

PETITION/MOTION TO MODIFY CHILD SUPPORT INSTRUCTIONS FOR COMPLETING FORM CC-DR-006

If you have a court order to pay or receive child support (for example, from a divorce or paternity decree), it may be possible to have the court modify the amount you are currently receiving or paying. There are three ways you can do this: (1) obtain the service of an attorney to handle your case; (2) go to the child support enforcement office in your county; or (3) file the case yourself by using the Domestic Relations forms.

Use this form **only** if there is an existing child support order **and you are NOT receiving public assistance or welfare**. If you are receiving public assistance and are seeking an increase in child support, you must contact the child support enforcement office in your county. As a recipient of financial assistance, you assigned to the State "all right, title and interest or support from any other person," including child support owed to you on behalf of a child for whom you are receiving public assistance. (MD ANN. CODE, Human Services Article, § 5-312 and COMAR 07.03.03.10). The local support enforcement office will pursue a modification of support, if appropriate, although those amounts will be retained by the State until you are no longer receiving financial assistance.

There are 8 steps you must follow in order to proceed with the case yourself:

>STEP 1 - Completion of Form CC-DR-006.

In order to complete this form, you will need a copy of your existing child support order. If you do not have a copy, ask the clerk of court how to get one.

Page 1: Fill in both the plaintiff's and defendant's names exactly as they appear on the existing order. Then fill in current addresses and telephone numbers for both. Do not use this form unless you can locate the other parent. If you do not know their whereabouts, it is recommended you file with the assistance of your attorney or through the local child support enforcement office.

Line 1: After filling in your name in the space provided, list your relationship (e.g., mother, father or other) to the child(ren) for whom child support is ordered. Then, list the child(ren)'s name(s) and date(s) of birth.

Line 2: Looking at the existing order, fill in the date, city or county the order was granted in, case number, name of person ordered to pay, amount ordered, and whether the payments were to be made weekly, biweekly, or monthly.

Line 3: In order for the court to grant your petition to modify child support, there must be a substantial change in circumstances. This can occur from one or more of the situations on the form. Check all that apply.

Page 2: Using the boxes on the top of the page:

(a) First, check whether you would like the court to order an increase or decrease in child support.

(b) Next, check whether you would prefer the employer to pay the person with custody directly or through the local child support enforcement agency.

(c) Finally, you may request that the court order the parent paying child support to include the child on the parent's health insurance policy if: (1) the parent is covered by a health insurance policy; and (2) if the child can be included on the policy at a reasonable cost to the parent. To make this request, check the box and fill in the name of parent with the insurance policy.

>STEP 2 - Financial Statement for Child Support.

Use Form CC-DR-030 or CC-DR-031. If the combined adjusted actual monthly income is below or equal to \$10,000.00, and there is no request for alimony or other support, use form CC-DR-030. If the combined adjusted actual monthly income of both parents is above \$10,000, or if alimony or other support has been requested by either party, use form CC-DR-031.

>STEP 3 - Filing Fee.

Payment of a fee is normally required for filing these papers with the court. See *General Instructions (CC-DRIN)*.

>STEP 4 - Filing Your Forms.

Take the completed documents to the clerk of the court.

>STEP 5 - Service.

You will need to have the other party properly served with a copy of all the papers you are filing **AND** with a Writ of Summons which is provided by the civil clerk of this court. See *General Instructions (CC-DRIN)*.

>STEP 6 - Request for Hearing or Proceeding.

When service has been made, file a Request for Hearing or Proceeding, CC-DR-059. The Petition/Motion for Child Support Modification alone will not get you into court. You **MUST** file a Request for a Hearing or Proceeding. See *General Instructions (CC-DRIN)*.

>STEP 7 - Hearing.

The court will set a hearing date and notify you by mail when and where to appear. Examples of what you may want to bring to the hearing include: pay stubs, tax returns, or other proof of income for both sides; information concerning child related school costs, medical expenses, and work-related child care expenses; or witnesses who can testify to the change in circumstances you are trying to prove.

>STEP 8 - Child Support Guidelines Worksheet.

You may also need to fill out the CHILD SUPPORT GUIDELINES WORKSHEET in order to show the court that there has been a substantial change in circumstances. You will not need this worksheet until the hearing, but filling it out in advance will help you decide whether you have the "substantial change in circumstances" needed for a change in your child support order.