

Alabama Access to Justice Commission  
Update on Child Support Resources  
2/22/16

The Alabama Access to Justice Commission helps develop pro se forms, instructions and informational handouts in Plain English for the public and hosts them on its website [alabamajustice.org](http://alabamajustice.org). We inherited this task from the Alabama State Bar's forms task force, which is no longer operational.

We currently have the following forms and instructions dealing with the issue of child support:

1. How to change a Child Support Order
2. Request to Change Child Support – Form PS-02
3. Request for Contempt Hearing – Form PS-03
4. Child Support Obligation Income Statement Affidavit – Form CS-41

The commission also operates Alabama Legal Answers ([alabamalegalanswers.org](http://alabamalegalanswers.org)), which is a site through which clients may post questions that pro bono attorneys login and answer. We get a number of questions regarding child custody and child support, so will be adding an informational handout on child support in the next few months.

If you think of information that you think will be helpful to provide, please do not hesitate to let us know. Access to Justice contacts are:

Emily Strickland  
Access to Justice Coordinator  
[estrickland@alabamalawfoundation.org](mailto:estrickland@alabamalawfoundation.org)  
334-387-1604

Tracy Daniel  
Executive Director  
Alabama Law Foundation  
[tdaniel@alabamalawfoundation.org](mailto:tdaniel@alabamalawfoundation.org)  
334-387-1601

# How to Change a Child Support Order

---

## Who can ask the Court to change the amount of child support?

Either parent (or other person with legal custody) can ask. You can ask the court for more support. Or you can ask to lower the support amount.

## Will the judge make the changes I am asking for?

Maybe. If the child/ren are under 19 and not married, you will have to prove that:

- One parent is earning more (or less) now than before so that the child support will change more than 10%, or
- Something else happened that changed the financial situation of one of the parents.

**Caution!** A new order could be more, or it could be less support than you have now. The judge will use a special formula (called guidelines) to decide the amount of support.

## How do I ask the court for a new support order?

You must fill out and file these forms:

- *Request to Change Child Support* (Form PS-02)
- *Child Support Obligation Income Statement/Affidavit* (Form CS-41)

## Where can I get the court forms?

You can ask the court clerk for these forms. Or get them at: <http://eforms.alacourt.gov>

## Can the court help me fill out my forms?

No. But this sheet gives general information about how to fill out your forms.

## What do I do after I fill out my forms?

Take your original forms and 2 copies to the court clerk in the **same** county where your current child support orders are from.

## What will the clerk do with my forms?

The clerk will:

- date-stamp all your forms,
- keep 2 copies, and
- give you a date-stamped copy for your records.

## Do I have to pay the court anything?

Yes. You must pay a filing fee in cash or with a money order. The court clerk will tell you the exact amount. If you cannot afford to pay the fee, also fill out this form to tell the court about your income and expenses:

- *Affidavit of Substantial Hardship*.

**But do not sign it** until you are in front of a notary and swear that the information is true. The judge will decide if the fees can be postponed.

## Will the other parent know I am asking for a new support order?

Yes. The clerk will have someone serve (give or mail) the other parent a copy of your court forms. That way the other parent knows what you are asking for and when to go to court.

## How will the judge decide?

There will be a hearing at court. You and the other parent will have a chance to tell your side.

## When will the judge decide?

The judge will decide at or after the hearing. If you have not received the judge's decision within 45 days of your hearing, you may contact the court clerk.

## What should I bring to my hearing?

Bring financial information and other evidence that supports the change you are asking for, such as your most recent:

- pay stubs, W-2s, income tax returns,
- Social Security statements (if you get disability), or
- bank statements.

You may also bring witnesses who know about the financial changes.

## What if I lose my job?

It depends. If you lose your job through no fault of your own, the Court may lower or stop the support until you find a new job. But if you quit or get fired, the Court usually will not change the order.

## Need help?

Call Legal Services Alabama at: **877-393-2333**

Or visit: [www.alabamalegalhelp.org](http://www.alabamalegalhelp.org)

### Request to Change Child Support

Case Number: \_\_\_\_\_

In the \_\_\_\_\_ Court of (county): \_\_\_\_\_ County, Alabama

\_\_\_\_\_  
**Plaintiff's First and Last Name**  
(the person listed as Plaintiff on your previous Order)

v.

\_\_\_\_\_  
**Defendant's First and Last Name**  
(the other parent)

**Plaintiff's Information**

Street Address: \_\_\_\_\_

Date of Birth (mm/dd/yyyy): \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_

**Defendant's Information**

Street Address: \_\_\_\_\_

Date of Birth (mm/dd/yyyy): \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_

① **List the date and place where your current child support order was made**

Date: \_\_\_\_\_ County and State: \_\_\_\_\_

List the court case number of your current order (case #): \_\_\_\_\_

List the children your current child support order covers:

Name(s): \_\_\_\_\_ Age \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

② **Why are you asking for a change in child support? (Explain what has changed):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Important!** You must also fill out and file an updated Form CS-41 (Financial Declaration).

③ **What orders are you asking for now?**

Because of significant financial changes, I am asking the court to (check all that apply):

Make new child support orders at a court hearing to (check one):

increase child support     decrease child support

Make an order to take child support from the supporting parent's paycheck (a withholding order).

Order the other parent to keep (or get) health insurance that covers the child/ren listed above.

Other (explain): \_\_\_\_\_

Print your name: \_\_\_\_\_

Sign here:  \_\_\_\_\_

Date: \_\_\_\_\_

Request for Contempt Hearing

Case Number: (Use the # on your Child Support Order)

In the \_\_\_\_\_ Court of (county): \_\_\_\_\_ County, Alabama

v.

Plaintiff's First and Last Name

(the person listed as Plaintiff on any previous Order in this case)

Defendant's First and Last Name

(the other parent)

If the other parent has disobeyed a court order related to the children, such as an order to pay support, pay for medical bills, provide insurance, or an order related to visitation, you may ask for a contempt hearing. At the hearing, a judge will listen to the evidence that you and the other parent provide. If the Court decides that the other parent purposely disobeyed a court order, the judge may make new orders. The judge may also fine or send that person to jail.

1 The person asking for a hearing is the (check one): Plaintiff Defendant
Name: \_\_\_\_\_ Phone #: \_\_\_\_\_
Address: \_\_\_\_\_
street address city state zip

2 List the date and place where your current child support order was made:
Date: \_\_\_\_\_ County and State: \_\_\_\_\_
List the court case number of your current order (case #): \_\_\_\_\_

3 What does your court order tell the other parent to do? (Check all that apply):
To pay child support. Amount: \$ \_\_\_\_\_ per \_\_\_\_\_
To pay some or all of the medical and dental expenses for the child/ren listed in the Order.
To allow visitation with the child/ren.
Other (explain): \_\_\_\_\_
Other (explain): \_\_\_\_\_

4 List the court order(s) the other parent has disobeyed. (Check all that apply):
The other parent owes back child support. Amount: \$ \_\_\_\_\_, plus interest.
The other parent has not paid his/her share of the child/ren's medical/dental expenses.
Amount owed: \$ \_\_\_\_\_
The other parent has not provided health insurance for the children.
The other parent has not allowed visitation with the child/ren.
Other (explain): \_\_\_\_\_
Other (explain): \_\_\_\_\_

5 Other parent's address: \_\_\_\_\_
Other parent's phone #: \_\_\_\_\_

6 What are you asking the court to do? \_\_\_\_\_

I swear that that the information I have provided is true, and I ask the Court to set a date for a hearing on this matter.

Print your name Sign here Date

Notary fills out below--
Sworn to and subscribed before me, the undersigned authority,
Print name of notary/clerk On this date: (Notary's seal here)
Notary signs here

CHILD-SUPPORT-OBLIGATION  
INCOME STATEMENT/AFFIDAVIT

Case Number

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
(Circuit or District) (Name of County)

Plaintiff \_\_\_\_\_ v. Defendant \_\_\_\_\_

AFFIDAVIT

I, \_\_\_\_\_, being duly sworn upon my oath, state as follows :  
(Name of Affiant)

1. I am the  Plaintiff  Defendant  Other (please specify): \_\_\_\_\_ in the above matter.  
My Social Security number is: \_\_\_\_\_

2. I am  currently employed. My employer's name and address are:  
\_\_\_\_\_  
\_\_\_\_\_

not currently employed.  
My last employer's name and address are: \_\_\_\_\_  
\_\_\_\_\_

Last position title: \_\_\_\_\_

Average monthly salary in the last year of employment: \$ \_\_\_\_\_

3. My monthly gross income includes:

(For example of income that must be included, see back of this form. If income varies by month, enter the estimated average monthly gross income.)

Employment income	\$ _____
Self-employment income	\$ _____
Other employment-related income	\$ _____
Other non-employment-related income	\$ _____
Total	\$ _____

4. I incur the following amount monthly for work-related child-care: \$ \_\_\_\_\_  
(if none, write "None")

5. The child(ren) of the parties is/are

not covered by health insurance from me and/or my employer.

covered by health insurance, and (1) I pay \$ \_\_\_\_\_ each month, or that amount is paid on my behalf each month by my \_\_\_\_\_, for the family policy coverage under which the child(ren) is/are covered; and (2) the total number of persons covered under that policy is \_\_\_\_\_.

The pro rata portion of the medical insurance premium attributable to the child or children who are the subject of the support order (which shall be calculated by dividing the total medical insurance premium actually paid by, or on behalf of, the parent ordered to provide the coverage by the total number of persons (adult and/or children) covered and then multiplying the result by the number of children who are the subject of the support order) is the sum of \$ \_\_\_\_\_.

6. I pay the following total amount for  child support  alimony in [a] prior case(s) as follows:  
[List case number(s) and county(ies) and state(s) here]:  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ (if none, write "None")

I understand that I will be required to maintain all income documentation used in preparing this Income Statement/Affidavit (including my most recent income-tax return) and that such documentation shall be made available as directed by the court. I also understand that any intentional falsification of the information presented in this Income Statement/Affidavit may subject me to the penalties of perjury.

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me this \_\_\_\_\_  
day of \_\_\_\_\_,

\_\_\_\_\_  
Notary/Clerk

S

**EXAMPLES OF INCOME THAT MUST BE INCLUDED IN YOUR GROSS MONTHLY INCOME**

1. Employment Income – shall include, but not be limited to, salary, wages, bonuses, commissions, severance pay, worker’s compensation, pension income, unemployment insurance, disability insurance, and Social Security benefits.
2. Self-Employment Income – shall include, but not be limited to, income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation. “Gross income” means gross receipts minus ordinary and necessary expenses required to produce this income.
3. Other Employment-Related Income – shall include, but not be limited to, the average monthly value of any expense reimbursements or in-kind payments received in the course of employment that are significant and reduce personal living expenses, such as a furnished automobile, a clothing allowance, and a housing allowance.
4. Other Non-Employment-Related Income – shall include, but not be limited to, dividends, interest, annuities, capital gains, gifts, prizes, and pre-existing periodic alimony.

**RULE 32, ALABAMA RULES OF JUDICIAL ADMINISTRATION, PROVIDES THE FOLLOWING DEFINITIONS:**

**Income.** For purposes of the guidelines specified in this Rule, “income” means the actual gross income of a parent, if the parent is employed to full capacity, or if the parent is unemployed or underemployed, then it means the actual gross income the parent has the ability to earn.

**Gross Income.**

“Gross income” includes income from any source, and includes, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers’ compensation benefits, unemployment-insurance benefits, disability-insurance benefits, gifts, prizes, and preexisting periodic alimony.

“Gross income” does not include child support received for other children or benefits received from means-tested public-assistance programs, including, but not limited to, Temporary Assistance for Needy Families, Supplemental Security Income, food stamps, and general assistance.

**Self-employment Income.**

For income from self-employment, rent, royalties, proprietorship of business, or joint ownership of a partnership or closely held corporation, “gross income” means gross receipts minus ordinary and necessary expenses required to produce such income, as allowed by the Internal Revenue Service, with the exceptions noted in Rule 32 (B)(3)(b).

Under those exceptions, “ordinary and necessary expenses” does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses, investment tax credits, or any other business expenses determined by the court to be inappropriate for determining gross income for purposes of calculating child support.

**Other Income.** Expense reimbursements or in-kind payments received by a parent in the course of employment of self-employment or operation of a business shall be counted as income if they are significant and reduce personal living expenses.