

MODIFICATION OF CHILD SUPPORT

SPOKANE COUNTY FAMILY COURT FACILITATOR

Checklist of Steps to Complete:

_____ 1. Fill out the following forms completely and sign. Print clearly in black ink or type.

- () *Confidential Information (FL All Family 001)*
- () *Summons: Notice about Petition to Modify Child Support Order (FL Modify 500)*
- () *Petition to Modify Child Support Order (FL Modify 501)*
- () *Washington State Child Support Worksheets (WSCSS-WORKSHEETS)*
- () *Financial Declaration (FL All Family 131)*
- () *Sealed Financial Source Documents (FL All Family 011) with two years' tax returns and six months' pay stubs attached* * (*financial records filed under this cover sheet will be sealed to protect your privacy)

_____ 2. Make two copies (original plus two copies) of each of the above documents. **File the originals** of the above documents with the Spokane County Superior Court Clerk, Room 300, between the hours of 8:30 a.m. – 12:00 noon and 1:00 p.m. – 4:00 p.m., Monday through Friday, Cashier's Window (to the far right when you enter). Pay the filing fee in cash or money order: \$56 for modification of Spokane County orders or \$260 for modification of out of County or out of State orders. Personal checks or credit cards are not accepted. Date stamp the front page of each of your copies.

_____ 3. The other party must be served with copies of the filed documents. **YOU** cannot serve the other party. If the modification proceeding is the first legal action filed in this state, service shall be made by personal service. If the order to be modified was entered in this state, service may be by personal service **or** by any form of mail requiring a return receipt (certified mail - return receipt).

If you choose to serve by certified mail, you should also send a second packet of copies by regular first class mail. The person who serves the other party, either by personal service or by mail, must complete and sign the *Proof of Personal Service (FL All Family 101)* form. Make a copy for yourself. File the *Proof of Personal Service* form with the Superior Court Clerk, between the hours of 8:30 a.m. – 12:00 noon and 1:00 p.m. – 4:00 p.m., Monday through Friday. Put the date stamp on your copy.

_____ 4. If the other party does **not** file a *Response* within 20 days after service (60 days if served out of state) you may make a *Motion for Default (FL All Family 161)*. Completely fill out and sign the *Motion for Default* and the *Order on Motion for Default (FL All Family 162)*. Make two copies of each document. Go to the Superior Court Clerk's Office, Room 300, between the hours of 8:30 a.m. – 12:00 noon and 1:00 p.m.

– 4:00 p.m., Monday through Friday. Give the Clerk your case number and ask that your court file be taken to Courtroom 304. Take your original documents and hand them to the Clerk in Courtroom 304 (open 9 a.m. to 12 noon, and 1:30 p.m. to 4:00 p.m., Monday through Friday). Take a seat in the Courtroom and wait your turn. The Clerk will advise you if the Court signed the *Order on Motion for Default*. Once you are informed the Court has signed the *Order on Motion for Default*, take your copies to the Superior Court Clerk’s Office and date stamp your copies.

With an *Order on Motion for Default*, the Court will approve the new child support order provided the order grants the same relief as requested in the *Petition* and the requests comply with state law. Go to the Superior Court Clerk, Room 300. Give the Clerk your case number and ask that your court file be taken to Courtroom 304. Take your original documents and hand them to the Clerk in Courtroom 304. Take a seat in the Courtroom and wait your turn. The Clerk will advise you if the Court signed the final orders.

_____ 5. If the other party **has** filed a *Response to Petition to Modify Child Support Order* you may file the *Notice to Request Hearing (Child Support Modification Hearing)* (<http://www.spokanecounty.org/DocumentCenter/Home/View/8212>).

Fill out completely and sign the *Notice to Request Hearing (Child Support Modification Hearing)* form. Make three copies (original plus three copies) and file the original in the Superior Court Clerk’s Office, Room 300, open 9 a.m. to 12 noon, and 1:00 p.m. to 4:00 p.m., Monday through Friday. Deliver one copy to the Family Court Coordinator in Room 200 of the Courthouse, keep one copy for yourself and send one copy to the other party. You must file proof with the court that you furnished a copy of the *Notice to Request Hearing* to the opposing party. You may use either a *Proof of Personal Service* form or *Certificate of Mailing*. You will be mailed the Notice of Hearing from the Family Court Coordinator. This document will tell you the hearing date, time and courtroom.

THIS NOTICE ALSO GIVES YOU VERY SPECIFIC INSTRUCTIONS TO CALL IN THE CASE AS “READY TO PROCEED TO HEARING.” IF THE CASE IS NOT CALLED IN AS “READY TO PROCEED TO HEARING” THE HEARING MAY BE STRICKEN FROM THE SUPPORT MODIFICATION CALENDAR.

_____ 6. Go to the hearing at the scheduled date and time. You should have the following documents, filled out beforehand, to present to the Judge or Commissioner for approval at the hearing:

- () *Final Order and Findings on Petition to Modify Child Support Order*
(FL Modify 510)
- () *Child Support Order* **(FL All Family 130)**
- () *Washington State Child Support Worksheets* **(WSCSS-WORKSHEETS)**

_____ 7. Make two copies (original plus two copies) of all documents (one for you and one for the other party).

_____ 8. When the Court Commissioner signs your final orders, the child support modification action is then completed. Take the copies to the Clerk's office and stamp the name of the Court Commissioner who signed your papers (on the judge/commissioner signature page) and put the date stamp on the top, front page of each document. Keep a set of copies for yourself and send a set of copies to the other party.

NOTE: All of the above mentioned forms can be found on the Washington State Court website: www.courts.wa.gov/forms.

The Family Court Facilitator, Room 200, Family Law Center, is available to review your documents and answer procedural questions. It is recommended you have all documents reviewed before filing and presenting to the court.