

Modification of Child Support

How Can I Change the Amount I Pay or Receive?

What happens if you lose your job, get sick, or for some other reason cannot pay the amount of child support the court has ordered you to pay? Or what if you learn that the other parent earns significantly more than he did when support was originally calculated?

Under Maryland law, a court can modify child support if the parent can prove to the judge that there has been a material change in circumstances since the original award was established.

Factors that can be considered include:

- a parent's illness or disability;
- a sizable decrease - or increase - in a parent's income or assets; or
- a child's serious illness or accident.

Courts have generally held that a greater-than-25% change in income (from increased or decreased income or expenses) is considered a material change.

Also, if a child has extraordinary medical expenses that did not exist at the time of the original order, for orthodontics or such conditions as asthma or allergies, child support can be increased.



Also, tuition for private or special schools can sometimes justify a change in child support. In all instances, the court tries to determine the best interests of the child in modifying child support.



What if My Spouse Quits His or Her Job and Refuses to Pay Child Support?

This may be considered "voluntary impoverishment," and it is not grounds for decreasing child support. The court may still base child support on the amount the spouse is capable of earning.

How Do I Obtain Modification of Child Support?

To ask the court to modify your child support payments, you may request the help of the local child support office, contact an attorney to file the papers for you or obtain forms online (www.courts.state.md.us/family) or at the courthouse to use yourself with the assistance of the local pro se assistance project.

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