

# Tips for Child Support Modification Hearings

## Know the Issues

The factors to support a modification of child support are set forth in **RCW 26.09.170**. Often the parties acknowledge that the Court should modify the existing Order of Child Support, but dispute how that modification is to be made. The Court must determine the current income of each of the parties, the number and ages of dependent children, and any factors or reasons which would support a deviation from the child support amount reflected in the Child Support Worksheets, such as children of a new relationship, residential time, extraordinary health expenses, etc.

It is the court's expectation that the parties have spoken in advance and have attempted to resolve their dispute, or to at least focus the issues. If a full agreement cannot be achieved, the parties should at least be able to focus on issues truly in disagreement. Lesser issues such as the nature of deductions, gross income, income tax deductions for dependent children, health care issues are often agreed upon ahead of time and help focus the argument at the Support Modification Hearing.

## What Documentation Do I Need?

All documents you file with the Clerk must also be served on the opposing party. If a parent has received any type of Public Assistance, you must also serve the Child Support Division of the Prosecuting Attorney's Office. Do not forget to provide Bench Copies of **everything** you are asking the Court to consider, even if you may have provided copies for an earlier Hearing. **At a minimum**, those materials include:

- (1) A copy of your Petition or Response to the support modification action
- (2) A copy of the current Order of Child Support and Worksheets
- (3) A copy of your last 2 years federal income tax returns, together with W-2s
- (4) Copies of your **most recent** pay stubs or leave and earnings statements
- (5) A most recent Financial Declaration on court approved form
- (6) Child Support Worksheets based upon the most recent income figures you are claiming

You should also prepare a written **Declaration** in which you describe important aspects of the issues to be decided at the Support Modification Hearing, such as changes in job circumstances for both parties, special income circumstances for either party, special or extra financial circumstances for the child(ren), and/or substantial changes in either party's household since last Order of Support.

The moving party must have filed their materials at least 14 days prior to the Hearing, and the responding party must file their materials at least 7 days prior to the Hearing. Hearings may be continued if parties appear with materials not served and filed in a timely manner, and sanctions may be imposed if a Hearing is continued.

## What is Not Helpful?

Do not bring a collection of bank statements or cancelled checks. The Court does not have time to go through an extensive set of statements or cancelled checks. You should provide a summary or highlight the important documents.

The Court's decision will be made on the documents and written materials received. You will not be permitted to have witnesses testify or to cross examine the other side unless special circumstances make it necessary and you have obtained an Order authorizing live testimony in advance of the Support Modification Hearing.

## What About Post Secondary Support?

Carefully review the factors set forth in **RCW 26.19.090** which the Court is required to consider. In addition to materials needed for a Support Modification Hearing, also prepare Declarations which address **each** of the factors, together with other information you believe relevant. Unless the original Order affirmatively requires post secondary support, no outcome is automatic and each case is different. Be aware that the Court will lose jurisdiction to even consider the issue of Post Secondary support unless the appropriate Petition is filed before the obligation for child support is terminated.

Attach copies of cost estimates from the institution involved, including costs of tuition, room, board, books, lab fees, etc.

## Where are Support Modification Hearings?

Child Support Modification Hearings are held on **Wednesdays** at **3:00 pm** at the **Kitsap County Superior Court, 614 Division Street, Port Orchard**. The County Courthouse is on top of the hill in Port Orchard. You must remember to **confirm** your Hearing by noon on Monday.

The Revised Code of Washington (**RCW**) can be found at Public Libraries, the Kitsap County Law Library and on line at <http://apps.leg.wa.gov/rcw/>