

Child Support Modification Kit

This [modification kit](#) was created to help people who are not lawyers (or choose not to hire a lawyer) ask the court for a change in the amount of their child support order. The kit is 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 **What if I need a lawyer? (section 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. The [DHHS's Child Support Calculator](#) is easy to use. A child support payment calculator tool and a printable version of the Guidelines Worksheet and Instructions (Form 650) are also available on the DCSS web site.

Medical support

New Hampshire law now requires any order where support is payable through DCSS 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 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?

The form and instructions included in this modification kit 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.

What is included in this kit?

This kit contains a [checklist](#) and the following basic 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 agree:

PETITION TO CHANGE COURT ORDER. This form is completed and filed to request the Court change the amount of your child support order.

UNIFORM SUPPORT ORDER (USO). 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. Once approved by the court, the new order will be issued to the parties with the new amount.

CHILD SUPPORT GUIDELINES WORKSHEET. 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 online.

FINANCIAL AFFIDAVIT. Both parties must complete this form to provide financial information to the court to assist in determining the correct amount of support.

PERSONAL DATA SHEET. 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 USO.

MOTION TO WAIVE FILING FEE. If you cannot afford the filing fee, you must complete this form.

Note

Instructions for completing the Child Support Guidelines Worksheet and Financial Affidavit are included in this kit.

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 website for more information.

How do I prepare for court?

If you choose not to hire a lawyer and you plan to represent yourself, some courts offer an informational session called SCOPE. At these sessions, an attorney and/or a court staff member are present to discuss court procedure, legal terminology, forms, and what will take place at a hearing. They may be able to answer your questions and help you fill out forms or review forms that you may have already filled out. If your court offers SCOPE sessions, a schedule of their time and place will be available at the court.

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 current Financial Affidavits for both parties, as well as a Child Support Guideline Worksheet. 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 there is a good reason not to use the guidelines.

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, must provide the court with current Financial Affidavits.

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:
 1. Original Uniform Support Order (USO), signed by both parties
 2. Individual original, current Financial Affidavits, signed by both parties under oath before a Notary Public or Justice of the Peace
 3. Signed Child Support Guidelines Worksheet
 4. A Personal Data Sheet, signed by both parties
 5. An [Agreement Form](#), completed by both parties when they are in agreement and are filing a proposed USO.
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:
 3. Original and two copies of a Petition To Change Court Order, signed under oath before a Notary Public or Justice of the Peace
 4. Original, current Financial Affidavit, signed under oath before a Notary Public or Justice of the Peace
 5. Signed Personal Data Sheet

In addition you must:

1. Provide notice to the other party as directed by the Clerk of Court.

2. Provide Financial Affidavit to other party at least 10 days before date of hearing.
3. 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 you otherwise.

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Try Also Reading...

- [Introduction to Child support](#)
- [Financial Affidavits](#)

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