

Changing a Child Support Order in Your State

! The information below applies only to Vermont

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

Call or write the VT Office of Child Support (OCS).

2. How can I contact my child support agency?

Central Administrative OCS Office
103 South Main St.
Waterbury, VT 05671-1901

(802) 769-2128 FAX: (802) 769-6429

Customer Service: (800) 786-3214

Email: OCSCSU@state.vt.us

Website: <http://dcf.vermont.gov/ocs>

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

No. The law was recently changed in VT so that the Vermont Office of Child Support may independently (without a request from either party) file a motion to modify if a party is, or will be, incarcerated for more than 90 days.

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

Modification information is available at: http://dcf.vermont.gov/ocs/services/modify_support.

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

No.

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

OCS has the ability to file a motion to modify independently if 1) you are incarcerated for more than 90 days, 2) the family has reunited, 3) the child no longer lives with the payee, or 4) a party receives means-tested benefits.

In other situations, you will need to make a request to modify your order. Either parent can petition the court to modify the order when there is a: real, substantial and unanticipated change in circumstances (e.g., job loss, significant income change, disability, or change in custody); incarceration for more than 90 days, unless incarceration is for failure to pay child support; change that will result in child support that's at least 10% higher or lower than ordered, or court review of their support order, which either parent may request once every three years.

Once a support order is issued, only the court can change it.

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7. How do I request the change?

Please note that if you are incarcerated, if the family has reunited, if the child no longer lives with the payee or if a parent receives means-tested benefits, OCS has the ability to file a motion to modify your order without either parent's assistance.

Otherwise, either parent may request a change to their order—with legal counsel or on their own without legal counsel (called a *pro se* modification). The steps are to 1) Obtain a Modification Package, which includes the forms you need to request a change to a support order, from OCS or any Family Division of Superior Court; and, 2) File a completed *Petition to Modify Child Support* in court, and pay the filing fee or request that it be waived by the court.

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

The court will notify all parties of the filing and provide them with the opportunity to challenge the proposed change. Soon after the petition is filed, a modification hearing is scheduled in court and all parties are informed of the date and time. It may be several months before the court holds a hearing to rule on the request. You have the right to hire an attorney to represent your interests at the hearing. If you do not agree on the proposed change, both parents must appear at the modification hearing and may challenge the proposed change at that time. Both parents must provide the court with the same financial information and documents, which will be used to recalculate the support obligation, according to Vermont Child Support Guidelines. If either parent fails to attend the hearing, the court may issue a default judgment against that missing parent. If either parent does not submit the required financial documents, the court may presume that the non-complying parent's gross income is 150% of the current annual average covered wage for all employment as calculated by the Vermont Department of Labor.

If you request a *pro se* modification and OCS provides services on your case, OCS staff may attend the modification hearing to provide information about both parents' ability to support the children, to make sure the children have adequate health insurance, or to represent the State's interest in recouping public assistance funds the custodial parent received. Please review OCS Handbook for more information: <http://dcf.vermont.gov/sites/dcf/files/pdf/ocs/ParentHandbook.pdf>

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

Yes. If you and the other parent agree to the proposed change, you can avoid a court hearing by meeting with your OCS caseworker and the court's case manager to sign an agreement (or *stipulation*). The agreement will be sent to the magistrate who will issue the new support order.

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

There is a \$36.75 filing fee to the court to request a modification. There is no fee if OCS files the modification, and there is no fee if the parties file a stipulation. A party can request that the court waive the filing fee.

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

The Vermont Office of Child Support may independently (without a request from either party) file a motion to modify if a party is or will be incarcerated for more than 90 days. For more information, contact OCS.

If you have asked for the order to be changed yourself, the incarcerated parent may request to participate at the hearing by phone by filing a request prior to the hearing.

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

The Vermont Office of Child Support may independently (without a request from either party) file a motion to modify if a party is or will be incarcerated for more than 90 days and you have a IV-D case. To find out more about this, contact OCS.


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

No.

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

A case with an incarcerated parent usually results in a \$0 order.

Legislation effective July 1, 2012 allows Vermont OCS to file modifications in certain situations without the consent of non-public assistance custodial parents (examples include incarcerations of more than 90 days). Although Vermont OCS has the legal authority to act independently, notice to and consent of the parties is sought.

 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.



Department for Children and Families

Agency of Human Services

Modify A Child Support Order in Vermont

Once a support order is issued, only the court can change (or *modify*) it. Either parent can petition the court to modify the order when there is a:

- Real, substantial and unanticipated change in circumstances (e.g., job loss, significant income change, disability, or change in custody);
- Need to suspend wage withholding;
- Change that will result in child support that's at least 10% higher or lower than ordered; or
- Court review of their support order, which either parent may request once every three years.

Help To Modify A Support Order

If you need help to modify your support order, [apply for OCS services](#).

For More Information

Read [Child Support in Vermont: A Handbook for Parents](#).

Need Help? 1-800-786-3214 or
OCSCSU@state.vt.us

Quick Links

[Apply for OCS Services](#)

[Child Support Calculator](#)

[Employer Login](#)

[Parent Login](#)

Publications

[Employer Handbook](#)

[Establishing Parentage](#)

[Parent Handbook](#)

[Understanding Your Child Support Order](#)

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