

# **Child Support Interest Rebate and How to Request It**

## **What is Child Support Interest Rebate?**

Child support interest rebate is when the court orders that interest owed on child support arrears is no longer due.

## **Can anyone who owes child support interest ask the court for an interest rebate?**

No. The law that allows for interest rebate states that in order to request a rebate, the parent responsible for making child support payments must have done one of the following:

- Paid the past-due amount (all arrears owed) and current child support for 12 months before petitioning the court; or
- Entered into a repayment agreement, has made all payments on the agreement for at least 12 months, and has paid the current child support payments for 12 months before petitioning the court.

## **How do I ask for a rebate of child support interest?**

If you want to request a child support interest rebate, fill out these forms:

- *Request for Child Support Interest Rebate*
- *Child Support Information Sheet (CS-47)*

## **Will the court order the interest rebate I want?**

It depends. If you have met the requirements in order to qualify for interest rebate, the party that the interest is owed to must agree in writing to the rebate before the court can order an interest rebate. If the interest is owed to the custodial parent, (s)he will have to agree to the rebate. If the interest is owed to the state (DHR), a DHR representative will have to agree to the rebate.

## **Can the entire amount of interest be rebated?**

Yes, all the interest owed can be rebated if the party that is owed the interest agrees. The party can agree to rebate the entire amount of interest or a lesser amount.

## **Should I contact the person that I owe interest to before I file the *Request for Child Support Interest Rebate* with the court?**

It is beneficial to know whether or not the party that is owed interest will agree to a rebate. If you already know they will not agree, it may prevent

you from paying unnecessary filing fees or other court costs.

## **When does the Interest Rebate Agreement need to be completed and signed?**

The Interest Rebate Agreement can be completed in court on the date your case is heard or can be completed and signed before the court date as long as it is signed before a notary. The advantage to completing the agreement before you file your case with the court is that you are assured the other party is in agreement to the interest rebate. The advantage to completing the agreement in court or close to the court date is that additional interest may have accrued between the date the agreement is completed and the court date. However, an updated agreement can be completed in court to rebate any additional interest that may have accrued from the date the original agreement was signed.

## **Can DHR or the court help me fill out my forms?**

No, but this sheet gives you general information about how to fill out the forms.

## **Can DHR file the interest rebate request with the court for me?**

No, DHR cannot file the request for you. The *Request for Child Support Interest Rebate* form was designed so that you could complete it and file the case with the court without the help of DHR or hiring a private attorney.

## **What is my case number?**

Use the same case number as on your child support court order.

## **What do I do after I fill out my forms?**

Take your originals to the court clerk in the same county where your current child support order was issued.

## **Do I have to pay to file my forms?**

Yes. The court clerk can tell you the exact amount. If you cannot pay the fee, also fill out this form to tell the court about your income and expenses:

- *Affidavit of Substantial Hardship*