



***Procedures for Modifying Child Support Obligations:
Review and Adjustment, Administrative Modification or Cost-of-Living Alteration***

INFORMATION ABOUT CHANGING CHILD SUPPORT AMOUNTS

Child Support Services (CSS) has three ways to change child support amounts under Iowa Code Chapter 252H. They are: Review and Adjustment (regular or abbreviated process), Administrative Modification, and Cost-of-Living Alteration (COLA).

You can ask for a change if there is a court order saying that:

- You have to pay child support.
- You are supposed to get child support payments.
- You have the right to get child support payments in the future.

To ask for a change, fill out the *Request to Modify a Child Support Order*. You can get this form from a child support office, or from the Iowa Child Support website. The amount of current support may **go up, go down, or stay the same**. We **can't** change the amount of past due support. We may change or add medical support. Each parent may be named as a respondent as described in Iowa Code sections 252H.3A and 252B.5.

When you fill out and sign the form, you agree to get papers about this by mail. This is called accepting service. **You may have to pay a fee if we use certified mail or the sheriff or a process server to personally serve a party.**

Since the processes are a little different, we decide which one fits your situation.

Iowa doesn't always have the right to change orders. If we can't, we ask the state that does have the right to do so to change the order. You or the other party may have to pay any fees that the other state charges.

REVIEW AND ADJUSTMENT

In deciding if we should review the order, first we look to see if **ALL** of the following are true:

- We are enforcing the order and Iowa is the only state that has the right to change the child support amount.
- It has been at least 24 months since the order was entered, the child support amount changed, or since a state said it could not change the child support amount, whichever is last. (We can look at a child support order before 24 months if we need to add medical support for the children.)
- The current child support amount ends more than 12 months in the future.

ALL of the above must be true, or we send a notice denying your request. The notice tells you why we denied it.

- ◆ If all of the above are true, we accept the request. We decide whether we can do the review using either our regular or abbreviated review process.
 - ◆ In the regular review process, we send a notice to tell you we will do a review (called the *Notice of Intent*). We ask each parent to fill out a financial statement, which we send with the notice.

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- ◆ In the abbreviated review process, we gather financial information from other sources. We send each party a notice of decision and the child support calculation.
- ◆ We can send (serve) the first notice by regular mail, by certified mail, or by a process server.
- ◆ We take the financial information we get (either from you or from other sources) and we use the Iowa Supreme Court Guidelines to figure the support amount. We send a notice that tells you if we plan to ask the court to change the child support amount and medical support for the children. We may ask the court to order either parent to provide health care coverage or to order the payor to pay a cash medical support amount.
- ◆ To change the child support, the current amount must be more than 20% different from the proposed new amount. Even if there isn't a 20% difference in the child support amount, we may still change the order to add medical support for the children. When we add medical support, we also change the child support amount.

We don't ask the court to change the order if:

- The child support amount is unchanged or doesn't meet the 20% variance, and
 - We don't need to add medical support for the children, and
 - No one asks for a second review or asks for a court hearing.
- ◆ If we tell you we plan to make a change and no one asks for a second review or asks for a court hearing, we get the order ready and ask the court to approve it. Once the court approves and files the order, it's final and has the same effect as if there were a court hearing. When the court orders a parent to pay support, that parent is also ordered to pay a share of uncovered medical expenses.

NOTE: If we do not have the home or work address of a parent or other party, we stop the process until we do.

ADMINISTRATIVE MODIFICATION

In deciding if the order should be modified, first we look to see if at least **ONE** of the following is true:

- There is a change of 50% or more in a parent's net income when the change began at least three months ago and will last for another three months. If you or the other parent has a 50% change in **NET** income, you must attach proof of the income used to determine your child support obligation **and** proof of the new income. **IF YOU DON'T PROVIDE THE PROOF, WE MAY DENY YOUR REQUEST.**
- We need to add a child (born of the same parents) to the current support order, and paternity is legally established.
- The order set child support at zero, or reserved setting a dollar-amount of support for a reason; however conditions have changed.
- An error was made in the child support amount or medical support provisions of the order when it was prepared or filed.
- The court lowered or waived the child support because the payor was a minor, and now the payor is no longer a minor, is no longer in school, or is not attending parenting classes.
- The order was for medical support only and now we need to add cash child support.

If **ONE** of the above is true, then **ALL** of the following must be true:

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- We are enforcing the order and Iowa is the only state that has the right to change the child support amount.
- We know the address of all parties.
- The current child support amount ends more than 12 months in the future.

If **ANY** of the above items are not true, we send a notice denying your request. The notice tells you why we denied it.

- ◆ If we can go forward based on the above, we accept the request and send a notice about the process. We can send (serve) the notice by regular mail, by certified mail, or by process server. The notice explains the process. It asks both parents to fill out a financial statement, which we send with the notice.
- ◆ We take the financial information you send us and financial information from other state and federal agencies and we use the Iowa Supreme Court guidelines to figure the support amount. Then we send you a notice telling you if we plan to ask the court to change the child support amount or medical support. The court may order either parent to provide medical support.

We don't ask the court to change the order if:

- The child support amount is unchanged, and
 - No one asks for a conference or asks for a court hearing.
- ◆ If we need to make a change and no one asks for a court hearing, we get the order ready and ask the court to approve it. Once the court approves and files the order, it's final and has the same effect as if there were a court hearing. When the court orders a parent to pay support, that parent is also ordered to pay a share of uncovered medical expenses.

COST-OF-LIVING ALTERATION

We use the COLA process if **ALL** of the following are true:

- We are enforcing the order and Iowa is the only state that has the right to change the child support amount.
- We know the address of both parents.
- The current child support amount ends more than 12 months in the future.
- It has been at least 24 months since the order was entered, the child support amount changed, or since a state said it could not change the child support amount, whichever is last.
- The child support order already includes medical support for the children.
- Both parents agree to the COLA by signing the COLA section on the request form.

If **ANY** of the above are not true, we send a notice denying your request. The notice tells you the reason we denied it.

In the COLA process:

- We figure the new child support amount and send a notice to each parent.
- If no one challenges, we get the order ready and ask the court to approve it. Once the court approves and files the order, it's final and has the same effect as if there were a court hearing.

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If a parent challenges and we accept it, we begin a review and adjustment. If we deny the challenge, we send a notice to that parent.

A COLA is different from a Review and Adjustment or an Administrative Modification. We don't use the Guidelines to figure the new child support amount. We apply the percentage change in the consumer price index (CPI) to the current support amount. This way the child support amount is the same as if we did a COLA each year.

Note: The federal Department of Labor, Bureau of Labor Statistics publishes the CPI in the *Federal Register*. We use their figures.

GENERAL INFORMATION

If you ask to withdraw from the process, you may not be able to ask for another review for two years. However, we may still need to go forward with a modification if the other parent or caretaker wants it.

We look at child or medical support issues only. We do not look at other issues such as custody and visitation rights. You must go to court yourself to deal with those issues. We can't help you in such actions.

You may hire an attorney. If you hire an attorney, please tell the child support office. We will talk directly with your attorney about your case. This protects the interests of all the people involved.

Our attorney represents the state of Iowa in all legal proceedings. This attorney does not represent either parent during any process or at court hearings. The attorney presents evidence to the court on behalf of the state.

This summary gives only basic information. During any of these processes, we will give you the information you need to guide you through the process. If you have questions, contact us.

- Call the child support information line at 1-888-229-9223 (toll free nationwide) for automated information, or
- Contact a child support office. To find contact information for the child support offices, visit the "Offices" tab on the Iowa Child Support website: www.childsupport.ia.gov.

POLICY REGARDING DISCRIMINATION, HARASSMENT, AFFIRMATIVE ACTION, AND EQUAL EMPLOYMENT OPPORTUNITY

The Iowa Department of Health and Human Services (HHS) policy on non-discrimination, harassment, affirmative action, and equal employment can be viewed on the HHS website at the bottom of the page at: <https://hhs.iowa.gov>.