

Changing a Child Support Order in Your State

! The information below applies only to Oklahoma

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

Parents can call the Oklahoma Child Support Services (OCSS) Center statewide toll free Customer Service Center at 1-800-522-2922 and talk to a Customer Service Representative 7 days/week from 8:00am-5:00pm to find out if they have a IV-D child support case, the amount of their child support order and information on the last modification.

2. How can I contact my child support agency?

Parents can contact the OCSS Center for Customer Services at: PO Box 248822, Oklahoma City, OK 73124 or (405) 522-5871. The toll free Customer Service Center number is 1-800-522-2922 which provides an interactive voice response system 24 hours, 7 days/week and Customer Service Representatives 7 days/week from 8:00am-5:00pm.

Parents can view their case payment record and our child support agency services at:
<http://www.okdhs.org/programsandservices/ocss>

Parents can contact their local child support offices at:
<http://www.okdhs.org/programsandservices/ocss/docs/districtoffices.htm>.

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

Some. There are two Oklahoma appellate opinions on setting income that effect modification of orders for incarcerated parents. One opinion has been applied by trial courts to impute minimum wage for an incarcerated parent, which may or may not result in modifying an order for an incarcerated parent. A more recent opinion on modification helps to clarify that orders for incarcerated parents may be modified using an income amount other than previous earnings. Under the state law on modification, a judge may or may not determine that an increase or decrease in a parents' income due to incarceration or release from incarceration is a material change in circumstances.

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

Yes, OCSS has a Modification brochure, available here (and attached),
http://www.okdhs.org/NR/rdonlyres/D513306B-F02F-428E-A6FF-365209475185/0/0633_Modification_12012011.pdf

There are Pro Se modification forms available online both as fillable forms and document creation forms which are created by answering a few questions. Included with the forms are step by step instructions on how to complete them, file them in court, serve the other parent and the child support agency and prepare for the modification court hearing. This information is attached and available here:
<http://www.okdhs.org/programsandservices/ocss/docs/pginfo.htm>

There are different forms to use depending upon which process you are using, available at:
<http://www.okdhs.org/library/forms/ocss/> and attached.

- Motion to Modify Child Support in Administrative Court Instructions and Forms, available here (and attached),
<http://www.okdhs.org/NR/rdonlyres/91C2EBA2-8418-498D-BF1B-B7523B3F1125/0/03RA010E.pdf>
- Motion to Modify Child Support in District Court Instructions and Forms, available here (and attached),
<http://www.okdhs.org/NR/rdonlyres/6410BC6D-0220-494C-AEC2-E139E5C68DB4/0/03EN017E.pdf>

The Customer Service Center can also provide assistance in obtaining the above Pro Se Modification forms.

Changing a Child Support Order in Your State

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

No. OCSS is developing two brochures for incarcerated parents.

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

Under state law, a court may modify a child support order when there has been a material change in circumstance, which may include an increase or decrease in the needs of the child, an increase or decrease in the income of the parents, changes in child care expenses, changes in medical dental insurance, or when one of the children in the child support order reaches the age of majority.

7. How do I request the change?

IV-D child support customers may request that OCSS review their child support order for modification at any time. There is no required form. A customer, including an incarcerated parent, may request a modification by mailing a letter to the local child support office stating that they request that their child support order be reviewed. They may also make a modification request by calling the statewide toll free Customer Service Center which will email their request to the local child support office. Incarcerated parents may request a modification by mailing a letter to the local child support office or the State Office Center for Customer Services who will route the request to the local office. Note that OCSS will not initiate a review upon a customer request when the order has been established, reviewed, or modified within the past 12 months and preliminary evidence indicates the change of circumstance will not significantly impact the child support amount.

Oklahoma statute allows child support orders that were entered by either the administrative court or district court to be modified in either the administrative or the district court. Only IV-D child support customers may file a pro se modification motion to modify with the child support administrative court, and Oklahoma Child Support files most motions to modify in administrative court. Any parent in Oklahoma may complete the pro se modification forms (available on the Oklahoma Child Support Services website) and file a motion to modify in the either system.

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

After receiving a request to review the child support order, IV-D child support caseworkers send financial questionnaires to both parents for them to complete. Caseworkers review income and other data and calculate the child support obligation to determine if there has been a 20% adjustment since the prior order or another reason to file a motion to modify. If a modification is appropriate based on the state law and policy, OCSS will proceed with a motion to modify. Court dockets are generally set two to three months in advance and therefore the entire process from a parent's modification request to the hearing and order of modification may take four to six months.

If the review by OCSS does not indicate modification is appropriate, they will not file the motion to modify and will direct the parent to the Pro Se Modification materials.

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

Yes, the process is usually shorter as the case can be fast tracked and set for a pre-hearing and a hearing docket date. However, the parents will still need to provide their income, child care and medical costs information for calculation of the new monthly child support amount.

Changing a Child Support Order in Your State

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

No, there are no costs when OCSS handles the modification or if the pro se parent uses our administrative court pro se modification forms. Yes, there are costs if the pro se parent uses our district court pro se modification forms and files in district court as they charge filing fees to pro se litigants. Additionally, the pro se parent may have service of process costs if the other parent doesn't voluntarily sign an Acknowledgement of Service.

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

The usual procedure of OCSS when modifying an order for an incarcerated parent is to attempt to settle the case through the mail as there is not a standard procedure for telephonic hearings with the Department of Corrections.

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

OCSS has a District Office Court Liaison Program in 36 of 77 counties. The OCSS Court Liaison works proactively to help unemployed or underemployed parents at the time of order establishment and enforcement to remove their obstacles to payment. This includes working with parents upon their release from the Department of Corrections. This is a highly structured "problem solving court program" that includes the judge, Court Liaison and the OCSS State's Attorney. The NCPs in this program are required to sign an agreement to participate in this program for a year and the coercive court remedies are put on hold (sentencing to jail time on a contempt of court citation or revocation of licenses). The Court Liaisons develop a community referral network, which includes employers who hire convicted felons, and after assessing an NCP's obstacles, they make referrals and hold the NCP accountable for follow-through on the signed agreement and to appear for court hearings. OCSS Court Liaisons work with recently released felons who want to participate in the problem solving court program. For approximately one year following release from DOC, OCSS district office staff work with the NCP to develop a re-payment plan which involves lowering their monthly court ordered amount. Also, this usually involves a modification of the child support order and the judgment payment amount.


OCSS assists with the "Oklahoma DOC's Second Chance Grant" which develops transitional services for male offenders located at the Oklahoma City Community Correction Center. And, OCSS just completed a prisoner re-entry Section 1115 demonstration grant in Tulsa, OK which worked in partnership with the Community Service Council of Greater Tulsa (CSC) and the Department of Corrections in Tulsa both of whom have re-entry grants. OCSS has also trained DOC case managers on child support modification.

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?

The policy of OCSS when *establishing* a child support order is for the monthly child support to begin 45 days after release from incarceration and for no amount to accrue during incarceration. Also, the issue of the amount of the judgment is reserved until release. OCSS is reviewing its policies and procedures to develop a standard amount of income to use when establishing or modifying an order with an incarcerated parent. Some local offices enter a \$-0- child support order for an incarcerated parent.

 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.



Modification

Most child support orders are fair and reasonable when they are entered, but they do not always keep pace with changes in people's lives. A request can be made to a judge to modify any order that deals with child support. These include such orders as divorce decrees, support orders and paternity orders.



How are child support orders modified?

Through Oklahoma Child Support Services:

You must send a written request to the child support office that has your case. If you do not have a child support case with OKDHS or you are unsure of where to send your request, you can obtain that information by calling the CARE Call Center at 1-800-522-2922. If you are opening a new case with OKDHS, please note that you are requesting all child support services not just a modification of the child support order. Upon receipt of a request, the child support office will review the order and determine if it qualifies to modify.

Do it yourself:

You can do it yourself through a Pro Se Modification process. You can request a Pro Se Modification packet by calling the CARE Call Center.

Private attorney:

You can hire a private attorney. This process may also allow you to address other issues such as custody, visitation or tax exemptions.

Please remember – if you have a child support case with Oklahoma Child Support Services, you must always keep us informed when you take any action that affects your child support order.

What qualifies my child support order to be modified?

- An order that does not contain an order for medical support;
- An order that has not been calculated pursuant to Child Support Guidelines;
- If the amount of support will change by at least 20 percent according to child support guidelines; or
- If there is a significant change of circumstances.

What is a significant change of circumstance?

- The child is no longer entitled to child support;
- Verified permanent medical disability of either parent;
- Court ordered custody change;
- Change in daycare or medical insurance; or
- Significant change in income in either parent's income.

When will my child support order be increased?

Not all modifications produce an increase in child support. In fact, the amount may be decreased. OCSS will calculate child support by using the Child Support Guidelines. The review and modification process is not always a fast process. It can take up to 180 days to complete. This time frame can become longer if an Oklahoma court cannot modify your order and OCSS has to request a child support office in another state to assist in the process.

Will I need an attorney?

You are not required to have an attorney present, but remember you are not represented by the attorney from OCSS. If you hire an attorney, you must inform your local OCSS office by calling the CARE Call Center.

Where can I find more information about child support?

You can get more information about child support and calculate your monthly child support amount by visiting our Web site at <http://www.okdhs.org> and clicking on Child Support.

Child Support Modification Terms

Modification – an order changing an existing child support court order.

Review – the process in which Oklahoma Child Support Services evaluates the current child support order to see if modification is needed.

Pro Se – the process in which a person represents him or herself in a court action without an attorney.

Child Support Guidelines – the calculation of monthly child support, which is set out in state law.

Oklahoma Child Support Services can only address child support, medical support, child care and past-due balances on child support. **We cannot readdress paternity nor address custody, visitation or tax issues.**

Only a judge can modify a child support order.

Customer Call Center

Oklahoma City Area 522-2273

Tulsa Area 295-3500 or
Statewide 1-800-522-2922

TTY Lines

Relay Oklahoma TTY 711 or
1-800-722-0353



OKLAHOMA DEPARTMENT OF HUMAN SERVICES

OKDHS Pub. No. 06-33

Revised 12/2011

This publication is authorized by the Oklahoma Commission for Human Services in accordance with state and federal regulations and printed by the Oklahoma Department of Human Services at a cost of \$60.00 for 600 copies. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries. OKDHS offices may request copies on ADM-9 (23AM009E) electronic supply orders. Members of the public may obtain copies by contacting the OKDHS Records Center at (405) 962-1721 or 1-877-283-4113 (toll free).



Oklahoma Department of Human Services
 Sequoyah Memorial Office Building, 2400 N. Lincoln Blvd. • Oklahoma City, OK 73105
 (405) 521-3646 • Fax (405) 521-6684 • Internet: www.okdhs.org

**Information for
 Parents & Guardians**

[Home](#)

[About
 Child Support](#)

[Your Case
 Information](#)

**"Do-It-Yourself"
 Modification**

[Help In
 Your
 Area](#)

[FAQ](#)

[New To
 Child
 Support?](#)

Contact Us:

Toll Free: (800)
 522-2922
 OKC: (405)
 325-9190
 Tulsa: (918)
 295-3500
 TTY: (800)
 722-0353
 or 711

Mailing Address:
 PO Box 248822
 Oklahoma City,
 OK 73124

[Payment Mailing
 Address](#)

[Send Us Your
 Comments](#)

"Do-It-Yourself" Modification

CSS is committed to the right of all parties to have access to the court system. Most child support orders are fair and reasonable when they are entered but they do not always keep pace with changes in people's lives.

One way to ask for a change to your child support order is to send a written request to the [child support office](#) handling your case, or you can do it yourself.

You can file papers in district or administrative court to ask the judge to change the amount of child support. If you are unable to print these forms below, call the CSS Customer Service Center to ask for forms and instructions. In the OKC metro area call (405) 522-2273, Tulsa metro area (918) 295-3500, and all other areas call toll free 1-800-522-2922.

***Try our newly automated forms to help you fill out your
 Motion to Modify in Administrative Court***

[Motion to Modify Child Support in District Court - Instructions and Forms \(Form 03EN017E\) \(.pdf, 28 pp, 608 KB\)](#)

[Motion to Modify Child Support in Administrative Court - Instructions and Forms \(Form 03RA010E\) \(.pdf, 14 pp, 236 KB\)](#)

[Modification \(.pdf, 2 pp, 583 KB\)](#)

[Help With Other Legal Issues](#)



OKLAHOMA DEPARTMENT OF HUMAN SERVICES

Oklahoma Child Support Services
P.O. Box 53552
Oklahoma City, Oklahoma 73152
Customer Assistance: 1-800-522-2922
www.okdhs.org



**Motion to Modify Child Support in Administrative Court
Instructions and Forms**

GENERALLY:

You MUST have an open case with Oklahoma Child Support Services (OCSS) in order to use this packet. If you do not have an open child support case, you may fill out an application for services found on the OKDHS website at www.okdhs.org.

If you use these materials, you will be proceeding *pro se*, that is, you will be representing yourself in court. OCSS cannot provide legal advice to you. If you need help, please seek the advice of a private attorney.

You will have to serve these forms on the other parent in your case. You may contact your local sheriff or private process server to find out how much it will cost to have the papers served. If you decide to serve these papers by certified mail, contact the U.S. Postal Service for the cost.

BEFORE YOU BEGIN THE PROCESS, you need:

- a copy of your last order for child support;
- an address or contact information for the other person(s) in the case;
- your Family Group Number (FGN);
- your Office of Administrative Hearings (OAH) case number (see page 2); and
- the address of the OCSS office where your case is assigned. If you are not sure, call customer service at 1-800-522-2922. A list of OCSS offices is available at www.okdhs.org.

The forms included with these instructions are:

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

Print neatly and use a pen with blue or black ink.

Step One: Complete the Motion to Modify Child Support

The first thing to do is complete the Motion to Modify Child Support form. This document asks the court to change the amount of child support ordered in your case.

- Look at your previous child support orders. If you have an order from the Office of Administrative Hearings, you should use the names and case numbers from that order. You will need your latest child support order for the amount of child support and the parent who was last ordered to pay. You will need information from the order to complete the forms in this packet.
- Print the names in your case in the blanks at the top left of the first page of the Motion. The names should read as they appear on your Office of Administrative Hearings 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.
- Fill in the blank marked *OAH Case No.* with your OAH Case Number. **You MUST include this number on your forms or they will not be accepted for filing.** If the number is not on the order that you are trying to change, it may be on court papers that you received from OCSS, for example, 04-12345-72. If you do not have an OAH case number, contact customer service at 1-800-522-2922.
- Fill in the blank marked *OK IV-D FGN* with your Family Group Number. You only have an OK IV-D FGN if you have an existing case with OCSS. If the number is not on the order you are trying to change, it is on papers that you have received from OCSS, 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.
- Print your name in the blank contained in the statement,
I, _____ respectfully show the Court.
- In paragraph 1, check the parent ordered to pay support, either mother or father. Print the amount of child support in the first blank and the date of the last order in the second blank. Fill in the name(s) and birthdates of all children included in the last child support order.
- In paragraph 2, you must tell the Court why you want your child support changed. Check the box next to the reason you want the child support changed. You may check more than one box.
- 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.

- On the lines below *Verification*, print the date and place (city and state) where you signed the form and 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 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.*
- Write the name of your child support office and the address where your office holds hearings. If you do not know where hearings are held, call customer service at 1-800-522-2922.
- 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 and address.

Step Three: Complete the Notice of Child Support Proceeding

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

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

Step Four: File the Motion to Modify, Order for Hearing, and Notice of Child Support Proceeding

- Mail your documents to the Office of Administrative Hearings at: PO Box 25352, Oklahoma City, OK 73125-0352.
- You MUST include a large self-addressed, postage-paid envelope with your documents so the Court can return them to you.**
- You MUST mail the original and four copies of the documents to OAH.**

- The Court enters a hearing date, signs the documents, and returns the copies of the documents to you for service on the other persons(s) in the case. The Court keeps the originals for the Court file.
- When you receive your completed documents from OAH, go to Step Five.

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

Step Five: Service of Motion and Order for Hearing

Finding the address information for service.

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

OCSS cannot give you the address information for the other person(s) in the case. If you do not know the addresses of the person(s) 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 formerly Form CSED 9, *Request for Address of Record*, available on the OKDHS website. 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, OCSS will try to obtain an Address of Record that can be released to you. However, if the other person does not respond to OCSS, you must obtain that information on your own.

Service on person(s) in the case:

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

- Option 1: Send documents by certified mail, restricted delivery, return receipt requested (least expensive method);
- Option 2: pay a private process server to deliver the documents; or
- Option 3: pay the county sheriff's office to deliver the documents.

Option 1: Service by certified mail

- Insert one file-stamped copy of the Motion to Modify 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 being served.
- Complete the required forms for certified mail, restricted delivery, return receipt requested.

- Pay the postage and mail the envelope.

You should receive the return receipt (green card) by mail. **If you do not receive the green card within one week of your court date**, you should serve the person by another method. The envelope may be returned to you if the other person did not claim the envelope with the court documents. If unclaimed, you should serve the other person by another method. You may receive the envelope in the mail if the person did not accept the envelope containing the court documents. The envelope will be marked *unclaimed*. When the return receipt (green card) 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 the blanks.
- Fill in the date you mailed the papers.
- Fill in the name of the person to whom you sent the documents.
- Fill in the address where you mailed the documents.
- Make a copy of the front and back of the return receipt (green card) for your records.
- Staple, **do not tape**, the green card to the second page of the Affidavit of Service by Certified Mail with the person's signature showing.
- On the day of the hearing, bring the Affidavit of Service by Certified Mail and one copy to the Court to file.

Option 2: Service by Private Process Server

- Choose the process server you would like to use by looking in the phone book or on the Internet. Call to find what the fee is for service. Ask how persons are served and what documents are filed with the Court showing proof of service.
- The process server needs the address of the person served, their physical description (provide a recent photograph if you have one), the car they drive, and their work location.
- Deliver to the process server:
- one copy of the Motion to Modify and Order for Hearing;
 - the information on serving the persons 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 that tells the Court the other person(s) in the case was served with the court documents. 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 documents. This process may differ among counties. Usually, you will follow these steps:

- The sheriff requires written information to serve your papers such as the addresses of the persons you want served, their physical description, a recent photograph if you have one, the car they drive, and their 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 (an 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 to Modify 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 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.**

Service to OCSS

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 OCSS by regular mail or in person. Mail or bring the papers to your assigned OCSS office. If you are not sure where your case is assigned, call customer service at 1-800-522-2922. A list of OCSS offices is available at <http://www.okdhs.org>.

Step Six: The Hearing

On your court date bring:

- your copy of the Motion to Modify;
- your copy of the Order for Hearing;
- a copy of the last Order for Child Support that you are modifying;
- the file-stamped Affidavit of Service by Certified Mail to show the judge that you have service, if you served your papers by certified mail; or

- the file-stamped copy of the Return of Service, if you served your papers by private process server or by sheriff; and
- proof of income: current pay check stubs, evidence of disability, copies of W-2, 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), SoonerCare; and
- proof of child care costs.

At the hearing:

- be early and dress appropriately for a courtroom setting;
- DO NOT** bring your children;
- be prepared to wait. Your case may not be heard at the exact time listed on your Notice of Hearing;
- be prepared for the judge to set another court date for the other people in the case to get attorneys;
- you may not get a final order on the first court date; or
- if the case is continued, be sure to appear at all court dates, or your Motion to Modify may be dismissed.

Agreed modification:

- If you, the other person(s) in the case, and OCSS have agreed what the income for each parent is, OCSS uses the child support guidelines to calculate and determine the modified child support amount. You may use the child support guidelines on the Internet at <http://www.okdhs.org> and look under Library, then Forms.
- OCSS staff completes a modification order with the modified child support amount and reviews it with you. If you do not understand any part of the order, ask questions until you do. If you agree with the order, sign it showing your agreement. When everyone has signed the order, OCSS gives it to the judge. If the judge agrees with the order and files it, OCSS either gives you a file-stamped copy that day or mails a copy to you.

No agreement:

- If anyone does not agree on the modified child support amount, including OCSS and the Court, the judge may set the case for a hearing or trial.
- Be prepared to tell the judge why your child support should be modified.
- After the case is decided, OCSS prepares an order setting out the judge's decision. You, the other person(s) in the case, and OCSS are given an opportunity to read and sign the order. 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. Make sure you have information to give the judge about the income of both parents, such as:
- 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: <http://tinyurl.com/qwdwds>; or
 - you may offer to testify as to the other person's job history, training, education, and past earnings.
- When the judge grants your Motion to Modify by default, OCSS prepares a modification order and reviews it with you. If you do not understand any part of the order, ask questions until you do. If you agree with the order, sign it to show your agreement. Once you have signed the order, OCSS gives it to the judge. If the judge agrees with the order and files it, OCSS gives you a file-stamped copy that day or mails a copy to you.

If the judge denies your Motion to Modify:

- After the judge hears your evidence, your Motion to Modify may be denied.
- If your Motion to Modify is denied, OCSS will prepare an order that sets out the judge's decision. You, the other person(s) in the case, and OCSS will be given the opportunity to read and sign the order. 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.

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

| | | |
|--|---|---------------------------------|
| |) | |
| |) | Dist 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)

The following child(ren) is the subject of this support order:

| Name | Date of birth |
|------|---------------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |

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

- 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 it was not addressed in a previous order;
- other: _____

WHEREFORE _____ requests this Court modify the
 (your name)
 child support order.

Respectfully submitted,

 Signature

 Print name

 Address

 Address

 Phone

Verification

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

Date: _____

 Signature

Place: _____
 City, state

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

_____)
_____) **Dist 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 to Modify Child Support filed by (Print your name):

_____ or hearing before the Administrative Law Judge on
_____, 20____ at _____ o'clock _____ a.m./p.m. at the
hearing location for the _____ Child Support Office at: (address) _____

All parties are ordered to bring: current pay check stubs, evidence of a disability, copies of W-2, 1099 forms, income tax returns for the last three years, health insurance costs for children, proof of child care costs, proof that you have older children living with you, and proof of any child support you may be paying for an older child who does not live with you.

Date: _____

ADMINISTRATIVE LAW JUDGE

Prepared by (print name): _____

Address: _____

City, state, zip code _____

Phone: _____

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

| | | | |
|-------|---|---------------------------|-------|
| _____ |) | | |
| |) | Dist Ct. Case No.: | _____ |
| _____ |) | | |
| |) | OAH Case No.: | _____ |
| _____ |) | | |
| |) | OK IV-D FGN: | _____ |
| _____ |) | | |
| |) | Obligor: | _____ |
| _____ |) | | |
| |) | Custodial person: | _____ |

NOTICE OF CHILD SUPPORT PROCEEDING

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

Signature

Print name

CERTIFICATE OF DELIVERY

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

- first class mail to OCSS; or
- hand-delivered.

Signature

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

_____)
_____) **Dist 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 to
Modify 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 documents 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

Print name of person mailing documents

Affidavit of Service by Certified Mail – Exhibit A

(Attach original return receipt card here.)



OKLAHOMA DEPARTMENT OF HUMAN SERVICES

Oklahoma Child Support Services
P.O. Box 53552
Oklahoma City, Oklahoma 73152
Customer Assistance: 1-800-522-2922
www.okdhs.org



**Motion to Modify Child Support in District Court -
Instructions and Forms**

GENERALLY:

You **MUST** have an Oklahoma child support order from the District Court in the county where you will file the Motion to Modify. If you do not have an Oklahoma child support order these forms **will not** work.

If you use these materials, you will be proceeding *pro se*, that is, you will be representing yourself in court. Oklahoma Child Support Services (OCSS) cannot provide legal advice to you. If you need help, please seek the advice of a private attorney.

You will be responsible for paying the filing fee to the Court. You will also pay fees for service of process. These fees are subject to change. You may contact the Court Clerk of the court where you will be filing the papers to find out what the current court costs are, and your local sheriff or private process server to find out how much it will cost to have the papers served. If you decide to serve these papers by certified mail, contact the U.S. Postal Service for the total cost.

BEFORE YOU BEGIN THE PROCESS, you will need:

- a copy of your last District Court order for child support;
- an address or contact information for the other people in the case;
- your Family Group Number (FGN) if you have an open case with OCSS;
- the address of the OCSS office where your case is assigned or the OCSS office assigned to the county where you file your Motion to Modify. If you are not sure which office your case is assigned to, you can call customer service at 1-800-522-2922 for that information. A list of OCSS offices by county is available at the OKDHS website at <http://www.okdhs.org> or by phone at the customer service number; and
- the following forms (included with these instructions):
 - Motion to Modify Child Support
 - Order for Hearing on Motion to Modify Child Support
 - Notice of Child Support Proceeding
 - Affidavit of Service by Certified Mail
 - Order Modifying Child Support

Print neatly and use a pen with blue or black ink.

Step one: Complete the Motion to Modify Child Support

The first thing you will do is complete the Motion to Modify Child Support form. This document 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. The names should read the same as they appear on your child support order.
- Fill in the blank marked *Dist Ct. Case No* with the court case number, usually found at the upper right hand side of your Order.
- Fill in the blank marked *OAH Case No* with your OAH Case Number. You will only have an OAH Case Number if you have an existing case with OCSS 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 OCSS. Example: *04-3215-72.*
- Fill in the blank marked *OK IV-D FGN* with your Family Group Number. You will only have an OK IV-D FGN if you have an existing case with OCSS. If the number is not on the order that you are trying to change, it will be on papers that you have received from OCSS. Example: *123456001.*
- Fill in the blanks for obligor and custodial person. Obligor is the person who is ordered to pay child support. Custodial person is the person who gets the child support.
- Print your name in the blank contained in the statement, *I, _____ respectfully show the Court:*
- In paragraph 1, check mother or father, whichever person was ordered to pay support. Print the amount of child support in the first blank and the date of the last order in the second blank. Then fill in the name(s) of all children and their birthdates included in the last child support order.
- In paragraph 2, you must tell the court why you want your child support changed. Check the box next to the reason you want the child support changed. You can check more than one box.
- 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.
- On the lines below *Verification* you will need to put in 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 included in your packet is the form you use to get your court date.

- Complete the top of the form just as you did the top of your Motion to Modify Child Support - filling in the blanks with names, case numbers, etc.
- Print your name in the first blank of the first paragraph of the Order. (*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 in the first paragraph just before the words *County Courthouse*.
- Write the address of the courthouse on the lines provided just after the first paragraph.
- Do not write on the line for the date and the Judge's signature. The Judge will sign and date the form when a court date is set.
- On the lines provided after the words *Prepared by:* print your name and address.

Step three: Complete the Notice of Child Support Proceeding

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

- Complete the top of the form just as you did the top of your Motion to Modify Child Support - filling in the blanks with names, case numbers, etc.
- Sign and print your name on the lines for *Signature* and *Printed name*.
- In the *Certificate of Service* portion, enter the date you will deliver the papers by mail or by hand to OCSS. You must deliver this form after the papers are filed, so the date should be on or after the date you will file the forms.
- Write the address of your local OCSS office in the lines after *at the following address:*
- Check the box that describes how you will deliver the papers to OCSS.

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

- Take your completed Motion and Notice of Child Support Proceeding to the Court Clerk's office of the District Court. Remember, this will be the Court that issued the order that you are trying to change. **You must bring 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 will be and how they will

- accept payment - some offices may not accept personal checks. This is only a filing fee and not a service fee.
- Give your Motion and Notice to the clerk. Tell the clerk that you need to file the Motion and Notice. The clerk will file stamp your original and copies, the original will be kept by the clerk for the court file. The file stamped copies will be 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 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 to Modify with the Judge for several days. You may also want to leave an extra copy of the Motion to Modify with the Judge as some judges require this.

Either way, the completed Order for Hearing will show the date and time for your hearing and will be signed by the Judge.

- When the Order for Hearing is completed, you will need to make four copies and have the clerk 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 you have a hearing date. You will keep the extra copies for your records and for the other people in the case.

Step six: Service of Your Motion and Order for Hearing

Before the Judge can hear your Motion, you must have proof that the other people in the case and OCSS have received a copy of the Motion and the Order for Hearing. This is called *service*.

Service on the other people in the case:

You can serve the papers on the other people in the case in a number of ways:

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

Each method of service is described below:

Option 1: Service by Certified Mail

- Insert one file-stamped copy of the Motion and one file-stamped copy of the Order for Hearing into an envelope and take it to your local post office.

- Tell the mail clerk that you need to send the letter by certified mail, **restricted delivery**, return receipt requested. You **MUST** restrict delivery to the person you want to serve.
- The clerk will direct you to the materials you need to fill out.
- Pay the postage and mail the packet.

Wait to receive the green card (return receipt) in your mail. **If you do not get the card within one week of your court date, you will have to try one of the other methods of service.** You may also receive the entire packet back in the mail if the other party does not *claim* the mail. If the mail is *unclaimed*, you **will** have to serve the party by one of the other methods.

When you get the green card back signed by the person to whom it was addressed, you must complete the Affidavit of Service by Certified Mail.

- Complete the top of the Affidavit of Service by Certified Mail just as you did the top of your Motion to Modify Child Support - filling in the blanks with names, case numbers, etc.
- 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.
- Make a copy of the front and back of the green card for yourself.
- Staple the green card to the second page of the Affidavit of Service. Make sure the person's signature is showing.
- On the day of the hearing, take the Affidavit of Service by Certified Mail and one copy to the Court Clerk for filing. Bring the file-stamped copy to your hearing.

Option 2: Service by Private Process Server

- Choose the process server you would like to use by looking in the yellow pages of your telephone book or on the Internet. Call ahead to find out what the fee will be. Ask the process server you choose to tell you how they will serve the other people in the case and what papers they will file with the court to prove that they delivered the papers to the people in the case.
- Write down information that the process server may need to serve your papers such as: their addresses, their physical description (provide a recent photograph if you have one), what kind of car they drive, and where they work.
- Deliver the following to the process server:
 - one copy each of your Motion and Order for Hearing;
 - the information about how to find the people you need to serve; and
 - the service fee.

- The process server should file a Return of Service with the court. A Return of Service is a paper that will tell the Court that the other people in the case were served with the Motion and Order. The process server should also give 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 is different in different counties. Usually, you will need to follow these steps:

- Write down information that the Sheriff may need to serve your papers such as: their addresses, their physical description (provide a recent photograph if you have one), what kind of car they drive, and where they work. **Make sure to include on the 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 will be mailed to you in this envelope.
- Take the following items to the County Sheriff's Office in the county in which your hearing will be held:
 1. one copy each of your Motion and Order for Hearing.
 2. the information about how to find the people you need to serve;
 3. a money order or personal check for the service fee (you should call ahead to find out how much the fee is); and
 4. the self-addressed, stamped envelope 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.
- If the Sheriff does not file the Return of Service, file the Return of Service and one copy with the court clerk on the day of your hearing. **Bring the copy of the Return of Service to the hearing.**

Service to OCSS

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 can serve the papers on OCSS by mail or in person. Mail or bring the papers to your assigned OCSS office. If you are not sure which office your case is assigned to, you can call customer service at 1-800-522-2922 to get the information. If you do not have an open OCSS case, deliver the copies to the OCSS office assigned to the county where you file your Motion to Modify. A list of OCSS offices by county is available at the OKDHS website at <http://okdhs.org> or by phone at the customer service number.

Step seven: The hearing

On your court date bring the following with you:

- Your copy of the Motion.
- Your copy of the Order for Hearing.
- A copy of the last Order for Child Support that you are modifying.
- The Order Modifying Child Support that is included in this packet. Fill in the blanks on the top half of the first page, just as you did on your Motion. The remaining blanks will be filled in after the judge issues a ruling at the hearing.
- If you served your papers by certified mail, bring the file-stamped Affidavit of Service by Certified Mail to show the judge that you have service.
- If you served your papers by private process server or by sheriff, bring a file-stamped copy of the Return of Service with you.
- All proof of income: current pay check 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).
- Proof of any child care costs.

At the hearing:

- Be early and dress appropriately for a courtroom setting.
- DO NOT** bring your children.
- Be prepared to wait. Your case may not be heard at the exact time listed on your Notice of Hearing.
- Be prepared for the judge to set another court date for the other people in the case to get attorneys if they choose.
- You may not get a final order on the first court date.
- If the case is continued, be sure to appear at all court dates, or your Motion to Modify could be dismissed.

Agreed modification:

- If you, the other people in the case, and OCSS (if there is an open child support case) have agreed what the income for each parent is, 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 <http://www.okdhs.org> and look under the Forms 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 will review your agreement and decide if it is within the law and appropriate.

No agreement:

- If you and the other person do not agree on the new child support amount, the judge may set the case for a hearing or trial.
- Be prepared to tell the judge why your child support should be modified.
- After the case is decided, you will need to prepare the Order Modifying Child Support. You, the other people in the case, and OCSS (if there is an open child support case) must sign the order before it is given to the judge.
- If OCSS is involved in your case and present at the hearing, the OCSS attorney will help you prepare the order and the child support guidelines form.
- If OCSS 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.

If the other parent does not appear:

- Make sure you have your Affidavit of Service proving that you served the other person with notice of the hearing date.
- If you can prove service, you can ask the judge for a default order. 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; or
 - 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: <http://tinyurl.com/gwdwds>.or you can offer to testify as to the other person's job history, training, education, and past earnings.
- 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 them both and give them to the judge.

If the judge denies your Motion to Modify:

- After the judge hears your evidence, your Motion to Modify may be denied.
- If your Motion to Modify 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 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.

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 OCSS. 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 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.
- You **MUST** mail though regular mail or hand-deliver copies of the order and the attached child support guidelines form to the other people in the case and OCSS. If OCSS does not receive a copy of the order, it could create problems with your child support case.

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

| | |
|---------|---------------------------------|
| _____) | Dist. 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 boxes that apply to your situation.)

- 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 it was not addressed in a previous order.

Other: _____

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

Respectfully submitted,

Signature

Printed name

Address

Address

Phone

Verification

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

Date: _____
_____ Your signature

Place: _____
City, state

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

_____) **Dist. 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 to Modify Child Support filed by: _____
(Your name)
for hearing before Judge _____ on _____,
20____ at _____ o'clock _____ .m. at the _____ County Courthouse
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.

Dated: _____

JUDGE OF THE DISTRICT COURT

Prepared by:

Printed name

Address

Address

Phone

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

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

NOTICE OF CHILD SUPPORT PROCEEDING

This is to notify Oklahoma Child Support Services (OCSS) that a Motion to Modify Child Support has been filed in the above case. OCSS may be a necessary party in this case pursuant to 43 O.S. Section 112.

Signature

Printed name

CERTIFICATE OF DELIVERY

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

by:

- First class mail to OCSS; or
 Hand-delivery.

(Signature)

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

_____) Dist. 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 to Modify 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 documents 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 of person mailing documents

Affidavit of Service by Certified Mail -- Exhibit A

Attach original return receipt card here.

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

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

(Insert Case style above as it is on your original Order.)

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. Section 118]. The Oklahoma Department of Human Services (OKDHS), Oklahoma Child Support Services, appears through its attorney.

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 it 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 eighteen 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 twenty 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;

OCSS has been unable to locate the custodial person; or

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 dependent coverage does not exceed 5% 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, or 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 5% 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 finds 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, OCSS, 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 government 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 5% 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 5% 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 _____ per cent and Father shall pay _____ per cent 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 thirty (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 OCSS 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 insurance enrollment.

The parents must furnish each other and OCSS 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 (OKDHS) 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 OKDHS. Upon termination of such services, OKDHS 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 OKDHS shall continue until the assignment has been released by OKDHS. 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. Section 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 OKDHS 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. Section 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
P. O. Box 528805
Oklahoma City, Oklahoma 73152-8805

Your last address of record may be disclosed to a party or custodial person upon request in accordance with OKDHS rules. OKDHS 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 the child support enforcement office 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. The OKDHS Oklahoma Child Support Services Division 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. Section 240.23 of the Oklahoma Statutes, 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. Section 135; and increasing the monthly payment on child support, for purposes of securing past-due support, in an amount not to

exceed five per cent of the total child support order. Such increase may not be made more than once every 12 months.

13. ADDITIONAL ORDERS. _____

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

Obligor signature

Custodial Person signature

Printed name

Printed name

Address

Address

Address

Address

Phone

Phone

Attorney for Obligor

Attorney for Custodial Person

OBA# _____

OBA# _____

Address

Address

Address

Address

Phone

Phone

Attorney for OCSS

OBA# _____

Address

Address

Phone

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 OCSS _____
 - 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 OCSS _____
 - Other _____at _____

Signature of person certifying copies were served in person or mailed