

Modification of Child Support RCW 26.09.170 and 26.09.175

Final child support orders are generally meant to be effective for several years. However, sometimes things change after a support order has been entered, and it must be updated to better fit the new circumstances of the parties. A parent can always petition the court to modify an order of child support if he or she can show that **circumstances have substantially changed** since the order was entered. While unemployment or a reduction in employment may be a substantial change in circumstances, *voluntary* unemployment or *voluntary* underemployment by the paying parent (obligor) is not a substantial change by itself.

The petitioning parent may not need to show a substantial change in circumstances if the support order has been in effect for a certain length of time and other circumstances apply.

The Support Order was Entered at Least a Year Ago

A substantial change in circumstances is not required if the support order has been in effect for a year or more and certain limited circumstances apply. These circumstances are (1) in practice, the order exerts a severe economic hardship on either party or the child; or (2) the support was based on guidelines specific to the child's age, and the child is no longer in the age category on which the support was based; or (3) the child is in high school, and support must extend beyond his or her eighteenth birthday to complete high school; or (4) an automatic adjustment of support provision consistent with RCW 26.09.100 needs to be added.

The Support Order was Entered at Least Twenty-Four Months Ago

A substantial change in circumstances may not be required if twenty-four months have passed since the entry of the most recent support order, adjustment, or modification. In this case, the order can be adjusted if there have been (1) changes in the income of the parents; or (2) changes in the economic table or standards in the law.

Initiating a Modification of Child Support

To start the child support modification process, a party must file a petition for modification of support or a motion and a proposed child support worksheet explaining why the existing order should be modified. The petitioner must then serve any interested parties, which may include the other people in the case and the Prosecuting Attorney's Office, Family Support Division. The proof of service must be filed with the court.

The party responding to the petition must do so within twenty days (if they were served in Washington, 90 days if served out of state), by serving their answer and child support worksheet on the petitioning party and filing their answer with the court. If the responding party fails to answer within twenty days, then a default judgment can be entered in favor of the petitioning party.

Once the petition and answer are filed, either party can schedule the matter for a hearing. In Pierce County, court commissioners issue child support modification orders. Either parent has the right to file a motion with the assigned trial judge to revise the commissioner's order. Please review Pierce County Local Rules, *PCLR 7(a)(12)*, regarding Motion for Revisions.