

# Change your child support court order

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## **Last Review Date**

October 30, 2025

Learn how and when you can change a Washington State Child Support court order by filing a Motion for Adjustment or a Petition to Modify.

## **Important information**

If you want to change a child support order from a Washington court, you can try filing a Motion or a Petition in court. Depending on your situation, one of these options might make more sense for you to try than the other.

If you decide after reading this to move forward to try to change your support order, answer a few questions on our Get family forms tool to get the right forms.

 "Judge" here refers to judges and court commissioners.

## **How do I know if I have an order from a Washington Court?**

In Washington, a court order is a **Child Support Order** from a **Superior Court**. It will say this on the first page, towards the top.

<b>Superior Court of Washington, County of</b> _____	
In re:	No. _____
Petitioner/s (person/s who started this case): _____ _____	Child Support Order [ ] Temporary (TMORS) [ ] Final (ORS)
And Respondent/s (other party/parties): _____ _____	Clerk's action required: WSSR, 1

**What if it says "State of Washington Department of Social and Health Services Division of Child Support" or "State of Washington Office of Administrative Hearings" at the top?**

You don't have a court order. You have an administrative order.

An administrative order is a "Notice and Finding of Financial Responsibility", a "Notice and Finding of Parental Responsibility" or an "Initial Decision and Order." Here's what the top of the first page (the caption) might look like:

 Transforming lives	STATE OF WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES DIVISION OF CHILD SUPPORT (DCS)
<b>Notice and Finding of Financial Responsibility</b>	
Noncustodial Parent _____	) ) ) ) )
Custodial Parent / Physical Custodian _____	) ) ) )
<b>Purpose of This Notice</b>	

If you have one of these, you should think about asking DCS to review your child support order. Court isn't the right option for you.

**Can I start a court case in Washington to change my child support?**

You can start (you can file) a court case to change your child support in Washington State if you have an order from a Washington state court and you, the other party, or the child lives in Washington.

If you live in Washington, but the child support order is from a different state, talk to a lawyer or the Division of Child Support (DCS) (<https://www.dshs.wa.gov/esa/division-child-support/contact-division-child-support>) to find out if you can file a case to change your child support in a Washington state court.

**I have children from different relationships. Can I file one court case for all of them?**

No. You must file a separate case for each.

**I owe back child support. Can I get a court order lowering the amount I owe?**

Only if at least one of these is true:

- The current Support Order lets you change support before the date you filed your motion or case.
- You've supported the children **in your home for a long time** even though the judge ordered you to pay support to the other parent.

Before trying to do this, try to talk to a lawyer.

**When should I file a new case and when can I just file a motion instead?**

If your support order is at least 2 years old **and a** parent's income has changed, or if your support order says you can do it sooner, you can file a Motion to Adjust a Child Support Order. Filing this motion generally is faster and simpler than filing a new case (called a Petition to Modify. See next paragraph). On the downside, a motion only lets you change the support amount.

If you want to change the amount of support **and** add (or take away) a requirement that a parent pay daycare, educational costs, or other expenses to or from your Order, or if you want to change who can take the tax exemption for the children, you should file a Petition to Modify Child Support Order instead of a Motion to Adjust. Answer a few questions on our Get family law forms tool to get the right forms for your situation. You qualify to file a Petition if any of these are true:

- There's been a substantial change in circumstances for a parent or the children. You can ask for a change to the support order for this reason at any time.
- The order causes a parent or child real hardship. If this is your reason for wanting to change the order, the order must be at least a year old.
- Your current support order was entered with no notice to you beforehand.
- Your support order is at least a year old, your child is still in high school, and your child needs support to continue beyond age 18 so they can finish high school.
- You meet the requirements for filing a motion for adjustment: your support order is at least 2 years old, and a parent's income has changed, or you meet the requirements according to what your own support

order says for being able to file a motion for adjustment now.

If your Support Order already has the parents sharing daycare, educational expenses or uninsured medical costs, you may be able to change how much of those you each must pay in a Motion for Adjustment.

### **What is a substantial change in circumstances?**

A substantial change usually will be something you had no control over. Here are some examples: injury or illness that keeps you from working, losing a job, going to jail, or a change in the child's needs.

These things **don't** count as a substantial change:

- Something a parent or the court knew when you got the current support order
- A choice you made, such as quitting your job, or deciding to go to school or take a lower paying job
- The parent getting support got a raise

If you're filing for support modification because of a change in circumstances, you must be able to prove to a judge that the change happened.

Ask your court clerk or family law facilitator (if there is one)  
([https://www.courts.wa.gov/committee/?fa=committee.home&committee\\_id=108](https://www.courts.wa.gov/committee/?fa=committee.home&committee_id=108))  
if your local court has their own packet. The local packet may be easier to use than our forms.

## **What county should I file my modification case in?**

You can file your modification in the county where your current Support Order was entered, where the child lives, or where the person who has the child lives.

If all or some of these are different counties, it's okay to choose the county that's easiest for you, or both of you, to get to. The other parent can try to have the case moved (called "changing the venue") to a different county than the one you chose. The county the parent wants the venue moved to must fit one of the 3 descriptions above.

## **I can't afford a lawyer. I can't get free legal services. Are there other options?**

Yes.

- Some counties have **family law facilitators**

([https://www.courts.wa.gov/committee/?fa=committee.home&committee\\_id=108](https://www.courts.wa.gov/committee/?fa=committee.home&committee_id=108))

. They can help you file in court. They can't give legal advice. They often have do-it-yourself packets for your county.

- Some counties offer a "Self-Help" class. You can learn how to file your own support modification or adjustment. You might have to pay for it, but it should help more with local forms and procedures. If available, you should take a class. To find out if your county offers any, ask the clerk or, if your county has one, the facilitator.

- Ask the Division of Child Support (DCS) for help.

## **How long will this take?**

It depends on whether you're filing a motion or a Petition. Generally, a **Motion to Adjust** is quicker than a petition. It can take a month or less.

How long a **Petition to Modify Child Support Order** takes will depend in part on the county you're filing in, if the other parent lives in Washington, and how you have your court papers served on them. The other parent will have anywhere from **20 to 90 days** after being served to respond to your petition.

**If the other parent doesn't respond in time**, you can ask the judge to enter final orders by default. If you follow the procedure correctly, it will save you time. If you don't follow the procedure correctly, the other parent could later ask the court to cancel the order.

If the other parent responds, how long it takes to finalize the case will vary. It may take at least 2 to 3 months to finalize.

### **Will there be a hearing or trial?**

No. The judge decides support modification cases without a hearing. The judge will just read everything you and the other parent filed.

If you need witnesses to testify to prove your case, you must file a motion asking to allow a hearing. You can get the form for this, Motion to Allow Testimony (About Modifying Child Support) (<https://www.courts.wa.gov/forms/documents/FL%20Modify%20503%20Motion%20to%20Allow%20Mod%20CS.pdf>), FL Modify 503, at the state court's forms website (<https://www.courts.wa.gov/forms>).

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