

**KALISPEL INDIAN RESERVATION
KALISPEL TRIBAL COURT**

In re the Child Support of:

And

Petitioner(s),

Respondent.

No.

**PETITION TO MODIFY CHILD
SUPPORT ORDER.**

(MT)

Petition to Modify Child Support Order

1. My name is: _____. I ask the court to modify a *Child Support Order*. I am filing and serving proposed *Child Support Schedule Worksheets* at the same time as this *Petition*.

2. Correct County (Venue)

This is the correct county for this case to be heard because:

- the children live in this county,
- the person who has the care, custody or control of the children lives in this county, or
- the current *Child Support Order* was issued in this county.

The children live in (county): _____, (state): _____.

The Petitioner (name): _____ lives in (county): _____, (state): _____.

The Respondent (name): _____ lives in (county): _____, (state): _____.

3. Jurisdiction to modify order

The court has authority to modify the current *Child Support Order* because it was issued by a (check one):

- Kalispel Tribal Court.**
- Different** tribe, state or jurisdiction, but has been registered in a Washington state court **and** (check one):
 - All parties in Washington now:**
 - All the parties to the current order (other than a State party) now live in this state; and
 - The children do not live in the state or jurisdiction where the order was issued.
 - No one left in issuing state:**
 - None of the children or parties to the current order (other than a State party) live in the state or jurisdiction where the order was issued;
 - The person asking to modify the order (Petitioner) lives outside of Washington; and
 - Washington has personal jurisdiction over the Respondent because s/he (check all that apply):
 - lives in this state now.
 - will be personally served in this state with a *Summons* and *Petition* for this case.
 - lived in this state with the children.
 - lived in this state and paid for pregnancy costs or support for the children.
 - did or said something that caused the children to live in this state.
 - had sex in this state, which may have produced the children.
 - signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.
 - other (specify): _____
 - Parties have consented:**
 - At least one child or party to the current order lives in Washington state now; and
 - Each party to the current order (other than a State party) has filed a consent with the court that issued the current order agreeing that a Washington court may modify the order and take continuing, exclusive jurisdiction.

4. Is the state filing this Petition? (Check one):

- No.** This *Petition* is filed by a parent or non-parent custodian.

- Yes.** The state Department of Social and Health Services (DSHS) is filing this *Petition* because (check all that apply):
- the children receive public assistance.
 - the children do not receive public assistance, but one of the parties asked DSHS to review the order and DSHS decided the order should be modified.
 - another state or jurisdiction asked for this modification.

5. Current Child Support Order

The *Child Support Order* I want to modify was signed by the court on (date): _____
 in (tribe/county): _____, (state): _____.
 That order says (name): _____ must pay
 (amount): \$ _____ each month for (children's names): _____

Important! Attach or file a certified copy of the current child support order that you want to change **if** it was issued in a different tribe, county or state.

6. Should the court modify the monthly child support amount?

- No.**
- Yes.** I ask the court to order child support based on Washington state law. The monthly child support amount should be changed now because (check all that apply):
- Agreement** – The parties agree to the changes.
 - 1 year or more has passed** – The current order was signed at least one year ago **and** (check all that apply):
 - the current order causes severe financial hardship for me or the children.
 - a child has turned 12 and has the right to more support.
 - I want to add a Periodic Adjustment provision according to RCW 26.09.100.
 - 2 years or more have passed** – The current order was signed at least two full years (24 months) ago **and** (check all that apply):
 - the parents' income has changed.
 - the economic table or standards in RCW 26.19 have changed.

(Note – You may be able to use a Motion to Adjust Child Support Order (form FL Modify 521) instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents' income has changed, or the economic table or standards have changed.)
 - Default or Past Agreement** – The current order was issued by default or agreement, without the court independently examining the evidence to decide a reasonable amount of support according to the law.

Change of Circumstances – There has been a substantial change in circumstances since the current order was signed. *(Describe)*: _____

7. Should the court modify the end date for child support?

No.

Yes. The end date should be modified because *(check all that apply)*:

Agreement – The parties agree to the changes.

Finish High School – The current order was signed at least one year ago. *(Child's name)*: _____ will still be in high school when s/he turns 18 and will need support until s/he finishes high school. I ask the court to order child support for this child to continue past his/her 18th birthday until he/she finishes high school.

Dependent Adult Child – The current order says support must be paid for each child until the child turns 18 or is no longer enrolled in high school, whichever happens last. Support should continue past this time for *(child's name)*: _____ because this child will be unable to support him/herself and will remain dependent past the age of 18. This child's situation has changed substantially since the current order was signed. *(Describe)*: _____

Support for this child should continue until *(check one)*:

this child is able to support him/herself and is no longer dependent on the parents.

other: _____

Default or Past Agreement – The current order was issued by default or agreement, without the court independently examining the evidence to decide a reasonable end date for support according to the law.

8. Should the court modify post-secondary educational support?

- No.**
- Yes. Issue was reserved** – The current order allows a parent or non-parent custodian to ask the specific post-secondary support amount or percentage of expenses for *(Children's names)*: _____.
These children depend on the parents for the reasonable necessities of life and will be ready to start a college or vocational program around *(month/year)*: _____.
- Yes. Support was granted, need to set an amount** – The current order says the parents must pay for the children's post-secondary support, but did not set a payment amount or percentage. I ask the court to order a specific post-secondary support amount or percentage of expenses for *(children's names)*: _____
_____ who will be ready to start a college or vocational program around *(month/year)*: _____.

Yes. Modify – I ask the court to *(check all that apply)*:

- Require** – The current order says post-secondary support is not required. I ask the court to change the order so that post-secondary support is required for *(Children's names)*: _____.
These children depend on the parents for the reasonable necessities of life and need support for college or vocational school.
- Cancel** – The current order says the parents must pay for the children's post-secondary (college or vocational school) support. I ask the court to change the order so that post-secondary support is no longer required.
- Change Amount** – The current order requires the parents to pay a specific amount or percentage of expenses for the children's post-secondary (college or vocational school) support. I ask the court to change the amount or percentage.

These changes should be made because *(check all that apply)*:

- Agreement** – The parties agree to the changes.
- Default or Past Agreement** – The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- Change of Circumstances** – There has been a substantial change in circumstances since the current order was signed. *(Describe)*: _____

9. Should the court modify payment for children's expenses or tax exemptions?

- No.**
- Yes.** I ask the court to order or change *(check all that apply)*:
 - day care expenses.

- educational expenses.
- long-distance transportation expenses.
- other expenses.
- tax exemptions.

Order that parties have the right to claim the children as their dependents on their tax forms in this way (*specify*): _____

These changes should be made because (*check all that apply*):

- Agreement** – The parties agree to the changes.
- 2 years or more have passed** – It has been at least two full years (24 months) since the order was signed and these requests are based only on changes in the parents' income or the economic table or standards in RCW 26.19.

(Note – You may be able to use a Motion to Adjust Child Support Order instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents' income has changed, or the economic table or standards have changed.)

- Default or Past Agreement** – The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- Change of Circumstances** – There has been a substantial change in circumstances since the current order was signed. (*Describe*): _____

10. Should the court modify health insurance orders?

- No.**
- Yes.** I ask the court to change the health insurance orders as follows:
 - Order one or both parents to provide or pay for health insurance coverage for the children if it is available through an employer or union for less than 25% of his/her basic support obligation (*Worksheets, line 19*), and order each parent to pay his/her share of the children's healthcare costs that are not covered by insurance.
 - Other (*specify*): _____

These changes should be made because (*check all that apply*):

- Agreement** – The parties agree to the changes.
- 2 years or more have passed** – It has been at least two full years (24 months) since the order was signed and these requests are based only on changes in the parents' income or the economic table or standards in RCW 26.19.

Note – You may be able to use a Motion to Adjust Child Support Order instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents' income has changed, or the economic table or standards have changed.

- Default or Past Agreement** – The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- Change of Circumstances** – There has been a substantial change in circumstances since the current order was signed. (*Describe*): _____

11. When do you want the new order to start?

I want the new *Child Support Order* to take effect:

- on the day this *Petition* is filed.
- other (*specify*): _____

If the changes to the *Child Support Order* cause an overpayment or an underpayment of support or other expenses, I ask the court to order payment or give credit for those amounts.

12. Other Requests

- Does not apply.
- I ask the court to order payment of lawyer fees and court costs.
- Other (*specify*): _____

Person filing this Petition fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): _____ Date: _____

▶ _____
Person filing this Petition signs here *Print name*

Lawyer (if any) fills out below:

▶ _____
Lawyer signs here *Print name and WSBA No.* *Date*

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, **must** be sealed so they can only be seen by the court, the other parties, and the lawyers in your case. Seal those documents by filing them separately, using a *Sealed* cover sheet. You may ask for an order to seal other documents.

