

STATE OF VERMONT

SUPERIOR COURT

FAMILY DIVISION

Unit

Docket No.

Empty box for case information

Plaintiff Name, DOB, V., Defendant Name, DOB

Other Party Name: (two columns)

INTERIM TEMPORARY FINAL DEFAULT CHILD SUPPORT ORDER Establishment Modification Enforcement Contempt Amended

PLAINTIFF Obligor/Obligee PLAINTIFF'S EMPLOYER or Source of Funds Name Mailing Address City State Zip Code Phone Number Social Security Number Email Address

DEFENDANT Obligor/Obligee DEFENDANT'S EMPLOYER or Source of Funds Name Mailing Address City State Zip Code Phone Number Social Security Number Email Address

CHILDREN WHO ARE SUBJECT OF THIS ORDER First Name Last Name Date of Birth Grade Social Security Number

I. CURRENT CHILD SUPPORT

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This is the result of a child support worksheet which is attached and incorporated as findings in this order and includes information on other child support related costs, such as child care, extraordinary medical and/or educational expenses.

A. Child Support: Obligor shall pay child support as follows:

Beginning _____ \$ _____ Per _____

B. Child Support Maintenance Supplement: Obligor shall pay maintenance supplement as follows:

Beginning _____ \$ _____ Per _____

C. Spousal Maintenance: Obligor shall pay spousal maintenance as follows:

Beginning _____ \$ _____ Per _____

II. MEDICAL SUPPORT

This is the result of a medical support worksheet which is attached and incorporated as findings in this order.

Neither party has private health insurance available to them.

Medical support is addressed in the Child Support Order filed _____ and has not been modified by this order.

A. The parties are ordered to pay medical support as follows:

Child(ren) are presently covered by state or federally provided health insurance in Mother's Father's household. This health insurance coverage shall be maintained for the child(ren) for so long as the child(ren) remain eligible for current coverage.

The Obligor Obligee is ORDERED to provide and maintain private health insurance for the minor child(ren) as long as the cost of health insurance is deemed reasonable.

Private health insurance is currently unavailable to either party. The obligor shall pay a cash contribution toward the cost of health coverage as follows:

Beginning _____ \$ _____ Per _____

Private health insurance is currently unavailable to either parent at a reasonable cost. If private health insurance becomes available to either parent at a reasonable cost, that parent shall be responsible for providing and maintaining health insurance for the minor child(ren). Either parent may request a hearing to determine whether the cost of health insurance is reasonable.

B. Current Medical Support Coverage

Health insurance:

Policy or Certificate Number: _____

Name of Subscriber: _____

Relationship to Child(ren): _____

Plan Name: _____

Plan Address: _____

Subscriber ID Number: _____

C. Child(ren)'s Out of Pocket Medical Expenses

Medical or other health expenses that are unreimbursed by insurance (including but not limited to expenses for eye, dental, mental health, health plan deductible) shall be shared as follows:

1) Obligee is solely responsible for the first \$200 annually of the children's out of pocket health expenses.

2) The parties shall share unreimbursed expenses as follows:

Obligor _____% Obligee _____%

3) Additional Provisions: _____

A. Arrears Owed to the Oblige

Obligor shall pay the Oblige as follows:

Beginning _____ \$ _____ Per _____ on a Judgment amount of \$ _____ as of _____

The judgment consists of the following past due amounts:

Past Due Support:	\$ _____	Surcharge:	\$ _____
Service Fees:	\$ _____	Civil Penalty:	\$ _____
Attorney Fees:	\$ _____	Medical Expense:	\$ _____
Cash Contribution towards Medical:			\$ _____
Other: _____		Amount of Other:	\$ _____

B. Arrears Owed to Office of Child Support

Obligor shall pay the Office of Child support as follows:

Beginning _____ \$ _____ Per _____ on a Judgment amount of \$ _____ as of _____

The judgment consists of the following past due amounts:

Child Support:	\$ _____	Service Fees:	\$ _____
Civil Penalty:	\$ _____		
Cash Contribution towards Medical:			\$ _____
Other: _____		Amount of Other:	\$ _____

C. Arrears Owed to Another Person or Agency

Obligor shall pay to _____ as follows:

Beginning _____ \$ _____ Per _____ on a Judgment amount of \$ _____ as of _____

The judgment consists of the following past due amounts:

Past due Support:	\$ _____		
Other: _____		Amount of Other:	\$ _____

D. Surcharge or Interest

Surcharge or interest accrues on the unpaid balance of support at the rate of .5% per month or 6% per year from 1/1/12 forward until the support arrears are paid in full - even if the Obligor is making monthly arrears payments in conformity with this order. 15 V.S.A. § 606. Surcharge prior to 1/1/12 accrued at the rate of 1% per month.

E. Arrears owed to the Oblige shall be paid first unless the Oblige is a recipient of federal public assistance benefits.

F. Additional Arrears Provisions:

IV. METHOD OF PAYMENT

Docket No.

A. WAGE WITHHOLDING ORDER

Any employer of the Obligor shall deduct the following sum from the Obligor's wages:

Beginning _____ \$ _____ Per _____

This deducted amount shall be paid directly to:

OFFICE OF CHILD SUPPORT, PO BOX 1310, WILLISTON, VT 05495.

(NOTE: This provision of this order is subject to the limits on withholding contained in 15 U.S.C. § 1673(b) and § 303(b) of the Consumer Credit Protection Act.)

At any time if the child support obligation is not being paid through wage withholding, the responsible parent shall send the payments to the Office of Child Support or Obligee.

(NOTE: Any direct payments made by the Obligor to the Obligee will not be reflected in OCS records unless OCS receives written notification of the direct payment.)

B. DIRECT PAYMENT

Based Upon Stipulation of the parties Evidence presented at hearing.

Obligor shall make payments directly to the Office of Child Support as follows:

Beginning _____ \$ _____ Per _____

This amount shall be paid directly to: **OFFICE OF CHILD SUPPORT, PO BOX 1310, WILLISTON, VT 05495.**

Obligor shall make payments directly to the Obligee as follows:

Beginning _____ \$ _____ Per _____

(NOTE: If the court finds, after a hearing on a petition, that any support payment has been late by 7 days or more, the court may issue a wage withholding order, pursuant to 15 V.S.A. § 782.)

C. CHANGE OF ADDRESS

Each party shall notify the **Office of Child Support, Support Registry, 280 State Drive, Waterbury, VT 05671-1060** within 7 days of a change in address, employment or health insurance carrier. The notification requirement applies until all obligations to pay support arrearages or orders to provide for visitation are satisfied. You may contact OCS via email at: OCSCSU@vermont.gov or by calling **1 (800) 786-3214**.

V. TYPE OF HEARING, DEFAULT OR STIPULATION

This order is entered: after default hearing (when one or more parties fail to appear)

after hearing (when parties are/or their attorneys are present)

upon approval of the parties (stipulation filed)

pursuant to 15 V.S.A. §660(d)

Parties Present: Obligor Obligor's Attorney Obligee Obligee's Attorney

OCS Other _____

Obligor was not present, but

received notice by personal service on _____

received notice by certified mail restricted delivery on _____

signed an Acceptance of Service on _____

other _____

Obligee was not present but

received notice by personal service on _____

received notice by certified mail restricted delivery on _____

signed an Acceptance of Service on _____

other _____

IX. DURATION OF CHILD SUPPORT

Docket No.

- A. This order shall remain in effect unless and until it is changed or discontinued by further order of the Court or by operation of law pursuant to the law of the issuing state of
- B. If Vermont is the issuing state, an Obligor's support obligation will continue beyond a child's eighteenth birthday if the child is enrolled in, but has not completed high school, unless otherwise specified.
- C. If wage withholding is ordered and an arrearage exists when the support obligation terminates, the current monthly payment and any arrearage repayment amount shall not be reduced until the arrears due is satisfied.

The above is stipulated to by the parties:

Signature of Obligor	Date	Signature of Oblige	Date
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Approved as to Form

Signature of Obligor's Attorney	Date	Signature of Oblige's Attorney	Date
Signature of OCS Representative			Date

It is so ORDERED

Signature of Magistrate or Superior Court Judge	Date
Printed Name of Magistrate or Superior Court Judge	

Assistant Judge	Date	Assistant Judge	Date
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ACCEPTANCE OF SERVICE

I have received a copy of this order and I waive all other service.

Obligor	Date	Obligee	Date
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NOTICE OF RIGHT TO APPEAL

An order signed by a Magistrate or Presiding Judge may be appealed by filing a Notice of Appeal with the Clerk of the Family Division within 30 days of the filing of this order.

A. THIS IS A COURT ORDER

All parties are expected to comply with all terms of this order. The address provided to the court shall remain the same for service of future actions and/or orders unless a parent notifies the court of a change.

B. A PARTY HAS THE RIGHT TO SEEK MODIFICATION OF THE ORDER BY FILING AN ACTION IN COURT

A parent or any other person to whom support has been granted, or any person charged with support, may file a motion for modification of a child support order under 15 V.S.A. § 660. **A modification may be granted upon a real, substantial, and unanticipated change of circumstances**, including loss of employment or a considerable reduction or increase in salary or wages. An obligor is responsible for any required payments set forth in an order unless the order is vacated or modified by a court. Thus, any subsequent agreement between the parties that differs from the order is not legally binding, and the obligor is still legally required to pay the amount ordered by the court. (15 V.S.A. § 663 (e)). If an older sibling turns 18 and has completed secondary school, a parent must file a motion with the court to modify child support if s/he wants to change the amount of support for any remaining minor children.

C. A PARTY HAS THE RIGHT TO SEEK ENFORCEMENT OF THE ORDER BY FILING AN ACTION IN COURT

1. A party may place liens on real or personal property.
2. A party may request the court to place assets in escrow, grant a civil penalty when noncompliance of the support is willful, order wage withholding if the support amount is at least 7 days delinquent, find the Obligor in Contempt if there is willful noncompliance with this order, impose surcharge on past due child support, and suspend any and all licenses owned by obligor including professional, hunting, fishing and/or driver's licenses.

D. IN ADDITION TO THE REMEDIES LISTED ABOVE

A party has the right to request assistance from the Vermont Office of Child Support in the effort to enforce this order. If the Office of Child Support is or becomes involved in this case (based either on a current or future request for their services or otherwise), the Office may take the following steps when appropriate:

1. Use any lawful collection remedies to collect any outstanding balance from the Obligor, regardless of any repayment plan on any unpaid debts.
2. Certify all qualifying child support debts to the Vermont Tax Department and/or the Federal Treasury Offset Program for the purpose of intercepting tax refunds and/or other payments (i.e., vendor payments) or for passport denial, etc.
3. Report an Obligor's account balance to consumer credit reporting agencies and/or request a copy of the report.
4. Administratively issue a wage withholding order for current support and/or arrearages in excess of 1/12 of the annual support obligation.
5. Freeze bank accounts and take the proceeds to satisfy past due support.
6. Administratively suspend any and all licenses owned by the Obligor. This may include, but is not limited to, professional, hunting, fishing, or motor vehicle driver's licenses.

E ADDITIONAL MEDICAL SUPPORT PROVISIONS

1. If employed, a parent under a medical support order shall notify his/her employer of such obligation, in writing, within 10 days of the date of this order.
2. If self-employed or unemployed, a parent under a medical support order shall notify his/her health care insurer of such obligation in writing within 10 days of the date of this order.
3. A parent is liable for any unreimbursed health care costs of the child(ren) that result from that parent's failure to give notice/obtain insurance as ordered above, which accrues between the date of this order and the date that the order is modified by the Court.
4. If a parent has health insurance through an entity other than his/her employer, that parent shall be responsible for maintaining that insurance and complying with any notice requirements under the policy in effect. Failure to do so will make the parent liable for paying any unreimbursed health care expenses that accrue between the date of this order and the date this order is modified by the Court.
5. If a parent pays a health expense of a child subject to this order and the other parent receives reimbursement from insurance for the expense, the reimbursement shall be sent to the parent who advanced payment, within 30 days of receipt. If the child(ren) also have Medicaid coverage, payment is to be sent to: Department of Health Access, 280 State Dr., Waterbury, VT 05671-1010, within 30 days.
6. The parties shall provide each other with copies of bills for health expenses and documentation of insurance determination within 30 days of receipt. The parent who maintains insurance shall also provide the other parent with a health insurance card, claim forms and a list of benefits and restrictions within 10 days of the date of this order.

HEALTH INSURANCE AVAILABILITY & COST WORKSHEET

1. Private health insurance is available to: Obligee Obligor Neither

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	Obligee	Obligor
Gross monthly income is	\$	\$
5% gross monthly income is	\$	\$
Total monthly family health insurance cost to employee	\$	\$
Total monthly two person cost to employee	\$	\$
Total monthly single person coverage to employee	\$	\$

2. Private health insurance is deemed reasonable for: Obligee Obligor because:

The cost of adding the child(ren) to an existing health insurance policy is 5% or less of a parent's gross income as calculated above for Obligee Obligor.

The cost of obtaining coverage for the child(ren) is 5% or less of a parent's gross income as calculated above for Obligee Obligor

the above referenced cost of health insurance is 5% or more of Obligee's Obligor's gross income and the court has considered the factors of 15 V.S.A. § 659.

Additional findings: _____

3. Although the cost of health insurance is 5% or less of a parent's gross income, the

Obligee Obligor **is not ordered** to provide health insurance for the following reasons:

