

REVIEWING AND ADJUSTING CHILD SUPPORT ORDERS

When child support orders are initially established, the court or the child support agency uses the state's child support guidelines and the best information available at the time to determine the amount of support owed. This information generally includes actual or imputed income of one or both of the parents, the number of child(ren) for whom there is an obligation of support, the age of the child(ren) who is the subject(s) of the order and other factors.¹ However, during the life of a child, the circumstances of one or both parents, or the child(ren) may change. For example, the following situations may occur:

- The original order was a “default order” in which one or both parents failed to provide all the information necessary to calculate the support order, and/or appear at a hearing to contest the amount for which they were noticed;
- The non-custodial parent loses his or her job and is unable to find employment at all or at the previous salary;
- A child has special needs that were not known at the time the support order was established and now requires extraordinary health care expenditures;
- A parent whose income was considered at the time of the original calculation is now earning substantially more than he or she was earning at the time the order was set;
- The original order did not contain a provision for health insurance coverage, and coverage has now become available to one or both parties at a reasonable cost;
- Custody of one or more children included in the order changed; and/or
- Other circumstances changed that could significantly (as defined by the state) change the amount of the order.

If one or both parties, or sometimes the child support agency itself, believes that the order meets the criteria for modification, the party or the agency may request a review. The agency will initiate a legal process to gather financial and other pertinent information from the parties and then complete a guidelines calculation to determine if the amount of the child support that was included in the order is significantly different (as defined by the state) from the amount of the award determined under the guidelines. If so, the parties will have an opportunity to contest the calculation. The amount does not become final until the court or administrative authority enters a modification order, which could result in an increase or decrease of the child support obligation. Additionally, orders for custodial parents who are receiving Temporary Assistance to Needy Families must be reviewed by the child support agency every thirty-six months. If a TANF order needs adjustment, the child support agency will initiate the process.

¹ 1 The review and adjustment process is set forth in 42 U.S.C. § 666(a)(10), 45 C.F.R. § 303.8. as well as in state laws and policies. For more information as to the factors considered by the state having jurisdiction over the order, refer to that state's (or tribe's) child support guidelines, and its review and modification process.