

CAO M INSTRUCTION 8-1
Use These Instructions to Help You Complete Form
CAO M 8-1 Modification Order

NOTICE: These rules and requirements apply ONLY to family law cases filed in the Fourth Judicial District on or after January 1, 2013.

If the other parent or party has not responded to your Motion to Modify Custody and/or Child Support and you want your judge to enter a Modification Order, it must have exactly the same information and terms as the Motion to Modify. Unless you file a new Motion to Modify and start over, you cannot change anything without the agreement of the other party or at the direction of your judge. If you do need or want to make changes that both of you agree upon, you can file a "Stipulation for Entry of Order." You will need form CAO P 6-9 Sworn Stipulation for Entry of Order. You can obtain these forms from a Court Assistance Officer or at the Idaho Supreme Court's Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

Fill in the forms by typing or by printing neatly and legibly in black ink.

NOTICE: Any form that starts with the following identifier "CAO RFLPPI" at the bottom of the page is only approved for use in the 4th Judicial District.

At the top left-hand corner of page 1, fill in your full legal name, mailing address and telephone number.

The Court Heading. Fill in the county and judicial district in capital letters (for example, "IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, IN AND FOR THE COUNTY OF ADA") exactly like it is in the Order or Decree you are asking to be changed.

The Caption. Fill in the names of the petitioner and respondent exactly as they appeared in the caption in the original case.

The Case No. Fill in the case number from the original court case. This is not the same as your Department of Health and Welfare Child Support case number.

Check the box to indicate if you are the mother or the father.

Check either the first box if this is a default Modification Order or the second box if you and the other parent have filed a written Stipulation for Entry of Order (**CAO IRFLPPI P 6-9**) for the entry of this Order.

Minor Child/ren of the parties: Fill in the name and date of birth for each minor child.

Complete the following paragraphs of the Decree:

1. Child Custody.

Check the first box if you are not requesting any change in custody. Check the second box if you are requesting changes in custody and enter the date of the custody order you want modified.

1. A. Legal Custody.

Check the same boxes and insert the same terms from paragraph 5 of the Motion to Modify (form CAO RFLPPI M 1-1) unless you and your spouse have agreed to different terms and have completed form CAO RFLPPI P 6-9 Stipulation for Entry of Order. If so, insert the new terms upon which you have agreed.

1. B. Physical Custody of Minor Child(ren).

Check the same boxes and insert the same terms from paragraph 5 of the Motion to Modify (form CAO RFLPPi M 1-1) unless you and your spouse have agreed to different terms and have completed form CAO RFLPPi P 6-9 Stipulation for Entry of Order. If so, insert the new terms upon which you have agreed.

2. Child Support.

Check the same boxes and insert the same terms from paragraph 6 and 6a through 6g of the Motion to Modify (form CAO RFLPPi M 1-1) unless you and your spouse have agreed to different terms and have completed form CAO RFLPPi P 6-9 Stipulation for Entry of Order. If so, insert the new terms upon which you have agreed.

Note: If you have agreed in the Stipulation for Entry of Order to a different amount of child support, you will need to provide a new Affidavit of Income and Child Support Worksheet which shows the calculation of the new amount.

Leave the date blank. The judge will fill in the date when s/he signs the Modification Order.

Clerk's certificate of service: Fill in name, mailing address, city, state and zip code for you, the other parent and any other party to the case. Leave the date blank. The clerk will fill it in when s/he signs the certificate.

Exhibits: Attach the Parenting Plan, if any, to the Modification Order as Exhibit A. Attach the child support order from a different case, if any, as Exhibit B.

Make two more copies of the Modification Order (total of 4) with all the Exhibits attached.

Continue to follow CAO Instruction RFLPPi M/P 6-1 Finalizing a Custody or Modification Case.