

# Changing Your Child Support Court Order

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## Section 1: Introduction

This publication should help give you a basic understanding of the laws that apply to changing a Washington State Child Support court order, or responding to a proposed change.<sup>1</sup> The information is in the form of frequently asked questions and the answers to those questions. The specific facts of your case may differ from those in the questions. Consult with a lawyer about your specific case.

◆ NOTE: If you have an administrative order issued by the Division of Child Support (DCS), read our publication [How to Ask DCS to Review Your Child Support Order for Modification](#).

An order of support issued by a court may be changed by filing a Motion for Adjustment of Child Support or a Petition for Modification of Child Support. We discuss which method to use in Question 10 below.

If you decide after reading this publication that you want to try to change your support order, you can use one of our do-it-yourself packets listed at the end of this publication. Or check with your County Court Clerk or Family Law Facilitator (if your county has one) to see if your county has the packet you want. Local packets may be easier to use because they include required local forms and procedures.

For a complete listing of our family law packets, visit our web site at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) or, if you're low-income, call CLEAR at 1-888-201-1014.

## Section 2: Frequently Asked Questions and Answers

### A. What is child support?

Child Support is money paid by a parent to a party taking care of the children (usually, the other parent) to help support the children. The parent usually must pay child support monthly. The amount is based on the Washington State Support Schedule, which considers the children's needs and both parents' income.

A parent has a legal duty to help support his/her children. A step-parent also has a legal duty to help support his/her stepchildren until a divorce from the child's parent is final or until there's an order relieving the stepparent of this obligation.<sup>2</sup>

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<sup>1</sup> In this packet, you'll see footnotes, like this one. These footnotes will tell you the law or court case that supports the statement that comes before the footnote. RCW stands for Revised Code of Washington, which is the law of Washington State. Court cases have names, such as *In re Marriage of Parent*. You can use the footnotes to look up the law at your local law library, or to tell the court when you're trying to make a legal argument. Be aware: the references to the law are up to date as of the date this packet is published. The law sometimes changes before the packet can be updated.

<sup>2</sup> RCW 26.16.205; *Stahl v. DSHS*, 43 Wn. App. 401, 717 P.2d 320, review denied, 106 Wn.2d 1009 (1986).

**B. How is the child support amount established?**

The law says that child support should be set based on the parents' income, how many children they have, and the ages of the children. The amount to be paid, if any, by a parent or stepparent to the party who's the primary caretaker (has the child more than 50% of the time) is established by using the Washington State Child Support Schedule. For detailed information on the Washington State Child Support Schedule, please see our publication [Understanding The Washington State Child Support Schedule and How Child Support Is Set In Washington](#).

**C. Do I need a lawyer?**

If you can afford a lawyer, you should meet with one who specializes in family law before you file anything in court. Even if you can't afford to hire a lawyer to file your case, talk at least once with a lawyer to get advice about your situation. If you're very low income, call CLEAR at 1-888-201-1014.

◆ Use the glossary as you read this publication! We explain the meanings of important terms used in this publication at the end.

**D. May I file a court action in Washington to change my support?**

Yes, if you have an order issued by a Washington Court and you, the other party, or the child lives in Washington.<sup>3</sup>

**E. What if I don't think my case should be in Washington?**

If you don't live in Washington, the court in Washington may not have jurisdiction (power) to make court orders that require you to do (or not do) certain things.

1. When does Washington have jurisdiction to modify a child support order?

Generally, a motion for adjustment or petition for support modification may be filed in Washington if:

- Your current Order of Child Support is from Washington, and
- You, the other parent, OR the child still lives in Washington.

2. May I modify or adjust a child support order from another state?

<sup>3</sup> [RCW 26.21A.120](#). You also must not have agreed in writing to allow another state to modify your order.

Maybe: sometimes modification or adjustment is permissible under a law called the Uniform Interstate Family Support Act (UIFSA), [RCW Chapter 26.21A](#). Before trying to do so, contact an attorney (if you're low income, call CLEAR AT 1-888-201-1014) or call the Division of Child Support (DCS) for more information.

3. What should I do if I don't think my case should be in Washington?

If you think that the Washington court doesn't have jurisdiction, you must file papers to argue about jurisdiction and ask for dismissal BEFORE you file anything else in the case. See an attorney for advice if you can. If you can't afford one, be very careful not to do anything that could give Washington jurisdiction over you, such as filing a response, signing agreed orders, or asking the court to grant relief to you other than dismissing the case.

If possible, write to the court before the hearing and tell the court why you believe that Washington doesn't have jurisdiction over you. If you can't write to the court before the hearing, go to the hearing in person (or try to have the hearing by telephone, by calling the court and arranging it in advance). Tell the judge why you think there's no jurisdiction over your case. If the judge decides in your favor, then the case should be dismissed. If s/he doesn't, then be prepared to respond to the legal action in Washington.

☀ If you're going to a hearing to tell the judge that you don't think Washington has jurisdiction, you should still prepare a response to the motion or petition before the hearing. Don't file the response, but bring it with you to the hearing. If the judge decides that Washington has jurisdiction, you may then ask the judge to read your response.

**F. How do I tell if I have an order issued by a Washington Court?**

In Washington, a court order is called an "Order of Child Support." An administrative order is called a "Notice and Finding of Financial Responsibility," a "Notice and Finding of Parental Responsibility," or an "Initial Decision and Order". Look carefully to see whether you have a court or administrative order.

To figure this out, look at the papers you received. You have a Washington superior court case if the papers say "Superior Court of the State of Washington, County of \_\_\_\_\_" at the top.

You have an administrative case if your papers say "State of Washington Department of Social and Health Services Division of Child Support" or "State of Washington Office of Administrative Hearings" at the top.

If you have an administrative case, and you're low-income, contact CLEAR (1-888-201-1014). Ask for the packet called [How to Ask DCS to Review Your Child Support Order for Modification](#), which is also available at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org).

**G. If I have children from different relationships, do I have to file a separate action for each child?**

YES.

**H. May I reduce my back child support by filing for adjustment or modification?**

NO, except in very limited situations. A petition for modification or motion for adjustment of child support usually can only change child support amounts that occur after the date you file the petition or motion.<sup>4</sup> One exception to this rule is that sometimes you may change support before the date you filed your motion if your existing Order of Child Support specifically allows you to do that. Another exception is if you've supported your child(ren) in your home for a substantial period of time during which you were required by court order to have paid support to the other parent. Before trying to modify based on either exception, consult with an attorney or, if you're low-income, call CLEAR.

For general information regarding what you may be able to do about back support debts, please see our publication [Do You Owe Child Support?](#)

**I. What are the different ways to change my child support court order?**

The court won't always change an Order of Child Support. You must meet the legal criteria for changing your support before the court will order a change. See [RCW 26.09.170](#).

◆ There are two different procedures (actions) under Washington law through which a permanent court Order of Child Support can be changed. One is called a Motion for Adjustment of Child Support. The other is called a Petition for Modification of Child Support.

**If you're trying to change your child support, read this section to find out what type of action to file.**

**If you've been served with an action to change your child support, read this section to find out whether the other party has filed the right type of case.** If you think the other party hasn't filed the right type of action, or hasn't met the legal requirements for the adjustment or modification, make sure to write this in your response.

**1. When may I file a Motion for Adjustment of Child Support?**

You may file a Motion for Adjustment of Child Support:

<sup>4</sup> [RCW 26.09.170\(1\)\(a\)](#). The court can make the new order effective on any date between the date that your petition or motion is filed and the date of the new order. *In re Marriage of Glass*, 67 Wn. App. 378, 388-89, 835 P.2d 1054 (1992).

(1) IF your Order of Child Support says that you can file a motion for adjustment; **AND** you've followed the instructions in the Periodic Adjustment paragraph of your Order of Child Support but haven't been able to reach an agreement with the other parent;<sup>5</sup>

**OR**

(2) IF it's been two years (24 months) since your current order of support was entered; **AND**

(a) Your income or the income of the other parent has changed; OR

(b) The Economic Table Standards in RCW 26.19 have changed;<sup>6</sup>

**OR**

(3) IF it's been at least one year (12 months) since your current order of support was entered **AND** one of the children has turned twelve years old (and therefore changed age categories in the support schedule) since the last order was entered.<sup>7</sup>

A motion for adjustment generally is a faster and simpler way to change your child support order. A motion can be decided with less advance notice, you usually have only one hearing, and there's less paperwork. However, not everyone can file a motion for adjustment. You must meet the legal requirements for filing one. Typically, only the amount of the support may be changed in an adjustment proceeding. If your Order of Child Support already requires the paying parent to share the cost of daycare, educational expenses or uninsured medical, you may also be able to change the amount of those expenses that each parent must pay.

◆ If you want to add (or take away) a requirement that a parent must pay daycare, educational expenses, or other expenses that aren't included in your current Order of Child Support, or you want to change which parent can claim the federal income tax exemption for the children, file a Petition for Modification. Don't file a Motion for Adjustment.

If a motion for adjustment of child support isn't the right legal action for you, you can file a Petition for Modification of Child Support if you meet the legal requirements described below.

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<sup>5</sup> To find out if you have a Periodic Adjustment paragraph, look at paragraph 3.16 of your current Order of Child Support. You must follow the directions in that paragraph to adjust support through the adjustment process. If you have a periodic adjustment paragraph in your Order of Child Support, but you don't understand it, talk to an attorney. If you have a periodic adjustment paragraph, you may use a Petition for Modification if you meet the requirements for filing one.

<sup>6</sup> [RCW 26.09.170\(9\)\(a\) & \(10\).](#)

<sup>7</sup> [RCW 26.09.170\(5\)\(b\).](#)

2. When may I file a Petition for Modification of Child Support?

You may file a Petition for Modification of Child Support:

(1) IF you meet the requirements for filing a motion for adjustment (above)

**OR**

(2) IF one year (12 months) has passed from the date your current child support order was entered; **AND** one of the following is true:

(a) The order causes severe economic hardship to a parent or the child;

**OR**

(b) You want the other parent to pay child support beyond age 18 to allow the child to complete high school (the child must still be in high school when you file);

**OR**

(c) You want to add an automatic adjustment of support provision according to [RCW 26.09.100](#).<sup>8</sup>

**OR**

(3) IF your current Order of Child Support was entered by default (without notice to you).<sup>9</sup>

**OR**

(4) IF you can show a substantial change in the circumstances of either parent or the children (no matter how long it has been since your current support order was entered).<sup>10</sup>

*What is a "substantial change in circumstances"?*

Usually, a substantial change in circumstances is something involuntary (that you had no control over), such as an injury or illness that keeps you from working, a layoff, going to jail<sup>11</sup>, or a change in the needs of the child.

In order to meet the legal requirements to modify a child support order, the "substantial change in circumstances" claimed by the person asking for the change can't be:

- one that either parent or the court knew about at the time the current order of support was entered;<sup>12</sup> OR

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<sup>8</sup> [RCW 26.09.170\(5\)](#). You don't need to show a substantial change in circumstances if you meet these requirements.

<sup>9</sup> *Lahart v. Lahart*, 13 Wn. App. 452, 456-57, 535 P.2d 145, review denied, 85 Wn.2d 1015 (1975).

<sup>10</sup> [RCW 26.09.170\(1\)\(b\)](#). If your support order was entered before June 7, 1984, you can also file a petition for modification to add or change the health insurance coverage requirements.

<sup>11</sup> *In re Marriage of Blickenstaff*, 71 Wn. App. 489, 497, 859 P.2d 646 (1993).

<sup>12</sup> *Lambert v. Lambert*, 66 Wn.2d 503, 508-09, 403 P.2d 664 (1964); *In re Marriage of Zander*, 39 Wn. App. 787, 695 P.2d 1007 (1985).

- voluntary, such as quitting your job, or deciding to go to school or take a lower paying job;<sup>13</sup> OR
- if you're the parent who receives child support, because you got a raise in your pay.<sup>14</sup>

If you're asking for a modification of child support on the basis of a substantial change in circumstances, you must show the court that a substantial (significant) change in your situation has taken place.

**OR**

- (5) At the time an agreed child support order was entered, the Court didn't independently review the order for adequacy.<sup>15</sup>

**J. In which county should my court action be filed?**

A Motion for Adjustment or Petition for Modification may be filed in one of the following counties:

- Where the existing Order of Child Support was entered; OR
- Where the Child Lives; OR
- Where the person who has primary residential care or custody of the child lives.<sup>16</sup>

If the other parent has filed a motion or petition for modification in the wrong county, you must file a Motion for Change of Venue. Our packet [Filing a Motion for Change of Venue in a Dissolution](#) has some of the forms you'll need. You can also get them from your Family Law Facilitator's office, or ask your court clerk where to buy legal forms for your county. If no one has this packet, consult an attorney. If you're low-income, call CLEAR at 1-888-201-1014.

**K. What should I do if I've been served with papers to change my child support?**

- 1) Consult as soon as possible with an attorney with family law expertise if you can afford one. If you're low- income, call CLEAR at 1-888-201-1014.
- 2) If you can't get timely legal advice, figure out whether the case filed is a Superior Court case or an administrative case (see question 6 above).
- 3) If the case has been filed in Superior Court, figure out what type of Court Case it is.

Look carefully at the title of your papers (in the upper right section of the first page, under the case number).

<sup>13</sup> [RCW 26.09.170\(7\)](#); *In re Marriage of Mattson*, 95 Wn. App. 592, 976 P.2d 157 (1999).

<sup>14</sup> [RCW 26.09.170\(9\)\(d\)](#).

<sup>15</sup> *Pippins v. Jankelson*, 110 Wn. 2d 475(1988).

<sup>16</sup> [RCW 26.09.280](#).

If the papers you received include forms called a Summons and a Petition for Modification of Support, then you have a Support Modification case. If you received a Petition for Modification of Support, get our packet called [Responding to a Petition for Modification of Your Child Support Court Order](#).

If the papers you received include forms called a Notice for Hearing or Note for Calendar Motion, and a Motion and Declaration for Adjustment of Support, then you have a Motion for Adjustment case. Get our packet called [Responding to a Motion for Adjustment of Your Child Support Order](#).

If the papers you received include a Notice for Hearing or Note for Calendar Motion, but have a Motion and Declaration for Temporary Order, then you have a Motion for Temporary Orders case. You could receive both a Petition for Modification of Support and a Motion for Temporary Orders. If you received a Motion for Temporary Orders, get our packet called [Responding to a Motion for Temporary Orders](#).

#### 4) You Must Respond on Time!

When you're served with legal papers, you must take steps right away to figure out how to respond. In most cases, if you don't respond on time, the other party will automatically win what they're requesting. For a motion, you may have as few as four business days after you receive the papers to file your response. It may take time to locate legal resources and to read through this publication and the appropriate response packet. Begin as soon as possible after you receive the papers. If you can't respond in time, you must file a *Notice of Appearance* and ask for a *continuance* (explained below).

#### 5) Figure Out How Much Time you Have to Respond

When you get the papers, look to see if there's a Notice for Hearing (sometimes called Note for Motion, Note for Calendar Hearing, Note for Motion Docket). If there is one, you must file your response by the date stated in the notice. If the notice doesn't state a deadline, immediately call the court clerk's office or your family law facilitator, or check your local court rules, to find out the deadline. For most counties, you must respond (the other parties and the court clerk and judge must receive your papers) no later than 4:30 p.m. the *court* day before the hearing. Court days are all days except weekends and federal and state holidays.

#### 6) Make Sure You Received Adequate Notice

The person who files the motion (in most cases, the other parent or his/her attorney) must give you adequate notice of the hearing. You must receive the papers (in person or at your home) as many days before the hearing as is required by your county's local rules. For most counties, you must receive the papers for a motion at least five court days before the hearing, not including the date that the papers are given to you. For some counties, you must get more notice. For example, in King County, you must receive the papers at least 14 days before the hearing (including weekends). If the other person mails the papers to you by first class mail, you should receive an additional three days to respond after the date the papers were mailed.

## 7) What if I Need More Time?

If you didn't get adequate notice, the court shouldn't enter an order against you on the hearing date. However, it's a good idea to ask for a continuance (delay) before the hearing. You may also ask for a continuance if you did get enough notice according to the rules, but you simply don't have enough time to respond.

As soon as you know that you want a continuance, contact the other party if possible (or the other party's attorney, if they have one). You should call if there's not much time before the hearing, but contacting the person in writing (by email or fax) is best. State that you need more time to respond to the papers and ask for a new date for the hearing. Depending upon your reasons for asking for the delay, you could ask for a week or longer. It's very important to ask the other party for a continuance if you know that you need one. If you don't, and you just show up for the hearing, sometimes the judge or commissioner will make you pay the other party for having to waste time appearing for the hearing if the judge believes that you could have asked for a continuance in advance. This is especially true if the other party has an attorney, because the other party will need to pay the attorney for his/her time whether or not there's a hearing.

If the other person agrees to the continuance, ask for written confirmation that they've continued the hearing. If the other person refuses to agree to the continuance, you have a few options:

- a. Go ahead and respond as best you can and prepare for the hearing. You should respond in some way if you possibly can. The very first thing to say in your declaration is that you want a continuance. If you didn't get enough notice, say that. If you did, but you need more time, say that. Then describe your efforts to get the other person to agree to the continuance. Also file a Notice of Appearance: a Notice of Appearance informs the court in writing that you desire to participate in your case and prevents the other party from going to court without giving you notice. A Notice of Appearance form, along with instructions on how to fill it out, is available in our do-it-yourself packets on responding to a Motion for Adjustment or a Petition for Child Support Modification.
- b. Make a Motion for Continuance. In many cases, you may not have enough time to give the other party the amount of notice required for a motion for continuance. You may need to get an Order Shortening Time (an order allowing you to bring your motion on less than the required time). **This packet doesn't address this type of motion. Your Family Law Facilitator's office or court clerk may have more information about how to ask for a continuance in your county court.**
- c. Ask for a Continuance at the Hearing. Go to the hearing. When your case is called, stand up and state your name and that you would like a continuance. The judge/commissioner may ask you to give your reasons, and may listen to the other party's reasons why they didn't want to agree to a continuance. If you tried to get the other party to agree before the hearing, let the judge know that too.

## 8) What If the Hearing Already Happened?

If you find out that a hearing already happened, but you didn't get any notice in advance, consult an attorney as soon as possible. If you can't afford an attorney and you live outside of King County, contact CLEAR 1-888-201-1014. If you live in King County, contact the King County Bar Association Neighborhood Legal Clinics program. You may be able to ask the court to vacate (cancel) the orders. However, you must do so very quickly. The longer you wait, the harder it may be for you to vacate the orders. For court orders that are over one year old, it can be extremely difficult to vacate the order.

### **L. If I can't afford an attorney and don't qualify for free legal services, do I have other options besides using the Do-it-Yourself Packets?**

Yes. There are at least three alternatives:

- 1) In some counties, you may take a "Self Help" class. In some counties, such as King County, there are "self help" classes that teach you how to file your own child support modification or adjustment. A class may be more expensive than this packet, but may provide you with more help filling out the forms and with local court procedures. We recommend that you take a class if available. To find out whether your county has a self-help class, contact your local Family Law Facilitator at the Courthouse if there's one in your county.
- 2) In some counties, you may use the local Family Law Facilitator's do-it-yourself packets. Some counties have Family Law Facilitators who can help you file your own child support action in court. They aren't permitted to give you legal advice. However, they often have do-it-yourself packets designed for that county.
- 3) You may ask the Division of Child Support (DCS) to Modify Your Order. DCS has a process, called Review for Modification, through which DCS will determine whether they will start a modification. DCS can modify your order whether it's an administrative or a court order. The standards for DCS modification are found in the Washington Administrative Code (WAC) at [WAC 388-14A-3900](#) through [388-14A-3925](#).

### **M. When will DCS file a modification?**

If your children start receiving public assistance, DCS (through your local prosecuting attorney's office) may file a petition for modification of child support. DCS also may file anytime there's a substantial change in circumstances. Even if there's not a substantial change, DCS may file if the State determines that your support order is at least 25% lower than the support you should be paying based on your current income and there are no reasons for deviation from the standard calculation in your support order.<sup>17</sup>

Advantages to Asking DCS to Review Your Order:

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<sup>17</sup> [RCW 26.09.170\(8\) & \(9\)\(e\)](#).

- DCS often has access to information about the other parent’s financial circumstances that you may not have. DCS may also have the other parent’s address, and will be able to serve the other parent.
- If DCS takes your case, DCS (or the prosecutor or attorney general, if you have a court order), will prepare much of the necessary paperwork to get the case started and finalized.

Disadvantages to Asking DCS to Review Your Order:

- It will take at least two months for DCS to review your case to determine whether they will file the modification, and the process may take longer than that to get started.
- DCS won’t file a modification in every case. Your order must usually be at least three years old and qualify for a change of at least \$100 per month, for example. You may need to meet other criteria as well. All of the rules that govern DCS modifications may be found in [WAC 388-14A-3900](#) through [388-14A-3925](#).
- DCS and the prosecutor’s office don’t represent either parent. You’ll still need to participate in any court or administrative hearing and represent yourself.
- DCS will use any information they gather from you to collect any child support you owe.

*How do I ask DCS for a review and modification?*

To ask DCS to do a review for modification, call or visit your local DCS office to request the Review and Modification request form, and a Statement of Resources. Fill them out and give them to DCS, with proof of your income (paystubs, income tax return forms, benefits statements). DCS will contact the other parent and review your order to determine whether DCS will modify it for you. Find out more about the Review and Modification process by reading our publication [How to Ask DCS to Review Your Child Support Case for Modification](#), or by calling your DCS office or looking at their website at <http://www1.dshs.wa.gov/dcs>.

**N. How long will a modification or adjustment take?**

Generally, a motion for adjustment will be quicker than a petition for modification; it may take a month or less. The amount of notice that you must give the other parent for a Motion for Adjustment will depend upon the local rules of the county where you’re filing the motion. In most counties, you must give at least five court days’ notice to the other parties. In some counties, it’s at least 14 days. Consult with your local court clerk or facilitator to make sure. (Court days are business days – Monday through Friday – that aren’t legal holidays.) If you serve the other parent with your motion by mailing it, you must add at least three days for mailing (or more, if the third day would be a Sunday or legal holiday).<sup>18</sup>

The amount of time it will take to complete a Petition for Modification will depend upon the county that you’re filing the petition in, and where the other parent lives. If the other parent lives in Washington, that parent will have 20 days after service to respond to your petition. If the

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<sup>18</sup> [Civil Rule 6\(a\), \(d\) & \(e\)](#).

other parent lives outside of Washington, or you serve the other parent by publication, that parent will have 60 days to respond.<sup>19</sup> If you serve the other parent by publication, the other parent will have 90 days to respond. If the other parent doesn't respond in time, you may ask the court to enter final orders by default and your case will be finished.

If the other parent responds, the amount of time that will pass until your case is finished will depend on your county. In some counties, such as King County, the court will give you the date for your trial at the beginning of the case. In most other counties, you must file a request that the court set a trial date after the other parent has filed a response. In some counties, such as Snohomish, the court will require you to go through arbitration; you can only ask for a trial if you disagree with the arbitrator's decision.<sup>20</sup> A petition for modification may take two to three months to complete.

Unlike most trials, child support modification trials are decided by affidavit.<sup>21</sup> This means that the court will read the pleadings and other papers that you and the other parent or other parties file with the court, but the court won't swear in witnesses and let people testify at the trial. If you need to have testimony at your trial, you must make a motion to ask the court to allow testimony. You must make the motion within 10 days after you receive the notice of hearing.<sup>22</sup>

**O. What happens if I marry the other party to the child support order?**

When the court enters a child support order pursuant to a parentage action or dissolution, all provisions of the order regarding child support will be automatically terminated if you later marry or re-marry the other parent.<sup>23</sup>

**P. What do-it-yourself packets are there for changing child support?**

- If you want to start a motion for adjustment, get our packet called [Filing a Motion for Adjustment of Child Support](#).
- If you've been served with a motion for adjustment, get our packet called [Responding to a Motion for Adjustment of Child Support](#).
- If you want to start a support modification, get our packet called [Filing a Petition to Modify Your Child Support Court Order](#). Also get our packet called [Finishing the Modification of Your Child Support Court Order](#).

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<sup>19</sup> [RCW 26.09.175\(3\)](#); [RCW 4.28.110](#). Service by publication is service upon the other party by publishing a copy of the summons in a newspaper of general circulation for six consecutive weeks. This type of service is expensive. It usually costs over \$150 to publish such a notice in the newspaper for six weeks, and the publication fee can't be waived. Because [RCW 26.09.175\(2\)](#) & [RCW 26.23.055\(3\)](#) specifically authorize service upon another party by certified mail at the party's last known address, you probably won't need to serve the other party by publication in a child support modification or adjustment proceeding.

<sup>20</sup> [RCW 7.06.020\(2\)](#); Snohomish County Local Mandatory Arbitration Rules (SCLMAR) 2.1.

<sup>21</sup> [RCW 26.09.175\(5\)](#).

<sup>22</sup> [RCW 26.09.175\(6\)](#).

<sup>23</sup> [RCW 26.09.170\(4\)](#).

- If you've been served with a support modification, get our packet called [\*Responding to a Petition for Modification of Your Child Support Court Order\*](#). Also get our packet called [\*Finishing the Modification of your Child Support Court Order\*](#).
- If you've been served with a motion for temporary orders, get our packet called [\*Responding to a Motion for Temporary Orders\*](#). Also get our packet called [\*Parenting Plans and Child Support\*](#).
- If your children have ever received public assistance (welfare), also get our packet called [\*Serving Papers on the State\*](#).

◆ Some counties have Family Law Facilitator's offices in the county courthouses. Some family law facilitator offices have do-it-yourself packets on motions for adjustment and child support modifications that have the special rules and forms used by that county. It may be better to get your local Family Law Facilitator's packet instead of using our do-it-yourself packets. To find out if your county has a Family Law Facilitator, check with your court clerk's office, or look at the list on our website [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org).

### **Section 3: Words You May Need To Know**

**Affidavit**: A written statement made under oath and notarized by a Notary Public. Affidavits are no longer required in Washington. Instead, the courts use Declarations.

**Bailiff**: A member of the judge or commissioner's staff who's in charge of courtroom procedure and security, sometimes called the "clerk."

**Calendar**: The court's schedule of cases to be heard, also called a Docket.

**Caption**: The heading of each legal document, which contains the name of the court, the names of the parties, the case number, and the name of the document itself.

**Certified Copy**: A copy of a paper from a court file made by the court clerk, which has an official stamp on it. Usually, you must pay a fee for a certified copy.

**Clerk of the Court**: An officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Usually, there's one head clerk, but many people who work in the Clerk's Office are also clerks. Also, a judge or commissioner's assistance can be called clerks.

**Commissioner/Court Commissioner**: Similar to a judge, but only makes decisions relating to a particular subject matter. Many counties have family law commissioners who decide cases only about family law.

**Continuance**: Delaying your court hearing to a later date.

Custody: The parent or person with whom the child lives most of the time has “custody” of the child. Washington uses the term “primary residential care” rather than “custody” in cases in which the children live with a parent.

DCS/ Division of Child Support: The state office (part of DSHS) that establishes, enforces and sometimes changes child support obligations in many cases. DCS used to be called CSD, OSE and SED.

Declaration: A written statement made to the court under oath.

Default Order: An order that can be obtained if the responding person doesn’t respond on time. When a default order is entered, the person who filed the petition or motion usually gets everything that was asked for in the petition or motion.

Dissolution: The legal word for divorce.

Enter (an Order): A judge or commissioner enters an order when he or she signs the order and the order is filed with the Court Clerk.

Ex Parte: Going before the court without notifying the other party. Some courts have special departments where motions without notice to the other party are heard, called ex parte departments.

File/Filing: Giving court papers to the Court Clerk’s office as part of a legal case. Court papers that are filed become part of the official records on your court case. You file court papers to start (or respond to) a legal case or motion.

Impute/Imputing Income: Estimating or making up an income for a parent when that parent’s income is unknown. In imputing income to a parent, you can’t use just any income that you think of . You must base the income on the following information, in the following order:

- Full-time earning at the parent’s current rate of pay
- Full-time earnings at the parent’s historical rate of pay
- Full-time earnings at a past rate of pay based on incomplete or sporadic information; and
- Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parents has a recent history of minimum wage earnings, is coming off public assistance or other programs, has recently been released from incarceration, or is a high school student.

If you have none of the above information on the other person, use the Approximate Median Net Monthly Income table in the child support schedule.

Jurisdiction: The court’s authority to make decisions regarding certain people and issues. If a court doesn’t have jurisdiction, it doesn’t have the power to make orders.

Motion: A request to the judge (or court commissioner) to enter make a decision about an issue (or issues) in a legal case. Usually, one party in a legal case files a motion with the court and the other party has a chance to give the court a response. The judge or commissioner makes a written decision called an order that both parties must follow.

Motion Docket: The court's schedule of motions to be heard.

Note/Notice of Hearing/Note for Calendar Motion: A written request to the clerk to schedule your case for hearing

Order: A judge or court commissioner's decision, usually in writing. In some cases, each party will give the judge a proposed (or sample) order, and the judge will make changes to and sign the order that the judge decides is the right one.

Parentage: The legal name for a paternity case.

Petitioner: The person who first files a legal case. The petitioner in the caption of a form doesn't change, even when motions are filed later by the other party.

Pro Se: Acting without aid of an attorney; representing yourself in court.

Primary Residential Care: The parent (or other person) with whom the child lives most of the time has "primary residential care" of the child. Also called "custody."

RCW: Revised Code of Washington is the law that applies to court cases in Washington State. The numbers following "RCW" tell you the title, chapter and section of the law that applies.

Respondent: The person against whom a legal case was originally filed. The respondent in the caption of a form doesn't change, even when motions are filed later by that party.

Served/Service/Serving: When one party gives another legal papers, the other party has been served with legal papers. Rules about the ways to correctly serve a party are in our do-it-yourself packets.

Venue: The county where the case should be filed.

WAC: The Washington Administrative Code is the law that applies to administrative and DSHS proceedings in Washington. The numbers following "WAC" tell you the chapter and section of the law that applies.