

Rule to Modify Child Support

This form (SES 886 – 11/08) is published by the Louisiana Department of Social Services “Support Enforcement Services.”

1. This form addresses modification (increase or decrease) of existing child support judgments. Louisiana law requires that a material change in circumstances exist before you are entitled to a modification. As a general rule, the modification becomes effective from the date that the Rule is filed with the Court. This form applies when the modification is being filed in the parish and court where the prior child support judgment (which hasn't been registered elsewhere), was rendered.

2. Do you have a child support judgment that is being handled by the State (Support Enforcement Service?) Yes _____ or No _____ (*√check one*)

3. If you stated Yes, please go to Items No. 4-6.
If you stated No, please go to Item No. 7.

4. As the person seeking to file the Rule, are you the payor (person who makes the payment of child support) or are you the payee (the person who receives the child support?)
Payor _____ or Payee _____ (*√check one*). You will need the LASES Docket No.

5. **•Payee:** **If you receive child support you should contact your case worker with the State (Support Enforcement Services) and request that they seek a modification. You are permitted to also seek an increase yourself but will need to complete the form and file it.**

- a. As the filer, you, together with the State, would be the *plaintiff*. You would also be the mover.
- b. Check all the boxes that apply. Example: If the payor has a new job; increase in income; expenses have increased for child, etc.; or describe in other, any *other* factors.
- c. Fill out your address and phone number.
- d. Fill out the name of the payor and where he/she needs to be served. Also, check the box for the State Office that is or was handling the child support case.
- e. Take the original and at least 3 copies of the Rule to file with the Clerk of Court. If you cannot afford the filing fee, you should ask for an *in forma pauperis* form. Keep a stamp copy for yourself. The Clerk will process the others.
- f. Once you get a court date(s) form the Clerk of Court, be prepared to provide any documentation and proof of your eligibility for the modification.

6. **•Payor:** **If you make payments, you are able to also contact the State (Support Enforcement Services) but, you are also able to expedite the matter by seeking the modification on your own.**

- a. As the filer, you would be the *defendant*. You would also be the *mover*.
- b. Check all the boxes that apply. A reduction in income; order changing custody or visitation; child turns 18 and not in high school, etc.; or describe in *other*, any other factors.
- c. Fill out your address and phone number.
- d. Fill out the name of the payee and where he/she needs to be served. Also, check the box for the State Office that is or was handling the child support case.
- e. Take the original and at least 3 copies of the Rule to file with the Clerk of Court. If you cannot afford the filing fee, you should ask for an *in forma pauperis* form. Keep a stamp copy for yourself. The Clerk will process the others.
- f. Once you get a court date(s) form the Clerk of Court, be prepared to provide any documentation and proof of your eligibility for the modification.

7. You would proceed in the same manner as in 5 or 6 above except that it would not involve the State Child Support Office (Support Enforcement Services). Get the Docket No. from the prior Court judgment that set the prior child support award that you seek to modify. The service would only go out to the other party (parent), and not to the Child Support State Offices.

In seeking the relief, you should have the required basis or proof that would entitle you to the relief. You may want to consult an attorney to make sure. Court costs and sanctions could otherwise be imposed on you, as allowed by law.

PLAINTIFF

DOCKET NO _____

VERSUS:

JUVENILE/DISTRICT COURT/FAMILY COURT

DEFENDANT

PARISH OF _____

LASES # _____

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: (check all that apply).

- | | |
|-------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> involuntary unemployment | <input type="checkbox"/> new employment |
| <input type="checkbox"/> reduction in income | <input type="checkbox"/> increase in income |
| <input type="checkbox"/> order changing custody or visitation | <input type="checkbox"/> adding or dropping medical insurance |
| <input type="checkbox"/> change in childcare costs | <input type="checkbox"/> extraordinary medical expenses |
| <input type="checkbox"/> child turns 18 and is not in high school | <input type="checkbox"/> increase or decrease in expenses for child |
| <input type="checkbox"/> child's living arrangement changes | |
| <input type="checkbox"/> Other (<i>describe</i>): _____ | |

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 _____

Tel. No: _____

ORDER

IT IS ORDERED that _____ show cause on the _____ day of _____, 20____, at _____; _____ am/pm (circle one), why the child support order in the above captioned matter should not be modified in an amount fixed by this court according to the child support guidelines.

_____, LOUISIANA, this _____ day of _____, 20____.

JUDGE/HEARING OFFICER

PLEASE SERVE:

OPPOSING (OTHER) PARTY

ADDRESS: _____

CHILD SUPPORT OFFICE though
DISTRICT ATTORNEY'S OFFICE

OR

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