

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Petitioner,
vs.

Respondent.

Case No. _____

PETITION TO MODIFY AN ORDER,
JUDGMENT OR DECREE

Fee Category: _____
Filing Fee: _____

I, (your name) _____, ask the court to enter a Judgment as permitted by Rule 201(C) of the Idaho Rules of Family Law Procedure, modifying a previous Order, Judgment, or Decree entered in this case, and state:

1. The following child/ren under the age of 18 years, or 19 years and still pursuing a high school education, was/were born to or adopted by the parties:

<u>Name</u>	<u>Date of Birth</u>	<u>Addresses for last 5 years</u> (city & state beginning with most recent)

2. I reside at (city, county, state) _____.
The other parent resides at (city, county, state) _____.

3. **UCCJEA Jurisdiction.** This court has jurisdiction to modify custody of our child/ren under the Uniform Child Custody Jurisdiction and Enforcement Act, Idaho Code § 32-11-

101, et seq.

a. I have not participated as a party or witness, in any other case involving our child/ren. **or**

I have participated as a party or witness in the following case involving our children (provide all specifics including the parent's name, the state, the court, the case number and the date of the child custody order, if any): _____

b. I do not know of any other case that could affect our child/ren. **or**

I know of the following court case that could affect our child/ren (provide all specifics including the parent's name, the state, the court, the case number and the nature of the proceeding): _____

c. Other than the parents, no one claims custody or visitation rights with our child/ren. **or**

In addition to the parents, the following person/s claim custody or visitation for our child/ren (list names and addresses): _____

d. Our child/ren live(s) only with both parents. **or**

If our child/ren lives(s) with someone other than a parent, the name(s) and present address(es) of the person(s) with whom our child/ren live(s) is/are: _____

4. Child Custody. No change. **or**

There have been substantial and material changes with respect to child custody since the date of the last Order, Judgment or Decree. The changes that justify a modification are (list the facts, events and details that have changed and explain why those changes are significant enough to justify a modification). _____

I request the court modify the Order, Judgment or Decree entered (date of last custody Order, Judgment or Decree) _____ as follows:

a. **Legal Custody.** No change. **or**

Both parties are fit to act as parents. It is in the best interest of our child/ren that we be awarded joint legal custody. **or**

It is in the best interest of our child/ren that _____ be awarded sole legal custody because _____

b. **Physical Custody.** No change. **or**

It is in the best interest of our child/ren that we be awarded joint physical custody of our child/ren as described in the Parenting Plan attached as Schedule A. **or**

_____ should be awarded sole physical custody of our child/ren because _____

_____ should spend time with our child/ren

as follows:

or

As described in the Parenting Plan attached as Schedule A.

5. Child Support.

a. List all child support orders for any of the child/ren listed in Section 1.

Provide the following:

State	County	Court Case Number	Date of order, judgment, or decree

b. Do you want to change the amount of child support?

No. I ask for it to continue. (If the order was from a different case please attach a copy of that order, judgment, or decree as Schedule B, skip section 6, and sign at the end.)

Yes. The amount of child support should be changed and the judgment issued by this Court should control. (If the order was from a different case you may have to file a Motion to Consolidate to avoid having multiple child support orders.)

Section 6. Complete all of Section 6 below to change child support.

6. a. Reasons for Changing Child Support. The following substantial and material changes since the date of the last Order, Judgment or Decree have occurred.

(check all boxes that apply):

The custodial arrangement.

The gross annual income of one or both parents.

A parent is providing medical insurance.

The parent claiming the tax dependency exemption should be changed.

(other reason) _____

b. New Child Support Amount.

Child support should be paid by (full name of parent who will pay support) _____
_____ in the amount of \$ _____

per month, based on the Idaho Child Support Guidelines. This is based on the Affidavit Verifying Income and Child Support Worksheet(s) attached as "Schedule B." (see Recommended Adjusted support in the worksheet)

or

Instead I ask that child support should be paid by (full name of parent who will pay support) _____ in the amount of \$ _____ per month, because: _____

(Attach Affidavit Verifying Income and Child Support Worksheet(s) as Schedule B.)

c. Effective Date and Duration.

Child support payments should begin (select one option):

the month after petition is filed. **or**

the month after the Judgment is signed.

Child support should continue to be paid on the same day of each following month until the child/ren for whom support is being paid reach/es the age of eighteen. If a child for whom support is being paid continues his/her high school education after reaching the age of eighteen (18) years, child support payments should continue until the child discontinues his/her high school education or reaches the age of nineteen (19) years, whichever is sooner. Payment should be made payable to the Department of Health and Welfare and sent to Idaho Child Support Receipting, P.O. Box 70008, Boise, ID 83707-0108.

Notice

The court is required to order income withholding in all child support orders. Income withholding is enforced by a withholding order issued to the paying parent's employer without additional notice to the paying parent, according to Idaho Code Section 32-1204.

The support order can also be enforced by license suspension or the filing of a lien upon all real and personal property of the paying parent.

d. Multiple Children. (if applicable)

We have more than one minor child. If this child support judgment has not been modified, when one child is no longer entitled to support, child support for the remaining child/ren should continue and will be paid as described in the Continued Support Worksheet attached as Schedule B.

e. Extended Visits. (if applicable)

Our child/ren live/s in the home of one parent at least 75% of the time. (If selected, check the boxes below that apply. Otherwise, go to the next section.)

When the parent paying child support has physical custody of the child/ren for 14 or more overnights in a row, the amount of basic child support should be reduced for that period of time. However, visitation of two overnights or less with the other parent should not eliminate the reduction of basic child support during extended visits. The child support reduction for the period of the actual physical custody should be 50% **or** (other percentage) _____% of the basic child support obligation. The reduction should be subtracted from the child support payment due the month following the extended visit.

If the parent paying child support has physical custody of some but not all of the children for a period of 14 overnights in a row, before a reduction is made, the basic child support obligation should first be divided by the number of children under



eighteen (18) years of age. The parent who pays child support can only claim a reduction for the child/ren in that parent's custody.

For Example—Parent has 3 of 4 children for 14 overnights. \$300/mo. basic support payment divided by 4 children = \$75 per child per month divided by 30 = \$2.50 per day per child x 14 = \$35.00 x 3 for 3 children = \$105.00. Reduction = 50% of \$105 or \$52.50.

f. Work-Related Childcare Expenses.

Child support does not include work-related childcare. The net out-of-pocket costs for work-related child care should be paid by the parents based on the Idaho Child Support Guidelines, _____% by (your name) _____ and _____% by (other parent's name) _____.

or

Instead I ask that (your name) _____ pay _____% and (other parent's name) _____ pay _____% because: _____

(Attach Affidavit Verifying Income and Child Support Worksheet(s) as Schedule B.)

Payment should be made directly to the child care provider by both parents according to arrangements made with the care provider if permitted by the care provider. Otherwise, the non-paying parent should reimburse the paying parent within 10 days after the paying parent provides a copy of the invoice and proof of payment.

g. Medical, Dental, and/or Optical Insurance.

A. Pro Rata Share. (select one)

1. Any health insurance premiums for the child/ren should be paid by the parents based on the Idaho Child Support Guidelines, _____% by (your name) _____ and _____% by (other parent's name) _____.

or

2. Instead I ask that (your name) _____ pay _____% and (other parent's name) _____ pay _____% because: _____



(Attach Affidavit Verifying Income and Child Support Worksheet(s) as Schedule B.)

B. Insurance Currently Provided. (select one)

1. (name) _____ is/are currently providing health insurance for the minor child/ren and should continue to do so, so long as it is available at reasonable cost. If this insurance becomes unavailable, the parent first able to obtain health insurance at reasonable cost should do so.

or

2. Neither parent is providing health insurance for the child/ren. The parent first able to obtain health insurance at reasonable cost should do so.

3. The child/ren are enrolled in the Children's Health Insurance Program (CHIP) or have Medicaid coverage. The parent first able to obtain health insurance at reasonable cost should do so.

C. In Addition to or Included in Monthly Child Support. (select one)

1. The child support payment should include an adjustment for each parent's share of health insurance premiums. All other health care payments are in addition to the basic child support award and should be promptly paid or reimbursed directly between the parents. **or**

2. All health care premiums should be in addition to the basic child support award and should be promptly paid or reimbursed directly between the parents.

Notice

Where medical insurance is provided, each parent should be ordered to provide the other with all medical insurance information necessary to obtain health care and process insurance claims for the child/ren. Insurance proceeds should be applied first to unpaid medical bills and then to reimburse the paying parent for any prepaid medical costs. Both parents should be ordered to sign any needed document that provides continuing health care for the child/ren.

Failure to provide medical insurance coverage may result in the direct enforcement of a medical support order by either the obligee (party or parent other than the parent ordered to carry or provide a health benefit plan for the parties' minor child/ren) or the Department of Health and Welfare. A national medical support notice will be sent to your employer, requiring your employer to enroll the child in a health benefit plan as provided by Sections 32-1214A through 32-1214J, Idaho Code, and applicable rules of the department.

h. Out-of-Pocket Health Care Costs.

The out-of-pocket-cost for health care expenses for the child/ren should be paid by the parents based on the Idaho Child Support Guidelines, _____% by

(your name) _____ and _____ % by
(other parent's name) _____.

or

Instead I ask that (your name) _____
pay _____ % and (other parent's name) _____
pay _____ % because _____

(Attach Affidavit Verifying Income and Child Support Worksheet(s) as Schedule B.)

Health care expenses include, but are not limited to, medical, prescription, dental, orthodontic, optical, psychiatric, psychological, special education, addiction treatment, or counseling in any form.

Any health care for the child/ren that would result in an actual out-of-pocket expense of over \$500 to the parent who did not incur or consent to the expense, must be approved in advance, in writing, by both parents or by prior court order.

(Note: The court may consider whether consent for out-of-pocket expenses in excess of \$500 was unreasonably requested or withheld and order payment of the incurred expense in some percentage other than the Guidelines Income.)

All out-of-pocket health care costs are in addition to the basic child support award and should be promptly paid or reimbursed directly between the parents.

i. Tax Benefits & Exemptions.

The state and federal income tax dependency exemptions for the child/ren should be assigned as follows:

(your name) _____ shall claim:
(child/ren's names) _____

(other parent's name) _____ shall claim:
(child/ren's names) _____

The parent not receiving the exemption(s) should be awarded a pro rata share of the value of income tax benefit in proportion to his/her guidelines income which should be either a credit against or in addition to the basic child support obligation.

You must not claim the exemption if it is not assigned to you. If the exemption is not assigned to you, you must sign and provide to the other parent all required Internal Revenue Service form(s), including IRS Form 8332, by January 31st of each tax year.

7. All terms of the Court's prior Order(s), Judgment(s) or Decrees(s) not modified by this Judgment remain in full force and effect.

WHEREFORE, the petitioning party asks that the court enter its Judgment of Modification after appropriate notice.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

Typed/Printed Name

Signature

**Remove this page and in its place
attach (staple) the documents listed below.**

1. If you are changing the custody or schedule?

Attach the Parenting Plan, and write SCHEDULE A at the bottom.

2. If you are changing the child support?

Attach the Affidavit Verifying Income and Child Support Worksheet(s),
and write SCHEDULE B at the bottom.

3. If child support was ordered in a different case but is not changing.

Attach that Child Support Order and write SCHEDULE B at the bottom.