

I need help with my current or past-due child support payments

Acting early can help you avoid legal trouble and help you keep up with your child support payments. Read our article [State Enforcement of Child Support](#) to find out what could happen if you do not pay the child support you owe.

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If you're struggling to make current child support payments:

Reach out to your local child support agency as soon as possible.

- By law, you must tell your local child support agency and your former spouse/co-parent within 10 days if you lose your job, if your income changes, if you get a new job, or if you change jobs. You can find your [local child support agency contact information on the Wisconsin Department of Children and Families website](#).
- Telling the agency about your job loss will not change your court ordered payment amounts. Only a court can change the order.

Make a request for a review of your child support order, in writing, to the child support office if the child support agency is providing services on your case.

- When asked, child support agencies will review your child support order when there has been a 'substantial change in circumstances'. Examples of a substantial change in circumstances include:
 - You lost your job and the job loss is expected to last longer than 6 to 8 weeks
 - You are put in jail or prison.
 - You suffered a decrease in income that would lead to a monthly change in the support order of more than \$50. Support orders are based in part on

your income - see our article [Calculating Child Support under Wisconsin's Percentage Standard](#) for more information.

Ask the court for a review of the child support order.

- You must use the [Notice of Motion and Motion to Change Child Support form](#), which requires you to describe the specific change(s) to child support you want to see as well as outline the reason(s) for the change(s). Follow the instructions closely, which include paying a filing fee and sending a copy of the notice and motion to your ex-spouse/co-parent.
- The court will schedule a hearing on your motion. Be prepared to present information and evidence about the change in your income, job status, etc.
- Generally, 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 your income or your ability to earn money. The court will assume there has been a 'substantial change in circumstances' if you start receiving W-2 or Aid to families with dependent children.
- Generally, a court will not change your support obligation unless and until a motion is filed. The court will, in general, not go back in time to change it.
- See our article [How to Change a Child Support Order if both parents agree or disagree](#) for more information.

If you've lost your job:

If child support was taken from your paycheck, it will now be taken from your Unemployment Insurance checks (if you are receiving unemployment). But your next payment might be due before you get your first unemployment check. In that case, you must make the payment yourself. You might also owe more than what is taken from your unemployment checks, and it's your responsibility to pay the extra amount.

The state can take up to 50% of your unemployment checks for child support. If money is taken out of your unemployment checks for things like overpayments or penalties, then 50% of the remaining amount can still be taken for support.

Example: your unemployment is \$300 per week, but \$50 is deducted for an overpayment. The balance of your unemployment benefit is \$250 (\$300 - \$50). Up to \$125 (half of the balance) can be withheld for support. If you owe \$150 each week for support, you are still responsible to pay the remaining \$25.

If you are in jail or prison:

The Bureau of Child Support has a policy that incarceration of at least 12 months is considered a "substantial change of circumstances" which allows the local child support agency to bring a motion for modification before the Circuit Court (unless the incarceration resulted from a crime against any child, a crime against a case participant, or is for failure to pay child support). A written request needs to be made to your local child support agency for the motion to happen.

Additionally, you may want to file a motion if you are in jail or prison sooner rather than later, to try to adjust the child support order.

If you are having trouble paying past-due child support, you can:

1. Take out a loan to pay the past-due amount back in full.
2. Ask the child support agency for a payment plan.

Important: You must provide all of your financial information to the agency within 5 business days of requesting a payment plan. The agency will not agree to a plan without this information - they use it to develop the plan.

A payment plan is a way for you to make payments towards your past-due child support in amounts that may better fit your current financial situation. A payment plan can be either a lump-sum payment, a monthly payment, or both.

You can ask for a payment plan at any time.

Important: If you get a notice about an enforcement action (such as denying a license or seizing a savings account) and you want a payment plan in order to stop the enforcement action, you need to ask for a payment plan within **10-business days** of the enforcement action notice.

If you have more than one child support court order (case), and more than one child support agency notifies you of an enforcement action, you must ask each child support agency for a payment plan.

Your child support agency will propose a payment plan. You may agree to the plan, reject the plan, or propose another plan. If you and your child support agency cannot agree on a payment plan, you may ask the court to review the plan. If the court finds that the proposed payment plan is not reasonable, the court might offer another payment plan.

Your payment plan might be changed if you can show a substantial change in circumstances such as a change in your “ability to earn.” (Your ability to earn might change if your employer goes out of business. However, if you decide to reduce your hours to part-time, your ability to earn has not changed.) Contact your child support agency if you have a substantial change.

You must follow your payment plan by making all the payments when due. If you do not follow your payment plan, your child support agency can take actions against your bank accounts, property, and licenses. If you do not follow your plan, you might not be able to get government grants and loans.

[How to pay child support Child Support Family Law](#)

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