

MODIFICATION OF CHILD SUPPORT



***Wayne County Prosecutor's
Office***

Child Support Division

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Am I eligible to get my child support order changed?

Whether you can have your child support order changed depends on your situation. In order to qualify for a child support modification, you must prove:

- ***That there has been a substantial change in circumstances that makes your current support order unreasonable, or***
- ***That your new support order would be more than 20% different than your current support order, and it has been at least one year since the last modification of your support order.***

Calculating child support involves many different factors, including both parents' incomes, daycare expenses, and the number of overnight visitations.

How do I get my child support order changed?

You must file a modification petition for the court to consider changing the amount of your child support order. You can do this in two ways:

- ***File a modification petition on your own through the Wayne County Clerk's Office, or***
- ***File a modification petition with the Child Support Division***

If you choose to file a modification petition on your own, you are responsible for making sure that the other parent received notice, scheduling a court date, and completing a new child support worksheet.

If you file through the Child Support Division and your case qualifies for a modification, your caseworker will process the modification petition and all other paperwork for you.

What happens if I apply for a child support modification through the Child Support Division?

Your caseworker will get information from the other parent about his or her income, number of children, other support orders, daycare expenses, healthcare expenses, and overnight visitation. Once your caseworker receives this information, he or she will calculate your child support obligation and evaluate whether your case is eligible for modification.

Do I have to go to court to change my child support order?

Yes. After your modification petition is filed and the other parent receives service, or notice, of your petition, you will receive a court hearing date.

How long does it take to get my child support order changed?

It depends. If the other parent is not cooperative in providing his or her information for the modification, the caseworker will have difficulty evaluating whether your case is eligible for modification. Once the petition for modification is filed with the court, the other parent must be served with notice of the petition at his or her address. A court hearing date will not be scheduled until at least 20 days after the other parent receives notice. If the other parent does not receive notice, a hearing cannot be scheduled or held. The court has a busy schedule, so it can be several months before you go to your modification hearing.

Am I eligible for modification of my child support order if I am incarcerated?

Yes. Under current Indiana law, child support must be calculated on your current income, even while you are incarcerated. Therefore, the court is likely to reduce your child support obligation to zero or a minimal amount such as \$1.00 per week. However, you will still be responsible for any back child support that you owed prior to your incarceration.

Will my modified child support order be retroactive to the date that I filed my petition for modification?

Under local court rules, a modified child support order is not effective until 60 days after the date that you filed your petition for modification of child support.