

Modifying Child Support Orders



Where do I apply to change my child support order?

There are two ways to ask for your current child support order to be changed:

- File a Motion to Modify Child Support in court. (You should file with the domestic relations court that issued your divorce, legal separation, dissolution, or Civil Protection Order; or the juvenile court that issued your custody or paternity order.)
- Ask the Child Support Enforcement Agency (CSEA) for an administrative review. The CSEA has a form for you to fill out and send in to make this request.

Child support cannot be changed retroactively. It can only be changed going forward. This means that the court or CSEA can only change your support amount back to the date you applied for a change.



The court and CSEA use a formula to calculate the amount of child support. You can use the Ohio Department of Job and Family Services child support calculator at ohiochildsupportcalculator.ohio.gov.

Why go to the court?

There are some advantages to asking the judge to change your current child support order:

- You can apply to the court at any time, you do not have to consider the 36-month requirements for a CSEA review.
- You will need to properly “serve” the other party.
- Only the judge can grant a deviation, or an amount different than the standard calculation, for support.
- You will appear in person and can tell your story to the judge.

When you make a request to a court, you must prove:

- A significant change in circumstances since the last order was issued, such as a change in the child’s need, a change in a parent’s income, or a change in a parent’s earning ability, or
- The change will result in an increase or decrease in the payment of at least 10 percent. You should show the amount of the change by completing a child support worksheet at the website listed above.



Why go to the Child Support Enforcement Agency (CSEA)?

There are some advantages to asking the CSEA to change your current child support order.

- You do not need to pay a fee to file your request.
- You do not have to attend the hearing. Everything can be done by phone or mail.
- You do not have to “serve” the other party.
- There is a faster appeal process if you do not agree with the CSEA recommendations.

To qualify for a review hearing with the CSEA, you must show:

- If the support order is more than 3 years old (36 months), you can apply for a review for any reason.
- If the support order is less than 3 years old (36 months), you must show one of the following reasons:

- Either party is unemployed or laid off through no fault of their own for more than 30 days.
- Either party has experienced a 30% change in income through no fault of their own for at least six months.
- Either party was under-employed (worked below their skill level) or unemployed at the time the first order was set and now is employed full time.
- You started receiving Supplemental Security Income (SSI) or Social Security Disability (SSD), or are permanently disabled and can supply medical proof of your disability.
- You want health insurance coverage for your children.



The CSEA will adjust the child support amount if there is a 10% difference between the original child support order and the new calculation.

What can I do if I disagree with new child support order?

If you disagree with the court decision, you can appeal the decision.

- If a magistrate decided your case, you should file objections to the magistrate's decision.
- If a judge decided on your case, you should appeal the decision to the Court of Appeals.

If you disagree with a CSEA review decision, you can appeal the decision.

- You have 14 days after the issuance of the new administrative order to request an administrative hearing with the CSEA. If you do not request this hearing, the new revised amount will be final.
 - If you disagree with the CSEA after the hearing, you have 14 days to file written objections with the Court.
- If the original support order had a deviation or if you want to request a deviation, you have the right to file for a court hearing with the Court without first requesting an administrative hearing.



While your case is pending before the court or the CSEA, the law requires you to keep paying support at the old amount until a different determination is made.

When will my duty to pay child support end?

You no longer have an obligation to pay child support when:

- Your child turns 18 years of age. If your child is still attending high school when he or she turns 18, you are bound to pay child support until the child turns 19 years of age.
- Your minor child lives on their own, joins the military, or gets married.
- There has been a legal change of custody and the child no longer lives with the custodial parent or has moved in with you.
- You have moved in with the custodial parent.

If your situation meets one of these situations, you should either call the CSEA and request termination or file a Motion to Terminate Child Support with the court.

The information on this flyer is not legal advice.

If you are seeking representation or legal advice, please contact LASC or SEOLS.

An attorney-client relationship does not exist between you and LASC or SEOLS.

Contact for Services: Intake line: 1-844-302-1800

www.columbuslegallaid.org

www.seols.org

LASC provides services in Central Ohio and has offices in Columbus and Marion.

SEOLS provides services in thirty-four counties in Southeastern Ohio and has offices in Athens, Chillicothe, New Philadelphia, Newark, Portsmouth, and Steubenville