

## THINGS TO REMEMBER

☞ You may have the option of filing a rule on your own or through an attorney.

☞ In cases being handled by the child support office, the child support offices cannot change a court order. The office may draw up an agreement for the parents to sign, but the court has to approve the agreement. Changes do not start until the court has signed the order.

☞ A change in the law does not constitute a "material change in circumstances" for the purposes of modifying a child support order.

☞ Please be sure to respond on time. When you are served with legal papers, it is very important to take steps right away to figure out how to respond. In most cases, if you do not respond on time, the other party will automatically win what they are requesting.

**File a rule to modify as soon as you are aware of a change in circumstances! This may stop you from paying child support that is more than you can afford to pay.**

## DISCLAIMER

This brochure provides general information about how to change or modify a child support order. It is only intended as a general overview. This pamphlet is by no means a complete list of your rights and responsibilities when trying to change or modify a child support order. It does not replace an attorney. Whenever possible, an attorney should be hired to assist you with your legal matters.

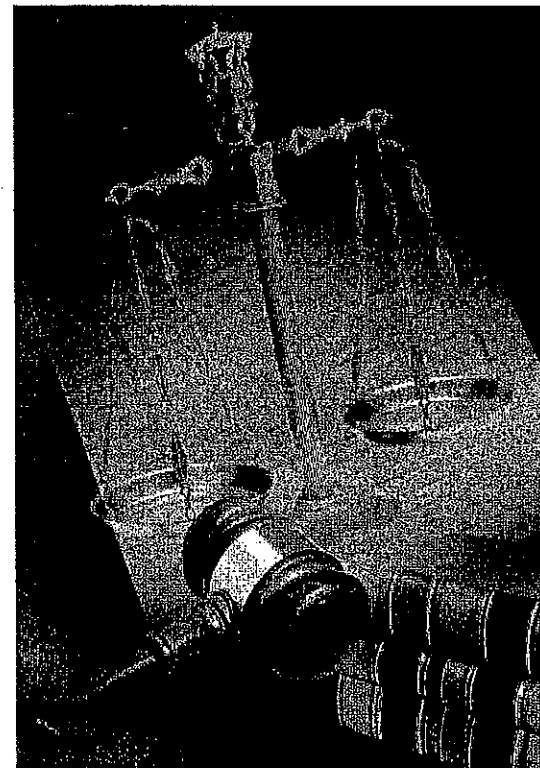


## SUPPORT ENFORCEMENT SERVICES

This public document was published at a total cost of \$10,000.00. The total cost of all printings of this document including reprints is \$10,000.00. This document was published for the Office of Family Support, Support Enforcement Services, P.O. Box 94065, Baton Rouge, La. 70804 by the Division of Administration, State Printing Office, P.O. Box 94095, Baton Rouge, LA 70804-9095, to advise the public of benefits of the Child Support Enforcement program under authority of Title IV-D of the Social Security Act. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31.

SES MOD1  
Issued: 10/08

# CHILD SUPPORT



## Changing a Court Order

## CHANGING A COURT ORDER

A change up or down in a court order is called a modification.

For a court to modify an order there must be a "material" change in circumstances in one or both of the parents' lives since the last time child support was ordered.

If a change is made, the child support order may go up (increase) or go down (decrease).

## WHAT IS CONSIDERED A MATERIAL CHANGE IN CIRCUMSTANCES?

The court may change the child support order based upon a material change in circumstances.

Here are some examples of changes that may qualify as material changes in circumstances; however, the courts may find other reasons to change an order:

- Involuntary loss of employment
- Becoming employed
- Reduction in income
- Increase in income
- Child's living arrangement changes
- Add or drop medical insurance
- Change in childcare costs
- Extraordinary medical bills
- Child turns 18 and is not in school

When a case is being handled by the state and it has been less than three years since the order was last modified, a material change in circumstances exists when the child support order would go up or down by at least 25%.

## WHO MAY REQUEST A MODIFICATION

- Noncustodial parent
- Custodial parent (caretaker)
- Child Support Office

## COSTS

Filing a rule to modify is the process used to request a modification. A Rule to Modify Child Support (form SES 886) may be requested through the Clerk of Court's office.

There may be costs for the court and sheriff for filing the rule to modify. These costs are charged to the parent asking for the change/modification.

However, if you cannot afford these costs, then you may request that the judge allow you to proceed *in forma pauperis*. The *in forma pauperis* form is available at the Clerk of Court's office upon request. If the judge agrees that you cannot afford these costs, you may be able to proceed without paying any of the costs or paying a reduced amount.

## AT THE MODIFICATION HEARING

At the hearing, the parent asking for the modification of the order must present evidence that supports his/her request to change the order.

The court may require documents, testimony and/or witnesses to show that the order should be changed and that the change is not voluntary.

Some documents that the court may request are:

- ⌘ Recent pay stubs or other proof of income
- ⌘ Federal Income Tax Returns
- ⌘ State Income Tax Returns
- ⌘ Childcare expenses
- ⌘ Health insurance costs
- ⌘ Income and Expenses Affidavit
- ⌘ Copy of the order changing custody or visitation

If the court agrees that there has been a material change in circumstances, a new worksheet is completed according to the child support guidelines (laws).

The order is effective as of the date signed by the judge and may go all the way back to the date the change was requested in writing to the Court.

**Child support which was due prior to the filing of a rule to modify support cannot be changed.**

PLAINTIFF \_\_\_\_\_

DOCKET NO.: \_\_\_\_\_

VERSUS

JUVENILE/DISTRICT COURT/FAMILY COURT

DEPENDANT \_\_\_\_\_

PARISH OF: \_\_\_\_\_

LASES NO.: \_\_\_\_\_

(if applicable)

STATE OF LOUISIANA

FILED: \_\_\_\_\_

DEPUTY CLERK \_\_\_\_\_

**RULE TO MODIFY CHILD SUPPORT**

NOW INTO COURT comes \_\_\_\_\_

, defendant/plaintiff (circle one), in proper person,

who shows to this Honorable Court that pursuant to a judgment of this court, child support was entered for the minor child(ren).

Mover avers that he/she is entitled to a modification of the child support because of the following material change in circumstances:

- involuntary unemployment
- reduction in income
- order changing custody or visitation
- change in childcare costs
- child turns 18 and is not in high school
- child's living arrangement changes
- other (describe): \_\_\_\_\_

- new employment
- increase in income
- adding or dropping medical insurance
- extraordinary medical expenses
- increase or decrease in expenses for child

WHEREFORE, mover prays that \_\_\_\_\_ be ordered to appear to show cause on a date and time to be fixed by the Court, why mover should not be awarded a modification in child support payments to be fixed by the court according to the child support guidelines.

Respectfully submitted,

DEFENDANT/PLAINTIFF (circle one)  
ADDRESS: \_\_\_\_\_

PHONE NO.: \_\_\_\_\_

**ORDER**

IT IS ORDERED that \_\_\_\_\_ show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the above captioned matter should not be modified in an amount fixed by this court according to the child support guidelines.

PLEASE SERVE: \_\_\_\_\_

JUDGE/HEARING OFFICER \_\_\_\_\_

OPPOSING (OTHER) PARTY \_\_\_\_\_

CHILD SUPPORT OFFICE through  
DISTRICT ATTORNEY'S OFFICE

ADDRESS: \_\_\_\_\_

OR

CHILD SUPPORT OFFICE through  
SUPPORT ENFORCEMENT SERVICES' (SES)  
DISTRICT OFFICE

\_\_\_\_\_ \* JUDICIAL DISTRICT COURT

VERSUS \_\_\_\_\_ \* DOCKET NUMBER: \_\_\_\_\_ Div. \_\_\_\_\_

\_\_\_\_\_ \* \_\_\_\_\_ PARISH, LOUISIANA

\*\*\*\*\*  
In Forma Pauperis Affidavit  
\*\*\*\*\*

All questions must be answered in full.

Note: Questions 2 and 3 should not be filled in if you are seeking protection from abuse.

1. Your Full Name: \_\_\_\_\_

Social Security Number (Optional): \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Age: \_\_\_\_\_ Sex: \_\_\_\_\_

2. Address: \_\_\_\_\_ (City and State) \_\_\_\_\_ (Zip Code)  
(Box Number or Street Address)  
(See Note above)

3. Telephone Number(s): (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_  
(See Note above)

4. Are you a Student?  YES  NO If yes, please indicate the name of the school you are attending: \_\_\_\_\_ Enrollment Status: \_\_\_\_\_

5. Current Household:  
Single:  Married:  Separated:  Divorced:  Widowed:  Intimate partner:   
How many children do you support who are under 18? \_\_\_\_\_ Do you have any other dependents? \_\_\_\_\_  
How many children live with you? \_\_\_\_\_ State the Name, Age and Relationship to you of the children and dependents:  
NAME AGE RELATIONSHIP

NAME	AGE	RELATIONSHIP

6. What is your current Occupation? \_\_\_\_\_ Are you employed?  YES  NO  
(If yes, please complete the following Employer Information)

Name of Employer: \_\_\_\_\_

Address: \_\_\_\_\_ (Street Address) \_\_\_\_\_ (City and State) \_\_\_\_\_ (Zip Code)

Telephone Number: \_\_\_\_\_ How long have you been employed? \_\_\_\_\_

(If you are not employed, please provide information of your last employer)

Name of last employer: \_\_\_\_\_

Address: \_\_\_\_\_ (Street Address) \_\_\_\_\_ (City and State) \_\_\_\_\_ (Zip Code)

How long have you been unemployed? \_\_\_\_\_

What were your monthly wages? \_\_\_\_\_

7. Gross Income: (a) State your gross earned income from wages and how you are paid:  
Weekly?  Bi-Weekly?  Monthly?  Amount/month \$ \_\_\_\_\_

(b) Apart from income or support listed in response to question 8(b) below, how much other income do you receive on a monthly basis? \$ \_\_\_\_\_

(c) Monthly Deductions: Federal Income Tax: \$ \_\_\_\_\_ FICA: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(d) Other deductions: (explain) \_\_\_\_\_

**TOTAL NET MONTHLY INCOME: (Add question 7(a) + (b) less (c))** \$ \_\_\_\_\_

8(a). If you are married and live with a spouse, please answer:

Is your spouse employed?  What is the occupation of your spouse? \_\_\_\_\_

Is your spouse paid Weekly?  Bi-Weekly?  Monthly?  Amount/month \$ \_\_\_\_\_

Name of spouse's employer: \_\_\_\_\_

Address: \_\_\_\_\_

(Street Address) (City and State) (Zip Code)

Telephone Number: \_\_\_\_\_ How long has spouse been employed? \_\_\_\_\_

8(b). Do you or your spouse receive any of the following income or support?  YES  NO

If yes, state the monthly amount. SSI: \$ \_\_\_\_\_ Disability: \$ \_\_\_\_\_

Worker's Comp: \$ \_\_\_\_\_ Unemployment Benefits: \$ \_\_\_\_\_

Food Stamps: \$ \_\_\_\_\_ TANF: \$ \_\_\_\_\_ Child Support: \$ \_\_\_\_\_

Spousal Support: \$ \_\_\_\_\_ Kinship Care Subsidy Grant: \$ \_\_\_\_\_ Other: \$ \_\_\_\_\_

If you are a client of a legal services program funded by the Legal Service Corporation or a Pro Bono Project that receives referrals from a legal services program and have a combined income from questions 7 and 8 that is less than or equal to 125% of the federal poverty level, skip all parts of question 9, and continue with question 10 on the next page.

9. Do you own or have an interest in any of the following? (Including community property)

A.	VALUE OF INTEREST	BALANCE OWED
HOUSE	\$	\$
AUTOMOBILE	\$	\$
TRUCK	\$	\$
WATERCRAFT	\$	\$
LIVESTOCK	\$	\$
MACHINERY	\$	\$
STOCK	\$	\$
BONDS	\$	\$
CERTIFICATES OF DEPOSIT	\$	\$
OTHER IMMOVABLE PROPERTY	Equity \$	Debt \$

DO YOU HAVE A BANK ACCOUNT(S)?  YES  NO Amount in account(s): \$ \_\_\_\_\_

CHECKING  SAVINGS Name and location of Bank: \_\_\_\_\_

TOTAL VALUE OF ASSETS: \$ \_\_\_\_\_

B. i. List your Monthly Expenses:

Rent: \$	Cable: \$	Car Note: \$
Lot Rent: \$	Garbage: \$	Car Insurance: \$
House Note: \$	Medical Insurance: \$	Transportation: \$
House Insurance: \$	Medical Expenses: \$	Food: \$
Gas: \$	Dental Expenses: \$	Barber/Beauty: \$
Electricity: \$	Prescriptions: \$	Entertainment: \$
Water: \$	Life Insurance: \$	Grooming Supplies: \$
Telephone: \$	Daycare: \$	Garnishment: \$
Property Taxes: \$	Child Support: \$	Other: \$

Total Amount of section i: \$ \_\_\_\_\_

ii. Credit cards: (List type of card and monthly payment)

Card Name	Monthly Payment
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total Amount of section ii: \$ \_\_\_\_\_

iii. Financial Loans: (List the financial institution and your monthly payment)

Financial Name	Monthly Payment
_____	_____
_____	_____
_____	_____
_____	_____

Total Amount of section iii: \$ \_\_\_\_\_

TOTAL MONTHLY EXPENSES: (Add 9B (i+ii+iii) = Total Monthly Expenses) \$ \_\_\_\_\_

10. Does anyone regularly help you pay your expenses?

YES  NO

(a) If yes, state that person's name and relationship to you.

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

(b). Do you have any additional income or assets that are not shown above?

YES  NO

If you answered yes to either (a) or (b), please explain:

11. If you have an attorney, what arrangements have you made to pay your attorney's fee? What amount, if any, have you paid? (You are required to answer fully.)

12. Has your attorney or the Notary Public told you that you may go to jail if you intentionally give a false answer to any of the above questions?  YES  NO

**MOVER'S AFFIDAVIT**

**STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_**

**BEFORE ME** the undersigned authority personally came and appeared:

\_\_\_\_\_ who, after being duly sworn, deposed and said:

1. He/She provided the information above; that the information is furnished to the court for the purpose of requesting permission to litigate the above captioned lawsuit without paying the costs in advance or as they accrue or furnishing security therefor.
2. That the above information is a true and correct statement of his/her financial condition.
3. That the pleading and all allegations of fact therein are true and correct; and that because of his/her poverty and want of means, he/she is unable to pay the costs of court in advance or as they accrue, nor is he/she able to provide security therefor.
4. He/She has read and understands the privilege contained in the notice below.

**NOTICE**

Although you may be granted the privilege of proceeding without prepayment of costs, **SHOULD JUDGMENT BE RENDERED AGAINST YOU, YOUR STATUS AS A PAUPER DOES NOT RELIEVE YOU OF THE OBLIGATION TO PAY THESE COSTS.**

The privilege to proceed *IN FORMA PAUPERIS* is restricted to litigants who are clearly entitled to do so, with due regard to the nature of the proceeding, the court costs which otherwise would have to be paid, and the ability of the litigant to pay them or to furnish security therefor, so that the indiscriminate filing of lawsuits may be discouraged, without depriving a litigant of the benefit of proceeding *in forma pauperis* if he/she is entitled to do so.

\_\_\_\_\_  
Mover's Signature

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in \_\_\_\_\_  
Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_\_.

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

THIRD PARTY AFFIDAVIT

STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_

BEFORE ME, personally came and appeared: \_\_\_\_\_  
who, after being sworn, deposed and said that he/she knows \_\_\_\_\_  
well and that he/she knows that because of his/her poverty and want of means, he/she is unable  
to pay the costs of court in advance or as they accrue, nor is he/she able to provide bond therefor.

\_\_\_\_\_  
Signature of Witness

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in \_\_\_\_\_,  
Louisiana, this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

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

LEGAL SERVICE PROGRAMS' DECLARATION

I ATTEST that I am a duly authorized representative of a Legal Services Program funded  
by the Legal Service Corporation or a Pro Bono Project that receives referrals from one of these  
Legal Service Programs, and that \_\_\_\_\_ has produced evidence  
that he/she receives public assistance benefits, or that he/she has qualified to receive free legal  
services based on his/her income being less than or equal to 125% of the federal poverty level  
and therefore is entitled to a rebuttable presumption that he/she is entitled to the privilege of  
litigating without prior payment of costs.

\_\_\_\_\_  
Legal Services Program or Pro Bono Project Representative

ORDER

Considering the foregoing Pleading and Affidavits:  
let \_\_\_\_\_ prosecute or defend this litigation in accordance with  
Louisiana Code of Civil Procedure, Article 5181, et. seq., without paying the costs in advance or  
as they accrue or furnishing security therefor.

THUS, READ AND SIGNED, this \_\_\_\_ day of \_\_\_\_\_, 200\_\_ in  
\_\_\_\_\_, Louisiana.

\_\_\_\_\_  
DISTRICT JUDGE

STATE OF LOUISIANA

PARISH OF LAFOURCHE

17<sup>TH</sup> JUDICIAL DISTRICT COURT

VS. NO. \_\_\_\_\_

ORDER

IT IS ORDERED BY THE COURT, that the plaintiff, \_\_\_\_\_, do show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m., Division \_\_\_\_\_ of the Seventeenth Judicial District Court, Parish of Lafourche, at Thibodaux, Louisiana, why he/she should be permitted to proceed in this action in forma pauperis and without the payment of costs of Court in advance or as they accrue or to furnish security therefore.

IT IS FURTHER ORDERED, that the plaintiff is allowed to proceed in this matter in forma pauperis pending a disposition by the Court of the issue of indigency at the hearing hereinabove called.

Thibodaux, Parish of Lafourche, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge, 17<sup>th</sup> Judicial District Court  
Parish of Lafourche  
Division \_\_\_\_\_