

INSTRUCTIONS FOR REQUESTING THAT CHILD SUPPORT CONTINUE WHILE A CHILD IS 18

If you have a child support order which states that child support ends when a child reaches age 18, you can ask the court for another order which requires that the support continue while the child is 18 and is (1) unmarried, (2) actively pursuing a high school diploma or an equivalent level of technical or vocational training, and (3) living as a dependent with you or your designee.

You may use the following court forms to do this:

DR-320, Motion To Modify Child Support Order To Continue Support For 18-Year-Old
DR-321, Notice of Motion (Civil Rule 5(g)) And Response To Motion
DR-322, Order Re Motion To Continue Support For 18-Year-Old

It is important to file your motion before the child turns 18, if possible. Otherwise, there may be a gap in support payments between the date the child turns 18 and the date the new order becomes effective.

Step 1: Fill Out Forms

Please type or print clearly and use black ink. Press hard so your printing will show through on all copies of each form.

See the top of the first page of your child support order for how to fill in the top of each of these forms. Be sure to fill in the entire case number, including the letters at the beginning and at the end.

1. DR-320, Motion

Fill out the entire form, both the Motion section and the Affidavit section. In the first paragraph of the Motion section, fill in the name and date of birth of the child who is 18 or about to be 18. In the last paragraph of the Motion, fill in the names of any other children named in your child support order who are not yet 18.

You must be sure every statement in the Affidavit section is true because you will be swearing to it under oath. If anything in the preprinted paragraph is not correct (for example, where the child is currently living), cross it out and write in the correct information.

Your Affidavit must be sworn to (or affirmed) before a notary public, so do not sign it or date it until you are in the presence of a notary. (See Step 2 on the next page.) Note: A court clerk can notarize the Affidavit for you.

2. DR-321, Notice of Motion

Fill out the top half of the form. Do not fill in the Response section. You will need the court's mailing address to fill in the line in the first paragraph. If you do not have it, you can call the court to get it.

3. DR-322, Order

Fill out only the top of the form (the court location, the box for the names of the parties and the case number). The judge will complete the rest of the Order.

Step 2: Get Affidavit Notarized

Take your unsigned Affidavit (form DR-320) to a notary public or court clerk. Sign and swear to (or affirm) the truth of the contents of the affidavit in front of the notary or clerk. The notary/clerk will then fill out the notarization section on the form.

Step 3: Mail Motion and Notice To Obligor

1. Fill in and sign the Certificate of Service in the box at the bottom of the Motion (DR-320) and the box near the middle of the Notice of Motion form (DR-321).
2. Mail the following to the obligor by first class mail:
 - a. a copy of the Motion (DR-320), and
 - b. a copy of the Notice of Motion (DR-321).
3. If the obligor has been represented by an attorney in this case within the past year, you must also mail a copy of the Motion and the Notice to that attorney.

Step 4: File Forms With The Court

File the following with the court:

1. the original Motion (DR-320)
2. the original Notice of Motion (DR-321)
3. the original and all copies of the Order (DR-322)

There is no filing fee for this. You should keep a copy of the Motion and the Notice.

Step 5: Reply

If the obligor files a response with the court, the obligor must also send you a copy. You can then file a "Reply." There is no special court form provided for this. You can prepare your own form by following the format of the Motion form, except change the title to "Reply To Obligor's Response" and in the body of the form explain why you disagree with the obligor. Then sign and date it. You do not need to include an affidavit section and your signature on the Reply does not have to be notarized. You do, however, have to include a "Certificate of Service" section like the one at the bottom of the Motion. Your Reply must be filed with the court within 8 days after the date the obligor's response was mailed to you (or within 5 working days if it was hand delivered). You must also mail a copy of your Reply to the obligor and his/her attorney (if any).

Step 6: Judge Rules on Motion

The court will wait for 13 days after you mailed the papers to the obligor to see if the obligor files a response. If there is a response, the court will then wait for your reply. The court will then consider your motion, any response filed by the obligor and any reply filed by you. The court will notify you of the judge's decision on your Motion by sending you a copy of the Order.