

## Changing a Child Support Order in Your State

**!** The information below applies only to Rhode Island

### 1. How can I find out if I have a "IV-D" child support case in this state?

Call or write to the Rhode Island Office of Child Support Services (OCSS):

Rhode Island OCSS  
77 Dorrance St.  
Providence RI 02903

(401) 458-4400

### 2. How can I contact my child support agency?

Rhode Island OCSS  
77 Dorrance St.  
Providence RI 02903

(401) 458-4400

Walk-in appointments must complete intake form found at:  
<http://www.cse.ri.gov/documents/OCSSWALKINFORMrevised2011.pdf>

General program information is available at the OCSS website: <http://www.cse.ri.gov/>

### 3. If I am incarcerated, are there any barriers to having my order changed?

No.

### 4. Do you provide any materials online that I can use to ask for a change to my child support order?

Yes, there are online materials to request a review, or modification available at <http://www.cse.ri.gov/>, and attached here.

- Non Custodial Parent Request for Relief form <http://www.cse.ri.gov/documents/ncpformforrelief3.pdf>
- Pro Se Motion for Relief form <http://www.cse.ri.gov/documents/relieftaxation.pdf>
- Pro Se Motion for Review and Adjustment form
- [http://www.cse.ri.gov/documents/MotionforReviewandAdjustment\\_2013.pdf](http://www.cse.ri.gov/documents/MotionforReviewandAdjustment_2013.pdf)

### 5. Do you have any printed materials I could read to learn more about child support for parents who are incarcerated?

No.

## Changing a Child Support Order in Your State

### 6. When can I ask to have my order changed?

Either parent or the State may file a motion for review and adjustment of a child support order if it has been three years since the last child support order was issued. If it has been three years since the last child support order was issued, the parties do not have to prove a substantial change in circumstances, but the court will apply the guidelines to determine a new order amount.

Either parent may request a modification of the child support order if there has been a "substantial change in circumstances." This can include incarceration and/or release from incarceration, unemployment, reduced income, disability, new employment, and the emancipation of a minor child. A modification may also be requested if three years have elapsed since the order began or since the last review and adjustment took effect.

More information is found in the OCSS brochure on review and adjustment and modification: <http://www.cse.ri.gov/documents/modifyinganorder.pdf>

### 7. How do I request the change?

OCSS can assist either party in filing a motion for review and adjustment. Non Custodial parents may complete the "Non Custodial Parent Request for Relief form" which requests that OCSS file the paperwork (Motion for Relief), to reduce or end your order. Please be advised that OCSS can assist only if the case is currently in our child support case load and if there are no other pending motions.

The Pro Se Motion for Relief form also allows either parent to file this motion on their own at any time.

### 8. What is the process after I've asked to have my order changed, and how long does it take?

If you complete the Non Custodial Parent Request for Relief form, OCSS will notify you in writing if the case is rejected. If OCSS accepts it, a hearing will be scheduled and you will be notified. OCSS lawyers will not legally represent you at the hearing. You will be required to present your case to the Magistrate/Judge or retain legal counsel to present your case. If you do not appear, the motion may be denied.

### 9. Is this process different if the other parent agrees to the change in advance?

No.

### 10. Does it cost anything to try to have my order changed?

No.

### 11. If I am incarcerated, do I need to do anything else to have my order changed?

Videoconference hearings are also available for incarcerated parents.

### 12. If I am incarcerated, does my state have any programs to help me with child support?

The incarcerated parent may talk to the OCSS representative who visits the prison weekly: Child Support staff visit the DOC-Adult Correctional Institute in Cranston RI and the Wyatt Detention Center (Federal) in Central Falls RI weekly. They can provide inmates with relevant forms and brochures. RI OCSS and the RI Department of Corrections (DOC) share data, and DOC intake workers are also trained on child support matters and have access to OCSS materials.

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#### 13. Can I get help with child support questions from other sources?

After release, OCSS can provide a referral to the RI Department of Labor and Training can be made to assist with job training.

#### 14. Is there anything else I should know about trying to change my order?

Incarcerated obligors may request that their orders be modified to \$0. The magistrate makes the final determination after reviewing all the relevant circumstances, including whether there are other available income or assets, the length of the sentence, the wishes of the custodial parent, whether the inmate is on work release, etc..



The federal Office of Child Support Enforcement prepared this guide; however, your local child support agency can provide the most current information. This guide does not have any binding legal authority and does not constitute legal advice. You may wish to consult a lawyer before using the forms or information provided.

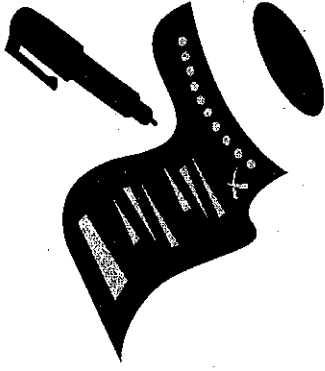


## MODIFYING AN ORDER

Either parent may request that the Rhode Island Family Court *modify the child support order*. According to the law, the party asking for the modification must show a significant change in circumstances. Some examples of a significant change in circumstances include:

- Loss of employment or Lay off
- Disability or Worker's Comp.
- Incarceration
- A decrease in income earned
- An increase in income earned
- Emancipation of the youngest child
- Increase in the needs of the child
- Birth of a new child
- Change of custody
- Death of either party

The Office of Child Support Services can assist either party in filing a *motion to modify*. Also there is a *pro-se* packet available if you would like to file the motion on your own. The Rhode Island Family Court will apply the guideline chart in effect to determine the new child support order.



## REVIEW AND ADJUSTMENT OF AN ORDER

Either party or the State may *file a motion for review and adjustment* based upon the conclusion of **three** years since the last child support order was established or modified. Under the law the parties need not prove a significant change in circumstances. The court will apply the guidelines and determine the new order.

The Office of Child Support Services can assist either party in filing a motion for review and adjustment and can file a motion for review and adjustment in a FIP (Family Independence Program) case at the state's request. *The order may go up or down upon application to the court.*

There is a review and adjustment packet available if you would like to file this motion on your own.

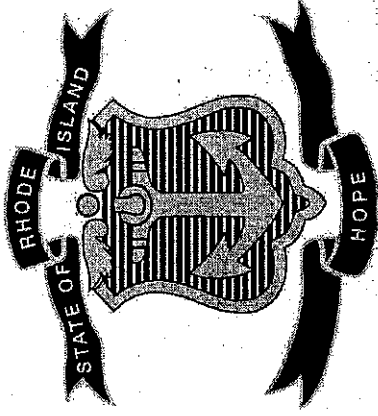
## HOW TO FILE A MOTION TO MODIFY

- All motions are filed at the RI Family Court
- Motions are retroactive to the date of filing and not to the date when your situation changed.
- Copies of the motion must be sent to all parties and OCSS
- Copy of the motion filed must be sent **certified mail** to the Custodial Parent
- You can obtain assistance in filing the Motion at OCSS
- Pro-Se packet is available for incarcerated parents

**HOW DO I MODIFY MY  
CHILD SUPPORT ORDER?**

**WHEN CAN I ASK TO HAVE  
MY CHILD SUPPORT  
ORDER REVIEWED?**

**WHAT IS THE DIFFERENCE  
BETWEEN MODIFYING  
AND REVIEWING MY  
CHILD SUPPORT ORDER?**



**WHAT YOU NEED TO  
KNOW ABOUT:  
MOTION TO MODIFY AN  
ORDER &  
REVIEW AND  
ADJUSTMENT OF ORDERS**



**Department of  
Human Services  
OFFICE OF CHILD  
SUPPORT SERVICES  
77 Dorrance Street  
Providence, RI 02903  
401-458-4400  
[www.cse.ri.gov](http://www.cse.ri.gov)**

**Department of  
Human Services  
OFFICE OF CHILD  
SUPPORT SERVICES  
77 Dorrance Street  
Providence, RI 02903  
401-458-4400**



## NON CUSTODIAL PARENT REQUEST FOR RELIEF

By completing this form you are requesting that the Office of Child Support Services file the paperwork called a Motion for Relief, to decrease or end your order. Please be advised that we can only assist you if the case is one that is currently in our child support caseload and if there are no other motions pending. You will be notified if the request is rejected. You may of course file the motion "pro se" or on your own at any time. There is a Pro Se Motion form at the Family Court or on the website at [www.cse.ri.gov](http://www.cse.ri.gov). Legal counsel for this agency will not legally represent you at the hearing regardless of whether we file the motion for you or you file on your own nor do we represent the other parent. You will be required to present your case to the Magistrate/Judge or retain legal counsel to present your case on the hearing date. You will be mailed a copy of the motion and a notice of the date, location and time to appear. If you do not appear, the motion may be denied or pass. You will also be mailed an income and expense sheet called an OCSS1. Please fill out the form completely and bring it to court with you.

In order to file the paperwork, the following information is needed. Please complete one form for each case.

Your Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Your Current Address: \_\_\_\_\_

Employer name/address or Source of Income: \_\_\_\_\_

Your Cell Phone Number: \_\_\_\_\_

Other Parents Name: \_\_\_\_\_

Child's (ren's) name(s): \_\_\_\_\_

Case Number or docket Number: \_\_\_\_\_

In order for the Court to consider your motion to decrease or end your order, the Court needs to know the reason why. Please explain why you are requesting a decrease or suspension of your court order.

- \_\_\_\_\_ **Loss of job**
- \_\_\_\_\_ **Working less hours**
- \_\_\_\_\_ **Reconciliation with other parent**
- \_\_\_\_\_ **Loss of medical coverage**
- \_\_\_\_\_ **Child is no longer with the other parent**
- \_\_\_\_\_ **Incarceration. Expected date of release is \_\_\_\_\_**
- \_\_\_\_\_ **Other (Explain)**

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Do you need help with any other issues/services. If so please describe the services you need: \_\_\_\_\_

If we must get in touch with you to ask you questions, what is the best time and phone number to reach you: \_\_\_\_\_

I authorize the OCSS to file a Motion for Relief on my behalf.

\_\_\_\_\_  
Signature

**NOTICE AND WAIVER REGARDING LEGAL REPRESENTATION**

I understand that the Department of Human Services- Office of Child Support Services (OCSS) attorneys are not my attorneys and do not represent me, even though I may benefit from the work of those attorneys. I understand that the only client of OCSS legal counsel is the State of Rhode Island. Because I do not have an attorney/client relationship with OCSS legal counsel, any information I share with OCSS or their attorneys is not privileged or confidential, except as otherwise provided by law. It also means that OCSS may provide services to the other parent of my child or another person, agency or department having custody/physical possession of my child and in need of the agency's services.

\_\_\_\_\_  
Signature

Mail this form to: Office of Child Support Services  
Attention: Valerie Laguerre  
77 Dorrance Street  
Providence RI 02903





**THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**FAMILY COURT  
ONE DORRANCE PLAZA  
PROVIDENCE, RHODE ISLAND 02903  
TELEPHONE: 401-458-3100  
FACSIMILE: 401-458-3083**

**STATE OF RHODE ISLAND  
PROVIDENCE, SC**

**FAMILY COURT**

\_\_\_\_\_  
Plaintiff

DOCKET NUMBER \_\_\_\_\_

V.

\_\_\_\_\_  
Defendant

**PRO SE MOTION FOR RELIEF**

Now comes the Plaintiff / Defendant in the above entitled matter and states that by Judgment of this Court on \_\_\_\_\_ the Plaintiff / Defendant was ordered to pay the sum of \_\_\_\_\_ per \_\_\_\_\_

Since this time there has been a substantial change of circumstances. WHEREFORE, Plaintiff / Defendant requests that the prior order of support be modified because:

- Loss of job
- Working less hours
- Plaintiff off Family Independence Program Benefits
- Stop Interest
- Don't Suspend License
- Reinstate License
- Other: Explain

R.I. DEPARTMENT OF HUMAN SERVICES

\_\_\_\_\_  
PRINT NAME

CHILD SUPPORT ENFORCEMENT

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

LEGAL DEPARTMENT

77 DORRANCE STREET

PROVIDENCE, RI 02903-2288

\_\_\_\_\_  
ADDRESS

Said motion will be called for hearing before the **Family Court, One Dorrance Plaza, Providence, Rhode Island** on \_\_\_\_\_ at 9:00 AM in courtroom \_\_\_\_\_.

**CERTIFICATION**

I certify that I mailed a copy of the within motion to the above-named by certified mail on \_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

FAMILY COURT

COUNTY OF: \_\_\_\_\_ Sc.

F.C. No.: \_\_\_\_\_

\_\_\_\_\_ Plaintiff

vs.

\_\_\_\_\_ Defendant

**PRO SE MOTION FOR REVIEW AND ADJUSTMENT**

The Plaintiff / Defendant states that:

1. The \_\_\_\_\_ was ordered to pay \_\_\_\_\_ per week / month as child support for the \_\_\_\_\_ minor child(ren) in question.
2. Three years have passed since the establishment or review of the court order.
3. An application of the guidelines at the present time will result in a change in the child support order.

WHEREFORE, Plaintiff / Defendant respectfully requests that the Court:

1. Review and if appropriate, adjust the child support order.
2. That the child support order be automatically deducted from the Defendant's wages.

\_\_\_\_\_  
Name

To : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE**

Please take notice that the above-captioned matter may be called for hearing on the \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_ before an Honorable Justice of the Family Court, Garrahy  
Judicial Complex, One Dorrance Plaza, Providence, Rhode Island 02903.

**CERTIFICATION**

I, the undersigned do hereby certify that I mailed a copy of the within Motion to  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_.