

How to Change a Child Support Order if Parents Don't Agree

If you are the parent seeking to modify the order and the other parent won't agree to the change(s) you propose, you can:

1. Request a review of your child support order from your [local child support agency](#). There is no fee for this service.
2. File a [Notice of Motion and Motion to Change Child Support](#) with the local County Clerk of Court's office. There is a \$30 filing fee for this type of request.

See below for more information on each option:

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Option 1: Request a review of your child support order from your local child support agency

Generally, a Wisconsin child support agency will agree to do a child support order review if either parent asks for a review and the order has not been reviewed in three or more years. If the last review was less than three years ago, the agency still might agree to do a review but only if there has been a significant change in circumstances since the last review. Examples of significant changes in circumstances include:

- The paying parent receives an increase or decrease in income that would lead to a monthly change in the support order of more than \$50.
- The paying parent is no longer responsible to pay support for an older child on a case.
- The paying parent is incarcerated.
- The child's placement switches to the parent being ordered to pay support.
- The parent receiving support now receives public assistance benefits as well.

Your agency will refuse to review your child support order when:

- A parent has no legal duty to provide current support. For example, all children are legal adults, or the parental rights were terminated for one parent.
- Good Cause has been found or is pending for a parent enrolled in the W-2 program.
- The order is from a state other than Wisconsin, and that other state manages the order.
- One of the parents cannot be located.
- The paying parent has voluntarily reduced his or her income. As discussed in our article [What income is included for purposes of calculating child support](#), sometimes people turn down available jobs in order to avoid child support payments. If the agency believes a paying parent's income reduction is due to choice, that income reduction will usually not be considered a significant change and therefore the agency will not agree to undertake a child support order review.

If you request a review of your case from your local child support agency, the agency has up to 180 days to complete the review. Your agency will find a change in the child support order necessary if it finds any of the following during its review:

- The order does not follow the designated percentage of income
- The order does not include medical support
- The change in child support due to the substantial change in circumstances would be \$50 or more a month (higher or lower)

If the child support agency does the review and finds that a change is necessary, they might draft a legal agreement, mentioned in the first paragraph as the Stipulation to Change Child Support, and ask both parents to sign it. The legal agreement will take effect when the court approves it.

The child support agency doesn't have the authority to modify a support order on its own, however. Ultimately, a court order is needed to modify a support order. So if one or both parents do not agree to sign the stipulation, the child support agency or a parent will still need to ask the court to change the order.

Given that, you might wonder why someone would ask for a child support agency review instead of just going right to Option #2 and filing a motion to modify the order. One possible advantage of getting a child support agency review first is that

the agency has experience mediating between parents and can attempt to facilitate an agreement with the other parent before a potentially hostile and costly court action has begun. A second possible advantage is that the child support agency's recommendation for or against a change has some weight when the court is making its decision.

Option 2: File a Notice of Motion and Motion to Change Child Support Form with the local County Clerk of Court's office

Generally, unless the parents agree to a change as discussed above, a court will not make a change to a child support order unless there has been a 'substantial change in circumstances'. Such a change could include a change in the paying parent's income or earning capacity or a change in the needs of the child - e.g. the child receives a severe diagnosis that greatly increases their healthcare costs. The court will assume there has been a 'substantial change in circumstances' if any of the following happen :

- Either parent starts receiving W-2 or Aid to families with dependent children
- Thirty-three months have passed since the support order was entered or most recently revised
- The paying parent refuses to fill out a financial disclosure form on time (unless otherwise agreed upon in writing, both parties to the child support order must exchange financial details once a year)

The party requesting the child support order change must use the [Notice of Motion and Motion to Change Child Support form](#), which requires them to describe the specific change(s) to child support they want to see as well as explain the reasons for the change(s).

Once the form is properly filed, a copy must be served on the other parent, and on the child support agency if either of you is receiving public assistance or there is a case worker from the Child Support Agency assigned to your case.

Service can be by mail. It must be mailed at least eight business days before the date of the hearing. Once you mail the document, sign a sworn affidavit called the [Affidavit of Mailing](#). Return the Affidavit of Mailing and a copy of the document that was mailed to the Court as soon as possible.

The court will schedule a hearing to review the evidence and hear arguments from both parties. Thus, if you cannot agree with each other about the change(s), you may want to begin collecting documentation that supports your request. What is relevant will change with the circumstances, but might include pay stubs, tax returns, government letters, medical bills or other financial documents.

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