

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)*
(<https://fortress.wa.gov/dshs/dcs/SSGen/Home>)
- () *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. Take your original documents and hand them to the Clerk in Courtroom 202 whose hours are M-W-F from 9am to noon and 1:30pm to 4pm and T-Th from 1:30pm to 4pm. 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. Take your original final documents (listed in #6 below) and hand them to the Clerk in Courtroom 202 whose hours are M-W-F from 9am to noon and 1:30pm to 4pm and T-Th from 1:30pm to 4pm. 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 9am to noon, and 1:00pm to 4:00pm, 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*. Provide a copy of your proof of service form to the Family Court Coordinator in Room 200. 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. Four court days prior to your hearing date, by 4:00p.m., you must confirm your hearing by calling (509) 477-2484, and provide bench copies, and a motion status sheet located here:

<https://www.spokanecounty.org/DocumentCenter/View/40926/Child-Support-Modification-Status-Report>

Failure to do so may result in your hearing being struck from the docket.

Confirmations shall include: Names of the parties and cause number.

Confirming a hearing certifies that the proposed worksheets (if applicable) and supporting documents have all been filed.

If the moving party fails to appear at the hearing, the matter will be struck and sanctions may be entered. If the non-moving party fails to appear at the hearing, the relief requested may be granted.

_____ 6. At your hearing, be prepared to argue your position on why you wish to modify child support. Complete your final documents (listed below) based on the judicial officer's ruling at the time of your hearing and follow the judicial officer's instructions on submitting the documents.

Final documents on a child support modification:

- () *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. Once the documents have been signed, you may obtain copies of the documents from the Clerk's Office in Room 300.

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.