INSTRUCTIONS FOR FILING A MOTION FOR MODIFICATION OF CHILD SUPPORT

1. Complete and sign the Motion for Modification of Child Support.

2. Have a copy of the completed and signed motion served on the other parent and any other person having custody of the child(ren) involved.

    a. Serving a person means delivering the court papers to them in person. Service may be made by any law enforcement officer or other person, not a party, who is at least 18 years of age. **You may not deliver the court papers yourself!**

    b. The person serving the motion must complete an Affidavit of Service which is included in this packet. The Affidavit of Service must be filed with the Clerk's office along with your original motion.

3. If personal service is not possible, you may mail the motion to those entitled to notice via certified mail with return receipt requested. If you complete service by certified mail, you must file the certified return receipt (green card) showing the date of delivery with the Clerk along with your original motion.

4. If personal service and mail service are not possible, you may ask the Court to permit service by publication.

5. File the original motion form, your proof of service, and pay the $25.00 filing fee with the Clerk (or request a fee waiver). **PLEASE NOTE: The Court will not accept your motion without the proof of service and the filing fee.**

6. The other parties have 14 days to respond to your motion.

7. A hearing will be scheduled after 14 days have passed from the date of your filing. Most hearings are scheduled within a month of filing.

Any questions, call the Clerk of Court at 920-496-7200.

MOTION FOR MODIFICATION OF CHILD SUPPORT

Enter the original docket number.

Case No. _____

Petitioner/Joint Petitioner:

Enter the name, address and daytime phone number of the petitioner or joint petitioner from the original case file.

_____
First name Middle name Last name

_____
Current Mailing Address

_____
City State Zip Daytime Phone Number

vs.

Respondent/Joint Petitioner:

Enter the name, address, and daytime phone number of the respondent or joint petitioner from the original case file.

_____
First name Middle name Last name

_____
Current Mailing Address

_____
City State Zip Daytime Phone Number

Check if the OTCSA is a party or not. If you are unsure, you may call the OTCSA.

The Oneida Tribe Child Support Agency (OTCSA)

☐ **is** a party to this action.

☐ **is not** a party to this action.

MOTION

If you are requesting any changes related to a support order check A, check all that apply in 1-4, and complete all relevant information for each selection checked.

1. I am requesting that the court:

☐ A. Modify the following support orders as follows:

☐ 1. Child Support that is currently $_____ per _____ to:

☐ a. A new amount based on state child support standards determined by the court.

☐ b. A new set amount of $_____ per _____.

☐ c. Held open as of (date) _____.

☐ d. Payments to be made by (name of parent) _____.

☐ 2. Arrears payment that is currently $_____ per _____ to:

☐ a. An amount to be determined by the court based on current income.

☐ b. A new set amount of $_____ per _____.

☐ 3. Arrears balance as it is currently reflected in the WI SCTF KIDS computer system as $_____ to $_____ because:

☐ a. I have made support or other payments directly to the other party.

☐ b. I dispute the amount that is currently on record.

In B, enter any other changes you may have.

☐ B. Other Change(s):_____

_____

_____

Enter the date the current court order or judgment was signed by a court official.

2. The court order that I am asking to be modified was dated: _____.

3. This request is based on the following substantial change in circumstances that have occurred since the entry of the prior court order in this case:

Check all that apply in A-G. If other, enter the change in circumstance that has prompted you to bring this Motion.

☐ A. A child who was living with the other parent is now living with me.

☐ B. A child is no longer eligible for child support because the child has reached age 18, or is over 18 but under 19, and is no longer pursuing a course of education leading to a high school diploma or its equivalent.

☐ C. The person to whom child support is owed is receiving public assistance benefits and is required to have a current support order in place.

☐ D. It has been 24 months since the date of the last child support order or revision to the child support order.

☐ E. Income or wages of ☐ the other party ☐ myself has changed.

☐ F. A change has occurred and if the current circumstances had been in place at the time the order was issued, a significantly different order would have been issued.

☐ G. Other: _____.

Describe the facts that justify the change you want. Attach additional pages, if necessary.

4. The facts explaining the substantial change in circumstances are:

_____

_____

_____

_____

_____

_____

NOTE: The party being served with this Motion has fourteen (14) days to file an Answer/Response in writing with the Court and the other party <u>OR</u> the party being served has the option to respond in person at the hearing.

Sign and print your name.

Enter the date on which you signed your name.

_____
Signature

_____
Print or Type Name

_____
Date

AFFIDAVIT OF SERVICE

Case No. _____

_____ v. _____
Petitioner **Respondent**

I, _____, swear that I personally served the Motion
(Name of person serving party)

for Modification of Child Support on the following person:

_____.
(Name of party being served)

DATE: _____

TIME: _____

PLACE: _____

To the best of my knowledge, _____, is present in
(Name of party being served)
the community and is not a member of the armed forces.

I swear the foregoing is true and correct.

Dated this _____ day of _____, 20_____.

_____
(Signature of person serving party)

PLEASE NOTE: Only use this form if you are having the other person personally served. If you are serving the other person by certified mail, simply give the return receipt (green card) to the Clerk of Court.