information to ORS and request the credit. No retroactive credit will be given.

Enforcing Child Support Orders:

ORS uses the following tools to collect child support:

- income withholding (taking the payments out of the non-custodial parent's paycheck);
- intercepting federal and state tax refunds;
- placing liens on real and personal property;
- reporting the past-due support to the credit reporting agencies;
- denying passports;
- suspending driving privileges; and,
- other appropriate enforcement actions.

If the order was issued in Utah, ORS will enforce the child support obligation of the parent(s) who does not have physical custody of the child. If custody of the child changes, ORS may enforce the obligation against the other parent without modifying the order.

If ORS is notified of a parent's release from jail or prison WITHIN 30 DAYS, ORS will only collect the current support amount and a minimum arrears payment for six months.

After six months, an assessed or full arrears payment may be added.

Discharge of Arrears:

Arrears (back support) which accrued while the paying parent was incarcerated may be forgiven under a special program.

- **This program only applies to arrears owed to the state that accrued during the most recent incarceration.**
- **The parent must contact the assigned caseworker within 30 days of being released from jail or prison to participate.**
- **Arrears will only be forgiven one time.**

The following criteria must be met:

- The full current support amount due must be paid for 12 consecutive months. This includes:
 - Current support payments and a minimum arrears payment for six months; and
 - Current support payments plus an established payment toward the arrears for six additional months for a total 12 consecutive months.
- The 12-month time frame begins once the parent has contacted the assigned case worker and made arrangements (within 30 days of release from jail or prison).
- After 12 months of full payments, the unpaid arrears owed to the state that accrued during the most recent incarceration will be discharged.
- Any back support amount owing to the family will still be owed.

CONTACT INFORMATION

**Office of Recovery Services/
Child Support Services**

MAIL CORRESPONDENCE:

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Child Support Services
PO Box 45033
Salt Lake City, UT 84145-0033

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Salt Lake City, UT 84145-0011

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WEB:

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NOTES:

**DHS ORS CSS XPRP
New 10/08**

**INCARCERATED/
RELEASED
PARENTS
and
CHILD SUPPORT**

*Overview of Services
Provided by The
Office of Recovery Services*



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