



MODIFYING AND ADJUSTING CHILD SUPPORT FACT SHEET



You must determine whether a change in circumstances has occurred in order to **request a modification**, whether it is job-related or there has been a change in the situation of children. Gather any evidence that shows a change of circumstances has taken place. For example, if you lost your job, get a statement from your previous employer. If your child is sick and now requires expensive medical care, save copies of all of the medical bills.

Some courts use standardized forms for the modification of child support orders. Contact your local court or an attorney for more information. If you request modification pro se (without an attorney), you may want to consider having an attorney review the modification prior to filing.

The courts will only consider "the best interest of the child." If your motivation to apply for a **modification** of a child support order is to reduce the amount you pay or increase the amount you receive for personal gain, think twice before moving forward.

When you divorce in Georgia, the court determines whether either parent owes child support, and, if so, how much. Once the court orders child support, that order can be changed only if one of the parents asks the court to modify the original order.

How often can I file to reduce or increase a child support obligation?

You can file any time after the original child support order is entered as long as there has been a substantial change in the financial status and/or income of either parent or in the financial needs of the child. Once you file a motion to modify child support, however, you cannot file for modification again until two years have passed, unless an exception applies.

Can either parent request a modification?

Yes. Either the payor or the recipient of child support can request the court to modify an existing order for child support. A modification can only be made of a periodic payment, such as a weekly, biweekly or monthly payment schedule. A request for a modification of child support cannot be made if the requestor had asked the court to change a child support order within the last two years, unless there was an involuntary loss of income by the parent who is paying child support.

In order to change the amount of child support that must be paid, whether to increase the amount or to decrease the amount, there must have been a 'substantial change' in the income or financial situation of either parent. A 25 percent loss of income is

generally considered a substantial change that may allow for the modification of a child support order in Georgia.

Do I have to file for modification if my ex and I have agreed that he will pay more child support?

Yes. Until the court modifies the original order on child support, your ex-spouse is not under any obligation to pay the increased amount. If he fails to pay the support he agreed to, you would have no remedy under the original order to enforce your right to payment

Can I reduce my child support payment when the oldest child graduates without filing a case?

No. Only a court can modify your child support obligation. While a court would likely reduce your obligation when a child graduates, you must ask the court to lower the obligation.



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