

## Child Support Modification

This IPRO report examines the modification procedures used to change child support orders in the following Midwest states: Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

### Overview

A child support order is a legal document that sets: “(1) an amount of money that is to be provided by a parent for the support of the parent’s children and/or (2) the responsibility to provide health insurance and/or medical support for those children. This amount or responsibility must be established by court order or administrative process, voluntary agreement (in states or tribes where such agreements are filed in the court or agency of the administrative process as an order and are legally enforceable) or other legal process.”<sup>1</sup>

States vary in the ways they calculate child support orders. After child support orders are put into effect, all of the Midwestern states examined in this report allow for a modification of the order based on a timeframe or a change in circumstances. States vary in the ways which they calculate child support orders. When one and or both of the parties request a child support modification, a new order amount is calculated and compared to the previous order amount. If the difference between the two amounts reaches a certain threshold, either a percentage or a dollar amount, the modification will be put into effect. The states examined in this report have different thresholds.

### Modification Procedures of Iowa Child Support Laws

In Iowa, there are three ways to modify a child support order<sup>2</sup>. In all three, modification has to be requested by either party and or the state. It is not automatic.

#### Review and Adjustment

This process is used if more than 24 months have passed since the last order amount was determined. The court will be asked to approve a change in the support amount if the difference between the old and the new child support amount is more than 20%.

#### Administrative Modification (ADMOD)

This process is used if it has been less than 24 months since the order was determined, a new child needs to be added to the current order, the order was set at zero or did not set a specific amount, there was an error in the way the order was filed, or the noncustodial parent is no longer a minor.

#### Cost-of-Living Alteration (COLA)

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<sup>1</sup> “Glossary of Common Child Support Terms.” Office of Child Support Enforcement. U.S. Department of Health and Human Services. 19 Sept. 2009. < <http://www.acf.hhs.gov/programs/cse/ft/glossary.htm>>

<sup>2</sup> “Iowa Child Support – Modifying an Order.” Iowa Department of Human Services. 10 Sept. 2009 < <https://childsupport.dhs.state.ia.us/changechildsupport/ asppages/CSModOrd.asp>>.

This process is used to change the amount of child support based on the cost of living. The new amount is calculated using the consumer price index (CPI). For the COLA process to take place, both parents must agree in writing to the modification.

### **Child Support Laws in other Midwestern States**

The other states examined in this report have two main processes to change a child support order. All of the states allow for a periodic modification based on a recalculation of need and ability to pay. Like Iowa, one state, Minnesota, has a cost-of-living adjustment (COLA) procedure.

#### Modification Procedures

A modification to a child support order must be requested by one of the parties involved in the court order. The state determines after what period of time the order may be modified. Child support orders in Illinois, Kansas, Minnesota, Missouri, Nebraska and Wisconsin are eligible for modification three years after the initial order has been made or since the last modification to the order. In Illinois, Kansas and Minnesota the parties are automatically notified of their eligibility to request a modification. As noted earlier, a threshold must be reached for the order amount to be modified. In all states, there is a percent difference between the old order amount and new order amount that must be met for the modification to be applied. In addition to the percent threshold, some states also specify a dollar amount threshold. In Minnesota, Nebraska and Wisconsin, a child support order will be modified if the difference between the old and new amount is \$75, \$25, or \$50 more or less a month, respectively.<sup>3</sup>

#### Cost-of-Living Adjustment

Minnesota's cost-of-living adjustment is calculated much like Iowa's adjustment. The order amount is modified based on changes to the CPI. However, unlike Iowa, Minnesota automatically recalculates support orders every two years based on changes to the CPI, without the request of the parties involved in the child support order.<sup>4</sup>

The features of the modification guidelines are summarized in the table below:

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<sup>3</sup> "Chapter 11: Modification of Child Support Order Obligations. U.S. Department of Health and Human Services. 15 Sept. 2009. <<http://www.acf.hhs.gov/programs/cse/pubs/2002/reports/essentials/c11.html>>.

<sup>4</sup> Ibid.

	Automatic notification of modification eligibility	Timeframe for eligibility of modification	Difference in order amounts required for modification	Cost-of-living adjustment available
Illinois	X	3 years	20%	
Iowa		Based on request	20%	X
Kansas	X	3 years	10%	
Minnesota	X	3 years	20% or \$75 per month	X
Missouri		3 years	20%	
Nebraska		3 years	10% or \$25 per month	
Wisconsin		3 years	15% or \$50 per month	