

Superior Court of Washington, County of _____

In re:

Petitioner/s (see * below):

And Respondent/s (other party/parties):

No. _____

Petition to Modify Child Support Order
(PTMD)

* If you're filing this Petition in:

- the **same** case number as the current Child Support Order, the person who is listed as the Petitioner in the current order will stay Petitioner, even if s/he is not the person asking to modify the order now.
- a **different** case number or county from where the current Child Support Order was filed, the person asking to modify the order may be the Petitioner.

To modify a Child Support Order from a sealed Parentage case, contact the Superior Court Clerk's office about who to list as Petitioner and if there is a new case number.

Petition to Modify Child Support Order

1. My name is: _____. I ask the court to modify a *Child Support Order*. I am filing and serving proposed *Child Support Schedule Worksheets* at the same time as this *Petition*.

Important! Check your county's Local Court Rules for other forms and information that must be filed.

2. Correct County (Venue)

This is the correct county for this case to be heard because:

- the children live in this county,
- the person who has the care, custody, or control of the children lives in this county,
- the current *Child Support Order* was issued in this county, or
- The current child support order was issued in another state **and**
 - the children and the person who has the care, custody, or control of the children do **not** live in Washington or the issuing state; **and**
 - the Respondent lives in this county.

The children live in (county): _____, (state): _____.

The Petitioner (name): _____ lives in (county): _____, (state): _____.

The Respondent (name): _____ lives in (county): _____, (state): _____.

3. Jurisdiction to Modify Order

The court has authority to modify the current *Child Support Order* because it was issued by a (check one):

Washington state court.

Different state or jurisdiction, but has been registered in a Washington state court **and** (check one):

All parties live in Washington now.

- All the parties to the current order (other than a State party) now live in this state; and
- The children do not live in the state or jurisdiction where the order was issued.

No one left in issuing state.

- None of the children or parties to the current order (other than a State party) live in the state or jurisdiction where the order was issued;
- The person asking to modify the order (Petitioner) lives outside of Washington; and
- Washington has personal jurisdiction over the Respondent because Respondent (check all that apply):
 - lives in this state now.
 - will be personally served in this state with a *Summons* and *Petition* for this case.
 - lived in this state with the children.
 - lived in this state and paid for pregnancy costs or support for the children.
 - did or said something that caused the children to live in this state.
 - had sex in this state, which may have produced the children.
 - signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.

other (specify): _____

Parties have consented.

- At least one child or party to the current order lives in Washington State now; and
- Each party to the current order (other than a State party) has filed a consent with the court that issued the current order agreeing that a Washington court may modify the order and take continuing, exclusive jurisdiction.

4. Is the State filing this Petition? (Check one):

No. This *Petition* is filed by a parent, non-parent custodian, or person owing support.

Yes. The Washington State Department of Social and Health Services (DSHS) is filing this *Petition* because (check all that apply):

- the children receive public assistance.
- the children do not receive public assistance, but one of the parties asked DSHS to review the order and DSHS decided the order should be modified.
- DSHS has received notice that the person owing support is currently in jail, prison, or a correctional facility for at least six months (or is serving a sentence of more than six months), and the order does not contain necessary abatement language.
- another state or jurisdiction asked for this modification.

5. Current Child Support Order

The *Child Support Order* I want to modify was signed by the court on (date): _____
 in (county): _____, (state): _____.
 That order says (name): _____ must pay
 (amount): \$ _____ each month for (children's names): _____
 _____.

Important! Attach or file a certified copy of the current child support order that you want to change **if it was issued in a different county or state.**

6. Should the court modify the monthly child support amount?

- No.**
- Yes.** I ask the court to order child support based on Washington State law. The monthly child support amount should be changed now because (check all that apply):
 - Agreement** – The parties agree to the changes.
 - 1 year or more has passed** – The current order was signed at least one year ago **and** (check all that apply):
 - the current order causes severe financial hardship for me or the children.
 - I want to add a Periodic Adjustment provision according to RCW 26.09.100.
 - A child is still in high school and there is a need to extend support beyond the 18th birthday to complete high school.
 - 2 years or more have passed** – The current order was signed at least two full years (24 months) ago **and** (check all that apply):
 - the parents' income has changed.
 - the economic table or standards in RCW 26.19 have changed.

(Note – You may be able to use a Motion to Adjust Child Support Order (form FL Modify 521) instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents' income has changed, or the economic table or standards have changed.)
 - Released from incarceration** – The person who owes support has been released from incarceration, and support has been temporarily reduced (abated) and then reinstated.
 - Default or past agreement** – The current order was issued by default or agreement, without the court independently examining the evidence to decide a reasonable amount of support according to the law.

Change of circumstances – There has been a substantial change in circumstances since the current order was signed. *(Describe):* _____

7. Should the court modify the order to add language allowing for temporary reduction due to incarceration? (Abatement)

- No.**
- Yes.** The current order does not provide for a temporary reduction (abatement) based on incarceration. The person who owes support is in jail, prison, or a correctional facility for at least six months (or serving a sentence of more than six months).

8. Is a temporary reduction due to incarceration needed now? (Abatement)

- No.**
- Yes.** *(Check one):*
- DCS can administer the temporary reduction due to incarceration (abatement).
 - The court should temporarily reduce the total monthly child support amount to \$10 while the person who owes support is in jail, prison, or a correctional facility for at least six months (or serving a sentence of more than 6 months).

Important! The support will remain \$10 a month through the third month after the person who owes support is released. Beginning the fourth month after the person who owes support is released, support will be 50% of the original amount, or \$50 per child, whichever is more. One year after release, support will return to the full monthly child support amount (transfer payment) in the Child Support Order.

If this petition for modification is filed during the period of abatement, reinstatement of the support amount at 50% does not automatically apply. Send a copy of this petition to the Division of Child Support.

9. Should the court modify the end date for child support?

- No.**
- Yes.** The end date should be modified because *(check all that apply):*
- Agreement** – The parties agree to the changes.
 - Finish High School** – The current order was signed at least one year ago. *(Child's name):* _____ will still be in high school when s/he turns 18 and will need support until s/he finishes high school. I ask the court to order child support for this child to continue past their 18th birthday until the child finishes high school.
 - Dependent Adult Child** – The current order says support must be paid for each child until the child turns 18 or is no longer enrolled in high school, whichever

happens last. Support should continue past this time for *(child's name)*: _____
_____ because this child will be unable to support
him/herself and will remain dependent past the age of 18. This child's situation
has changed substantially since the current order was signed. *(Describe)*:

Support for this child should continue until *(check one)*:

- this child is able to support him/herself and is no longer dependent on the
parents.
- other: _____
- Default or Past Agreement** – The current order was issued by default or
agreement, without the court independently examining the evidence to decide a
reasonable end date for support according to the law.

10. Should the court modify post-secondary educational support?

- No.**
- Yes. Issue was reserved** – The current order allows a parent or non-parent
custodian to ask the court for post-secondary support at a later date without showing a
substantial change of circumstances. I ask the court to order the parents to pay post-
secondary support, and to set a specific post-secondary support amount or percentage
of expenses for *(Children's names)*: _____.
These children depend on the parents for the reasonable necessities of life and will be
ready to start a college or vocational program around *(month/year)*: _____.
- Yes. Support was granted; need to set an amount** – The current order says the
parents must pay for the children's post-secondary support, but did not set a payment
amount or percentage. I ask the court to order a specific post-secondary support
amount or percentage of expenses for *(children's names)*: _____
_____ who will be ready to start a
college or vocational program around *(month/year)*: _____.
- Yes. Modify** – I ask the court to *(check all that apply)*:
- Require** – The current order says post-secondary support is not required. I ask
the court to change the order so that post-secondary support is required for
(Children's names): _____.
These children depend on the parents for the reasonable necessities of life and
need support for college or vocational school.
- Cancel** – The current order says the parents must pay for the children's post-
secondary (college or vocational school) support. I ask the court to change the
order so that post-secondary support is no longer required.
- Change Amount** – The current order requires the parents to pay a specific amount
or percentage of expenses for the children's post-secondary (college or vocational
school) support. I ask the court to change the amount or percentage.

These changes should be made because *(check all that apply)*:

- Agreement** – The parties agree to the changes.
- Default or Past Agreement** – The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- Change of Circumstances** – There has been a substantial change in circumstances since the current order was signed. *(Describe):* _____

11. Should the court modify payment for children’s expenses or tax issues?

- No.**
- Yes.** I ask the court to order or change *(check all that apply):*
 - daycare expenses.
 - educational expenses.
 - long-distance transportation expenses.
 - other expenses.
 - tax issues. Order that parties have the right to claim the children as their dependents for purposes of personal tax exemptions and associated tax credits on their tax forms in this way *(specify):* _____

Important! Although personal tax exemptions are currently suspended under federal law through tax year 2025, other tax benefits may flow from claiming a child as dependent.

These changes should be made because *(check all that apply):*

- Agreement** – The parties agree to the changes.
- 2 years or more have passed** – It has been at least two full years (24 months) since the order was signed and these requests are based only on changes in the parents’ income or the economic table or standards in RCW 26.19.
(Note – You may be able to use a Motion to Adjust Child Support Order (form FL Modify 521) instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents’ income has changed, or the economic table or standards have changed.)
- Default or Past Agreement** – The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- Change of Circumstances** – There has been a substantial change in circumstances since the current order was signed. *(Describe):* _____

12. Should the court modify health insurance orders?

No.

Yes. I ask the court to change the health insurance orders as follows:

Order one or both parents to provide or pay for health insurance coverage for the children if it is available through an employer or union for less than 25% of his/her basic support obligation (*Worksheets, line 19*), and order each parent to pay his/her share of the children’s healthcare costs that are not covered by insurance.

Other (*specify*): _____

These changes should be made because (*check all that apply*):

Agreement – The parties agree to the changes.

2 years or more have passed – It has been at least two full years (24 months) since the order was signed and these requests are based only on changes in the parents’ income or the economic table or standards in RCW 26.19.

Note – You may be able to use a Motion to Adjust Child Support Order (form FL Modify 521) instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents’ income has changed, or the economic table or standards have changed.

Default or Past Agreement – The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.

Change of Circumstances – There has been a substantial change in circumstances since the current order was signed. (*Describe*): _____

13. When do you want the new order to start?

I want the new *Child Support Order* to take effect (*check one*):

on the day this *Petition* is filed.

on the day on which the person who owes support was confined in a jail, prison, or correctional facility for at least six months, or began serving a sentence of more than six months. (*Abatement only.*)

other (*specify*): _____

If the changes to the *Child Support Order* cause an overpayment or an underpayment of support or other expenses, I ask the court to order payment or give credit for those amounts.

Exception! *No refund is allowed for a temporary reduction in support due to incarceration (abatement) before the Division of Child Support is notified of the incarceration.*

14. Other Requests

- Does not apply.
- I ask the court to order payment of lawyer fees and court costs.
- Other (*specify*): _____

Person filing this Petition fills out below:

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): _____ Date: _____

▶ _____
Person filing this Petition signs here *Print name*

Lawyer (if any) fills out below:

▶ _____
Lawyer signs here *Print name and WSBA No.* *Date*

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other parties, and the lawyers in your case. Seal those documents by filing them separately, using a *Sealed* cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.

The other parent or non-parent custodian fills out below if s/he agrees to join this Petition:

I, (*name*): _____, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. (*Check one*):

- I do not need to be notified about the court’s hearings or decisions in this case.
- The person who filed this *Petition* must notify me about any hearings in this case. (*List an address where you agree to accept legal documents. This may be a lawyer’s address or any other address.*)

street number or P.O. box *city* *state* *zip*

(*If this address changes before the case ends, you must notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001).*)

▶ _____
Person joining Petition signs here *Print name* *Date*