



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 owe in child support. If you have experienced a change in circumstance, you need to file a modification petition with Family Court.

WHAT SITUATIONS QUALIFY AS A CHANGE IN CIRCUMSTANCE?

Family Court will consider a change in circumstance if:

- A noncustodial parent becomes unemployed or experiences a reduction in income through no fault of their own.
- A noncustodial parent obtains custody of the child.
- A child becomes emancipated. For example, they work full-time, join the military, or get married.

WHEN SHOULD I FILE A MODIFICATION PETITION?

You should file a modification petition as soon as you experience a change in circumstance. You should file as soon as possible because if Family Court changes the amount you owe, they can only change the amount you owe back to the date you filed the petition, not back to 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 they will mail you the Support Petition for Modification form. Fill it out and mail it back.
- Go to the Office of Court Administration website at www.nycourthelp.gov. From there: click on the link for *"DIY (Do-It-Yourself) Forms;" "Programs For Statewide Courts;" "Family Court Modification Petition Program;"* and then *"Start the Support Modification Program."* You'll need to mail the completed form to the Family Court where your child support order was issued and they will schedule a hearing date.
- Applying for child support services with local child support agency and requesting assistance in filing a modification petition.

WHAT IF I CAN'T TRAVEL TO MY HEARING?

Upon request, Family Court may allow a noncustodial parent to appear at a hearing by telephone (also known as telephonic testimony). Telephonic testimony is designed to allow parties to appear at their hearing when:

- They do not reside in the county (or a nearby county) where the hearing is held.
- Traveling would cause undue hardship.
- They are incarcerated.

Prior approval of telephonic testimony is required, so you must make sure you request that when you file your modification petition.

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 recent tax returns
- W-2's
- Custody papers or documents 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 appearing by telephonic testimony you will need to mail or fax the documents to the Support Magistrate prior to the hearing.

WHAT IF I STOP PAYING CHILD SUPPORT?

Remember, child support is meant to provide financial support to your child so 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. This is done by taking tax refunds, lottery winnings, suspending your driver's license and seizing your bank account. They also notify credit reporting agencies about your debt. Family Court may also take enforcement actions to collect the money you owe by issuing money judgments; suspending state issued business, professional or occupational licenses; and issuing probation or jail sentences.



State of New York
David A. Paterson, Governor
New York State
Office of Temporary & Disability Assistance
Center for Child Well-Being
Division of Child Support Enforcement

Pub #4960

IF LIFE HAS CHANGED...

SO CAN YOUR CHILD SUPPORT

