

### **Does your office modify child support orders?**

Every child support case in our office is entitled to a review for modification. Our office will review your case for a modification so long as the case is currently open and one year has passed since the last review of your support order.

Under Indiana Code §31-16-8-1, a child support order may be modified only:

1) upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable; or

2) upon a showing that:

a) a party has been ordered to pay an amount in child support that differs by more than twenty percent (20%) from the amount that would be ordered by applying child support guidelines; and

b) the order requested to be modified or revoked was issued at least twelve (12) months before the petition requesting modification was filed.

If after review, a modification appears to be justified, then the Child Support Division will file a Motion to Modify and the matter will be set for a hearing before the Court. You will be required to attend that hearing.

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### **Can the other party and I avoid having to go to court to modify our court order?**

Yes. If both parties are in agreement, you can request that a caseworker review your case for a modification. You will need to provide information regarding why you believe your support should change along with all financial, income, parenting time and insurance information requested by your case worker that will be needed to complete a new child support worksheet. If a modification is warranted, a proposed agreement will be prepared and you and the other party may sign that agreement. After review by a deputy prosecuting attorney in our office the agreement to modify the support order may be submitted to the court for approval. No modification takes place until the Court has approved and signed the agreement.

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### **My divorce decree orders the non-custodial parent to pay child support directly to me and not through the Clerk's Office. Can that be modified?**

Indiana Law [I.C. 31-16-9-1](#) requires that all support payments be made through the Clerk's Office or INSCCU. If your divorce decree provides for direct payment of child support to the other party, that provision will have to be changed to comply with the law. In addition, a provision that requires income withholding must be a part of the order.

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**If either parent loses a job or earns more income, will the court order automatically change?**

No. The Court order does not change unless a Petition to Modify Child Support or an agreement between the parties has been filed with the Court and the Court has entered a new order for child support.

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**If a child moves out of the custodial parent's house or becomes emancipated and there are other children remaining in the custodial parent's household, does the amount of support automatically change?**

No. Most child support orders for multiple children are considered "in gross" orders. In other words, the child support is a total amount to be paid that does not change when the number of children changes. Only after a Petition to Modify Support or a Modification Agreement signed by the parties has been filed and the Court has entered a new child support order, can the amount of support change in such circumstances.

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**If I am the Noncustodial Parent, can I file a Petition for Modification without a lawyer? Where can I find forms that I can use to file a modification?**

Yes. The Indiana Supreme Court has provided forms for the use of non-represented parties in child support situations. You may obtain the proper forms from the [Self Serve Legal Center](#) on the Indiana Judicial Website along with instructions for their use.