
INSTRUCTIONS

40th JUDICIAL
DISTRICT COURT

RULE TO MODIFY CHILD SUPPORT

These instructions are meant to guide you through the process of getting a modification to your child support obligation. The law allows the Court to modify a child support order if there is a material change in circumstances since the time that the order was set.

This packet of forms is not legal advice and cannot take the place of the advice that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action. **When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.**

STEP ONE THE RULE

1 *The first step is to fill out and file the “Rule to Modify Child Support” form with the attached “Verification.” Read everything carefully, double check the information you fill in, and make sure you fill out the forms completely.*

These instructions will guide you through the Rule to Modify Child Support paragraph by paragraph.

- The top part of this form is your case information. There should already be a case open if you are trying to modify your child support order. You will have to get all of the case information from the Clerk’s office when you file it. The information that you put in this part must match the open case information. Leave this part blank for now if you are unsure.
- The beginning paragraph asks you to fill in your name.
- Paragraph 1 asks you to fill in information about your child support order. To fill this part out, it’s a good idea to have a copy of that custody judgment with you. Write the date of the order in the first blank, then the case title in the next two blanks. This is usually listed at the top of your order, and looks something like “John Doe v. Jane Roe.” In the next blank, write the docket number of the custody order. Finally, write in the name of the court that gave the order and the city where the court gave the order.
- Paragraph 2 asks you to list the details about your child support order. In the first blank, write the name of the person ordered to pay child support. Write the monthly amount of child support that was ordered by the court in the second blank. Then, write the name of the person receiving child support by order of the court. Finally list all the names and dates of birth of all of the children covered by that child support order.
- Paragraph 3 asks you to tell the court why you should get a modification to your child support order. Remember, the law only allows the court to change child support if there has been a material change in circumstances since your order was set.
- Paragraph 4 asks you to make a selection depending on if the State of Louisiana is involved in collecting, enforcing, or providing other services for child support in your case. Think about whether you have a caseworker at the DCFS or if the State was involved in setting your order. If the State is involved, check the first option. If the State is not involved, select the second option.
- On the second page, sign and provide your name, address, and telephone number at the top, under where it says “Respectfully submitted.”
- Do not fill in the portion where it says “Order.” The court will fill this part out.
- Finally, check the first option where it says “Respondent” to request service on the other side. You must provide his/her name, address, and telephone. Be sure you provide an address where the Sheriff’s office can find him/her. Check the second option if you need service on the State. You must check this option if the State is involved in your case.

Along with your petition, you will also have to sign the “Verification” form, which states that you are swearing that everything you state in your petition is true.

- This step requires you to go to a notary. Free notary services may be available at the Self-Help Resource Center for you. You must have a picture ID to get the form notarized.
-

- Fill out the top part with your case information just like your petition.
- Write in the parish that you get the form notarized in the first blank. Write your name in the center blank. Finally, sign in the blank to the right in front of the notary.
- The notary will fill in the bottom part of the form.

2

STEP TWO FILING

The next step is to take your papers to file with the Clerk of Court's office. About 5 to 10 days after filing, you will have to check back with the Clerk's office for to find out the date and time that you were assigned to come to court.

After you've filled out the "Rule to Modify Child Support" and the "Verification," you must file both documents with the Clerk of Court's office.

- The 40th Judicial District Court is located at 2393 Highway 18 in Edgard or 1020 Cambridge Drive in Laplace. The office is open 8:30am-4:30pm. For more information, including fees, you can call the office in Edgard at (985) 497-3331 and the office in Laplace at (985) 652-8041.
- You must file the original forms that you filled out. It's also a good idea to make 2 copies of your filled out forms and bring them with you. When you file the originals, ask the Clerk of Court's office to stamp your copies for your records.
- The Clerk of Court's office can also provide your case information, like the name of your case, your case number, and your division. Write this information down and keep it because you will need it to check the status of your case.
- Any time you file something with the Clerk of Court's office, you will have to pay a filing fee, unless you have been granted pauper (IFP) status. There are different fees for different documents. The Clerk of Court's office can tell you how much the fees are.
- If you cannot afford to pre-pay the costs, you may request to file as a pauper by checking the second box. You also have to fill out and file a separate "In Forma Pauperis" form, which you can get from the Self-Help Resource Center or the Clerk of Court's office. ***IMPORTANT-** Pauper status doesn't make filing free, but only lets you go without paying in advance. You may have to pay court costs after the case is over.

Once you file your Rule with the Clerk of Court's office, it will take a little time for it to get to the judge's office. Once the judge signs it, the judge's office will send the Rule back to the Clerk of Court's office. Check with the Clerk's office 5 to 10 days after you file the Rule to find out what your court date will be. Please be patient because the court deals with a lot of matters.

3

STEP THREE COMING TO COURT

This is the final step in modifying your child support order. You will have to come to court to put on your case and explain to the judge why your child support order should be changed.

Be sure to bring any evidence or witnesses that will help you prove your case. Remember, it is your responsibility to show the court why you should get a modification in child support. You have to prove this in court using testimony

from the witnesses and any evidence that you have that is relevant. This may include tax records, paycheck stubs, and other financial information.

Make sure you are present in the courtroom on the day and time that you were given by the court. Get to court early to allow time for traffic, parking, walking to the courthouse, and getting through security.

Go to the courtroom and wait quietly until your case is called. When your case is called, stand up and go forward. The judge will allow you to call your witnesses and testify first. The judge will also allow the other side to question you and your witnesses. Make sure to introduce any evidence that you brought with you when it's your turn.

The first court date that you will be assigned will be on a "Rule Day." On Rule Days, the court allows 30 minutes per case, with 15 minutes given to each side. If you cannot prove your case in that time, the court *may* schedule another trial date where you will have more time.

(PETITIONER)

NO: _____ DIV. _____

VERSUS

40TH JUDICIAL DISTRICT COURT

ST. JOHN THE BAPTIST PARISH

(DEFENDANT)

STATE OF LOUISIANA

RULE TO MODIFY CHILD SUPPORT

NOW INTO COURT comes _____, who moves this Court for a modification in child support for the following reasons:

1.

There is currently a court order in place for the support of the minor child(ren) that was rendered on _____ in a suit entitled _____ v. _____, bearing the docket number _____, filed in the _____ Court in _____.

2.

The above mentioned judgment ordered _____ to pay child support in the amount of \$ _____ to _____ for the support of the following minor children:

_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)
_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)

3.

Mover is entitled to a modification of the existing child support order because the following material changes in circumstance have occurred since the time that the previous order was set: _____

_____.

4.

(please select one of the following)

_____ The State of Louisiana is not currently involved in the collection and/or providing other services for child support in this case.

_____ The State of Louisiana is currently involved in the collection and/or providing other services for child support in this case, and will be served as a necessary party to this modification.

WHEREFORE Mover prays that the Respondent be ordered to appear and show cause on a date and time fixed by this Court why the existing child support obligation in this case should not be modified.

Respectfully submitted,

(SIGNATURE)

(PRINTED FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)

ORDER

Considering the above and foregoing Rule to Modify Child Support:

IT IS ORDERED that the Respondent show cause on the ____ day of _____, 20__ at ____ o'clock a.m. why the child support obligation in the above captioned matter should not be modified according to the request of the mover.

THUS RENDERED AND SIGNED on this ____ day of _____, 20__, in St. John the Baptist Parish, Louisiana.

JUDGE, 40th Judicial District Court

PLEASE SERVE:

_____ RESPONDENT

(RESPONDENT'S FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)

_____ STATE OF LOUISIANA
Through the Department of Children & Family Services
627 North Fourth Street
Baton Rouge, Louisiana 70802

(PETITIONER)

NO: _____ DIV. _____

VERSUS

40TH JUDICIAL DISTRICT COURT

ST. JOHN THE BAPTIST PARISH

(DEFENDANT)

STATE OF LOUISIANA

VERIFICATION

STATE OF LOUISIANA
PARISH OF _____

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in this state and parish, personally appeared:

PETITIONER'S NAME

who after being duly sworn, did depose and state that he/she is the Petitioner in the above and foregoing numbered and entitled cause, that he/she has read the same, and that all of the allegations contained therein are true and correct to the best of his/her knowledge, information, and belief.

PETITIONER SIGNATURE

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20____, at _____, Louisiana.

NOTARY PUBLIC