

STATE OF VERMONT

SUPERIOR COURT

FAMILY DIVISION

Unit

Case No. \_\_\_\_\_

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Plaintiff Name	DOB	V.	Defendant Name	DOB
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Other Party Name:	Other Party Name:
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INTERIM  TEMPORARY  FINAL  DEFAULT

**CHILD SUPPORT ORDER**

Establishment  Modification  Enforcement  Contempt  Amended

<b>PLAINTIFF</b> <input type="checkbox"/> Obligor (person who pays support) <input type="checkbox"/> Obligee (person who receives support)	<b>PLAINTIFF'S EMPLOYER or Source of Funds</b>
Name (First, Last)	Name
Mailing Address	Mailing Address
City State Zip Code	City State Zip Code
Phone Number	Phone Number
Social Security Number	Email Address

<b>DEFENDANT</b> <input type="checkbox"/> Obligor (person who pays support) <input type="checkbox"/> Obligee (person who receives support)	<b>DEFENDANT'S EMPLOYER or Source of Funds</b>
Name (First, Last)	Name
Mailing Address	Mailing Address
City State Zip Code	City State Zip Code
Phone Number	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

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 childcare, 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**

**A. Medical Support Provisions**

Select option A, B and/or C below.

- A) Medical support is addressed in the Child Support Order filed \_\_\_\_\_ and has not been modified by this order.
- B) Neither party has private health insurance available to them. Either or both parents shall provide private health insurance for a child if it becomes available at a reasonable cost. Either parent may request a hearing to determine whether the cost of health insurance is reasonable.
- C) Based on insurance availability,
  - the  Obligor  Obligee is ordered to maintain the state or federally provided health insurance so long as the child(ren) remains eligible for current coverage; or
  - 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.

The determination of health insurance availability is based upon:

- Medical support worksheet result (attached and incorporated as findings in this order);
- Stipulation of the parties;
- Determination or Order of the Court;
- Other (See Additional Findings)

If the insurance coverage is no longer available, either or both parties are ordered to provide private health insurance if it becomes available at a reasonable cost.

Either parent may request a hearing at any time to determine whether the cost of health insurance is reasonable.

Obligor is ordered to provide a cash contribution toward the cost of health coverage as follows:

Beginning \_\_\_\_\_ \$ \_\_\_\_\_ Per \_\_\_\_\_.

**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)  Oblige  is or  is not 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 \_\_\_\_\_% Oblige \_\_\_\_\_%
- 3)  Additional Provisions: \_\_\_\_\_

**III. ARREARS ON PAST DUE CHILD SUPPORT/REPAYMENT PROVISIONS** Case No. \_\_\_\_\_

**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.**



**IV. METHOD OF PAYMENT**

Case 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 with holding 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](mailto: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 \_\_\_\_\_

**FINDINGS AND BASIS OF ORDER**

**VI. PARENTAGE**

Parentage has been established as follows:

- The parties executed a Voluntary Acknowledgement of Parentage or Acknowledgment of Parentage, which was filed with the Vermont Department of Health and has not been rescinded or challenged, pursuant to 15C V.S.A. §304-309.  
List Child(ren) Name(s) \_\_\_\_\_
- There is a legal presumption for the child(ren):
  - The child(ren) was/were born or adopted during the marriage/civil union;  
List Child(ren) Name(s) \_\_\_\_\_
  - The child(ren) was/were born within 300 days of the date the marriage/civil union terminated, either by divorce, annulment or operation of law;  
List Child(ren) Name(s) \_\_\_\_\_
  - The parties married each other after the birth of the child(ren) they asserted parentage of the child, and agreed to be and are named as parents of the child(ren) on the birth certificate;  
List Child(ren) Name(s) \_\_\_\_\_
  - The parties resided in the same household with the child(ren) from the child(ren)'s birth through the first two years of their life, including temporary periods of absence, and both parties openly held out the child(ren) as the non-birth parent's child(ren).  
List Child(ren) Name(s) \_\_\_\_\_
- The parties are intended parents of the child(ren) pursuant to a gestational carrier agreement.  
List Child(ren) Name(s) \_\_\_\_\_
- A Parentage Order for the child(ren) was issued on \_\_\_\_\_ by \_\_\_\_\_
  - The Vermont Superior Court       Other: \_\_\_\_\_
  - List Child(ren) Name(s) \_\_\_\_\_

**VII. PARENTAL RESPONSIBILITIES**

- A. Physical responsibility for the child(ren) for the purpose of child support is:
  - Primarily with:       Obligee       Obligor
  - Split as follows:       Child(ren) with Obligor: \_\_\_\_\_
  - Child(ren) with Obligee: \_\_\_\_\_
  - Shared as follows:      \_\_\_\_\_% of time with Obligor
  - \_\_\_\_\_ % of time with Obligee
- B. Physical responsibility is based on:       a stipulation of the parties dated \_\_\_\_\_
- an Order of the Court dated \_\_\_\_\_
- C.  The following child(ren) is/are in the custody of others: \_\_\_\_\_
- D. Additional information: \_\_\_\_\_

**VIII. ADDITIONAL FINDINGS AND ORDER**

- A. Relief from Abuse Order exists for these parties under Case No. \_\_\_\_\_
- B. A party's address is omitted for confidentiality purposes after a court hearing and a finding of good cause.
- C. Other: \_\_\_\_\_

**IX. DURATION OF CHILD SUPPORT**

Case 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

**ACCEPTANCE OF SERVICE**

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

Obligor	Date	Oblige	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

Case No. [REDACTED]

	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:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_