

How to Change a Child Support Order

Who can ask the Court to change the amount of child support?

Either parent (or other person with legal custody) can ask. You can ask the court for more support. Or you can ask to lower the support amount.

Will the judge make the changes I am asking for?

Maybe. If the child/ren are under 19 and not married, you will have to prove that:

- One parent is earning more (or less) now than before so that the child support will change more than 10%, or
- Something else happened that changed the financial situation of one of the parents.

Caution! A new order could be more, or it could be less support than you have now. The judge will use a special formula (called guidelines) to decide the amount of support.

How do I ask the court for a new support order?

You must fill out and file these forms:

- *Request to Change Child Support* (Form PS-02)
- *Child Support Obligation Income Statement/Affidavit* (Form CS-41)

Where can I get the court forms?

You can ask the court clerk for these forms. Or get them at: <http://eforms.alacourt.gov>

Can the court help me fill out my forms?

No. But this sheet gives general information about how to fill out your forms.

What do I do after I fill out my forms?

Take your original forms and 2 copies to the court clerk in the **same** county where your current child support orders are from.

What will the clerk do with my forms?

The clerk will:

- date-stamp all your forms,
- keep 2 copies, and
- give you a date-stamped copy for your records.

Do I have to pay the court anything?

Yes. You must pay a filing fee in cash or with a money order. The court clerk will tell you the exact amount. If you cannot afford to pay the fee, also fill out this form to tell the court about your income and expenses:

- *Affidavit of Substantial Hardship*

But do not sign it until you are in front of a notary and swear that the information is true. The judge will decide if the fees can be postponed.

Will the other parent know I am asking for a new support order?

Yes. The clerk will have someone serve (give or mail) the other parent a copy of your court forms. That way the other parent knows what you are asking for and when to go to court.

How will the judge decide?

There will be a hearing at court. You and the other parent will have a chance to tell your side.

When will the judge decide?

The judge will decide at or after the hearing. If you have not received the judge's decision within 45 days of your hearing, you may contact the court clerk.

What should I bring to my hearing?

Bring financial information and other evidence that supports the change you are asking for, such as your most recent:

- pay stubs, W-2s, income tax returns,
- Social Security statements (if you get disability), or
- bank statements.

You may also bring witnesses who know about the financial changes.

What if I lose my job?

It depends. If you lose your job through no fault of your own, the Court may lower or stop the support until you find a new job. But if you quit or get fired, the Court usually will not change the order.

Need help?

Call Legal Services Alabama at: **877-393-2333**

Or visit: **www.alabamalegalhelp.org**