

INSTRUCTION TO FILE A MOTION TO MODIFY CHILD SUPPORT

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

Use these instructions if you already have obtained a Court Order for Child Support and want to modify the amount (either to increase or decrease the amount paid).

****DO NOT** use this form if you are filing for an initial determination of child support. If you are filing for an initial determination of child support, please file a Petition for Initial Custody Determination or Petition for Paternity.

If there has been a “substantial and continuing” change in circumstances, then you may file for a modification.

You may also file for a modification if your current Order does not contain a provision regarding medical / dental support or to address child tax benefits / deductions.

STEPS TO FILING YOUR MOTION TO MODIFY CHILD SUPPORT

Step 1: **Complete Forms.**

Verified Motion to Modify Child Support:

This form must be signed in the presence of a Court Clerk or Notary Public

If your address or the other party’s address has changed since you originally filed your case, please provide your current address to the Court in writing.

Resource Affidavit:

You must provide true and complete information to the Court about your income, debts and expenses. You can be assessed a fine or jailed for providing false information. In addition, your case can be reopened due to fraud.

Each party must complete his/her own Resource Affidavit and all sections must be completed.

Step 2: **You are ready to file your Motion with the Court**

Provide the Court with the Motion and Resource Affidavit

Step 3: **The Magistrate will Review your Motion**

If the Magistrate determines that jurisdiction appears to be proper in this Court of Indian Offenses, you will be provided (1) Summons to respond to the Motion (2) Order regarding temporary injunction (3) blank response to Motion and blank resource affidavit (4) copy of your original Motion and resource affidavit; and (5) proof of service documents.

Step 4: **Serve the Papers or Obtain a Waiver of Service from the Respondent**

It is important that you have the other parent served as quickly as possible because your mandatory initial status conference and any waiting period will not start until the other parent is officially served with the Motion and Summons.

Service options:

Waiver and Acceptance of Service:

This is the easiest form of service. However, the other parent must be willing to accept the custody papers and sign the Waiver. Have the other parent sign the original Waver and Acceptance of Service form on the back of the Summons before a Court Clerk or Notary Public.

*File the signed original Wavier with the Court

Personal Service:

Select an approved private process server who knows the rule of service to serve the Respondent.

Provide the process server with all of the documentation set forth in Step 3 above and provided to you by the Clerk of Court

*You or the process server will need to return the completed return of service to the Court for filing.

Step 5:

Court Review of Motion or Hearing

The Court will review the matter and determine whether the motion will be approved or not. The Court will set the case for a hearing at which time both parties will have the opportunity to appear and make statements to the Court.

You will be required to provide documentation to the Court verifying your current income and expense. Copies of these documents must be provided to the other party when you send the parent resource affidavit.

THE UNITED STATES OF AMERICA
IN THE COURT OF INDIAN OFFENSES
IN INDIAN COUNTRY (Colorado)
UTE MOUNTAIN UTE AGENCY

Case Number: _____

MOTION TO MODIFY CHILD SUPPORT

Petitioner

vs.

Respondent

COMES NOW, the _____, upon his/her verified motion and requests the Court modify the current child support order and state the following:

1. Information about Petitioner:

Check if Member of Ute Mountain Ute Tribe Check if in Military

Full Legal Name: _____ Date of Birth: _____

Current Mailing Address: _____

City: _____ State: _____ Zip Code: _____ Home Phone #: _____

Email Address: _____ Cell Phone #: _____

Petitioner has the following relationship with the minor child(ren):

child(ren)'s mother, **or** child(ren)'s father, **or** non-parent and the child(ren) is/are not in the physical custody of one of the parents, **or** non-parent, who has had physical custody of the child(ren) for six months or more, and the physical custody did not end more than six months before the filing of this action.

2. Information about Respondent: Petitioner Respondent

Check if Member of Ute Mountain Ute Tribe Check if in Military

Full Legal Name: _____ Date of Birth: _____

Current Mailing Address: _____

City: _____ State: _____ Zip Code: _____ Home Phone #: _____

Email Address: _____ Cell Phone #: _____

Respondent has the following relationship with the minor child(ren):

child(ren)'s mother, **or** child(ren)'s father

The minor child(ren) is/are:

Full Name of Child	Present Address	Sex	Date of Birth

3. The child(ren) listed above:

- Are members of the Ute Mountain Ute Tribe or are eligible to be Ute Mountain Tribal Members; or
- Reside on the Ute Mountain Reservation and are eligible for enrollment in a federally recognized tribe.

4. Under the current Support Order, the Petitioner has _____ overnights per year with the children and the Respondent has _____ overnights per year with the children.

5. Under the current child support order, the () Petitioner's () Respondent's child support obligation is \$_____ and is paid () weekly () bi-weekly () twice a month () monthly () Other: _____

6. A change in the current Support Order is appropriate because of the following change(s) in circumstance(s).

Describe why you are requesting the modification.

7. I have attached current Sworn Financial Statements to this Motion.

WHEREFORE, I respectfully request that this Court enter an Order modifying the () Petitioner's () Co-Petitioner's () Respondent's child support obligation as described above.

VERIFICATION AND ACKNOWLEDGEMENT

I swear/affirm under oath that I have read the foregoing document and that the information provided set forth therein is true and correct to the best of my knowledge and belief.

RESPECTFULLY SUBMITTED this _____ day of _____, 20 _____

Petitioner's Signature

Address

Telephone Number

Witnessed: _____
Court Clerk or Notary Public

Subscribed and affirmed, or sworn to before me
by _____
in the County of _____,
State of _____, this _____
day of _____, 20 _____.
My Commission Expires: _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of this **MOTION TO MODIFY CHILD SUPPORT** was served on the other party by:

- Hand Delivery Date: _____ Time: _____ Process Server: _____
- E-filed
- Faxed to this number (_____) _____ or
- by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Signature