



Motion to Modify Child Support in District Court Instructions and Forms



Purpose

This packet of instructions and forms is used to request a change in child support. You **must** have an Oklahoma child support order from the District Court in the county where you will file the Motion to Modify Child Support. If you do not have an Oklahoma child support order these forms **will not** work.

Before using these forms, you may want to see if Child Support Services (CSS) is able to handle the issue for you. You may call the CARE Call Center at 1-800-522-2922 to ask about our services and timelines or you may choose to use these *pro se* (self-help) forms. We can answer questions for you about the forms but we cannot represent you or give you advice on how to proceed. You will present your own child support issues to the court at the hearing, even when CSS has a representative at the hearing.

This packet must be completed **correctly and in full**. **If you have problems using these forms or have questions about filling them out, please call us.** You must mail the originals and copies as instructed below. Failure to follow these instructions or complete the packet in full may result in the entire packet being returned to you and **your papers not being filed**.

Before the court can listen to your case, the other parent will need to know that you have filed these papers. If the other parent does not come to court, you have to be able to show that the other parent in your case got these forms in one of the ways listed in Step Six: Service of Motion and Order for Hearing.

Before You Begin

Before you begin the process, you need:

- a copy of your last District Court order for child support;
- an address or contact information for the other person(s) in the case;
- your Family Group Number (FGN), if you have an open case with CSS;
- your Office of Administrative Hearings (OAH) case number, if you have an open case with CSS; and
- the address of the CSS office where your case is assigned or the CSS office assigned to the county where you file your Motion to Modify Child Support. If you are not sure which office is assigned to you, call the CARE Call Center at 1-800-522-2922. A list of CSS office locations is available at www.okdhs.org. (Click on Child Support Services and then Office Locations.)

The forms included with these instructions are:

- Motion to Modify Child Support;
- Order for Hearing;
- Notice of Child Support Proceeding;
- Affidavit of Service by Certified Mail;
- Waiver of Service; and
- Order Modifying Child Support.

If you are filling the forms out by hand, print neatly and use a pen with blue or black ink.

Step One: Complete the Motion to Modify Child Support

The Motion to Modify Child Support asks the court to change the amount of child support ordered in your case.

- Look at your last child support order. You will need information from the order to complete the forms.
- Fill in the name of the county where your child support order was filed in the blank at the top of the form. Example: *In the District Court of _____ County.*
- Print the names in your case in the blanks at the top left of the first page of the Motion to Modify Child Support. The names should read as they appear on your OAH child support order.
- Fill in the blank marked *Dist. Ct. Case No.* with the court case number, usually found in the upper right hand side of your order. A district court case number may be, for example, FD 2014-1234.
- Fill in the blank marked *OAH Case No.* with your OAH Case Number. You only have a OAH Case Number if you have an existing case with CSS and your case has been on an Administrative Docket. If the number is not on the order that you are trying to change, it will be on court papers that you have received from CSS. Example: *04-3215-72.*
- Fill in the blank marked *OK IV-D FGN* with your Family Group Number. You only have an FGN if you have an existing case with CSS. If the number is not on the order you are trying to change, it is on papers that you have received from CSS, for example, 123456001.
- Fill in the blanks for *Obligor and Custodial Person*. *Obligor* is the parent who is ordered to pay child support. *Custodial Person* is the person who receives the child support. See the example below.

**OFFICE OF ADMINISTRATIVE HEARINGS: CHILD SUPPORT
OKLAHOMA DEPARTMENT OF HUMAN SERVICES
STATE OF OKLAHOMA**

In re: the Children of: <u>Jane Smith</u>) <input type="checkbox"/> + <input type="checkbox"/> - Respondent <input type="checkbox"/>) and <input type="checkbox"/>) <u>John Doe</u>) <input type="checkbox"/> + <input type="checkbox"/> - Respondent <input type="checkbox"/>)	District Ct. Case No.: <u>FD-2014-123</u> OAH Case No.: <u>2013-12345</u> OK IV-D FGN: <u>123456001</u> Obligor: <u>John Doe</u> Custodial Person: <u>Jane Smith</u>
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- Print your name in the blank after *I*.
- In paragraph 1, check the box for whichever person was ordered to pay support (the mother or father). Print the amount of child support in the first blank and the date of the last child support order in the second blank. List the name(s) and birthdate(s) of the child(ren) included in the last child support order.
- In paragraph 2, check the box next to the reason you want the child support changed. You can check more than one box.
- If you check "Other," explain your reason in the blank provided.
- Print your name in the blank in the sentence that begins WHEREFORE. Sign your name on the signature line.
- Print your name on the line underneath your signature line.

- On the next three lines, print your address and phone number.

NOTE: When you include this information on the forms, the other party will see them. If you fear for your safety or the safety of your child, do not include your address and phone number. Instead, contact CSS by calling the CARE Call Center at 1-800-522-2922 to be sure we have your address and phone number on file.

CSS can help you establish an address of record, that is an address different from your home address, such as a relative's address or a post office box. You can then use the address of record on your forms. You can contact CSS by calling the CARE Call Center at 1-800-522-2922.

- In the *Verification* section, print the date and place (city and state) where you signed the form and then sign the verification.

Step Two: Complete the Order for Hearing

The Order for Hearing in your packet is the form you use to get your court date.

- Complete the top of the form like your Motion to Modify Child Support. Fill in all of the blanks.
- Print your name in the first blank of the first paragraph that begins, *the Court sets the Motion to Modify Child Support filed by _____ for hearing.*
- Do not fill in the blanks for the Judge's name and the date for the hearing.
- Print the name of the county in which you are filing your motion in the blank just before the words *County Courthouse.*
- Do not write on the date and judge's signature lines. The judge signs and dates the form when a court date is set.
- On the lines after the words *Prepared by,* print your name, address, and phone number.

NOTE: When you include this information on the forms, the other party will see them. If you fear for your safety or the safety of your child, do not include your address and phone number. Instead, contact CSS by calling the CARE Call Center at 1-800-522-2922 to be sure we have your address and phone number on file.

CSS can help you establish an address of record, that is an address different from your home address, such as a relative's address or a post office box. You can then use the address of record on your forms. You can contact CSS by calling the CARE Call Center at 1-800-522-2922.

Step Three: Complete the Notice of Child Support Proceeding

The Notice of Child Support Proceeding included in your packet is the form telling CSS that you are filing the Motion to Modify.

- Complete the top of the form like your Motion to Modify Child Support. Fill in all of the blanks.
- Sign and print your name on the lines for *Signature* and *Printed name.*
- In the *Certificate of Delivery* section, enter the date you deliver the papers by mail or by hand to CSS. You must deliver this form after the papers are filed, so the date is on or after the date you file the forms.
- Write the address of your local CSS office in the lines after *at the following address.*
- Check the box that describes how you will deliver the papers to CSS.
- Sign your name on the signature line at the bottom of the page.

Step Four: File the Motion to Modify and Notice of Child Support Proceeding

- Take your completed Motion to Modify Child Support (Motion) and Notice of Child Support Proceeding (Notice) to the Court Clerk's office of the District Court. Remember, this is the Court that issued the order you are trying to change. **You must take the original and four**



copies of the Motion with you to the Court Clerk's office.

- You will have to pay the filing fee when you file your Motion. Call ahead or visit the Court Clerk's office and ask what the fee is and how they accept payment. Some offices may not accept personal checks. Note: this is only a filing fee and not a service fee.
- Give your Motion and Notice to the clerk. Tell the clerk you need to file the Motion and Notice. the clerk will file stamp your original and copies. the original is kept by the clerk for the Court file and the file stamped copies are given back to you.

Step Five: Get a Court Date and File Your Order for Hearing

- The Order for Hearing is the form the Court uses to give you a hearing date for your Motion. When you file your Motion, show the clerk your Order for Hearing and ask the Court Clerk how to get a hearing date. The completed Order for Hearing shows the court date and time for your hearing and is signed by the judge. The way you get a court date is different in different courthouses:
 - the clerk may be able to give you a court date; OR
 - the clerk may tell you to go to the judge's office to get a hearing date. You may need to leave the Order for Hearing with a copy of the Motion with the judge for several days. You may also want to leave an extra copy of the Motion with the judge as some judges require this.
- When the Order for Hearing is completed, you need to make four copies and ask the clerk to file it the same way as the Motion was filed. you should not have to pay another filing fee to file the Order for Hearing.

You have filed your Motion with the Court and have a hearing date. Keep the extra copies for your records and for service.

Step Six: Service of Your Motion Order for Hearing

Before the judge can hear your Motion to Modify Child Support, you must have proof that the other person(s) in the case and CSS received a copy of the Motion to Modify Child Support and the Order for Hearing. This is called service.

You must know where the other person(s) in the case is in order to serve them. Usually you will need to know the person's home address. If you do not know the address for a person in the case, you may try these options:

- Check your most recent child support order. There may be an address for the other person(s) in the case listed as an address of record;
- if the order does not contain an address of record you may fill out the Form 03EN009E Request for Address of Record, available at www.okdhs.org. Follow the instructions on the form and the Central Case Registry will return the address of record to you within the time frames listed on the form.
- if the other person in the case has not designated an address of record, CSS will try to obtain an address of record that can be released to you. However, if the other person does not respond to CSS, you must obtain that information on your own.

Service on Person(s) in the Case

You may serve the papers on the other person(s) in the case in a number of ways:

- Option 1: send papers by certified mail, restricted delivery, return receipt requested;
- Option 2: pay a private process server to deliver the papers;
- Option 3: pay the county sheriff's office to deliver the papers; or



Option 4: the other parent signs a Waiver of Service form (included in this packet) and agrees that he or she received the papers.

Types of service are described below:

Option 1: Service by Certified Mail

You can use certified mail to serve the other person(s). In order to have good service using certified mail, you must:

- insert one file-stamped copy of the Motion for Hearing and one file-stamped copy of the Order for Hearing into an envelope and take it to your local post office;
- send the letter by certified mail, **restricted delivery**, return receipt requested. Delivery **MUST** be restricted to the person(s) being served;
- complete the required forms for certified mail, restricted delivery, return receipt requested; and
- pay the postage and mail the envelope.

To prove you served the other person(s) using certified mail, you must show the court the return receipt (green card) signed by the person when he or she picked up the certified mail. You should receive the return receipt by mail.

When the return receipt is signed and returned to you, complete the Affidavit of Service by Certified Mail:

- complete the top of the Affidavit of Service by Certified Mail form like your Motion to Modify Child Support. Fill in all of the blanks;
- fill in the date you mailed the papers;
- fill in the name of the person to whom you sent the papers;
- fill in the address where you mailed the papers;
- check the appropriate box under "by certified mail, return receipt requested, restricted delivery," and if the:
 - person signed the return receipt card, check the first box; or
 - return receipt is marked "refused," check the second box;
- make a copy of the front and back of the return receipt for your records;
- sign and print your name in the blanks at the bottom of the form;
- staple, **do not tape**, the return receipt to the second page of the Affidavit of Service by Certified Mail with the person's signature showing; and
- on the day of the hearing, bring the Affidavit of Service by Certified Mail and one copy to the Court to file.

When the other person did not sign for the envelope with the court papers:

- the envelope may be returned to you in the mail marked "unclaimed";
- you will not receive the return receipt signed by the other person(s); and
- you must serve the person(s) by another method. (See options 2-4)

Option 2: Service by Private Process Server

- Choose the process server you want to use by looking in the phone book or on the Internet. Call the process server you choose to find what the fee is for service. Ask how persons are served and what papers are filed with the Court showing proof of service.
- The process server needs information about the person(s) served, such as:



- address;
- physical description (height, weight, race, sex, eye/hair colors, visible tattoos);
- recent photograph, if you have one;
- make and model of the person's car; and
- work location.
- Deliver to the process server:
 - one file-stamped copy of the Motion for Hearing and Order for Hearing;
 - the information on serving the person(s) you need to serve; and
 - the process server fee.
- The process server should file a Return of Service with the Court. A Return of Service is a document telling the Court the other person(s) in the case was served with the court papers. The process server gives you a copy of the Return of Service for your records.
- **You MUST have a copy of the Return of Service with you on your court date.**

Option 3: Service by County Sheriff

Contact the county sheriff's office in your county to find out how to hire them to serve your papers. This process may differ among the counties. Usually, you will follow the steps below.

- The sheriff requires written information about the person(s) served in order to serve your papers:
 - address;
 - physical description (height, weight, race, sex, eye/hair colors, visible tattoos);
 - recent photograph, if you have one;
 - make and model of the person's car; and
 - work location.
- **Include a note that you want the Return of Service mailed to you in the envelope provided.**
- Prepare a self-addressed, stamped envelope (addressed to you). The Return of Service is mailed to you in this envelope.
- Take the following items to the county sheriff's office in the county where your hearing will be held:
 - one copy of the Motion for Hearing and Order for Hearing;
 - the information on serving the person(s) you need to serve;
 - a money order or personal check for the service fee. Call to find out how much the fee is; and
 - the self-addressed, stamped envelope (addressed to you) you prepared for the Return of Service.
- Tell the sheriff you want personal service and you would like the Return of Service mailed to you in the envelope provided.
- **Bring the Return of Service from the sheriff and one copy to the Court on the day of your hearing.**

Option 4: Waiver of Service

If you and the other party have a good relationship, you may be able to obtain service by having the other party sign a waiver. To do this, you will need to make arrangements to hand-deliver or mail the papers to the other party AND they must sign the Waiver of Service form in front of a notary and return it to you so that it can be provided to the court as proof that he or she received the papers.

- Complete the top portion of the Waiver of Service form as you have done with the rest of the forms in this packet.
- The other party will fill out the rest of the blanks except for the notary blanks.
- The notary public will fill in the notary blanks, starting with “Subscribed and sworn before me on...”.
- **Bring the original Waiver of Service form and one copy to the Court on the day of your hearing.**

Step Seven: Service to CSS

You must serve the Motion to Modify Child Support, Notice of Child Support Proceeding, and Order for Hearing on the local child support office.

You may serve the papers on CSS by regular mail or in person. Mail or bring the papers to your assigned CSS office. If you are not sure where your case is assigned, call the CARE Call Center at 1-800-522-2922. A list of CSS offices is available at www.okdhs.org, click on child support Services and then Office Locations.

On Your Court Date

- be early;
- show respect for the court and other parties. For example, don't interrupt other parties or the judge;
- dress appropriately for a courtroom setting. Clothing should be free of obscene words, pants should be pulled up, and tops should not be revealing. Shorts, short skirts, sunglasses, and flip-flops are inappropriate. Caps or hats must be removed while in the courtroom;
- DO NOT bring family members or friends unless they are witnesses. They will not be allowed in the interview room when you meet with CSS;
- DO NOT bring your children unless you have been directed to do so for genetic testing. Children are not allowed in the courtroom during the hearing;
- be prepared to wait and plan to be in court for several hours. Your case may not be heard at the exact time listed on your Notice of Hearing;
- turn off cell phones and electronic devices;
- do not chew gum;
- keep your emotions in check and do not use profanity;
- do not bring weapons;
- if you are concerned about your safety, notify CSS or court personnel.

Bring

- your copy of the Motion for Hearing;
- your copy of the Order for Hearing;
- a copy of the last Order for Child Support if you have it;
- the Affidavit of Service by Certified Mail and the return receipt (green card) to show the judge



- that you have service, if you served your papers by certified mail; or
- the copy of the Return of Service, if you served your papers by private process server or by sheriff;
- the copy of the waiver of service form, if you served your papers in person; and
- proof to show the court. The proof should support your request and may be papers or witnesses.
 - Examples:
 - Make sure you have information to give the judge about the income of both parents. For example, you can bring:
 - a paycheck stub or tax return for the other parent;
 - the average income for a person in the same type of job as the other parent. Some of this information is available on the Internet at the Bureau of Labor Statistics, www.bls.gov; or
 - you may offer testimony as to the other person's job history, training, education, and past earnings.
 - All proof of income: current paycheck stubs, any evidence of disability, copies of W-2 and 1099 forms, and income tax returns for the last three years.
 - Proof of health insurance coverage and costs for the child(ren) or information about other medical coverage available for the child(ren), such as Indian Health Services, Military (DEERS), or SoonerCare; and
 - proof of any child care costs.

What Will Happen on Your Court Date?

One or more of the following may happen on your case:

Continuance

- You may not get a final order on the first court date.
- The judge may set another court date if anyone needs time to get an attorney or more time is needed to gather information.
- If another court date is set, you must appear at all court dates, or your Motion to Modify Child Support may be dismissed.

Agreed modification

- If you, the other person(s) in the case, and CSS, if there is an open child support case, have agreed on the income for each parent, you will need to calculate the child support guidelines to see what the new child support amount will be. You can calculate the child support guidelines on the Internet at www.okdhs.org, click on Child Support Services and look in the information for parents section.
- When you know what the new child support amount will be, tell the judge about your agreement when you are asked to present your case. The judge reviews your agreement and decides if it is within the law and appropriate.

No agreement

- If anyone does not agree on the modified child support amount, including CSS and the court, you will have a hearing in front of the judge. The judge may hear your case that day or may set another hearing on a different day.

- After the case is decided, you will need to prepare the Order Modifying Child Support. If CSS is involved in your case and present at the hearing, the CSS attorney will help you prepare the order and the child support guidelines form. If CSS is not involved you may need to show your order to the court and ask for the court's help in completing the order and the child support guidelines form.
- You, the other people in the case, and CSS, if there is an open child support case, must sign the order before it is given to the judge.
- When you sign the order, you are not saying you agree with the order. You are agreeing that the order says what the court ordered. You will receive a file stamped copy on the day of the hearing or in the mail.
- If you do not agree with the judge's decision, you may appeal the order by following the directions in the order.

If the other parent does not appear

- Make sure you have your Affidavit of Service proving that you served the other person(s) with notice of the hearing date.
- If you can prove service, you can ask the judge for a default order.
- When the judge grants your Motion to Modify by default, you should prepare the Order Modifying Child Support and the child support guidelines form. Sign both forms and give them to the judge.

If the judge denies your Motion to Modify Child Support

- After the judge hears your evidence, your Motion to Modify Child Support may be denied.
- If your Motion to Modify Child Support is denied, you will still need to prepare the Order Modifying Child Support. You will check the box in paragraph two showing the Motion to Modify Child Support is denied. You do not need to fill in the other paragraphs of the order.
- You do not need to attach a child support guidelines form.
- Sign the order and give it to the judge.
- If you do not agree with the judge's decision, you may appeal the order by following the directions in the order.

After the Order is Prepared

The judge will sign the order and child support guidelines form and return it to you for filing.

In the *Certificate of Service* portion, check the box describing how you will deliver the order to the other people in the case and to CSS. Write in the date you will deliver the order to the other people. Sign the bottom of the Certificate of Service on the signature line.

Unless the Motion to Modify Child Support is denied, you will need to attach the child support guidelines form to the order and make four copies of the papers. File them at the Court Clerk's office the same way you filed your Motion.

Keep at least one copy of the order and child support guidelines form for your records.

If you have an open CSS case, you **must** send the attached child support guidelines form to the other people in the case and CSS through regular mail or by hand-delivery. If CSS does not receive a copy of the order, it could create problems with your child support case.

**IN THE DISTRICT COURT IN AND FOR _____ COUNTY
STATE OF OKLAHOMA**

In re: the Children of:

_____)	
_____)	District Ct. Case No.: _____
_____)	OAH Case No.: _____
_____)	OK IV-D FGN: _____
_____)	Obligor: _____
_____)	Custodial Person: _____

MOTION TO MODIFY CHILD SUPPORT

I, _____, respectfully show the Court:
Your name

1. The mother or father of the minor child(ren) in the above case was ordered to pay \$ _____ per month for child support on _____ for the child(ren)
Date of order

listed below:

Child's name	Date of birth

2. Since that order was entered there has been a substantial and material change in circumstances as follows: (Check all that apply to your situation.)

- a child for whom the order was entered turned 18 years of age and is no longer regularly enrolled and attending high school.
- the father's income has changed.
- the mother's has income changed.
- the child(ren)'s living arrangements have changed.
- the child care expenses have changed.
- the health insurance has changed or it was not addressed in a previous order.
- other: _____

WHEREFORE _____ requests this Court
Your name
modify the child support order.

Respectfully submitted,

Signature

Printed name

Address

City

State

ZIP code

Phone number

Verification

By signing below, I state under penalty of perjury under the laws of Oklahoma that I have read this Motion for Hearing and am familiar with its contents and the facts, as set forth, are true and correct.

Signature

Date

City

State

**IN THE DISTRICT COURT IN AND FOR _____ COUNTY
STATE OF OKLAHOMA**

In re: the Children of:

_____)	District Ct. Case No.:	_____
_____)	OAH Case No.:	_____
_____)	OK IV-D FGN:	_____
_____)	Obligor:	_____
_____)	Custodial Person:	_____

ORDER FOR HEARING ON MOTION TO MODIFY CHILD SUPPORT

The Court sets the Motion for Hearing filed by _____
for hearing before the Judge _____ on _____ 20 ____,
at ____ o'clock ____ .m. at the _____ County Courthouse located at:

Address

All parties are ordered to bring: current pay check stubs, any evidence of a disability, copies of W-2 and 1099 forms, and income tax returns for the last three years, health insurance costs for children, and proof of any child care costs.

Date

JUDGE OF THE DISTRICT COURT

Prepared by:

Name

Address

City

State

ZIP code

Phone number

**IN THE DISTRICT COURT IN AND FOR _____ COUNTY
STATE OF OKLAHOMA**

In re: the Children of:

_____)	
_____	)	District Ct. Case No.: _____
_____	)	OAH Case No.: _____
_____	)	OK IV-D FGN: _____
_____	)	Obligor: _____
_____	)	Custodial Person: _____

NOTICE OF CHILD SUPPORT PROCEEDING

This notifies Oklahoma Child Support Services (CSS) that a Motion to Modify Child Support has been filed in the above case. CSS may be a necessary party in this case pursuant to Section 112 of Title 43 of the Oklahoma Statutes (43 O.S. § 112).

Signature

Printed name

CERTIFICATE OF DELIVERY

This certifies that a true and correct copy of the above Notice of Child Support Proceeding was delivered to CSS on _____ at the following address:

by:

- first class mail to CSS or
- hand-delivery

Signature

**IN THE DISTRICT COURT IN AND FOR _____ COUNTY
STATE OF OKLAHOMA**

In re: the Children of:

_____)	
_____	)	District Ct. Case No.: _____
_____	)	OAH Case No.: _____
_____	)	OK IV-D FGN: _____
_____	)	Obligor: _____
_____	)	Custodial Person: _____

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

I certify that on _____, I mailed a copy of the Motion for Hearing and Order for Hearing in the above case to _____ at the following address: _____

_____ by certified mail, return receipt requested, restricted delivery, and:

- delivery was made to the addressee who signed the return receipt card; or
- delivery was refused by the addressee as indicated on the return receipt card.
The papers were then sent to the addressee by regular mail, first class, postage fully prepaid on _____.

The return receipt card is attached as Exhibit A.

Signature

Printed name

Affidavit of Service by Certified Mail - Exhibit A

Attach original return receipt card here

**IN THE DISTRICT COURT IN AND FOR _____ COUNTY
STATE OF OKLAHOMA**

In re: the Children of:

_____)		District Ct. Case No.:	_____
_____)		OAH Case No.:	_____
_____)		OK IV-D FGN:	_____
_____)		Obligor:	_____
_____)		Custodial Person:	_____

WAIVER OF SERVICE

I, _____, residing at _____ (city, state), acknowledge receipt of a copy of the Motion for Hearing on Child Support Issues and Order for Hearing. I waive service of process of these papers upon me and make a voluntary appearance in this action.

By acknowledging that I have received these papers, I do not admit to the statements of allegations in the papers or waive any defenses I may have in this case. I understand that if I do not appear for a scheduled hearing, the contents of the papers are considered to be admitted, all defenses are waived, and a default order may be entered.

I state under penalty of perjury under the laws of the State of Oklahoma that the above and foregoing is true and correct.

Signature Receipt date

Printed name

Address

City State ZIP code

Subscribed and sworn before me on: _____

My commission expires: _____

Notary public

**IN THE DISTRICT COURT IN AND FOR _____ COUNTY
STATE OF OKLAHOMA**

In re: the Children of:

_____)		District Ct. Case No.:	_____
_____)		OAH Case No.:	_____
_____)		OK IV-D FGN:	_____
_____)		Obligor:	_____
_____)		Custodial Person:	_____

ORDER MODIFYING CHILD SUPPORT

On _____, 20____ this matter came on for hearing on the Motion to Modify Child Support filed by _____ per 43 O.S. § 188.

The Oklahoma Department of Human Services (DHS), Child Support Services (CSS), appears:

- with counsel _____;
- not.

The obligor (noncustodial parent) appears:

- in person, pro se;
- in person, with counsel _____;
- not;
- not, being in default;
- not, having previously signed this order; or
- not, represented by counsel _____.

The custodial person appears:

- in person, pro se;
- In person, with counsel _____;
- not;
- not, having previously signed this order; or
- not, represented by counsel _____.

Other persons appear: _____

The Court, being informed by evidence presented and hearing from the parties, find that this Court has jurisdiction over the parties and the subject matter of this action. The Court, therefore, **FINDS, ORDERS, AND DECREES AS FOLLOWS:**

1. CHILDREN. The mother or father of the minor child(ren) in the above case was ordered to pay \$ _____ per month for child support on _____
for the child(ren) listed below: Date of order

Child's name	Date of birth

2. MODIFICATION

- The moving party has failed to show a material change of circumstances that would justify a modification of the child support amount. Therefore, the Motion to Modify is denied.
- Since the order was entered there has been a substantial and material change in circumstances as follows:
 - A child for whom the order was entered has turned 18 and is no longer regularly enrolled and attending high school;
 - The father's income has changed;
 - The mother's income has changed;
 - The living arrangements of the child(ren) have changed;
 - The child care expenses have changed;
 - There has been a change in health insurance or health insurance was not addressed in a previous order; or
 - Other:

3. CURRENT CHILD SUPPORT: _____ **has a duty** to provide support for the minor child(ren) who is/are the subject of this action and shall pay child support in the following amounts in accordance with the attached support computation sheet. Payment shall begin _____ and continue on the same day of each month thereafter, until the child(ren) reach(es) the age of 18 years. Provided, that if the last minor child residing with the custodian reaches the age of eighteen years and is still attending high school, child support shall continue until the age of 20 years, so long as the child is regularly enrolled

in and attending high school, including other means of high school education or an alternative high school education program.

Child Support Obligation Subtotal (line 26a) \$_____ ; Cash Medical Support, if ordered (line 26b) \$ _____ ; Ongoing Medical Support if ordered (line 26c) \$_____ ; Total obligation to be paid by obligor (line 27) \$_____.

- The child support obligation is set in accordance with the child support guidelines without deviation and a copy of the child support computation sheet is attached hereto.
- The Court deviates from the child support guidelines as they result in an amount that is inequitable, unreasonable under the circumstances, and/or not in the best interests of the child(ren), and in support of the deviation the Court finds the following:

OR

- Child Support is not being set at this time due to the following reason(s):
 - the biological parents are residing together supporting the children;
 - other: _____

The Court shall reconsider the issue of current child support and any arrears which may be owed to the custodian upon proper application by any party.

4. MEDICAL SUPPORT ORDER.

A. Medical Support definitions.

Reasonable in cost means dependant coverage does not exceed five percent of the party's gross income. *Reasonable in cost* for Father is an amount not to exceed \$ _____ per month. *Reasonable in cost* for Mother is an amount not to exceed \$ _____ per month.

Accessible means there are available providers appropriate to meet the child(ren)'s individual health care needs within 60 miles one-way from the primary residence of the child(ren).

B. Medical Support Orders. (Choose all that apply from options 1, 2, and 3)

- Option 1:**
 - Accessible employer-sponsored or other group medical insurance is available at a reasonable cost and is ordered. Mother Father has dependent health insurance in effect or available through an employer-sponsored or other group plan and shall provide the insurance until further order of the court.

The employer-sponsored or other group medical insurance premium exceeds the five percent reasonable cost standard. However, the court orders coverage in excess of the standard based on the agreement of the parties or the child(ren)'s best interests. Mother Father shall provide the insurance until further order of the court.

Option 2: Alternative health coverage ordered.

Mother, Father, or Other, specify name and relationship to child(ren): _____

has alternative health coverage for the child(ren) in effect or available as described below and is ordered to maintain the coverage as long as the child(ren) continue(s) to be eligible:

a. Indian Health Services. Child(ren) is/are eligible or believed to be eligible for Indian Health Services. The parents shall cooperate fully to enroll the child(ren) in the tribe and provide a copy of the card or other documentation to the child support office. Tribal affiliation: _____

_____. If the child(ren) is/are determined eligible for Indian Health Services, other health care coverage for the child(ren) is required is not required.

b. Department of Defense (DOD). Child(ren) are believed to be eligible for or enrolled in the DOD managed health care program. The name of the DOD sponsor is _____.

The parents shall cooperate fully in enrolling the child(ren) in the Defense Enrollment Eligibility Reporting System (DEERS) and provide a copy of the identification card for the child(ren) to the child support office. Whenever coverage through DEERS ceases to be available, health insurance shall be provided by Mother or Father through an accessible employer-sponsored or other group plan at a cost not to exceed \$ _____ per month.

c. Child(ren) is/are covered under health coverage provided by _____, current spouse of Mother or Father. In the event that health coverage is no longer being provided by the step-parent, Mother or Father shall provide accessible health coverage at a cost not to exceed \$ _____, if such coverage is accessible.

d. Other alternative coverage.

_____ shall provide health coverage for the minor child(ren) in this case through the following coverage type:

Option 3: Cash medical. The court find that currently:

- there is no information regarding available insurance coverage;
- there is no insurance coverage available; OR
- the available coverage:
 - is not reasonable in cost; OR
 - is not accessible to the minor child(ren).

a. The court orders Mother or Father to pay cash medical support in the amount of \$ _____ per month. The cash medical support is included in the child support amount ordered above.

b. All cash medical support shall be paid through the Oklahoma Centralized Support Registry as outlined below. The cash medical amount should be discontinued when health insurance becomes available at a reasonable cost and the child is enrolled in the insurance plan unless it was ordered due to family violence issues. The party providing insurance must provide proof to the court, CSS, and the other party that the child(ren) is/are covered by the insurance plan. The cash medical shall be terminated by notice sent to the parties by regular mail.

c. If the child(ren) is/are not covered by dependent health insurance, alternative health coverage, or a governmental medical assistance program, the custodial person is ordered to apply immediately on behalf of the child for government medical assistance (such as Soonercare or similar program) unless the court finds otherwise. The custodial person must provide proof of application for services to the other parent within 30 days of this order.

AND (Choose one or more)

- Mother shall obtain accessible health insurance coverage for the minor child(ren) whenever such insurance is available through an employer or other group plan, at a cost not to exceed \$ _____ per month, (*must not exceed five percent of the party's current gross income*).
- Father shall obtain accessible health insurance coverage for the minor child(ren) whenever such insurance is available through an employer or other group plan, at a cost not to exceed \$ _____ per month, (*must not exceed five percent of the party's current gross income*).
- The obligor is not required to obtain health insurance coverage for the minor children because family violence issues exist and release of information for purposes of enrollment in insurance coverage would endanger a party or child(ren); or obligor is participating in a government sponsored medical assistance program; or it is in the best interests of the child(ren).

C. Additional Medical Support Orders.



1. **Non-covered expenses.** Mother shall pay _____ percent and Father shall pay _____ percent of the reasonable and necessary medical, dental, orthodontic, optometric, psychological, or any other physical or mental health expenses for the minor child(ren) not covered by insurance or other third-party coverage. The parent who incurs the expense shall be reimbursed by the other parent within 30 days of receipt of documentation of the non-covered portion of the expense.

2. **Exchange of Information.** The person ordered to provide health insurance shall provide the custodial person and CSS (if there is a case open with CSS) with proof of enrollment, insurance cards, policy information, policy number, and any other documents necessary for the child(ren) to use the insurance. The custodial person and non-custodial parent shall be required to exchange any information necessary to secure dependent health enrollment.

The parents must furnish each other and CSS with timely written documentation of any change in health insurance within 30 days of the date of the change. Upon timely notification of the change, the other parent is responsible for his/her percentage share of the changed cost of the health insurance. Failure to provide timely notice may result in a denial of the right to receive credit or reimbursement for the expense or increased premium.

3. **Fixed Ongoing Medical Costs** (*check only if applicable*). The current monthly child support amount includes obligor's portion of fixed ongoing medical costs for the following expenses:

_____ in the amount of \$ _____ (Child Support Computation line 16b).
The payment of fixed ongoing medical costs shall be terminated on _____, and thereafter the current monthly child support obligation shall be \$ _____ unless otherwise modified by the court.

4. **Other:**

5. CHILD CARE. (select one)

- The obligor's share of child care expenses is included in the child support amount ordered in paragraph 3 above. The custodial person shall provide timely documentation to the Obligor of said expenses.
- Child care is not currently being expended, but should such expenses occur, the obligor is ordered to pay _____ percent of monthly employment or education-related child care expenses of said child(ren), as additional child support, commencing on the same day and to be paid in the same manner, as any current child support set out in paragraph 3 above. The custodial

person shall provide timely documentation to the obligor of said expenses.

- 6. METHOD OF PAYMENT.** Child support and judgment payments shall be made payable to the Oklahoma Department of Human Services (DHS) and mailed to: Oklahoma Centralized Support Registry, P.O. Box 268849, Oklahoma City, OK 73126-8849, with the child support case number: _____, on the face of the payment. Payments may also be paid electronically through the State of Oklahoma Web Pay System. Payments shall continue to be made in this manner for so long as Oklahoma child support services are provided for the benefit of the minor child(ren) by DHS. Upon termination of such services, DHS shall provide written notice to the person owing the child support. Any delinquent child support payments due at the time and still subject to an assignment made in favor of DHS shall continue until the assignment has been released by DHS. PAYMENTS MADE IN ANY MANNER OTHER THAN AS SPECIFIED IN THIS ORDER SHALL BE CONSIDERED GIFTS AND SHALL NOT BE CREDITED TO THE AMOUNT OWED.
- 7. INCOME ASSIGNMENT.** An immediate income assignment is ordered pursuant to 12 O.S. § 1171.3(G)(1). A portion of the obligor's monthly or other periodic income shall be assigned to the custodial person or appropriate agency in an amount sufficient to ensure payment of the monthly support obligation, including any arrearage and judgment payments. The assignment is effective immediately; provided however, that the **obligor remains responsible for making payments directly to DHS in any month when an income assignment is not in effect or does not pay the full amount due under this order.**
- 8. ADDRESS OF RECORD FOR SERVICE OF PROCESS AND ADDRESS AND EMPLOYMENT CHANGES.** 43 O.S. § 112 requires all parties and custodial persons to inform the Central Case Registry of the current address of record for service of process in support, visitation, and custody actions. The following applies to the obligor and any custodial person subject to this order. Any changes (names and addresses) in your address of record, your employer, and your health insurance must be provided in writing to the Central Case Registry within 30 days of the change at the following address:

**Central Case Registry
PO Box 268843
Oklahoma City, Oklahoma 73124-8843**

Your last address of record may be disclosed to a party or custodian person upon request in accordance with DHS rules. DHS does not release home addresses if prohibited by a court order granted for the protection of a parent or custodial person, or if the case has a family violence indicator. The address of record does not have to be the address where you live. You may be served in child support actions filed after this date by regular mail to the last address of record provided to the Central Case Registry. If your physical address and address of record are different, you must notify CSS of any changes in your physical address. Future notices shall be sent to the last address of record provided to the Central Case Registry.



The following is the current address of record for service of process for the obligor:

The following is the current address of record for service of process for the custodial person:

- 9. PRIOR ORDERS AND CHILD SUPPORT ARREARS.** All provisions in prior orders entered in this case not specifically modified herein remain in full force and effect. The issue of child support owed by either parent for a period prior to this order is reserved for future determination.
- 10. INTEREST ON PAST-DUE CHILD SUPPORT.** Unpaid child support payments accruing under an Oklahoma order draw interest at the rate of ten per cent per year from the date they become delinquent, and the interest shall be collected in the same manner as the payments upon which the interest accrues. Orders issued by other states may have a different interest rate for unpaid child support.
- 11. OBLIGOR'S EMPLOYMENT INFORMATION.**

Employer's name: _____
Address: _____
Phone number: _____

- 12. ENFORCEMENT.** CSS may enforce this order in any court with jurisdiction to enforce child support orders, including administrative court. The obligor understands that until (1) all past-due child support is paid in full, and (2) the obligor is current on all support obligations, multiple enforcement remedies may be used. These remedies include, but are not limited to, interception of state and federal tax refunds, and pursuant to 56 O.S. § 240.23, intercepting or seizing periodic or lump-sum payments from: (1) a state or local agency, including unemployment compensation, workers' compensation, and other benefits; and (2) judgments, settlements, and lotteries; attaching and seizing assets of the obligor held in financial institutions; attaching public and private retirement funds; imposing liens in accordance with 43 O.S. § 135; and increasing the monthly payment on child support, for purposes of securing past-due support, in an amount not to exceed five percent of the total child support order. Such increase may not be made more than once every 12 months.

13. ADDITIONAL ORDERS.

[Redacted area]

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

Obligor signature

Custodial person signature

Obligor name

Custodial person name

Address

Address

City State ZIP code

City State ZIP code

Phone number

Phone number

Attorney for obligor

Attorney for custodial person

OBA#

OBA#

Address

Address

City State ZIP code

City State ZIP code

Phone number

Phone number

Attorney for CSS

OBA#

Address

City State ZIP code

Phone number

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing Order Modifying Child Support were served as follows:

- In person on _____, 20__ to:
- Obligor
 - Attorney for the obligor
 - Custodial person
 - Attorney for the custodial person
 - State's attorney for CSS: _____
 - Other: _____
- By regular mail on _____, 20__ to:
- Obligor at address of record
 - Attorney for the obligor at the address listed on page 27
 - Custodial person at address of record
 - Attorney for the custodial person at the address listed on page 27
 - State's attorney for CSS: _____
 - Other: _____

Signature of person certifying copies were served in person or mailed