

Changing a Child Support Order in Your State

 The information below applies only to Puerto Rico

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

Contact the Child Support Agency, Administración para el Sustento de Menores (ASUME), using the options provided below.

2. How can I contact my child support agency?

General mailing address:

ASUME
P.O Box 70376
San Juan, PR 00936-8376

Physical address:

Edif. Metro Center
Calle Mayaguez Esq. Cidra
San Juan, PR00918

Phone: (787) 767-1500

Fax : (787) 282-8324

<http://www.asume.pr.gov/>

Email: servicioalcliente@asume.pr.gov, or through the contact form available at the top right corner of <http://www.asume.pr.gov/> (Contact form is bi-lingual).

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

No.

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

General modification information is available online with respect to review and adjustment (every three years) and modifications based on substantial change in circumstances <http://www.asume.gobierno.pr/>

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

Yes, see attached brochure in Spanish.

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

Modifications can be based on any *substantial change* in circumstance (which can include incarceration and release of incarceration.) The Court ultimately decides what is *substantial*. Modifications are not automatic when a parent is incarcerated as the child support amount is based on the current ability to pay.

Reviews of the existing obligation amount can also be requested every three years (from date of establishment or last modification). A review request does not require the parent to provide evidence of a substantial change in circumstances.

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7. How do I request the change?

Make a request with the child support agency or the Court. Many orders can be modified administratively, and the child support agency will provide information to the parent about which forms to be complete.

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

The timeframe varies from case to case, depending mostly on the date that the modification request is served on the other party.

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

It may speed up the process.

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

No.

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

No.

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

Subject to child support agency resources, outreach visits that focus on modifications can be scheduled. The IV-agency also holds collaborative agreements with the Federal Bureau of Prisons and the Department of Correction and Rehabilitation

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?

Incarcerated parents are encouraged to request a modification as soon as possible. The law states that modifications resulting in a lower support order are to be prospective. Arrears that build up during incarceration are rarely forgiven or compromised, and if they are, only with respect to arrears owed to the state.



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.



¿Quién puede asistirle para solicitar la modificación de la pensión alimentaria establecida?

Who can assist you in the process of applying for the Modification of Child Support?

La Administración para el Sustento de Menores (ASUME) es la agencia autorizada en Puerto Rico que ofrece este servicio, libre de costos, a personas custodios o no custodios cuando exista una Orden de Alimentos. Usted no tiene que ser residente en Puerto Rico ni tiene que ser ciudadano de los Estados Unidos para cualificar para estos servicios. Usted debe saber que si es elegible para una modificación de la orden de pensión alimentaria, puede solicitar el servicio, libre de costos, en cualquier agencia de sustento de menores, incluyendo Puerto Rico.

The Administration for Child Support Enforcement (ASUME) is the authorized agency in Puerto Rico that offers this service, free of charge, to custodial or non custodial persons when there exists a Support Order. You do not have to be a resident of Puerto Rico nor have to be a citizen of the United States to qualify for this service.

You should know that if you are eligible for a Modification of the Support Order, you may request the service, in any child support agency, of any state including Puerto Rico.

¿Qué hacer si la Orden no es de Puerto Rico? What to do if the order is not from Puerto Rico?

ASUME puede ayudarle en el trámite de modificar las órdenes originadas en cualquier otro estado (y en algunos otros países). Usted no tiene que estar físicamente en la vista de modificación y muchas de las determinaciones pueden ser basadas en la información financiera y personal que le sea requerida. Recuerde que esta vista pudiera tener consecuencias legales, de usted proveer información incorrecta o poco precisa.

ASUME can help you in the process of modifying orders originated in any other state (and in some countries). You do not have to be physically in the hearing for modification of child support and many of the determinations may be based on the financial and

personal information that you provide. Remember that this hearing can have legal consequences, if you provide incorrect or inaccurate information.

Tengo un(a) hijo(a), pero no estoy casado, ¿cómo puedo reconocerlo(a) voluntariamente? I have a minor, but I'm not married. How can I acknowledge paternity voluntarily?

Si el padre y la madre de un menor de edad no estuvieran casados legalmente, ASUME puede ayudar a establecer la paternidad de manera voluntaria o contenciosa.

Se establece voluntariamente al llenar y firmar el documento llamado Certificado de Paternidad. Este documento permite el reconocimiento voluntario de un menor de edad nacido fuera de matrimonio. Establecer la paternidad de manera contenciosa se refiere al procedimiento que se lleva ante un/a Juez/a Administrativo/a o del Tribunal de Primera Instancia que requiere la realización de pruebas genéticas.

Una vez se establece la paternidad, el/la niño/a obtiene todos los derechos legales y privilegios de los/las niños/as nacidos en el matrimonio. Surge también la posibilidad de que se establezca una relación del padre con su hijo/a que beneficie el desarrollo emocional del niño/a y le garantice todos sus derechos.

If the father and the mother of a child were not legally married, ASUME can help to establish the paternity voluntarily or contentiously.

Paternity is established voluntarily by completing and signing a document called Certificate of Paternity. This document allows the voluntary acknowledgment of paternity of a child born out of wedlock. A contentious paternity process can be used on some cases if a genetic test (DNA) is required. An Administrative or Judicial Judge can order the test.

Once paternity is established, the child obtains all the legal rights and privileges of children born in wedlock. Also there is a possibility to establish a relationship between father and child that benefits both, it also promotes an emotional development and ensures their rights.

¿Dónde debo comunicarme? Who should I contact?

Para orientación general, solicitar nuestros servicios y conocer el procedimiento a seguir para solicitar una modificación de la pensión alimentaria, debe dirigirse a:
For general orientation, to request our services and receive information about the procedure for requesting a modification of child support you should contact:

Administración para el Sustento de Menores
Oficina de Relaciones con la Comunidad
Sra. Mayra I. Siaca González
Administradora Auxiliar
PO Box 70376
San Juan, Puerto Rico 00936-8376

También puede hacerlo a través de correo electrónico:

febop@asume.gobierno.pr

Also you can do it through email:

febop@asume.gobierno.pr

Debe asegurarse de incluir su nombre y dirección completa, para hacerle llegar los formularios requeridos.
Be sure to include your name and complete address, to send you the required forms.



www.asume.pr.gov

DEPARTAMENTO FAMILIA
Gobierno de Puerto Rico
AERAZA LA VIDA



INFORMACIÓN IMPORTANTE PARA LOS CONFINADOS:
Important information for inmates:

Modificación de Pensión Alimentaria

MODIFICATION OF CHILD SUPPORT



La Administración para el Sustento de Menores y el Negociado Federal de Prisiones firmaron un acuerdo con el propósito de proporcionarle a los confinados información y orientación sobre sus derechos y deberes en la manutención de sus hijos e hijas menores de edad.

The Administration for Child Support Enforcement and the Federal Bureau of Prisons signed an agreement with the purpose of providing the inmates information and guidance about their rights and duties regarding their minor children.

La obligación de pagar la pensión alimentaria corresponde a la persona no custodia y ha sido reconocida como parte del derecho a la vida.

Nuestro ordenamiento jurídico no reconoce que la reclusión carcelaria de la persona no custodia sea un fundamento para que no se reconozca la obligación de la pensión alimentaria. Esta obligación continúa durante el tiempo que dure la reclusión. Una vez se reintegre a la libre comunidad, puede solicitar se le

establezca un plan de pagos para la deuda acumulada durante el tiempo que estuvo confinado.

Este folleto contiene información valiosa que le orientará sobre su responsabilidad sobre el pago de la pensión alimentaria.

The non custodial person has the obligation to pay child support and has been recognized as part of the right to life.

Our legal system does not recognize prison confinement of the non custodial parent as a basis to not comply with the obligation of child support. This obligation continues for the duration of the incarceration of the obligor. Once reinstated in the free community, a payment plan can be requested for the debt accumulated during the time he was confined.

This booklet contains valuable information that will advise you on your responsibility of child support payments.

¿Tiene usted alguna obligación legal de pagar pensión alimentaria y/o servicios médicos dictada por un Tribunal o Agencia de Sustento de Menores u Orden emitida por algún territorio de los EE.UU. o país extranjero?

Do you have any legal obligation to pay child support and/or medical services ordered by a Court, Support Agency, by any United States Territory or foreign country?

Si es así, debe estar consciente que aunque esté detenido o confinado continúa legalmente obligado a seguir pagando esta o estas pensiones (pensión alimentaria o servicios médicos) que haya(n) sido ordenada(s) y que la(s) cantidad(es) no cambia(n) hasta tanto un Juez (Tribunal o ASUME) la o las modifique.

Debe usted saber que la obligación de pagar la pensión alimentaria continúa en su totalidad aunque esté encarcelado o confinado, a menos que radique una Moción solicitando Modificación de Pensión Alimentaria y que un/a Juez/a ordene que la cantidad sea rebajada o temporariamente suspendida.

Los pagos vencidos representan una deuda que puede afectar su historial crediticio, así como también la obtención de licencias y pasaportes. Además, la deuda puede ser cobrada de los reintegros contributivos u otros beneficios del Gobierno y propiedades inmuebles, incluyendo embargo de cuentas bancarias.

If so, be advised that although you are incarcerated, you are still legally obligated to continue paying this or these pensions (child support or medical services) that have been ordered. The amount does not change until a modification or review process is made by a Court or ASUME.

You should know that the obligation to pay child support continues in full even though you are incarcerated or confined, unless you file a Motion seeking Modification of Child Support and it is ordered that the amount be lowered or temporarily suspended.

Overdue payments represent a debt that can affect your credit history, as well as obtaining licenses and

passports. Furthermore, the debt may be recovered from tax refunds, other government benefits, also seizure of properties and bank accounts.

¿Qué sucede si esta Orden no es modificada y usted no realiza el pago que fue ordenado originalmente?

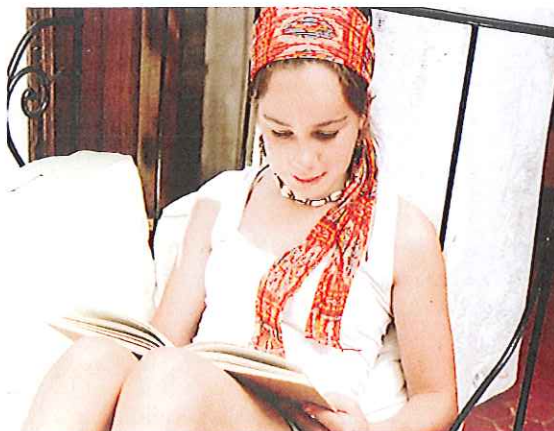
What happens if this Order is not modified and you do not send child support payments as were ordered originally?

Cada pago que deje de realizar es acumulado como deuda. Esta deuda se mantiene vigente aún después de ser excarcelado y continúa la obligación. La misma puede ser cobrada aún después que los menores sean emancipados.

Every payment that is not received is accrued as a debt. This debt is still valid even after the release date and the obligation continues. In some circumstances the obligation can continue even after the minors are emancipated.

¿Sabía usted que una Orden de Pensión Alimentaria no se puede modificar retroactivamente y que el proceso de modificación legal no comienza hasta que usted radique una moción a esos efectos?

Did you know that a Child Support Order can not be modified retroactively and that the process of legal modification does not start until you file a motion to these effects?



No importa sean sus circunstancias, la fecha más próxima en la que esta pensión alimentaria puede ser modificada es la fecha de la Notificación de la Intención de Modificación de Pensión a la otra parte, conforme lo exige el debido proceso de ley; o cuando, el Administrador o el/la Juez/a Administrativo/a determine que se logró la modificación.

No matter what your circumstances are, the earliest date on which the child support can be modified, is the date that the custodial parent has been properly notified with the Notification of the Intention of Modification of Child Support, as required by law; or when the Administrator or Administrative Judge determines that the modification has been achieved.

