



OKLAHOMA DEPARTMENT OF HUMAN SERVICES
OKLAHOMA CHILD SUPPORT SERVICES
TULSA WEST CHILD SUPPORT

440 South Houston, Suite 401
Tulsa, Oklahoma 74127-8927
Customer Assistance: 1-800-522-2922
FAX 918-581-2945
www.okdhs.org



RE: Pro Se Motion to Modify Existing Judgment Payment

OK-JVD: _____

Dear _____:

We have received your request to modify your existing judgment payment. You are welcome to consult with private counsel, prepare your own motion, or use this packet.

Please note that because you complete and file this motion does not mean the court will rule in your favor. The court will make that decision after hearing testimony from both parties.

If you decide to use the enclosed packet, please be aware that our staff **cannot assist you in filling it out**. You must do it on your own using the instructions provided. If you need additional help, you may want to consult with private counsel.

Sincerely,

TULSA WEST CHILD SUPPORT

Encls.

INSTRUCTIONS FOR MOTION TO MODIFY EXISTING COURT ORDERED JUDGMENT PAYMENT

General

You **must** have a Child Support Order from Tulsa County AND an open child support case with the Tulsa West Child Support Services Office. If you do not have an Order from Tulsa County or an open case with DHS, you must file your motion in the court that issued the Order to pay support, and these forms **will not** work.

If you would like to open a child support case with DHS, you may obtain an application online at www.okdhs.org.

The Administrative Court for the Tulsa West Child Support office is located on the fourth floor at 440 South Houston, Room 401-A, Tulsa, Oklahoma.

Instructions for filling out forms

Before you begin filling the forms out, you will need a copy of your last Order for child support. You will need to know how much you are ordered to pay monthly on your back child support, what your district court case number is and your DHS Family Group Number (FGN). Print neatly and use a pen with blue or black ink.

In the bottom right hand corner of each form in this packet, you will find the word "Form" and a number. The numbers will help you identify which forms you will need to fill out and file first. For example, the first form you need to fill out is Form 1. The instructions are provided in a checklist, so it may be helpful to check off each box as you complete that item.

FORM 1

Form 1 is the form that you will use to "ask" the court to modify your existing judgment payment. This is called a "Motion to Modify Existing Court Ordered Judgment Payment." Fill the motion out completely.

Look at your last Order for child support. Print the names on your Motion just as they appear on the Order, in the spaces marked "Plaintiff/Petitioner" and "Defendant/Respondent."

Print your District Court Case Number in the blank marked "Case No."

Leave the space marked "OAH No." blank. The Court will fill this in.

Print your FGN (Family Group Number) next to the blank marked "FGN:".

Print your name on the first line (above where it states "your name").

In paragraph number 1, check mother or father, whichever person was ordered to pay child support. Then fill in the name(s) of all children and their birthdates, covered by your request.

In paragraph number 2, check the reason you want the child support modified. There must be a "material and substantial change in circumstances" to ask the court to change the child support judgment payment.

Print your name in the blank of the sentence that begins "**WHEREFORE.**"

SIGN where it calls for "*your signature*" and then print your name and address and phone number on the lines beneath the signature line.

On the lines below "**VERIFICATION**" you will need to put in the date and place where you signed the form (for example, Tulsa, Oklahoma), and then sign the verification.

**THE VERIFICATION IS A LEGALLY BINDING STATEMENT THAT THE
CONTENTS OF THE MOTION YOU HAVE SIGNED ARE TRUE AND CORRECT.
IT IS SIGNED UNDER PENALTY OF PERJURY.**

***YOU HAVE COMPLETED THE MOTION TO MODIFY
EXISTING COURT ORDERED JUDGMENT PAYMENT.
YOU ARE NOW READY TO GO TO FORM 2.***

FORM 2

Form 2 is the "Order for Hearing." This is the form the judge will use to set your hearing date. You will only need to fill in a few blanks on Form 2 before you file your papers.

Print the names, the FGN number, and the District Court Case Number in the blanks marked "Plaintiff," "Defendant," "FGN", and "Case No." Leave the space marked "OAH No." blank, as you did in Form 1.

**DO NOT FILL IN ANY OF THE BLANKS WHICH STATE THE DAY AND TIME OF
THE HEARING. THE COURT WILL FILL THESE IN.**

After the words "Prepared by" at the bottom of Form 2, print your name, address and phone number on the lines provided.

Fill in the section marked "Certificate of Service." This lets the Court know how you will serve the other party. You may need to read the section on "Filing Your Papers" before you complete the certificate. Once you decide how you will serve the other party, put a check next to it on the section marked "Certificate of Service."

Sign your name on the signature line.

***YOU HAVE NOW COMPLETED THE ORDER FOR HEARING.
THE NEXT STEP IS TO FILE THE PAPERS YOU HAVE JUST COMPLETED.***

FILING YOUR PAPERS

Your next step is filing the papers with the Administrative Court. This will get you a court date. Next, you will notify the other person of the hearing date. The instructions for doing this are below.

BEFORE YOU FILE YOUR MOTION, YOU WILL NEED TO MAKE COPIES. YOU WILL ALSO NEED MONEY TO COVER THE COST OF SERVING THE OTHER PARTY WITH YOUR MOTION AND THE ORDER SETTING THE HEARING. THE DIFFERENT COSTS AND OPTIONS ARE COVERED BELOW.

BEFORE FILING YOU NEED TO:

Make copies. After Forms 1 and 2 are filled out, you will need to make copies as follows:

3 copies of your signed Motion (Form 1).

3 copies of the Order for Hearing (Form 2). It is okay to have blanks; you can fill them in on your copies later.

DO NOT make copies of Form 3 yet – just put it in a safe place for now.

Next – take your forms to the Tulsa West office at 440 South Houston, 4th floor, Tulsa.

You will only need your original **Motion** (Form 1), and your original **Order for Hearing** (Form 2), and your copies. DO NOT bring Form 3, the Order Modifying Child Support.

Leave your forms and copies with the receptionist.

The next time the Court is in session, the judge's clerk will file the motion and the Judge will set your motion for hearing. This part of the paperwork process may take approximately 30 days. Your paperwork will then be given to the receptionist for you to pick up. **PLEASE DO NOT CALL** to see if your paperwork is ready. A STAFF MEMBER WILL CALL YOU WHEN A DATE HAS BEEN SET.

WAIT 30 days then return to the Tulsa West office and ask the receptionist if your paperwork is ready, if you have not received a call. If it is, the receptionist will give it to you. If they are not ready, you will need to come back another time. **PLEASE DO NOT ASK THE RECEPTIONIST WHEN YOUR PAPERS WILL BE READY – ONLY THE JUDGE HAS CONTROL OVER THAT.**

***YOU HAVE FILED YOUR MOTION AND HAVE A HEARING DATE.
NOW YOU MUST "SERVE" THE OTHER PARTY
WITH THE MOTION AND THE HEARING DATE.***

SERVICE OF YOUR MOTION AND HEARING DATE

Before the Judge can hear your Motion, you must have proof that the other party has been notified of the Motion and the hearing. This is called "service." You can "serve" the other party in a number of ways. You can send the papers by Certified Mail, Return Receipt Requested (this

is the least expensive way); you can have a private process server serve them; or you can have the Sheriff's office serve them. Each method and its approximate cost are described below.

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

If you choose to serve the other party by certified mail, you must request a Return Receipt (a green card that the person signs when they receive the papers). Follow these steps:

Insert one file-stamped copy of the Motion and one file-stamped copy of the Order for Hearing in an envelope and take it to your local post office.

Tell the mail clerk you need to send the letter by certified mail, **restricted delivery, return receipt requested**. You **must** restrict delivery to the person you want to serve. This means the person to whom the papers are addressed must sign the return receipt.

The clerk will direct you to the materials you need to fill out.

Pay the clerk for the postage and costs of certified mail. At the present time (January 2005), these costs are \$7.92 for a one-ounce mailing.

Wait to receive the green card (return receipt) in your mail. **** If you do not get the card back within one (1) week of the court date, you will have to try one of the other methods of service.** You may also receive the entire packet back in the mail if the other party does not "claim" the mail or refuses to sign for it. If the mail is "unclaimed," you will have to serve the other party by one of the other methods. Also, if someone other than the other party has signed the green card, there is no service and you will have to try another method.

When you get the green card back, signed by the person to whom the envelope was addressed, keep it in a safe place until the court hearing. You will need to give it to the Judge at the hearing. This is the "proof of service."

SERVICE BY PRIVATE PROCESS SERVER

Choose the person you would like to use. There are a number of persons to choose from under "Process Servers" in the yellow pages. Be sure to find out what their charges are!

Write down information the Process Server may need to serve your papers, such as the party's address; their description (be sure to note any special features, like sideburns, moustache, goatee, tattoos, etc.); what kind of car they drive; and where they work.

Deliver the papers and your additional information to the Process Server and pay the Process Server. The rates charged by private process servers will vary.

Make sure the Process Server will provide you with a "return of service," and that the process server knows it must be returned to **YOU**. You must have your return of service with you on your court date!

SERVICE BY COUNTY SHERIFF'S OFFICE

Prepare a self-addressed, stamped envelope -- addressed to yourself.

Write down information that the Sheriff's deputy may need to serve your papers, such as the party's address; their description (be sure to note any special features, like sideburns, moustache, goatee, tattoos, etc.); what kind of car they drive; and where they work, or even hang out. **Make sure to include on the note that you want the "return of service" mailed to you in the envelope you are providing.**

Take the envelope and two copies of your motion and Order to the Tulsa County Sheriff's Office, 500 South Denver, in downtown Tulsa.

You will need a money order or personal check for \$50.00.

Tell the Sheriff's Office you want personal service and you would like the "return of service" mailed to you in the envelope you are providing. **YOU** must have the return of service with you on your court date.

***YOU HAVE NOW NOTIFIED THE OTHER PARTY
OF THE MOTION AND THE HEARING.***

***NOW YOU MUST ATTEND THE HEARING AND
GET AN ORDER (Form 3) FROM THE JUDGE.***

FORM 3

BEFORE THE DATE OF YOUR HEARING, FILL IN Form 3, "ORDER MODIFYING COURT ORDERED JUDGMENT PAYMENT."

Form 3 is the "Order Modifying Court Ordered Judgment Payment." This is the form that the Judge will sign when a decision is made on your Motion. You will only need to fill in a few blanks on this form before you go to your hearing. **YOU WILL NEED TO BRING THIS FORM WITH YOU TO THE HEARING.**

Print the names, FGN number, and District Court Case Number in the blanks marked "Plaintiff," "Defendant," "FGN", and "Case No." (just like you did in Forms 1 & 2). Look at a copy of your file-stamped Motion to see the "OAH" number assigned to your case. Fill in the OAH number on Form 3 as it is written on your file-stamped Motion.

On page 2, in paragraph number 1, check either mother or father, whoever was ordered to pay child support. Fill in the date of the order in the first blank and the existing judgment payment that was ordered in the second blank. **DO NOT FILL IN ANY OTHER BLANKS. GO TO THE BOTTOM OF FORM 3: after the words "Prepared By," print your name, address and telephone number.**

AT THE HEARING

Bring with you to the hearing:

Original Order (Form 3)

Your copy of the Motion.

Your copy of the Order for Hearing.

A copy of the last Order for Child Support that you are modifying.

If you served your papers by certified mail, you will need the green card to show the Judge that you have service on the other party.

If you served your papers by private process server or by the Sheriff's Office, you will need to have your "Return of Service" with you to give to the Judge.

Proof of income (W-2s or payroll stubs) or letter from Social Security if you are disabled.

Income tax returns for past 3 years.

WHAT HAPPENS AT THE COURT DATE

1. Be early and dress appropriately for a courtroom setting.
2. **DO NOT** bring your children.
3. You will meet with a Child Support Specialist to negotiate a settlement. If no settlement can be reached, your case will go before the Judge. It may not be on the same day.
4. The Judge will review your Motion.
5. The Judge will put you under oath and ask you to explain your Motion. You will need to tell the Judge why you think the existing court ordered judgment payment should be modified. You **MUST** bring proof of income or letters from Social Security if you are disabled.
6. The Judge will put the other party under oath and let them tell their side.
7. Once the Judge is satisfied he has heard all the evidence, he will make a decision.
8. The State's Attorney or a representative from the child support office, will review your Order, and sign it. The other party will also sign (if present).
9. Give the Judge the Order to sign.
10. The Judge will give the signed Order to his clerk who will file it and make copies for you and the child support office. Your copies can either be mailed to you, or you may wait until they are ready.

**OFFICE OF ADMINISTRATIVE HEARINGS: CHILD SUPPORT
DEPARTMENT OF HUMAN SERVICES
STATE OF OKLAHOMA**

Petitioner/Plaintiff,	)	Case No. _____
	)	<i>(District Court Case Number)</i>
)	
	)	OAH No. _____ -72
	)	<i>(to be filled in by Court)</i>
)	
Respondent/Defendant	)	OK IV-D No. _____ TUW
	)	<i>(FGN)</i>

MOTION TO MODIFY CHILD SUPPORT JUDGMENT PAYMENT

_____, shows the Court:
(your name)

1. The () mother or () father of the minor child(ren) in the above action was ordered on _____ to pay \$ _____ per month as the judgment payment for child support arrears.

2. That since that order was entered there has been a substantial and material change in circumstances as follows:

- () The father's income has changed;
 - () The mother's income has changed;
 - () The living arrangements of the child(ren) have changed;
 - () Other: _____
- _____
- _____

WHEREFORE, _____ prays that this Court modify the
(your name)
existing court ordered judgment payment to \$ _____ per month and for such other relief as the Court deems just and equitable.

(your signature)

(printed name)

(address)

(address)

(phone)

VERIFICATION

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

(date and place)

(your signature)

**OFFICE OF ADMINISTRATIVE HEARINGS: CHILD SUPPORT
DEPARTMENT OF HUMAN SERVICES
STATE OF OKLAHOMA**

Petitioner/Plaintiff,	)	Case No. _____
	)	<i>(District Court Case Number)</i>
)	
	)	OAH No. _____-72
	)	<i>(to be filled in by Court)</i>
)	
Respondent/Defendant	)	OK IV-D No. _____ TUV
	)	<i>(FGN)</i>

**ORDER FOR HEARING ON MOTION TO MODIFY
CHILD SUPPORT JUDGMENT PAYMENT**

NOW on _____, 20____, the Court sets the Motion to Modify Child Support Judgment Payment filed by _____ for hearing
before the Administrative Law Judge on _____, 20____, at
_____ o'clock ____ m. in the Tulsa West Child Support office, 440 South Houston, Suite 401,
Tulsa, Oklahoma 74127.

ALL PARTIES ARE ORDERED TO BRING current check stubs; any evidence of a disability; copies of W-2 and 1099 forms and income tax returns for the last three years; health insurance costs for children, if available; and proof of any daycare costs, if applicable.

**IF ENGLISH IS NOT YOUR FIRST LANGUAGE,
PLEASE BRING AN INTERPRETER WITH YOU TO THE HEARING**

Administrative Law Judge

Prepared by:

_____, Pro se
(your name)

(address)

(City/State)

(phone)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion and an Order for Hearing on the Motion was served on all parties by:

- ☐ Certified Mail, restricted delivery, return receipt requested, sent post prepaid
- ☐ Sheriff's office
- ☐ Private Process Server

(your signature)

**OFFICE OF ADMINISTRATIVE HEARINGS: CHILD SUPPORT
DEPARTMENT OF HUMAN SERVICES
STATE OF OKLAHOMA**

Petitioner/Plaintiff,	)	Case No. _____
	)	<i>(District Court Case Number)</i>
)	
	)	OAH No. _____ -72
)	
Respondent/Defendant	)	OK IV-D No. _____ TUW
		<i>(FGN)</i>

ORDER MODIFYING JUDGMENT PAYMENT

NOW on _____, 20____, the Motion to Modify Child Support Judgment Payment filed by _____, came on for hearing before
(your name)
the Court. The Oklahoma Department of Human Services Child Support Services Division, appears through its attorney or representative.

The obligor appears:

_____ in person, pro se.
_____ in person, with counsel _____.
_____ not.
_____ not, being in default.
_____ not, having previously signed this order.
_____ not, represented by counsel _____.
_____ telephonically.
_____ other: _____.

The custodian appears:

_____ in person, with counsel _____.
_____ not.
_____ not, being in default.
_____ not, having previously signed this order.
_____ not, represented by counsel _____.
_____ telephonically.
_____ other: _____.

Other persons appearing: _____

The Court, having examined the files and pleadings in this case and having heard the oral statements of counsel and parties and considered the evidence, and being fully advised in the premises, makes the following findings of fact and conclusions of law, and enters the following orders:

(Petitioner/Plaintiff signature)

(Respondent/Defendant signature)

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above Order Modifying Judgment Payment was:

_____ deposited in the U.S. Mail with postage thereon fully prepaid on _____, 20____, and addressed to:

_____ hand delivered on _____, 20____ to the following persons:

- () custodial parent/obligee
- () attorney for custodial parent
- () non-custodial parent/obligor
- () attorney for non-custodial parent

(signature)

Prepared by:

_____, Pro se
(your name)

(address)

(address)

(phone)