

Social Security Disability / SSI Benefits and Your Child Support Order

When you are approved for Social Security Disability benefits or SSI, you should have your child support order reviewed. Your order may go down because of your new income.

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How can my new Social Security Disability or SSI benefits change my child support order?

Your new benefits can change your child support order in two ways:

1. Your income is probably lower now than when you were working. Your child support order is based, in part, on your income. If you have less income, your child support order should go down.
2. If you get Social Security Disability benefits, your children may receive benefits from your account. Any benefits that your children receive from your account will be credited towards your child support order and lower the amount you are ordered to pay. (Your children can not receive benefits from your account if you are only receiving SSI.)

Social Security does NOT tell Child Support Services if you or your children get benefits. YOU must report the new benefits to Child Support Services.

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When should I ask for a change in my child support?

You should ask for a modification AS SOON AS POSSIBLE after you receive your award letter. It will take several months to get your order changed, so start the process immediately. Changes in your child support order will only happen after you request a change.

If you are already receiving Social Security Disability or SSI benefits, and you have never asked for a child support modification, you should follow the steps to get your order changed AS SOON AS POSSIBLE.

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How do I get my child support order changed?

There are two ways to change your child support:

Through the Department of Job and Family Services

1. Call the Department of Job and Family Services in your county. Tell them “I want a modification of my child support order” (that means you want your order changed). You will be connected to a Child Support Services (CSS) caseworker who will help you.
2. CSS will send you a packet of forms that you must fill out and return. You will need to provide proof of your benefits (a copy of your award letter is good). Send the packet back to CSS as soon as possible.
3. It will probably take at least two months before your order is changed. You will receive a letter in the mail telling you the amount of your new order. Your child’s other parent has the right to ask the court to review the situation before the new order goes into effect.

Through court

Go to the court that made your child support order (Juvenile Court or Domestic Relations Court).

Tell the clerk you want to “file a motion to reduce support.” You will be given forms to fill out and a hearing will be scheduled. Tell the clerk if you can not afford the filing fee. You may hire a lawyer to represent you in court.

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Do I have to keep paying my child support after I file for a change?

Yes. You should pay as much as you can each month until the change is approved. If you do not pay, you may be found to be in contempt of court.

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What if I do not get my child support order changed?

- You will not get any credit for the Social Security benefits that your children are collecting from your account.
- You continue to owe the entire amount of your current child support order each month.
- You also owe all of the payments that you may have missed of your current support order.

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How can my children get benefits from my Social Security account?

If you get Social Security Disability benefits, your children may receive benefits from your account. The amount of money that they get is based on the amount of your benefit. If you get SSI, your children can not receive benefits from your account.

Go to the Social Security office and fill out an application for benefits for your children.

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Do I have to have custody of my children for them to get Social Security benefits from my account?

No! You can (and should) file for these benefits even if you do not have custody of your children.