

INFORMATION REGARDING CHILD SUPPORT MODIFICATIONS

K.S.A. 23-3005 provides the court may modify or change any prior order within three years of the date of the original order or a modification order, when a material change in circumstances is shown. If more than three years has passed since the date of the original order or modification order, a material change in circumstance need not be shown. Below is an excerpt from the Kansas Child Support Guidelines reflecting what constitutes a material change of circumstance. If you feel you may have a material change in circumstance, or when it has been more than three years since the entry of your original order or modification order, you may contact the District Court Trustee Office or your attorney to request a child support review.

Kansas Child Support Guidelines

V. CHANGE OF CIRCUMSTANCES

- V.A. Courts have continuing jurisdiction to modify child support orders to advance the welfare of the child when there is a material change of circumstances.
- V.B. In addition to changes of circumstances which have traditionally been considered by courts, any of the following constitute a material change of circumstances to warrant judicial review of existing support orders:

V.B.1. 10% Rule

Change of financial circumstances of the parents or the guidelines which would increase or decrease by 10% the amount shown on Line F.3 of the worksheet, except that the income from a second job taken by the parent not having primary residency shall not alone be considered a material change of circumstances to warrant a modification of the parent's child support obligation. Income from bonuses not shown to be regularly paid by the employer shall not be considered a material change of circumstances to warrant a modification of the parent's child support obligation.

An increase in the gross income of the parent having primary residency is not a material change of circumstances for the purpose of increasing the child support obligation.

A parent shall notify the other parent of any change of financial circumstances including, but not necessarily limited to, income, work-related child care costs, and health insurance premiums which, if changed, could constitute a material change of circumstances.

V.B.2. Duty to Notify

In the event of a failure to disclose a material change of circumstances, such as the understatement, overstatement, or concealment of financial

information, as a result of such breach of duty, the court may determine the dollar value of a party's failure to disclose, and assess the amount in the form of a credit on the Line F.3 child support amount or an amount in addition to Line F.3 child support amount for a determinate amount of time. The court may also adopt other sanctions.

Upon receipt of written request for financial information, a parent shall have thirty days within which to provide the requested information in writing to the other parent. Refusal to provide the requested information may make the non-complying parent responsible for the costs and expenses, including attorney fees, incurred in obtaining the requested information.

V.B.3. Age Change

The child is in a higher age group as a result of having passed the child's 6th or 12th birthday, or because the child's ages place them in the higher age group as a result in the change in the guidelines.

V.B.4. Court Ordered Emancipation or as provided by Kansas Statute.

V.B.5. Incarceration or Termination from Employment

Termination from employment for incarceration shall not constitute a material change of circumstances that justifies a reduction in child support. Termination from Employment for Misconduct: Termination from employment for misconduct will not ordinarily constitute a material change of circumstances that justifies a reduction in child support.

V.B.6. Failure to Comply

Failure to comply with the terms of a positive or negative adjustment to the basic parental child support obligation awarded by the court, such as failure to exercise parenting time or non-utilization of a special needs allocation for private schooling, would constitute a change in circumstance.

The complete Kansas Child Support Guidelines (effective September 1, 2016) can be found at <http://www.kscourts.org/kansas-courts/supreme-court/administrative-orders/Admin-order-287.pdf>