

## Changing a Child Support Order in Your State

 The information below applies only to Wisconsin

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

Contact your local child support agency to verify whether they have a case. Either parent may contact the child support agency or the Clerk of Courts office to obtain information regarding the terms of the child support order and when it was last modified.

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

The Wisconsin Bureau of Child Support (BCS) does not manage individual child support cases. To address your case specific concerns, please contact your local child support agency. Wisconsin has 71 local child support agencies and several tribal child support agencies. Each agency sets its own policies with regard to client contact. Agencies vary but accept some combination of mail, email, telephone, fax and in person communication. Listing of agency address, phone and websites <http://dcf.wisconsin.gov/bcs/agencylist.htm>

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

Generally, no. BCS has issued a policy that incarceration of at least 12 months is considered a “substantial change of circumstances” which allows the local child support agency to bring a motion for modification before the Circuit Court (unless the incarceration resulted from a crime against any child, a crime against a case participant, or is for failure to pay child support.) Once the motion is filed, the Circuit Court has the discretion to modify the order or not, and incarceration is just one of the factors the Court should consider. Additionally, release from incarceration is only be a substantial change if the order was modified due to incarceration. Some Courts order child support to be reinstated after a period of incarceration ceases, such as 60 days after release.

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

Yes. Modification information is available online, including a video, Changing your Child Support Order Video, <http://dcf.wisconsin.gov/bcs/videos/ra/player.html>; an online guide (attached), Your Guide to Changing & Ending Child Support, [http://dcf.wisconsin.gov/publications/pdf/dcf\\_p\\_dwsc861.pdf](http://dcf.wisconsin.gov/publications/pdf/dcf_p_dwsc861.pdf) ; and information on reviewing or modifying an order, Reviewing a Court Order for Change webpage, <http://dcf.wisconsin.gov/bcs/review/default.htm>, Modifying a Child Support Order webpage, [http://dcf.wisconsin.gov/bcs/review/order\\_change.htm](http://dcf.wisconsin.gov/bcs/review/order_change.htm)

Many local child support agencies and local Clerk of Courts have links to forms on their websites. See appendix below.

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

Although not specifically for incarcerated parents, the attached “Your Guide to Changing & Ending Child Support” may be useful. BCS has developed a form for child support agencies to send to incarcerated parents to explain the modification process and to request a modification. The Milwaukee Prison Project has a letter and forms regarding its program.

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

Parties have a right to have their orders reviewed by the child support agency every 33 months OR if there is a substantial change of circumstances which will result in a substantial change (\$50.00 and 15% of the order). If outside of the 33-month review process, the party requesting the change must provide evidence of the substantial change. Incarceration is considered a substantial change of circumstance to warrant a review of the order.

## Changing a Child Support Order in Your State

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

Child support agencies cannot change a court order. Wisconsin has a judicial process to modify child support orders. Only the Circuit Court has authority to modify a child support order. The child support agency's role is to gather information, determine if the minimum threshold is met, ensure the child support guidelines are used or deviated from appropriately, and make recommendations to the Court. The agency might draw up an agreement for parents to sign, but the court has to approve the agreement. Changes do not start until the court has signed the order.

IV-D child support cases automatically come up for review every 33 months. For non-assistance cases, the parties receive a notice indicating that they have a right to have their order reviewed. If either party requests the review and returns the required documents, the child support agency will begin the review process. A party may also request a review at anytime. In order for the review to proceed, the parties must show a substantial change of circumstance and provide the required documentation. Parties may also file their own motion for modifications with or without the assistance of counsel as they choose.

Agencies set their own policies regarding acceptable forms of documentation and requests for modification. The agency may require a specific form or accept a letter that contains the same information.

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

If you request a modification in response to the 33-month review notice, the process starts when you make the review request and return the required questionnaire. The child support agency conducts reviews the request using all available sources, including information from the parties and information the child support agency gathered. If the review shows no adjustment to the order, notice is sent to the parties.

If a change appears to be warranted, local agencies may have slightly varying approaches. The agency will either file the motion or follow a *pro se* approach will instruct the parties on how to prepare the Motion for Modification. Some agencies will attempt to have the parties sign a stipulation. If there is no agreement and the matter will proceed to a hearing. The length of time varies depending on the circumstances of the case.

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

Yes. The Office of State Courts offers an online form, FA-604 – "Stipulation and Order to Change: Custody/ Placement/Support/Maintenance," that parents can sign and file with the court for approval. The stipulation will take effect when the court approves it. Links to court forms are online at <http://wicourts.gov/forms>.

If you receive services from your local child support agency, the child support agency must approve the terms of the stipulation before you submit the papers to the court. You also need to tell your child support agency of the terms approved by the court.

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

Child support agencies do not charge for reviewing the order or for taking steps to change an existing order. Most courts charge a \$30 filing fee for hearings to review/change a support order. The fee is charged to the parent asking for the review/change. No fee is charged if the parent or guardian gets cash benefits from the W-2, SSI Caretaker Supplement, and Kinship Care programs. Some courts do not charge a filing fee for a stipulation.

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

Some local child support agencies will require you to provide a statement that you are not incarcerated for certain crimes and ask you to provide documentation regarding the expected length of your incarceration. The Circuit Court may also require a telephonic appearance.

## Changing a Child Support Order in Your State

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

BCS recently issued policy regarding the setting of child support and the modification of child support for incarcerated parents. A form was developed for child support agency use to send to incarcerated parents in order to explain the modification process and if the parent desire to request a modification of child support.

BCS in collaboration with various child support agencies has visited prisons in order to present information to incarcerated parents. Several child support agencies do have prison/jail outreach programs. For example, the Milwaukee Prison Project provides outreach regarding modification of child support to incarcerated parents with cases in Milwaukee County.

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

University of Wisconsin has a Legal Assistance to Institutionalized Person Project, Family Law Project, Re-Entry Project, <https://law.wisc.edu/fjr/laip/>. There are also pro se resources and links to forms provided on the websites of local child support agencies and local Clerk of Courts. See appendix below.

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

The setting of support amounts for incarcerated payers is up the Circuit Court, there are no statutory minimum or maximum support orders for incarcerated payers. Apart from the percentage of income standard, Wisconsin has serial family, split placement, shared placement, low income and high-income calculations for child support. Additionally, Wisconsin follows Department of Children and Families Administrative Code 150.03 (5) regarding adjusting a parent's child support obligation if the child is receiving benefits based on that parent's entitlement to federal disability (SSDI) or old-age insurance benefits.



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.



## Changing a Child Support Order in Your State

# Appendix on Court Forms and Local Resources

## Additional Information

Your Guide to Child Support Services

<http://dcf.wisconsin.gov/publications/pdf/16148.pdf>

Job Loss and Child Support

[http://dcf.wisconsin.gov/publications/pdf/dcf\\_p\\_32.pdf](http://dcf.wisconsin.gov/publications/pdf/dcf_p_32.pdf)

Court Resources and Forms

[http://dcf.wisconsin.gov/bcs/resources/court\\_forms.htm](http://dcf.wisconsin.gov/bcs/resources/court_forms.htm)

Wisconsin Courts

Self help center <http://wicourts.gov/services/public/selfhelp/index.htm>

Self Representation (Pro Se) <https://myforms.wicourts.gov/>

Wisconsin State Law Library

<http://wilawlibrary.gov/topics/familylaw/childsupport.php>

Jefferson County WI Pro Se Modification of Child Support Orders

<http://www.jeffersoncountywi.gov/departments/forms.php>

Oconto County Pro Se Instructions to Change Child Support

[http://www.co.oconto.wi.us/i\\_oconto/d/instructions\\_for\\_pro\\_se\\_motions.pdf](http://www.co.oconto.wi.us/i_oconto/d/instructions_for_pro_se_motions.pdf)

Rock County Pro Se Instructions to Change Child Support

[http://www.co.rock.wi.us/images/web\\_documents/departments/child\\_support/pro\\_se\\_instructions.pdf](http://www.co.rock.wi.us/images/web_documents/departments/child_support/pro_se_instructions.pdf)

Wisconsin Courts

<http://www.wicourts.gov/forms1/circuit/index.htm>

Milwaukee Justice Center Modification Motion Checklist

<http://milwaukee.gov/MJC/GetHelpNow/ChildSupport/Modification.htm>

Wisconsin Circuit Courts

[https://myforms.wicourts.gov/wizards/family/getting\\_started/county](https://myforms.wicourts.gov/wizards/family/getting_started/county)

Milwaukee Justice Center websites.

<http://milwaukee.gov/MJC/GetHelpNow/ChildSupport/Modification.htm>

# Your Guide to Changing & Ending Child Support

## WI BUREAU OF CHILD SUPPORT



### Changing an order

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- Past-due support
- Parent resources
- W-2 Services, Cash Benefits Programs, and Child Support
- Child Support and BadgerCare +
- Repaying birth costs

## Changing a child support order

### Can a child support order be changed?

Yes. If the parent's income or the child's living arrangements change, child support orders can change. The ordered amount might increase or decrease. Before an order is changed, it will be reviewed by the child support agency and/or by the court. Both parents will be asked to provide current financial information.

- The services mentioned in this guide are for parents and guardians who receive child support services from their local child support agencies. Either parent may apply for services.
- Every three years, child support will mail a notice to both parents to remind them about their right for a review.
- Parents and guardians **getting cash benefits** from the W-2, SSI Caretaker Supplement, and Kinship Care programs **will** automatically have their court orders reviewed every three years.

### Reviewing an order

A review is the process of checking a child support order to see **if** it needs updating.

A review **will be** done when:

- A parent gets cash benefits for the children, **and** the order has not been reviewed for three years; or
- A parent asks for a review, **and** the order has not been reviewed for three years; or
- A court orders a review.

A review **might be** done when:

- A parent asks for a review, **and** the order has been reviewed within the last three years. The child support agency might do a review more often than every three years if there has been a **substantial change** in circumstances, and a **written** request is made to the child support agency.
- A parent hires an attorney to ask the court for a review.
- A parent asks the court for a review using a "do it yourself" (pro se) approach. Parents can contact their family court commissioner for information on pro se forms, or they can go to [childsupport.wisconsin.gov](http://childsupport.wisconsin.gov) to get forms online.

Examples of a **substantial change**:

- The court changes a child's placement. The child now lives with the parent who is ordered to pay support.
- A parent has a sizeable change in income (increase or decrease).
- The paying parent is in jail.

## More about reviewing an order

A review would **not** be done in cases when:

- A parent has no legal duty to provide current support. For example, all children are emancipated, or the paying parent's parental rights were ended.
- "Good Cause" has been found or is pending for a parent in W-2. (However, the parent with Good Cause may ask for a review.)
- The order is from another state, and that other state has jurisdiction (control) over the order.
- The whereabouts of a parent are unknown.
- The paying parent has voluntarily reduced his or her income.
- The paying parent is in jail because of a crime against a child, a crime against the other parent, or for failing to pay child support.

Local child support agencies have different practices for reviewing court orders. Some child support agencies have their staff review the order. Other agencies help parents to use the pro se process to ask the court to review the support order. Either way, the order review looks at three issues:

1. Does the dollar amount in the child support order follow the Percentage of Income guidelines? (For more information about the guidelines, please see "Your Guide to Setting Child Support Amounts," available online at [childsupport.wisconsin.gov](http://childsupport.wisconsin.gov) and from your child support agency.)
2. Does the order include medical support? **Either or both** parents might be ordered to provide medical support. Medical support might include:
  - enrolling the child in a health care plan provided by a parent's employer
  - paying the premiums for the child's health insurance provided by the other parent's employer
  - paying medical and dental bills, or costs
3. Has there been a substantial change in circumstances since the last order?

When the review is done, a notice about the results will be mailed to both parents.

## Changing the order

A legal change of a child support order is called an "adjustment" or a "modification." If a change is made, the support amount might go up, go down, or stay the same. If the support amount stays the same, the change could add medical support to the court order.

A change does not have to be made if the review finds that:

- The order conforms to the child support guidelines and provides for medical support. (For more information about the guidelines, please see "Your Guide to Setting Child Support Amounts," available from your child support agency and online at [childsupport.wisconsin.gov](http://childsupport.wisconsin.gov).)
- The change in the child support amount would be less than 15% of the current order, and the difference is less than \$50/month.

If the child support agency staff does the review and finds that a change is warranted, they might draft a legal agreement (stipulation) and ask both parents to sign it. The legal agreement is filed with the court. After the court approves the agreement, the change will take effect. If a parent does not agree to the stipulation, the child support agency might ask the court to change the order. If the court reviews the order, the court will decide whether or not to change the order.

## **More about changing the order**

### **The other parent and I agree to change the amount of support. Is there an easy way we can do this?**

Yes. The Office of State Courts offers an online form, FA-604 – “Stipulation and Order to Change: Custody/Placement/Support/Maintenance,” that parents can sign and file with the court for approval. The stipulation (legal agreement) will take effect when the court approves it. Links to court forms are online at [wicourts.gov/forms](http://wicourts.gov/forms).

If you receive services from your local child support agency, the child support agency must approve the terms of the stipulation before you submit the papers to the court. You also need to tell your child support agency of the terms approved by the court.

## **Important points**

### **Only a court can change a support order**

Child support agencies cannot change a court order. The agency might draw up an agreement for parents to sign, but the court has to approve the agreement. Changes do not start until the court has signed the order.

### **Notices are mailed**

Review notices are sent by mail to the address listed with the parent’s child support agency. Parents can update their addresses by contacting their child support agency and online at [childsupport.wisconsin.gov](http://childsupport.wisconsin.gov).

### **Child support attorneys**

Child support attorneys represent the interests of the state. They do not represent either parent. Child support attorneys will attend review hearings for cases in which a parent receives cash benefits.

### **Fees**

Child support agencies do not charge for reviewing the order or for taking steps to change an existing order.

Most courts charge a \$30 filing fee for hearings to review/change a support order. The fee is charged to the parent asking for the review/change. No fee is charged if the parent or guardian gets cash benefits from the W-2, SSI Caretaker Supplement, and Kinship Care programs. Some courts do not charge a filing fee for a stipulation (legal agreement).

### **Income for child support**

The court may use the parent’s gross income, ability to earn, or the income available for support.

- Gross income is defined as all income and earnings from all sources. This income may or may not be taxable. Income can be in the form of money, property, or services. It does not include money received from W-2 or SSI.
- Ability to earn considers the parent’s job and wage history, health, education, and available job openings.
- Income available for support is the gross income minus support for earlier obligations such as an order to support another family.

### **Dollar amount orders**

Orders for families getting services from their local child support agency must be stated in dollar amounts (such as \$300 each month). The dollar amount is based on the Percentage of Income Standards.

## **Ending child support**

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Under Wisconsin law, a parent's duty to support his or her child continues until age 18, or age 19 if the child is still enrolled in high school or working on a high school equivalency course (GED).

"Emancipation Notices" will be sent to both parents 90 days before the verified date of graduation or the 18th birthday of their youngest child. The order for current support will end when the youngest child turns 18 unless a parent shows documentation (written proof) to the child support agency that the child attends high school or is enrolled in a program to obtain his or her GED.

If past-due child support is owed, support cases are still enforceable. If the order for current support ends, and past-due child support is owed, the parent should check with the child support agency to make sure he or she has a court order for payment on the past-due support. Income withholding may continue at the same level until past-due child support is paid in full.

### **The other parent owes me past-due child support. I do not want it. What can I do?**

You and the other parent may sign a legal agreement (stipulation) reducing or eliminating the past-due child support owed to you. You will then need to submit the agreement to the court. It will take effect when the court approves the agreement. This agreement will not change any support that a parent might owe to the state. You should make your decision carefully, as you cannot reverse this action. If you forgive support owed to you, it is forgiven forever.

### **I still want my support, but I do not want child support services any more. How do I stop the child support services?**

To end services, send your written request to your child support agency. By state law, your child support still needs to be paid through the Wisconsin Support Collections Trust Fund. However, if you are not receiving public assistance, you may stop child support services. If you later change your mind, you may reapply for services.

### **My son dropped out of high school. He will turn 18 in a few months. He is not enrolled in high school or in a GED program, although he keeps promising he is going to do it "soon." When can I stop paying child support?**

Your order for current support will end when your child turns 18 unless you or the other parent shows documentation (written proof) to the child support agency that your child has returned to high school or is enrolled in a program to obtain his GED.

### **My child turned 18 in February, but does not graduate from high school until June. When will my child support order end?**

Check your child support order to see if the end date for graduation is given. If not and you know your child's graduation date, contact your child support agency. Your duty for current child support ends when your 18-year-old child graduates.

### **My children no longer live with the other parent. They now live with their grandparents. Do I still have to pay support?**

Yes, you are still responsible for supporting your children and making payments as ordered. However, you might want to ask the court to name the grandparents as the payees of your support payments.

If a child is placed with someone other than a parent or in a place like a group home, both parents are expected to pay child support. If your child's caretakers apply for public assistance, they will get full child support services. If not, the caretakers would have to apply for services from their local child support agency. Please see the "Payment of Child Support for Substitute Care," available online at [childsupport.wisconsin.gov](http://childsupport.wisconsin.gov) and from your child support agency. (Substitute Care is any formal out-of-home placement.)



## Need more information?

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- An overview video on changing your child support order is available at <http://dcf.wisconsin.gov/bcs/videos/ra/player.html>.
- Contact your local child support agency for information about your case. Phone numbers are listed under “County Government” or tribal name and online at [childsupport.wisconsin.gov](http://childsupport.wisconsin.gov).
- Go to [childsupport.wisconsin.gov](http://childsupport.wisconsin.gov) for more information about child support and support services. Most public libraries offer free Internet access.

**Or contact:**



wisconsin department of  
**children & families**

DCF is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please call (608) 266-9909 or (800) 947-3529 TTY (Toll Free). For civil rights questions, call (608) 266-5335 or (866) 864-4585 TTY (Toll Free).



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## Reviewing a Court Order for a Change

Having an order changed is often referred to as **order modification**. Before an order is modified, it will be reviewed by the child support agency and/or by the court. Both parents will be asked to provide current financial information. Reviews can result in modification that can cause the support to go up, down, or remain the same. The review could also render changes in the medical support ordered on a case. When the review is complete, a notice about the results will be mailed to both parents. If the review reveals that the child support order should be modified, the court will have to approve the modification. There can be **fees** associated with reviewing and changing an order. Learn more - watch a video about **changing your child support order**.

The review looks at three issues:

1. Does the dollar amount in the child support order follow the **Child Support Percentage of Income Guidelines**?
2. Does the order include **medical support**?
3. Has there been a **substantial change** in circumstances for either parent since the last order?

### When Reviews are Done

A review **will be** done when:

- A parent asks for a review, **and** the order has not been reviewed for three years; or
- A court orders a review; or
- A parent gets **cash benefits** for their children, **and**
  - the order has not been reviewed for three years, and
  - **Good Cause** has not been found or is not pending, or
  - the parent with Good Cause asks for the review

A review **might** be done when:

- The last review was less than three years ago, but there has been a **substantial change** in circumstances. Substantial changes include but are not limited to **job loss**, changes in the child's **placement**, or incarceration.
- A parent hires an attorney to ask the court for a review.
- A parent asks the court for a review using a "do it yourself" or **pro se** approach. Parents can contact their family court commissioner for information on pro se forms, or **get the forms online**.

A review **will not** be done when:

- A parent has no legal duty to provide current support. For example, all children are emancipated, or the paying parent's parental rights were ended.
- "Good Cause" has been found or is pending for a parent who gets W-2 services or cash benefits, unless the parent with Good Cause requests the review.
- The order is from another state, and that other state has control over the order.
- The whereabouts of a parent are unknown.
- The paying parent has voluntarily reduced his or her income.

### Who Reviews the Order

- If you are receiving **cash benefits**, your order will automatically be reviewed every three years by your child support agency.
- If you have **applied** for child support services or if you were referred to child support through a **public aid/benefit program**, you can request a review every three years or after a substantial change in circumstances.
  - Every three years notices are mailed to both parents indicating their right for a review
  - Parents are interested in a review should submit a request in writing to their child support agency
  - Some agencies will review the order themselves, and others will provide help to parents on how to use the **pro se** process to ask for a review of the support order.
- All families paying and receiving support get financial services. If you have **not applied** for child support services or have **not** been referred by a **public aid or benefit program**, you are receiving only financial services. If this is the case, a review can only be done by a **pro se** motion or by hiring a private attorney.

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## Modifying a Child Support Order

A legal change of a child support order is called an "adjustment" or a "modification." A change could increase or decrease the amount of the support order. It could also add or modify the order to provide [medical support](#). Learn more - watch a video about [changing your child support order](#).

An order could be changed if the [review](#) finds that:

- The order does not conform to the [child support guidelines](#)
- The order does not include [medical support](#)
- The change in the child support amount would be at least 15% of the current order, and the difference would be \$50 or more a month

How an order is changed:

- If the child support agency does the review and finds that a change is warranted, they might draft a legal agreement known as a stipulation and ask both parents to sign it. The legal agreement will take effect when the court approves the agreement.
- If both parents agree to change the amount of support, they may use the Office of State Court's online form, [FA-604 - Stipulation and Order to Amend Judgment for Support/Maintenance/Custody/Placement](#). This can be done at the child support agency, or if the parents are using the [pro se](#) process, they can complete the form independently and submit it to the child support agency.
- If a parent does not agree to the stipulation, the child support agency might ask the court to change the order.
- If the court reviews the order, the court will decide whether or not to change it.

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