

# **MODIFYING YOUR CHILD SUPPORT ORDER**

## **INTRODUCTION**

This document was created to help people who are not lawyers (or choose not to hire a lawyer) petition the Court for a change in the amount of their child support order. The documents and forms provided in this document are for use in simple cases, where the only issue is the amount of the order. ***If your case is complicated, you should talk to a lawyer.*** (See the section titled, “What if I Need a Lawyer,” below.) The final decision about whether to change an order is decided by the court.

## **WHEN CAN A CHILD SUPPORT ORDER BE CHANGED?**

A support order can only be changed if ***three years have passed since the date of the most recent order for support OR there has been a substantial change in circumstances*** that makes the original order unfair to one or both of the parties. For example, if the person paying support was not working when the order was issued and is now working, that would probably be a good reason to ask the Court to increase the amount of the order. On the other hand, if the person paying support was working when the order was made, but is now unemployed, that could be a good reason to ask the court to lower the support amount.

## **DO THE CHILD SUPPORT GUIDELINES APPLY TO MY CASE?**

New Hampshire law requires that the NH Child Support Guidelines be used to determine the amount of the new order, unless there are unusual circumstances. You may want to review guideline requirements before you file your petition. It is possible that a new order based on the child support guidelines may be higher or lower than the existing order.

The Child Support Guidelines Table, which is used to calculate the amount of support, is available on the Division of Child Support Services (DCSS)’ Web site at: <http://www.dhhs.nh.gov/dcss/index.htm>. A child support payment calculator tool and a printable version of the Guidelines Worksheet and Instructions (titled “Child Support Worksheet”) are also available on the DCSS web site.

## **MEDICAL SUPPORT**

New Hampshire law requires any order where support is payable through DCSS to include a “medical support” provision. “Medical support” means the obligation of either or both parents to provide health insurance to cover the dependent child(ren), if accessible and available at reasonable cost. “Accessible” means the primary care services are located within 50 miles or one hour from the child’s primary residence. “Reasonable cost” means that the medical support obligation does not exceed 4 percent of the parent’s individual gross income as calculated by NH Child Support Guidelines (see section immediately above).

If your current order does not include a medical support provision addressing reasonable cost, the agreement or petition you file with the court must include a medical support provision addressing reasonable cost.

## **WHAT ABOUT CUSTODY AND VISITATION ISSUES?**

This document provides web links to court forms you may need to petition for a modification of your order. The linked forms are not designed to help either party change visitation or custody arrangements from those included in the original order. In such cases, you should discuss the issues with a lawyer and have a lawyer go to court with you.

## FORMS YOU MAY NEED TO PETITION THE COURT

Listed below are web links to the forms you will need to request a change in your support order when you and the other party do not agree to a change, or to file an agreement which changes the amount of support when you and the other party are in agreement, as well as Court-provided checklists which can assist you in either instance (the links are highlighted in blue):

*NOTE: If you do not have access to a computer and printer, DCSS or the court can provide hard copies of the forms you require to request a change in your order.*

1. **PETITION TO CHANGE COURT ORDER (NHJB-2062-F)**. This form is always completed by the party who petitions the Court to change the amount of his or her child support order without the agreement of the other party.

*NOTE: For a New Hampshire Judicial Branch checklist about how to file a Petition, click on the following link: [How to File a Petition to Change Court Order Checklist](#).*

2. **UNIFORM SUPPORT ORDER (USO) (NHJB-2066-F)**. This form is completed and filed when both parties agree that the current support order should be changed and also agree with the amount of the new support order. If the parties cannot agree, the requesting party must complete and file this form at the hearing. If approved by the court, the new order will be issued to the parties with the new amount.

3. **CHILD SUPPORT GUIDELINES WORKSHEET (NHJB-2101-F)**. This form is used to calculate the amount of child support that should be paid. In order to complete this form, you must refer to the NH Child Support Guideline Calculation Table, available at the Court Clerk's office or on-line at: <http://www.dhhs.nh.gov/dcsl/index.htm>. Instructions for completing the Worksheet are included with the form.

*NOTE: For a New Hampshire Judicial Branch checklist about filing an agreement (both parties are in agreement on amount) click on the following link: [How to Change Child Support by Agreement Checklist](#).*

4. **FINANCIAL AFFIDAVIT (NHJB-2065-F)**. Each party must provide as much information as possible when completing this form. The information is provided to assist the court in determining the correct amount of support. Instructions for completing the Financial Affidavit are included in the form.

*NOTE: A Financial Affidavit must be sworn to under oath and signed before a Notary Public or N.H. Justice of the Peace. All information provided must be up-to-date, accurate, and complete. Completed Financial Affidavits must be shared between the parties.*

5. **PERSONAL DATA SHEET (NHJB-2077-F)**. This form must be completed by the party requesting the change in the support order, or by both parties if they are in agreement and filing a proposed Uniform Support Order (USO).
6. **AGREEMENT (NHJB-2202-DFPS)**. This form must be completed by both parties when they are in agreement and filing a proposed USO.
7. **MOTION TO WAIVE FILING FEE (NHJB-2341-F)** If you cannot afford the filing fee, you must complete and submit this form.

## WHAT IF I NEED A LAWYER?

If you do not already have a lawyer, the Lawyer Referral Service of the New Hampshire Bar Association can help you find one and can provide information about reduced fee services. The telephone number for the Lawyer Referral Service is (603) 229-0002. Check the Bar Web site for further information at: [www.nhbar.org](http://www.nhbar.org).

## WHAT DO I PROVIDE THE COURT TO REQUEST A CHANGE?

If both parties agree to a change in support, they must complete and file a *proposed* Uniform Support Order (USO). The USO must be submitted to the court with up-to-date completed and signed Financial Affidavits for both parties, as well as a Child Support Guideline Worksheet and Personal Data Sheet. **The USO will be subject to the Court's approval.** Remember that the Court will only approve the order if it meets the child support guidelines, unless the court determines there is a good reason not to use the guidelines.

*NOTE: All documents listed in this section are referenced on Page 2 with web links to the form.*

If both parties cannot agree to a change in the support order, the party requesting the change must petition the Court by filing a Petition to Change Court Order. The Court will schedule a hearing and both parties should be present, and as above, each party must provide the court with a current Financial Affidavit.

*NOTE: By Court Rule, Financial Affidavits must be exchanged by the parties at least 10 (ten) days prior to the hearing date to allow each party to review the other's Financial Affidavit.*

1. If you are requesting a change in your support order and both parties ARE IN AGREEMENT, you must provide the Court with the following completed forms:
  - a. An Agreement, signed by both parties
  - b. Original Uniform Support Order (USO), signed by both parties
  - c. Individual original, current Financial Affidavits for each party, completed and signed by the party under oath before a Notary Public or Justice of the Peace
  - d. Signed Child Support Guidelines Worksheet
  - e. A Personal Data Sheet, completed and signed by both parties
2. If you are requesting a change in your support order, and both parties are NOT IN AGREEMENT, you must provide the court with the following completed forms:
  - a. Original and two copies of a Petition To Change Court Order, signed under oath before a Notary Public or Justice of the Peace
  - b. Original, up-to-date Financial Affidavit, signed under oath before a Notary Public or Justice of the Peace
  - c. Signed Personal Data Sheet

(Continued on next page)

## WHAT DO I PROVIDE THE COURT TO REQUEST A CHANGE? (continued)

In addition you must:

- d. Provide notice to the other party as directed by the Clerk of Court.
- e. Provide an exact copy of the completed Financial Affidavit to the other party at least 10 days before date of hearing.
- f. Pay a filing fee (check with the Clerk of Court for the amount) or submit a completed Motion to Waive Filing Fee if you cannot afford the fee.

*NOTE: All agreements or petitions must be filed in the court that issued the original order, unless the court directs otherwise.*