



## Quick Facts: Review & Adjustment of Support Orders

**This Quick Facts guide provides information about child support review and modification.**

The Child Support Enforcement Program<sup>1</sup> is a successful federal-state collaboration that seeks to promote economic stability for children with parents who live apart. Establishing and collecting child support is the cornerstone of the Program.

Pursuant to federal law, an obligor's income must be considered in applying State guidelines to set a support order.<sup>2</sup> The State child support program also must review a support order every 3 years and adjust that order if no longer appropriate given the obligor's financial circumstances.<sup>3</sup> Further, upon request, the State program must review the order and seek adjustment if there has been a "substantial change in circumstances."<sup>4</sup>

The review and adjustment process for child support is critical. Parents' financial circumstances often change and timely modifying support to reflect those changes insures "right-sized" orders for families. Studies have confirmed that having a realistic support order, given the obligor's current income and circumstances, improves the likelihood that the support will be paid regularly.<sup>5</sup> Consistent payments help custodial parents budget for the child's needs and are a key component of a family's economic stability.

### Best Practices Across the Nation

#### Working with Incarcerated Obligors

**Colorado** has streamlined the Review and Adjustment for incarcerated obligors, reducing ongoing child support obligations to \$50.00 monthly, absent objection by the custodial parent.

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<sup>1</sup> Title IV, Part D of the Social Security Act (42 U.S.C. 651, *et seq.*)

<sup>2</sup> 45 C.F.R. § 302.56(c)(1) states that the child support guidelines for each State must take into consideration the income of the non-custodial parent.

<sup>3</sup> 42 U.S.C. § 666(a)(10) and 45 C.F.R. § 303.8 requires procedures to review, and adjust if appropriate, support orders every 3 years or upon request if proof of a substantial change in circumstances.

<sup>4</sup> *Id.*

<sup>5</sup> Establishing Realistic Child Support Orders: Engaging Noncustodial Parents, Office of Child Support Enforcement, Child Support Fact-Sheet Series, No. 1, June 2012.





**Washington D.C.** implemented a program to inform prisoners of their ability to modify their support orders during their sentencing hearing. A second program mandates that the District's Child Support Services Division review all child support orders of incarcerated parents. As a result of these programs, \$1.6 million in unenforceable arrears were avoided.

**Iowa** linked its Child Support Recovery Unit Program with the Iowa Prisoner Re-Entry Initiative, providing case management services (including modification assistance), as well as parenting education.

**Pennsylvania** established a *Non-Financial Obligation* support order which can be issued when a non-custodial parent is unable to meet his support obligation due to incarceration, unemployment or disability.

### **Low Income and Recently Unemployed Obligor**

**Florida's Nassau and Duval Counties** developed programs to accelerate the Review and Adjustment process for non-custodial parents whose income is at or below 200% of the Poverty Level.

**Maryland's Prince George County** automatically reviews and, if appropriate, modifies the child support orders of all obligors who have received unemployment benefits for 3 months or more.

**New York City's Office of Child Support Enforcement (OCSE)** has implemented the *Modified DSS Order* program, which allows Non-custodial Parents who have experienced a drop of income below the subsistence level to request modifications in TANF cases at the OCSE's customer walk-in counter. The program also allows the parent an expedited stipulation process for a new order.

**Ohio's Stark County** used a section 115 Economic Downturn Grant to hire two case managers whose dedicated role is to contact and inform recently unemployed non-custodial parents of their right to a review and adjustment of their order. The case managers also helped guide the parents through the modification process.

**Oregon** enacted legislation and created a *Recession Response Team* that allows for the temporary modification of support orders if either parent suffers a loss of income.





## Streamlining the Review and Adjustment Process

**Alaska** Child Support Services implemented *ELMO*, an electronic automated system that draws income information and links it to Alaska's automated child support system. If the information received meets eligibility criterion, and will result in a 15% difference in the ordered amount, *ELMO* refers the case for manual review. *ELMO* reviews an average of 3800 cases a month.

**Puerto Rico's ASUME (Administración Para el Sustento de Menores)** created the *Rapid Response Task Force*. The *Task Force* proactively contacts employers who are in the process of laying off workers, and **provides onsite** services (including Reviews and Adjustments) for workers facing pending layoffs.

**Iowa** provides an automated review and adjustment process that has reduced wait time from 30 to 15 days.

Sources:

*Realistic Child Support Orders for Incarcerated Parents, Office of Child Support Enforcement, Child Support Fact Sheet Series, Number 4, June 2012*

*State Child Support Agencies with Programs to Ensure Office of Child Support Enforcement Orders Reflect Current Earnings, Office of Child Support Enforcement, February 24, 2012.*

*Providing Expedited Review and Modification Assistance, Office of Child Support Enforcement, Child Support Fact Sheet Series, Number 2, June 2012*

