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CHANGING
your
CHILD
support order

CSSD will help you get your child support order changed when allowed by law .

It's all about children.

Loved and supported children grow up to be productive members of our community. Under Alaska law, parents must give their children the same level of support whether they are separated or not. The parent who does not have custody of the children pays child support, and the amount of the child support is based on the income of that parent. Later, if custody or the paying parent's income changes, the law allows the child support order to be changed, too.



CSSD or the court will make these changes in a 'modified support order'.

This brochure will answer your questions about who, when, how and where to have a child support order changed.

What has to change before the monthly support amount will be increased or decreased?

Here are some examples that could require a change, or 'modification', of an existing child support order:

- The paying parent's income has changed enough so that the monthly support amount would move up or down by more than 15%. CSSD looks at income from all sources including wages, the Alaska Permanent Fund Dividend, military benefits, Native corporation dividends and investment earnings.
- The change in income is permanent. Temporary changes in income do not qualify for a modified order.
- There is no medical support order in place to cover the child, and either parent has information that health care coverage is available.
- Physical custody of the child has changed. However, if a court issued the original custody order, a court must issue a new custody order before CSSD can change the support amount. CSSD cannot change custody orders.

If a parent is voluntarily unemployed or underemployed, the order would probably not be reduced. A parent who is working at a job that pays less than what the parent could be earning might be considered voluntarily underemployed. A parent who chooses not to work could be considered voluntarily unemployed. CSSD will evaluate whether the paying parent is voluntarily unemployed or underemployed by looking at past work history, education and job opportunities in the area.



Who can ask for a change in a child support order?

Either of the parents, or the child's guardian, can ask for a change in a child support order if custody has changed, or if the paying parent's finances have moved significantly up or down.

How do I ask for a change in the order?

To get started, you need to get the Request for Modification Form. You can pick up the form at any CSSD office, at our website, or call or write and we'll mail one to you. Our phone numbers and addresses are printed on the back of this brochure.

You need to fill out the form, and return it to CSSD. Then we will send a modification packet to both parents. The packet includes a Notice of Petition for Modification that lists what papers and information we will need. We usually ask for federal income tax returns for the past two years, W-2s (annual wage statements you get from your employer), pay stubs for the past three months, and proof of health insurance coverage. If we need any additional information, we will list it on the notice.



If you are disabled or receive Social Security or workers compensation benefits, we will need a statement from your doctor or the Social Security Administration. And we will need proof from the Social Security Administration or Veterans Administration if the paying parent is disabled and the child receives benefits. The

benefits will count as income in calculating the child support amount, but will also count toward the paying parent's child support obligation.

Can I get a change in the support order because I want to go back to school or start a new career?

Yes, in some circumstances. CSSD will determine whether school or a career change will result in a better long-term situation for the child. If the change is not in the child's best interest, the support order will not be reduced.



Can I change my order to receive support while my 18-year-old child is still in school?

It depends on whether the order was written to continue support after the child turns 18. This is called "post-majority support". If the order already includes post-majority support, the custodial parent needs to show proof that the child lives with them or someone they designate and is in high school or an equivalent vocational or technical school. CSSD will then continue collecting monthly support until the child graduates or turns 19.

If the order does not already include post-majority support, it can be added. Since changing the order could take up to six months, it's important to request this change as soon as possible.



How do I figure out if a change in income is significant enough to modify my order?

You can get help from CSSD in person, on the phone or on the Internet. CSSD office addresses and phone numbers are on the back of this brochure.

If you can get on the Internet and you have an Alaska child support order, go to www.childsupport.alaska.gov On this home page, select "Child Support Calculator" and then:

- Click on "Bypass".
- Enter the new income information and the number of children.
- Check any boxes that apply, such as whether the parent receives a Permanent Fund dividend.
- Select "Calculate Payments".
- To figure out if the new number is at least 15% greater or 15% less than the current support, subtract the amount of your current support from the new number. Then divide the answer by the current support amount. For example: If the current monthly support is \$300, but the Child Support Calculator says the new support would be \$340, here's the calculation:

$$\begin{array}{r} \$340 \\ - \underline{\$300} \\ \$ 40 \end{array} \quad 40 \text{ divided by } 300 = 13\% \text{ change (below the 15\% minimum)}$$

What if the other parent will not provide the information needed to determine if the child support order should be changed?

If a parent refuses to give income information to CSSD, we will use the best information available to estimate the parent's income or potential income and will base the modification on that estimate.

I've done the math and it looks like the order should be changed. What do I do next?

You need to file a Request for Modification, and CSSD will help. It doesn't matter who issued the original order.

- CSSD can modify its own orders.
- If an Alaska court set the child support order, CSSD cannot change it, but we can help by reviewing your case and sending a recommendation to the court.
- If the child support order was issued in another state, we may have to send the modification request to that state.

The paperwork is all in. What happens next?

If your child support order was issued by CSSD, and we find that the paying parent's income has changed enough to justify a change in child support, CSSD will issue a support order for the new amount, and send a copy to both parents. If we determine that the paying parent's income changes do not justify a change in the amount of child support, we will send a denial letter to both parents.

If either parent disagrees with the new



support amount or has additional information that should be considered, he or she may ask for a hearing by completing and returning the form that came with the decision. If either parent disagrees with the formal hearing decision, the next step is to appeal the case to court to contest the decision.

If a judge in an Alaska court set the original amount of your child support order, and the paying parent's income has changed enough to justify a change in the support order, CSSD will notify both parents and send a recommendation for a new order to the state Attorney General's office. The Attorney General's office will file the information in court and ask a judge to issue the new order. If either parent disagrees with CSSD's recommendation, or has additional information that should be considered, he or she could oppose the motion in superior court.

What if I want to do the work myself?

Either parent with a child support order from the court can file in court without an attorney. A do-it-yourself kit called a Pro Se Packet is available for parents who want to ask the court to change a child support, custody or visitation order. The free packets are available from any court clerk office and from CSSD offices. Our addresses are listed on the back of this brochure.

Any parent can use the Pro Se Packet as long as the case is an Alaska court case. If another state issued the original order and CSSD collects on behalf of the other state, it is best to contact CSSD for help.



How long does it take to get an order changed?

If CSSD issued the original order, if all the information is received on time, and if neither parent appeals, the process takes about two months.

If an Alaska court issued the origi-

nal order, if all the information is received on time and if neither parent appeals, the process generally takes about four months.

If the original support order was issued by another state, it will probably take longer, depending on the other state's procedures.



Will the new order be effective back to when the change in income started?

No. The new support amount will be effective back to the first day of the month after CSSD sent both parents the notice that we have begun to review their case (Notice of Petition for Modification). It is not effective back to when the parent's income changed, or when custody changed. State and federal laws prohibit retroactive modification of child support orders. For example, if you received the Notice of Petition for Modification on February 6, 2002, but the modification decision wasn't made until July, the new support amount would be effective March 1, 2002 (the first day of the month after the notice of petition was sent). That's why it is so important for parents to start the modification process as soon as their income or custody changes.



Will CSSD help me modify my order, even if I do not have a case with the office?

You may apply for our services and we will help you modify your order. Once you apply for CSSD services, we will provide both parents with all of our services. This means we will begin enforcing the child support order, and collecting child support on your case. If the parent who pays child support is working, we will send a wage-withholding order to his or her employer and take other collection actions.

Can I get my order changed if I think a mistake was made?

If you believe there is a mistake in your order, contact CSSD. If CSSD established the order, we have a procedure to correct mistakes. If the order is from another state, we must contact the other state to find out if they can correct the mistake. If an Alaska court established the order, you may need to consult with an attorney.

What if CSSD establishes an order without knowing the parent's actual income and the parent later provides the information and wants the order changed?

The law allows CSSD to cancel, or “vacate”, an order that was set up without correct income information and to replace it with a new order if we get better income information later. CSSD can only vacate and correct orders it issued; it cannot vacate a court order or an order issued in another state.

Call 1-800-478-3300, extension 6860, for more information on how to vacate an order.

DEFINITIONS:

Alaska Child Support Services Division, or CSSD:

CSSD is part of the State of Alaska Department of Revenue. Our purpose is to ensure that children receive the financial and medical support they deserve from their parents.

Alaska Civil Court Rule 90.3:

These rules tell us how to determine who owes child support and how much it will be.

Court Order: This is an order issued by a judge.

Pro se: When a person represents himself or herself in a legal matter rather than hiring an attorney.



FOR MORE INFORMATION:

ANCHORAGE:

550 W 7th Ave Ste 310
Anchorage AK 99501-6699
(907) 269-6900 or TDD (907) 269-6894
Toll free in Alaska:
(800) 478-3300 or TDD (800) 370-6894
FAX: (907) 787-3220

FAIRBANKS

675 7th Ave Ste J2
Fairbanks AK 99701-4531
(907) 451-2830
FAX: (907) 787-3220

SOUTHEAST

410 Willoughby Ave Ste 107
Juneau AK 99801-1724
(907) 465-5887
FAX: (907) 787-3220

MAT-SU

845 W Commercial Dr
Wasilla AK 99654-6937
(907) 357-3550
FAX: (907) 787-3220



ONLINE:

Our Internet web site includes updates, news and a child support calculator as well as the email and fax numbers for Alaska CSSD staff.

www.childsupport.alaska.gov

For self-help information and pro se (do-it-yourself) modification packets:

The Family Law Self-Help Center

Nesbett Courthouse

825 W. 4th Avenue

Anchorage, AK 99501

907-264-0851

www.state.ak.us/courts/selfhelp.htm

Or visit any courthouse in Alaska for a pro se packet.

Free family law clinic information:

www.alsc-law.org/clinics.htm

CSSD 04-6204 (06-21-04)