

Guide to Changing and Ending Child Support



Changing a Child Support Order

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

Every three years, child support will mail a notice to both parents to remind them about their right for a review. Parents and guardians receiving cash benefits from W-2, SSI Caretaker Supplement, and Kinship Care programs will automatically have their court orders reviewed every three years.

Reviewing an Order

A review to see **if** a child support order needs updating **will be** done when:

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

A review **may** be done when:

- A parent asks for a review **and** the order has not been reviewed within the last three years. The child support agency may 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 agency.
 - An example of a substantial change is the court changes a child's placement, a parent has a sizeable change in income, or the paying parent is in jail/prison.
- A parent hires an attorney to ask the court for a review.
- A parent asks the court for a review using a pro se form. Parents can contact their family court commissioner for information on pro se forms or visit <https://dcf.wisconsin.gov/cs/resources/court>.

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

- A parent has no legal duty to provide current support (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 control over the order.
- The location of a parent is unknown.
- The paying parent has voluntarily reduced his or her income.

Some child support agencies have their staff review the order, while other agencies help parents use the pro se process to ask the court to review the support order. A review looks at three issues:

1. Does the dollar amount in the child support order follow the Percentage of Income guidelines?
2. Does the order include medical support? **Either or both** parents might be ordered to provide medical support, which could 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 complete, the results will be mailed to **both** parents.

Changing an Order

A legal change of a child support order is called an adjustment or a modification. The support amount might increase, decrease, 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.

- 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 conducts the review and finds that a change is warranted, they might draft a legal agreement and ask both parents to sign it. The legal agreement is filed with the court; after the court approves the change will take effect. If a parent does not agree to the agreement, 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.

If Two Parents Agree to Change the Amount of Support

The Office of State Courts offers an online form (FA-604-Stipulation and Order to Amend Judgement for Support) that parents can sign and file with the court for approval. The legal agreement will take effect when the court approves it. Links to court forms are online at <https://dcf.wisconsin.gov/cs/resources/court>.

If you receive services from your local child support agency, the agency **must** approve the terms of the agreement before you submit the papers to the court. It is also important to inform the agency of the terms approved by the court.

Information to Remember

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 local agency or online at <https://dcf.wisconsin.gov/cs/parent-rights/updates>.



Child Support Attorneys

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 court order or for taking steps to change an existing order. Most courts charge a \$30 filing fee for hearings to review or change a support order. The fees are charged to the parent asking for the review or change. No fee is charged if the parent or guardian receives cash benefits from the W-2, SSI Caretaker Supplement, or Kinship Care programs. Some courts do not charge a filing fee for a 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: all income and earnings from all sources and 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: the gross income minus support for earlier obligations such as an order to support another family.

Dollar Amount Orders

Order 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

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 the youngest child. The order for current support will end when the youngest child turns 18 unless a parent shows written documentation to the child support agency that the child attends high school or is enrolled in a GED program.

If past-due child support is owed, support cases are still enforceable. If the order for current support ends, and past-due support is owed, the parent should check with the agency to ensure 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.

Questions

For a list of frequently asked questions and answers concerning ending child support visit the child support website at: <https://dcf.wisconsin.gov/cs/emancipation>

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

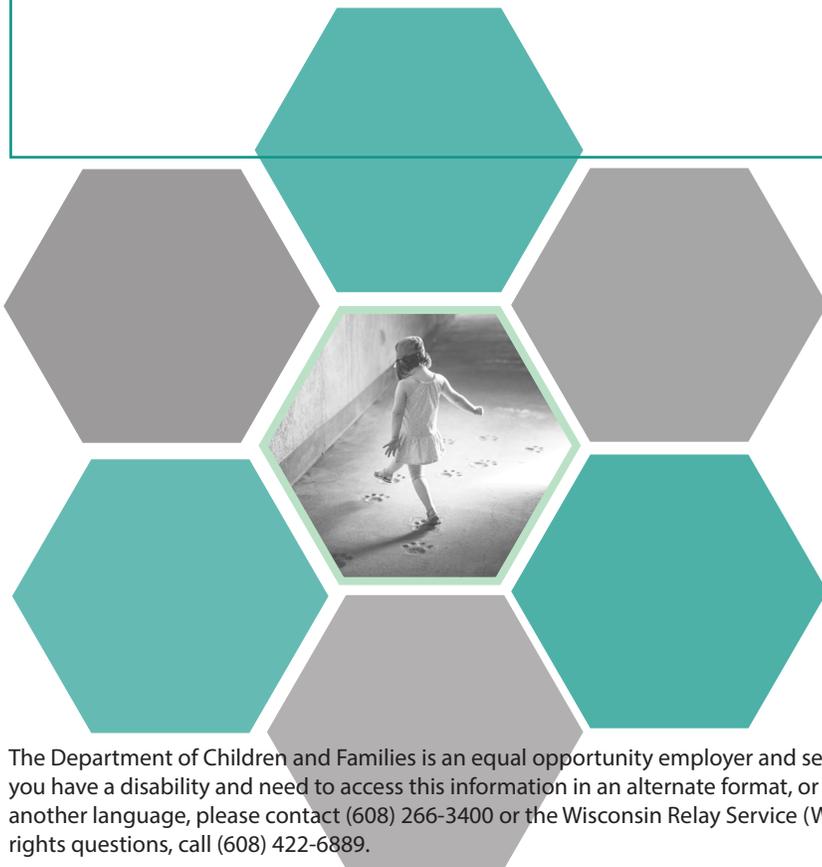
I still want my support, but I do not want child support services. How do I stop the child support services?

My son dropped out of high school. He will turn 18 in a few months. When can I stop paying child support?

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

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

For More Information Contact:



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