

# VERIFIED PETITION FOR MODIFICATION OF CHILD SUPPORT

## General Instructions

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**PLEASE READ FIRST:** It is very important for you to know that when you sign a Court document, you may be helping or hurting your case. Before you sign any Court document or get involved with a Court case, it is important that you see a lawyer to make sure you are doing the right thing. Although there are risks in self-representation, should you choose to represent yourself you must be prepared. Although these forms have been prepared to help you represent yourself, you should know that certain Courts have their own procedures and may not accept every form. You may represent yourself in court, but you will have to abide by the appropriate court rules, Indiana Rules of Evidence, Indiana Rules of Trial Procedure, and any local rules. For additional information, you may refer to the Indiana Self-Service Legal Center which can be found at [www.in.gov/judiciary/selfservice/index.html](http://www.in.gov/judiciary/selfservice/index.html). For legal advice about your case, you should contact a lawyer.

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### **Step 1: Who should use this packet**

You should use these forms if:

1. There is a current child support order between you and your child(ren)'s other parent; and
2. Your income has changed and you want the current child support order modified; or
3. The other parent's income has changed and you want the current child support order modified; and
4. No modification has been made within the past twelve (12) months.

**There is a chance that, due to changes in income or other factors, that your support obligation might go up rather than down.**

Refer to Indiana Code Title 31, Chapter 8, Modification of Child Support or Maintenance Orders for detailed information about this topic. You can find this Indiana Code section at <http://www.in.gov/legislative/ic/code/title31/ar16/ch8.html>.

### **Step 2: What this packet contains**

This packet contains forms for you to fill out and take to the Court if you want the current child support order changed. There are five forms and a child support obligation worksheet in this packet. This packet also contains instructions and a guideline schedule for weekly support payments.

### **Step 3: Which forms to fill out**

**A.** If you and the other parent **agree** on how to change the child support order, you should fill out and file:

Form #1 Appearance form;

Form #2 Verified Petition for Modification of Child Support;

Form #4 Order Granting Modification of Child Support;

Form #5 Agreed Entry for Modification of Child Support; **AND**

the Child Support Obligation Worksheet (CSOW); the Parenting Time Credit Worksheet (PTCW); and for children receiving post-secondary education, the Post-Secondary Education Worksheet (PSEW).

**OR**

**B.** If you and the other parent **do not agree** on how to change the child support order, you should fill out and file:

Form #1 Appearance form;

Form #2 Verified Petition for Modification of Child Support;

Form #3 Notice of Hearing;

Form #4 Order Granting Modification of Child Support; **AND**

the Child Support Obligation Worksheet (CSOW); the Parenting Time Credit Worksheet (PTCW); and for children receiving post-secondary education, the Post-Secondary Education Worksheet (PSEW).

### **Step 4: How to File These Forms**

1. Follow the instructions attached to each form to fill it out. You will need to look at a copy of your current child support order to answer questions on these forms. You will need to type or print neatly in black ink. Do not write on the back or sides of the forms, write only in the blanks provided.
2. Before filing these forms, check with your local Clerk to find out the number of copies you must provide and to find out the manner your local court rules require of advising the other party of the hearing date.
3. Prepare the required number of copies of the forms that you have filled out. Take the forms and copies to the Clerk in the Court that issued the current child support order. The Clerk will file stamp the forms, keep the originals and necessary copies, and hand back the rest of the copies to you.
4. Leave two stamped envelopes, one with your address and one with the other side's address, with the Clerk for mailing the Notice of Hearing. This will tell you when your court date is scheduled.
5. Mail one stamped copy of each form that you filed to the opposing attorney, or the opposing party if the opposing party is not represented by an attorney.
6. You must comply with your local court rules with regard to service of process. The Notice of Hearing form found in this packet might not satisfy your local rules. For example, you might have to fill out a summons to serve the other side.

7. Please be aware that any protective orders or restraining orders remain in effect throughout this process.

**Instructions for filling out the *Appearance* (Form #1)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

| Line #      | Instructions  |
|-------------|---|
| 1 – 3       | Look at the Decree of Dissolution, the most recent Modification of Support Order, or other current Court Order that instructs a child support payment that you have from this case. Copy the title as it appears on those court papers.   |
| 5           | If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank. |
| 7           | Print the full name of the Petitioner as it appears on your Court papers.   |
| 11          | Print the full name of the Respondent as it appears on your Court papers.   |
| 17          | In the first blank, print whether you are the Petitioner or Respondent as it appears on the Court papers you have from this case. In the second blank, print your complete name.  |
| 21, 22 & 23 | Print the names of all family members involved in this case.  |
| 24          | Print the number of children involved in this case.   |
| 25          | Check "Yes" or "No" depending on whether there are other Court cases involving yourself and the other party.  |
| 26 & 27     | For each case, you should give the case number of the case, name the Court that the case is in, and describe what kind of case it is.   |
| 28          | Sign your name.   |
| 30          | Print your name.  |
| 32          | Print your complete mailing address.  |
| 34          | Print your town, state, and zip code.   |
| 36          | Print your telephone number, with area code.  |

**Instructions for filling out the Verified Petition  
For Modification of Child Support (Form #2)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

|  | Line #  | Instructions  |
|--|---------|---|
|  | 1 – 3   | Look at the child support order you have from this case. Copy the title as it appears on those court papers.  |
|  | 5       | If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank. |
|  | 7       | Print the full name of the Petitioner as it appears on your Court papers.   |
|  | 11      | Print the full name of the Respondent as it appears on your Court papers.   |
|  | 15      | Print your full name.   |
|  | 19      | Print the number of minor children that you and the other party have together.  |
|  | 22 – 25 | Print the name and date of birth of each of those children in these blanks.   |
|  | 27      | Fill in the first blank by printing the date the current child support order was issued. Print your name in the second blank.   |
|  | 29      | Fill in the first blank by printing the name of the custodial party who receives the child support payment. Fill in the second blank by printing the current amount of child support ordered per week.  |
|  | 32 - 35 | Use these blanks to state the reason(s) why you think the amount of child support ordered should be changed.  |
|  | 42      | Print your full name.   |
|  | 48      | Sign your name.   |
|  | 51      | Print your name.  |
|  | 53      | Print your complete mailing address.  |
|  | 55      | Print your town, state, and zip code.   |
|  | 57      | Print your telephone number, with area code.  |

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|  | 64 | Print the date that you sent the stamped copy of your forms to the opposing party or their attorney. This should be the same day you filed your documents with the Court. |
|  | 66 | Sign your name to acknowledge that you sent the stamped copy of your forms to the opposing party or their attorney.   |
|  | 68 | Print your full name to acknowledge that you sent the stamped copy of your forms to the opposing party or their attorney.   |

**Instructions for filling out the Notice of Hearing (Form #3)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

|  | Line #  | Instructions  |
|--|---------|---|
|  | 1 – 3   | Look at the child support order you have from this case. Copy the title as it appears on those court papers.  |
|  | 5       | If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank. |
|  | 7       | Print the full name of the Petitioner as it appears on your Court papers.   |
|  | 12      | Print the full name of the Respondent as it appears on your Court papers.   |
|  | 17      | Print your full name.   |
|  | 20 & 21 | Do not write in these blanks. The Court will fill in these blanks.  |
|  | 23      | Print the name of the other party in the first blank. In the second blank, print the address where you want them to receive these papers.   |
|  | 25 & 26 | Do not write in these blanks. The Court will fill in these blanks.  |
|  | 31      | Print your name in the first blank. Print the other side's name in the second blank.  |
|  | 33      | Print your mailing address in the first blank. Print the other side's mailing address in the second blank.  |
|  | 35      | Print your town, state, and zip code in the first blank. Print the other side's town, state, and zip code in the second blank.  |

### Instructions for filling out the Order Granting Modification of Child Support (Form #4)

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

|  | Line #  | Instructions  |
|--|---------|---|
|  | 1 – 3   | Look at the child support order you have from this case. Copy the title as it appears on those court papers.  |
|  | 5       | If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank. |
|  | 7       | Print the full name of the Petitioner as it appears on your Court papers.   |
|  | 12      | Print the full name of the Respondent as it appears on your Court papers.   |
|  | 17      | Print your full name.   |
|  | 22 - 26 | Do not write in these blanks. The Court will fill in these blanks.  |
|  | 31      | Print your name in the first blank. Print the other side's name in the second blank.  |
|  | 33      | Print your mailing address in the first blank. Print the other side's mailing address in the second blank.  |
|  | 35      | Print your town, state, and zip code in the first blank. Print the other side's town, state, and zip code in the second blank.  |

**Instructions for filling out the Agreed Entry  
For Modification of Child Support (Form #5)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

|  | Line #  | Instructions   |
|--|---------|--|
|  | 1 – 3   | Look at the child support order you have from this case. Copy the title as it appears on those court papers.   |
|  | 5       | If you were married to your child(ren)'s other parent, print "Marriage" in the first blank. If you were not married to your child(ren)'s other parent, print "Paternity" in the first blank and print the names of the child(ren) you and the other parent have together in the second blank.              |
|  | 7       | Print the full name of the Petitioner as it appears on your Court papers.  |
|  | 11      | Print the full name of the Respondent as it appears on your Court papers.  |
|  | 15      | Fill in the first blank by printing your full name. Fill in the second blank by printing the full name of the other side.  |
|  | 18      | Fill in this blank by printing the number of minor children that you and the other party have together.  |
|  | 20 – 23 | Print the name and date of birth of each of those children in these blanks.  |
|  | 25      | Print the date the current child support order was issued in the first blank. Print the name of the person who pays support in the second blank.   |
|  | 26      | Print the current amount of child support ordered per week.  |
|  | 27      | Print the date the current support order became effective.   |
|  | 34      | Print your name in the first blank. Fill in the second blank by printing the name of the custodial party who will receive the child support payment.   |
|  | 35      | Fill in this blank by printing the amount of child support per week both parties have agreed should replace the current order.   |
|  | 37      | Sign your name in the first blank. Have the other side sign their name in the second blank if they agree with the terms of this agreed entry. Please be aware that any protective orders, restraining orders, or other similar court orders that protect a party remain in effect throughout this process. |
|  | 39      | Print your name in the first blank. Have the other side print their name in the second blank if they agree with the terms of this agreed entry.  |

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|  | 41      | Print the date you signed this document on the first blank. Have the other side print the date they signed this document in the second blank. |
|  | 47 & 48 | Do not write in these blanks. The Court will fill in these blanks.  |

Instructions for filling out the Child Support Obligation Worksheet (CSOW); the Parenting Time Credit Worksheet (PTCW); and the Post-Secondary Education Worksheet (PSEW).

1. You may access the Indiana Supreme Court Child Support Calculators, the Child Support Guidelines, and the Parenting Time Guidelines at <http://www.in.gov/judiciary/childsupport/>.
2. You can find general information at the about self-representation at the Indiana Supreme Court Pro Se Project's website at <http://www.in.gov/judiciary/selfservice/index.html>.
3. Helpful definitions:
  - a) weekly gross income – this means all income you make before taxes are taken out. Do not include any government assistance that you receive.
  - b) weekly adjusted income (WAI) - this means your weekly gross income minus any child support and spousal maintenance payments that you make.
  - c) percentage share of total WAI – this means your WAI divided by the total WAI.
  - d) basic child support obligation – this means the amount you get from the guideline schedule for weekly support payments
  - e) parents' child support obligation – this means the total child support obligation multiplied by the percentage share of total WAI