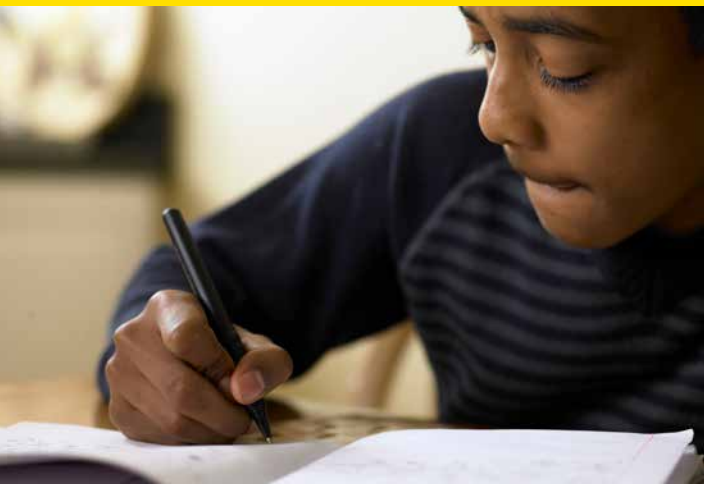


If Life Has Changed So Can Your Child Support



A Guide for Noncustodial
Parents Paying Child Support

Can the child support agency change the amount I owe?

No, only family court, based on a modification petition, can change the amount that you must pay in child support. If you have experienced a change in circumstance, such as a change in custody, income, or ability to work, you need to file a modification petition with family court.

When might I be eligible for a modification?

You may be eligible for a modification of your New York State child support order if:

- Either party's gross income has increased or decreased by 15% or more;
- Three or more years have passed since the order was entered or last modified;
- Custody of your child has changed;
- Your child has been legally emancipated. For example, he or she works full-time, joins the military, or gets married; or
- You become incarcerated, as long as the incarceration is not due to nonpayment of child support or an offense against the custodial parent or the child.

When should I file a modification petition?

You should file a modification petition as soon as your circumstances change. If family court approves a modification, they can only change the amount you owe as of the date you filed the petition, not the date you experienced the change.



How do I file a modification petition?

There are a few ways to file:

- Visit the family court where your court order was issued and complete a *Support Petition for Modification* form (also known as Form 4-11).
- Call the family court where your child support order was issued and ask them to mail you the *Support Petition for Modification* form. Complete and return the form.
- Go to the Office of Court Administration website's DIY Forms page at www.nycourts.gov/CourtHelp/DIY
 - Under Program click on **Support Modification Petition Program**; and
 - Follow the directions.

After the family court where your child support order was issued receives your form, they will schedule a hearing date, and you will be notified of the date by mail.

What information should I bring to my court hearing?

You will need to bring the following documents to court:

- A signed and notarized financial affidavit.
- Recent pay stubs (or unemployment check stubs).
- Most recently filed State and federal income tax returns.
- W-2s submitted with your most recent tax returns.
- Custody papers or information to prove you have custody of the child if you are claiming a change in custody.
- Information to prove your claim that the child has become emancipated, if you are so claiming.

If you are appearing by telephonic testimony you will need to mail or fax the documents to the family court prior to the hearing.



What if I stop paying child support?

Remember, child support is meant to provide financial support to your child. If you stop paying, your child may suffer. If you fail to pay all or some of what you owe, the child support agency will take enforcement actions to collect the money.

Some collection actions include:

- Suspending your driver license;
- Taking your tax refunds;
- Seizing your bank account;
- Denying your passport; and
- Taking your lottery winnings.

The child support agency also notifies credit reporting agencies about your debt.

To collect the money you owe, family court may also take enforcement actions against you such as:

- Issuing money judgments;
- Suspending state issued business, professional or occupational licenses; and
- Issuing probation or jail sentences.





What if I can't travel to my hearing?

Upon request, family court may allow you to appear at a hearing by electronic testimony (e.g. telephone). Electronic testimony is for when:

- You do not reside in the country, state or near the county where the hearing is held.
- Traveling would cause undue hardship.
- You are incarcerated.

You must complete Family Court form 4-24/5-16/UIFSA-10, *Electronic Testimony Application and Waiver of Personal Appearance/Physical Presence* to request permission to testify by telephone. You should submit this form when you file your modification petition.

childsupport.ny.gov

888-208-4485 (TTY 866-875-9975)



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