

## **Divorce Part 6: Children**

Hello. there! If you and your spouse have minor children in common, your divorce decree can include arrangements for child support and custody. In this video, I'll talk about both. Let's start with child support.

### **CHAPTER HEADING: CHILD SUPPORT**

Child support refers to regular payments one parent makes to another to care for their child. It's important to note that all parents have an obligation to financially support their children. Child support is a way to ensure each child's housing, food, clothing, and other basic needs are met.

our divorce decree can also include who will maintain health insurance for your child or children and how you'll cover extra expenses that arise. This could include medical, mental health, and dental costs that aren't covered by insurance; day care and school expenses; extracurricular activities; or transportation costs. How those costs are split will be based on your and your spouse's income.

You and your spouse can, together or with a lawyer, enter a written agreement that addresses child support and payment of other child-related expenses. If you're divorcing on the ground of 6-month separation or irreconcilable differences, your agreement can be attached to the Complaint for Absolute Divorce or submitted after the complaint is filed. If you are divorcing on the ground of mutual consent, you must include the terms of your child support agreement in your marital settlement agreement. Check out part 3 of this series to learn more about mutual consent. The court will review your agreement and will only accept it if it believes that it is in the best interest of your child or children.

If you can't agree on child support, that's OK. The court will decide for you. It will use a formula called the Child Support Guidelines to set the amount of child support.

### **CHAPTER HEADING: CHILD SUPPORT GUIDELINES**

The child support guidelines are based on each spouse's income and expenses, the number of children you have, how much time you each spend with them, and their needs. Courts usually follow these guidelines when setting child support amounts, unless someone can show that following the guidelines would be unjust or unfair. The court's decision will be based on what is best for your child or children.

Whether you have a child support agreement or the court decides for you, you and your spouse need to submit financial statements to the court.

## **CHAPTER HEADING: FINANCIAL STATEMENTS**

If you and your spouse's combined gross monthly income – meaning your income before taxes – is \$30,000 or less, use form CC-DR-030, the Child Support Guidelines Financial Statement. If your combined gross monthly income is more than \$30,000, use form CC-DR-031, the General Financial Statement.

The information you provide on the financial statement helps the court determine the appropriate amount of child support. The court will set the amount and include it in the divorce decree. After your divorce, either parent can ask to change the amount of child support by filing a Petition to Modify Child Support. You can use form CC-DR-006. You'll have to show that there has been a significant change, called a material change, in your circumstances, your child's needs, or someone's financial situation. I recommend talking to a lawyer about this. It can be challenging to prove this to the court if you cannot reach an agreement with your former spouse.

Now let's talk about custody.

## **CHAPTER HEADING: CUSTODY**

Your divorce decree can also include when you and your spouse spend time with your child or children. This is called parenting time or physical custody. The decree can also determine how major decisions about your children will be made. This is called decision-making authority or legal custody. Learn more about these terms at [mdcourts.gov/custody](http://mdcourts.gov/custody).

You and your spouse can work together to create a parenting plan, sometimes called a custody agreement. This document describes how you will work together to care for your child or children. Your parenting plan should address all parenting time and decision-making authority issues. Visit [mdcourts.gov/parentingplans](http://mdcourts.gov/parentingplans) to learn more about how to create a parenting plan.

Your plan can be filed with the Complaint for Absolute Divorce or filed later. If you are filing for divorce on the ground of mutual consent, your parenting plan must be included in your marital settlement agreement.

If you can't agree on a parenting plan that resolves all custody issues, the court will decide on a custody arrangement for you. You'll need to file a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time. You can use form CC-DR-110. This form will help the court decide what arrangement is in the best interest of your child or children. It will consider a variety of factors, including information about each child's unique needs and circumstances, information about you and your spouse, and information about your family.

The court can also refer you and your spouse to Family Services, which are programs meant

to help the court or you. They include evaluations, mediation, and co-parenting education. Visit [mdcourts.gov/familyservices](https://mdcourts.gov/familyservices) to learn more.

Once a custody arrangement is set in a divorce decree, it can be changed later if your child's or family's needs change. Parents can always agree to custody changes informally. If you need the arrangement changed formally with a court order, file a Petition to Modify Custody or Visitation. You can use form CC-DR-007. If you and your former spouse can reach an agreement about how your custody arrangement should be changed, attach it to the petition. If the court agrees that the agreement is in your child's best interest, it will issue a new order. If you cannot reach an agreement, the parent who wants to change custody will need to show the court that there has been a material or substantial change in circumstances. There is a high bar for this, so it's something you should talk to a lawyer about.

Child support and custody can get complicated, especially if you and your spouse can't agree. Consider calling the Maryland Court Help Center at 410-260-1392 or visiting [mdcourts.gov/helpcenter](https://mdcourts.gov/helpcenter) to chat with a lawyer for free.

#### **CHAPTER HEADING: BEFORE YOU GO**

Before you go, keep in mind that while divorce is something that happens to you and your spouse, your children are along for the ride. They need your support during this period of transition in their lives. If you can focus on their needs and shield them from any conflict, that will help them a lot.

I hope this has been helpful.