

AFFIDAVIT FOR TERMINATION OF CHILD SUPPORT

Western Jackson County
(Kansas City, Grandview)

Jackson County Courthouse
3rd Floor - Department of Civil Records
415 E. 12th Street
Kansas City, Missouri 64106
(816) 881-3654

or

Eastern Jackson County
(Blue Springs, Independence, Lee's Summit, Raytown, etc.)

Jackson County Courthouse Annex
2nd Floor - Department of Civil Records
308 W. Kansas Avenue
Independence, Missouri 64050
(816) 881-4559

**NOTICE TO THOSE WISHING TO FILE AN
AFFIDAVIT FOR TERMINATION OF CHILD SUPPORT**

All forms necessary for filing an affidavit with the court are available from the domestic relations clerk, Monday through Friday from 8:00 a.m. to 5:00 p.m. or on the court website at www.16thcircuit.org. It is your responsibility to monitor and docket your case.

AFFIDAVIT FOR TERMINATION OF CHILD SUPPORT INFORMATION

NOTE THE FOLLOWING BEFORE COMPLETING THE AFFIDAVIT:

IF THERE ARE MULTIPLE CHILDREN LISTED IN THE ORDER FOR CHILD SUPPORT, THEN A MODIFICATION HEARING MUST BE HELD AND THERE IS A \$137.00 DOLLAR FILING FEE PLUS SERVICE FEES.

THE AMOUNT OF CHILD SUPPORT TO BE PAID MUST BE RECALCULATED UNDER THE CURRENT CHILD SUPPORT GUIDELINES. THERE WILL NOT BE A PROPORTIONATE REDUCTION IN YOUR CHILD SUPPORT PAYMENTS.

Emancipation of the child may not result in a reduction of the amount of child support to be paid. The court will not be able to change the child support amount unless the parties submit evidence on the amount of support to be paid and/or the parties provide the information requested on Form 17, Form 14 -Child Support Worksheet, the Income and Expense Statement, and include three years of tax returns and a current pay stubs. The amount of child support to be paid must be approved by the judge.

- A. If the parent receiving child support **fails to file an Acknowledgment/Answer** then the Judge will review the information provided on the Child Support Worksheet, the Income and Expense Statement, the tax returns, and the pay stubs to determine the amount of child support to be paid on the remaining child(ren)
- B. If the parent receiving child support **disagrees and files an Answer** and a modification hearing is not already being held then the affidavit becomes a Motion to Modify and the parent paying support will have to pay the necessary court cost and the case will be set for a hearing. **You may wish to consult with an attorney.**

WHEN CAN YOU FILE?

Missouri's procedures for filing Affidavits For Termination of Child Support provide a way for parents who are paying court-ordered child support to terminate the obligation to pay child support when one of the following criteria have been met:

- (1) The child has died;
- (2) The child has married;
- (3) The child has entered active duty in the military;
- (4) The child has become self-supporting, and the custodial parent has relinquished the child from parental control by express or implied consent;
- (5) The child has reached the age of 21;
- (6) The child is enrolled in and attending a secondary school program but has reached the age of 21;
- (7) The child has attained the age of 18 and
 - (a) the child is not physically or mentally incapacitated from supporting himself or herself, and the child's circumstances do not absolutely require that child support should continue;
 - (b) or has graduated from secondary school or completed a graduation equivalence degree program but did not enroll in an institution of vocational or higher education by October 1 following graduation or completion of the graduation equivalence degree program;

- (c) or has enrolled in an institution of vocational or higher education by October 1 following graduation from secondary school or completion of a graduation equivalence degree program, but has completed his or her vocational or higher education, failed to achieve grades sufficient to re-enroll at such institution, or failed to complete 12 credit hours in each semester or 9 credit hours if employed 15 hours per week during the semester;
- (d) or has failed to submit a transcript or similar official document including grades, courses and credit hours at the beginning of the semester to the non-custodial parent;
- (e) or has failed to produce the documentation within 30 days of the receipt of grades for the educational institution, as requested by the non-custodial parent;
- (f) or the child has failed to submit a transcript or similar official document at the beginning of the semester to the parent paying support.

If one of the criteria listed above has been met and you wish to terminate the payment of child support PLEASE READ THE FOLLOWING INFORMATION CAREFULLY. You do not need the help of an attorney to file this affidavit, however, you must meet the following requirements:

WHO CAN FILE?

1. The parent **receiving** child support may file an affidavit to terminate child support when any of the criteria listed above are met. **The parent receiving child support must mail a copy of the affidavit to the parent paying child support and complete the Certificate of Mailing on the reverse side of the affidavit.** If there is only (1) child, a Judgment terminating child support as to that child is automatically sent to the Judge for their approval when the affidavit is filed.
2. The parent **paying** child support may also file an affidavit to terminate child support when any of the criteria listed above are met. The appropriate service fees must be paid and the parent receiving child support must be served before any further action is taken. See information below.

WHERE DO YOU FILE?

1. You must file the affidavit in the county and courthouse where the order for child support was entered.
2. The Affidavit for Termination of Child Support is available at two courthouses in Jackson County. If the order for child support was entered in Kansas City, file your affidavit at the Jackson County Courthouse in downtown Kansas City, located at 415 E. 12th Street. If the order for child support was entered in Independence, file your affidavit at the Jackson County Courthouse in Independence, located at 308 W. Kansas Street.

WHAT IS THE PROCEDURE FOR FILING THE AFFIDAVIT TO TERMINATE CHILD SUPPORT AND MODIFICATION?

First, complete and return the original and two (2) copies of the Affidavit for Termination of Child Support. If there is more than one child and the amount of child support needs to be

modified, you will be required to file a Form 17, Form 14, the Income and Expense Statement, three years of tax returns, and recent pay stubs along with your affidavit, to the Department of Civil Records, Attn: Domestic Docketing.

Jackson County Courthouse
415 East 12th Street
Kansas City, Missouri 64106-2706
Phone # 816-881-3654

or

Jackson County Courthouse
308 West Kansas
Independence, Missouri 64050-3725
Phone # 816-881-4559

The following information will assist you in the completion of these forms.

1. You may be the “petitioner” or “respondent.” Look at the original Judgment or Order which establishes the payment of child support to determine your party designation.
2. The party filing the affidavit must complete all forms and present his or her evidence. All forms necessary for the filing of an affidavit for termination of child support are provided by the Court. They must be legible, printed in black or blue ink or typed.
3. When filling out the affidavit, make sure you mark the correct box and if necessary provide any documentation. Be sure to sign and date the affidavit at the bottom.
4. When you file your affidavit, you must also complete the following forms:
 - A. **Form 17 Family Court Information Sheet.** This provides the Court with the most current information on all parties so that service and notice to all parties occurs;
 - B. **The Income and Expense Statement.** This form provides the Court with the most current information on all parties for the computation of child support on any remaining children;**
 - C. **Form 14 Child Support Calculation Worksheet.** On this form you **must** complete #1) Monthly Gross Income; #6(b) Monthly Cost for Child Care and #6(c) Health Insurance Cost for the children. You do not have to complete the other boxes or calculate the amount of child support to be paid. The Judge will complete the child support worksheet based on the information you have provided.**
 - D. The following documentation must be included with your filing when petitioning the Court for a modification of the child support order: **Three Years of Tax Returns and Recent Pay Stubs.** **

** *These forms are only to be completed if there are multiple children listed.*

HOW MUCH DOES IT COST TO FILE?

1. Filing Fees:

If Multiple Children-

\$137.00 dollars for Motion to Modify, plus service fees.

If only (1) Child-

No Filing Fee - Service Fee only

2. Service Fees:

a) Out of County Service- You must call the sheriff of the county where the other party will be served to inquire about service fees, and then provide a money order payable to the Sheriff of the County in which service is being requested

b) Personal Service- \$36.00 (Jackson County only)

c) Private Process Server- No Fee to the Court
(A service return must be filed with the Court).

3. All cashier checks or money orders should be made payable to the Department of Civil Records.

4. Service by Civil Process, the Sheriff's Office or Private Process Server is required in all cases.

5. The other party must receive a copy of the Affidavit for Termination of Child Support and Modification and/or file an Acknowledgment/Answer to the Affidavit for Termination of Child Support. **Check case.net on the court website at www.16thcircuit.org approximately 30 days after forwarding the forms, to see if service has been accomplished and/or an Acknowledgment/Answer has been filed.**

6. *If the other party was never served the affidavit, you must request an "alias summons", complete form #1699 and pay an additional service fee. You may have to provide our clerk with another address to attempt service. Failure to obtain service shall result in a dismissal being entered by the Judge assigned your case.*

MAIL-INS

The Court Administrator's Office suggests that you not mail your affidavit for termination of child support. However, if you do mail in your motion, please mail all copies back to the court, along with a stamped, self-addressed envelope so we can return a copy to you with a case number and division assignment. The Affidavit for Termination of Child Support and Modification must be signed.

WHAT HAPPENS AFTER THE AFFIDAVIT IS SERVED OR AN ACKNOWLEDGMENT/ANSWER IS FILED?

Check case.net on the court website at www.16thcircuit.org approximately 30 days after forwarding the forms, to see if service has been accomplished and/or an Acknowledgment/Answer has been filed.

A. If the other party was served the affidavit and no Acknowledgment/Answer was filed or an

Acknowledgment was filed in which the parties agree to the termination of child support the following should occur:

1. If there is only (1) child: Thirty days after service, the clerk will send the file to the Judge for review and entry of a Judgment Terminating Child Support. A copy of the Judgment terminating child support will be sent to both parties.
 2. If there are multiple children: You need to request that the case be set on a contested docket thirty days from the service date. The Court will send a notice of hearing to both parties.
 3. **If you fail to receive a Judgment for Termination of Child Support and/or Notice of Hearing in the mail within 30 days, IT IS YOUR RESPONSIBILITY to contact the domestic docketing clerk.**
- B. If the other party files an Answer within (30) thirty days after service contesting the termination of child support:
1. **Contact Domestic Docketing approximately 30 days after service.** If an answer is filed and you did not pay the filing fee for a Motion to Modify at the time of filing, you must pay the filing fee now. Upon your request and/or receipt of the filing fee the domestic relations clerk will set the case on a contested docket and send a notice of hearing to both parties.
 2. On or before the day of court, you need to complete **Form 14 (Child Support Calculation Worksheet)**. Please bring the following information for completing Form 14): (1) tax returns; (2) pay stubs; (3) day care receipts; and (4) cost of children's health insurance. **If the parties do not agree you may wish to consult an attorney.**

WHAT HAPPENS WHEN YOU GO TO THE COURT HEARING?

1. Mark the court date on a calendar which you look at often. **IF YOU MISS YOUR COURT DATE, YOUR MOTION TO MODIFY MAY BE DISMISSED.**
2. Show up on time and do not bring food or drink into the courtroom.
3. Dress appropriately.
Some practical tips for your appearance in court:
do not wear shorts
do not chew gum in the courtroom
4. Be courteous to both the Judge and the Respondent/Petitioner.
5. ***Have all your evidence (day care receipts, tax returns, pay stubs, cost of children's health insurance.) available for the judge to review.***
6. If the termination of child support is granted, the Judge will send the signed order to the Child Support Department. The Child Support Department will then send notice to your employer to terminate/modify the child support payments.