

Changing a Child Support Order in Your State

 The information below applies only to Virginia

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

Parents should call the Virginia Division of Child Support Enforcement’s (DCSE) Customer Service Call Center at (800) 468-8894.

2. How can I contact my child support agency?

Virginia’s DCSE website is <http://www.dss.virginia.gov/family/dcse/>. The website provides addresses and fax numbers for each child support district office, <http://www.dss.virginia.gov/family/dcseoffices.cgi>.

The Customer Service Call Center number is (800) 468-8894. Address information is available 24/7 through the Interactive Voice Response (IVR) System.

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

Yes. Incarcerated parents are **not** granted a modification based solely on the fact that they are incarcerated. In Virginia incarceration is considered to be “voluntary unemployment.”

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

Yes. The Request for Review and Adjustment form is available online at <http://www.dss.virginia.gov/files/division/dcse/forms/032-18-0820-04-eng.pdf>, and is attached here.

Changing an order is addressed in the child support frequently asked questions available at: <http://www.dss.virginia.gov/family/dcse/faq.html>.

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

No.

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

Either party in a IV-D case or a IV-D agency may request a review of the child support obligation. The review is based on the current income of both parents and the Virginia child support guidelines. The review for modification may result in an increase, decrease or remain the same.

There are many reasons that may warrant a modification of the child support obligation: It has been 36 months or longer since the order was reviewed for modification (TANF cases are automatically reviewed every 36 months, and cases in which the DCSE is provided notice that the noncustodial parent is receiving Social Security benefits are reviewed automatically); a child needs to be added to the order as a result of a birth or a physical change in custody; a child is no longer eligible to receive continued current support due to a physical change in custody or emancipation; health care coverage costs need to be considered in the obligation; the health care coverage premium increased or decreased by at least 25 percent; the existing child support order does not include the reimbursed medical/dental provision; the custodial parent’s work related child care expenses increased or decreased by at least 25 percent; either parent’s income increased or decreased by at least 25 percent.

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7. How do I request the change?

All requests must be in writing and signed by the requesting party. Requests must be submitted on the Request for Review and Modification form or informally in writing.

To request a review, you should send in a signed request for a review to the district office that manages your case, briefly explaining the change in circumstances or you may print, complete, and return the Request for Review and Adjustment form to the district office that manages your case. The Request for Review and Adjustment form is attached here.

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

After a review request is received, financial statements are sent to the custodial and noncustodial parents to complete and return to DCSE. DCSE will conduct a review to determine whether an adjustment to the obligation is needed.

If the support order is a court order and the review results reflect that a modification is warranted, the parties are notified that DCSE will file a motion to amend the court order in the appropriate court. Some courts require a hearing before entering a final order. In other courts, one party may request a hearing with the court within 30 days of receipt of notice of the motion. The modification process may take up to 180 days, depending on how quickly information is provided by the parents and the local court time frames.

If the support order is an Administrative Support Order (ASO), DCSE can modify the order, but the parties have a right to appeal the modified ASO.

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

Yes, in some courts. If the order being modified is a court order and the parents do not object to the modification, some courts in Virginia will enter the order without having a hearing.

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?

No.

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

DCSE staff are been involved in pre-release sessions at various correctional institutions. DCSE has a pilot program called Virginia Family Strong in eight district offices to visit prisons and provide packets of information regarding child support and the modification process to pre-release inmates.

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

NA

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

DCSE is developing new procedures for timely modification of orders when a parent requests a review upon **release** from incarceration.



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.



Commonwealth of Virginia
Department of Social Services
Division of Child Support Enforcement

REQUEST FOR REVIEW AND ADJUSTMENT

Name

Date _____

Address

DCSE Case No. _____

Address

Please read this information before submitting the attached request for a review. If DCSE is sending you this because you have requested a review, you must complete and return the attached request form within 15 days from the date of this notice, or the request will be denied. If you have any questions or need help completing this form contact the district office that handles your case.

If it has been three years since your child support order was entered, modified, or reviewed, you may request a review. Complete the attached request form indicating this to be the reason you want your child support order reviewed.

If it has been LESS than three years since your child support order was entered, modified, or reviewed, there must be a special circumstance reason to justify the request. Review the special circumstance reasons that qualify for a possible adjustment of the child support amount. The reasons and documentation requirements are:

- A child needs to be added to your order as a result of a birth or a physical change in custody. Provide the name and date of birth of the child and the reason for the request.
- A child is no longer eligible to receive continued current support due to a physical change in custody or emancipation (and other children are active on the order). Provide the name and date of birth of the child and the reason for the request.
- The health care coverage insurance premium increases or decreases by at least 25 percent. Provide a statement from the insurance carrier or employer that specifies the child or children's cost of the premium to the insured with this request. You may provide the current and previous costs of the child or children's premium in writing on the request, but only if a statement from the insurance carrier or employer cannot be obtained.
- The existing child support order does not include an unreimbursed medical/dental provision. No documentation is necessary.
- Either parent's income increases or decreases by at least 25 percent. Submit the last three pay stubs, an income earning statement from the employer, or any other form of income verification available to you with this request. If you have become unemployed, you must provide proof that your loss of employment is not voluntary, meaning that you did not quit your job without good cause or you were terminated (fired) with cause. You may provide a statement from the employer or other credible source to prove you are involuntarily unemployed. If you qualify to receive unemployment benefits, you may provide a copy of the approval notice from Virginia's or another states' Employment Commission as proof you are involuntarily unemployed.

A health care coverage obligation needs to be added to the order. No documentation is necessary.

- Either parent is a Reservist or National Guard personnel experiencing a change of income due to recall to active duty. Provide any document that supports a return to active duty with this request.
- The work-related child care expenses increase or decrease by at least 25 percent. Submit a statement from the child care provider that specifies the cost of the child care and the name(s) of the child(ren) the provider cares for.
- DCSE will conduct a review if a special circumstance applies to the other party and you cannot obtain the required documentation. You, as the requesting party however, must provide an explanation of the other party's special circumstance:

NOTICE:

- ✓ You must indicate the reason for the request. Requests for reviews because of changes in circumstances must qualify as one of the special circumstances reasons listed on this form. Clearly state the special circumstances reason and provide the required documentation. DCSE will not accept any requests that do not indicate the reason for the request, and the request must include documentation as required.
- ✓ Once a request for Review and Adjustment has been received, it may only be withdrawn by written request. However, the non-requesting party can object to the withdrawal and action to complete the review will continue.
- ✓ A review could result in an upward or a downward modification or indicate no modification is warranted at this time.

To request a review, complete and sign the Request for Review and Adjustment below and return it to the District Office that handles your case. If DCSE has sent you this notice because you have requested a review, you must complete and return the request within 15 days from the date of this notice or the request will be denied.

****DETACH AND MAIL****

REQUEST FOR REVIEW AND ADJUSTMENT

I, _____, am requesting a review because:

Printed Name / DCSE Case #:

Address

Signature

Address

**RETURN THIS REQUEST TO THE DCSE OFFICE HANDLING YOUR CASE.
BE SURE TO INCLUDE DOCUMENTATION AS REQUIRED.**