



Your Guide to Changing & Ending Child Support

WI BUREAU OF CHILD SUPPORT



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Changing a child support order

Can a child support order be changed?

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

- The services mentioned in this guide are for parents and guardians who receive child support services from their local child support agencies. Either parent may apply for services.
- Every three years, child support will mail a notice to both parents to remind them about their right for a review.
- Parents and guardians **getting cash benefits** from the W-2, SSI Caretaker Supplement, and Kinship Care programs **will** automatically have their court orders reviewed every three years.

Reviewing an order

A review is the process of checking a child support order to see **if** it needs updating.

A review **will be** done when:

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

A review **might be** done when:

- A parent asks for a review, **and** the order has been reviewed within the last three years. The child support agency might 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 child support agency.
- A parent hires an attorney to ask the court for a review.
- A parent asks the court for a review using a "do it yourself" (pro se) approach. Parents can contact their family court commissioner for information on pro se forms, or they can go to dcf.wisconsin.gov to get forms online.

More about reviewing an order

Examples of a **substantial change**:

- The court changes a child's placement. The child now lives with the parent who is ordered to pay support.
- A parent has a sizeable change in income (increase or decrease).
- The paying parent is in jail.

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

- A parent has no legal duty to provide current support. For example, 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 jurisdiction (control) over the order.
- The whereabouts of a parent are unknown.
- The paying parent has voluntarily reduced his or her income.
- The paying parent is in jail because of a crime against a child, a crime against the other parent, or for failing to pay child support.

Local child support agencies have different practices for reviewing court orders. Some child support agencies have their staff review the order. Other agencies help parents to use the pro se process to ask the court to review the support order. Either way, the order review looks at three issues:

1. Does the dollar amount in the child support order follow the Percentage of Income guidelines? (For more information about the guidelines, please see "Your Guide to Setting Child Support Amounts," available online at dcf.wisconsin.gov and from your child support agency.)
2. Does the order include medical support? **Either or both** parents might be ordered to provide medical support. Medical support might 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 done, a notice about the results will be mailed to both parents.

Changing the order

A legal change of a child support order is called an "adjustment" or a "modification." If a change is made, the support amount might go up, go down, 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. (For more information about the guidelines, please see "Your Guide to Setting Child Support Amounts," available from your child support agency and online at dcf.wisconsin.gov.)
- 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 does the review and finds that a change is warranted, they might draft a legal agreement (stipulation) and ask both parents to sign it. The legal agreement is filed with the court. After the court approves the agreement, the change will take effect. If a parent does not agree to the stipulation, 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.

More about changing the order

The other parent and I agree to change the amount of support. Is there an easy way we can do this?

Yes. The Office of State Courts offers an online form, FA-604 – “Stipulation and Order to Change: Custody/Placement/Support/Maintenance,” that parents can sign and file with the court for approval. The stipulation (legal agreement) will take effect when the court approves it. Links to court forms are online at wicourts.gov/forms.

If you receive services from your local child support agency, the child support agency must approve the terms of the stipulation before you submit the papers to the court. You also need to tell your child support agency of the terms approved by the court.

Important points

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 child support agency and online at dcf.wisconsin.gov.

Child support attorneys

Child support 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 order or for taking steps to change an existing order.

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

Dollar amount orders

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

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

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

You and the other parent may sign a legal agreement (stipulation) reducing or eliminating the past-due child support owed to you. You will then need to submit the agreement to the court. It will take effect when the court approves the agreement. This agreement will not change any support that a parent might owe to the state. You should make your decision carefully, as you cannot reverse this action. If you forgive support owed to you, it is forgiven forever.

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

To end services, send your written request to your child support agency. By state law, your child support still needs to be paid through the Wisconsin Support Collections Trust Fund. However, if you are not receiving public assistance, you may stop child support services. If you later change your mind, you may reapply for services.

My son dropped out of high school. He will turn 18 in a few months. He is not enrolled in high school or in a GED program, although he keeps promising he is going to do it "soon." When can I stop paying child support?

Your order for current support will end when your child turns 18 unless you or the other parent shows documentation (written proof) to the child support agency that your child has returned to high school or is enrolled in a program to obtain his GED.

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

Check your child support order to see if the end date for graduation is given. If not and you know your child's graduation date, contact your child support agency. Your duty for current child support ends during the month that your 18-year-old child graduates.

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

Yes, you are still responsible for supporting your children and making payments as ordered. However, you might want to ask the court to name the grandparents as the payees of your support payments.

If a child is placed with someone other than a parent or in a place like a group home, both parents are expected to pay child support. If your child's caretakers apply for public assistance, they will get full child support services. If not, the caretakers would have to apply for services from their local child support agency. Please see the "Payment of Child Support for Substitute Care," available online at dcf.wisconsin.gov and from your child support agency. (Substitute Care is any formal out-of-home placement.)

Need more information?

- An overview video on changing your child support order is available at <http://dcf.wisconsin.gov/videos/ra/player.html>.
- Contact your local child support agency for information about your case. Phone numbers are listed under “County Government” or tribal name and online at dcf.wisconsin.gov.
- Go to dcf.wisconsin.gov for more information about child support and support services. Most public libraries offer free Internet access.

Or contact:

DCF is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please call (608) 266-9909 or the Wisconsin Relay Service (WRS) - 711 TTY (Toll Free). For civil rights questions, call (608) 422-6889 or Wisconsin Relay Service (WRS) - 711 TTY (Toll Free).