

PETITION/MOTION TO MODIFY CHILD SUPPORT INSTRUCTIONS FOR COMPLETING DOM REL 6

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 DOM REL 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 you on behalf of a child for whom you are receiving public assistance. MD ANN. CODE art. 88A, §50(b)(2)(1998). 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 DOM REL 6.**

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 DOM REL 30 or 31. 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 DOM REL 30. 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 DOM REL 31.

> STEP 3 — Filing Fee.

Payment of a fee is normally required for filing these papers with the court. See *General Instructions*.

> STEP 4 — Filing Your Forms.

Take the completed documents to the Clerk of 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*.

> STEP 6 — Request for Hearing or Proceeding.

When service has been made, file a Request for Hearing or Proceeding, DOM. REL. 59. 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*.

> 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.

Circuit Court for _____

City or County

CIVIL-DOMESTIC CASE INFORMATION REPORT

Directions:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER: _____ (Clerk to insert)

CASE NAME: _____ v _____
Plaintiff Defendant

PARTY'S NAME: _____ PHONE: () _____
(Daytime phone)

ADDRESS: _____

PARTY'S ATTORNEY'S NAME: _____ PHONE: () _____

ATTORNEY'S ADDRESS: _____

I am not represented by an attorney

RELATED CASE PENDING? Yes No If yes, Court and Case #(s), if known: _____

Special Requirements? Interpreter/communication impairment Which language _____
(Attach Form 1-332 if Accommodation or Interpreter Needed) Which dialect _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

- A. Mediation Yes No
- B. Arbitration Yes No
- C. Settlement Conference Yes No
- D. Neutral Evaluation Yes No

IS THIS CASE CONTESTED? Yes No If yes, which issues appear to be contested?

- Ground for divorce
- Child Custody Visitation
- Child Support
- Alimony Permanent Rehabilitative
- Use and possession of family home and property
- Marital property issues involving:
 - Valuation of business Pensions Bank accounts/IRA's Real Property
 - Other: _____
- Paternity
- Adoption/termination of parental rights
- Other: _____

Request is made for: Initial order Modification Contempt Absolute Divorce Limited Divorce

For non-custody/visitation issues, do you intend to request:
 Court-appointed expert (name field) _____ Mediation by a Court-sponsored settlement program
 Initial conference with the Court Other: _____

For custody/visitation issues, do you intend to request:
 Mediation by a private mediator Appointment of counsel to represent child (not just to waive psychiatric privilege)
 Evaluation by mental health professional A conference with the Court
 Other Evaluation _____

Is there an allegation of physical or sexual abuse of party or child? Yes No

Circuit Court for _____ Case No. _____
City or County

Name _____
Street Address _____ Apt. # _____
()
City State Zip Code Area Code Telephone

VS.

Name _____
Street Address _____ Apt. # _____
()
City State Zip Code Area Code Telephone

Plaintiff

Defendant

PETITION/MOTION TO MODIFY CHILD SUPPORT
(DOM REL 6)

I, _____, representing myself, state that:

My name

1. I am the mother/ father or _____ of:
(Check One) Relationship (for example, aunt, grandfather, guardian, etc.)

_____	_____	_____	_____
Name	Date of Birth	Name	Date of Birth
_____	_____	_____	_____
Name	Date of Birth	Name	Date of Birth
_____	_____	_____	_____
Name	Date of Birth	Name	Date of Birth

2. On _____ the Circuit Court for _____ issued an
Date City or County
Order in case number _____, ordering _____
to pay \$_____ weekly/ biweekly/ monthly toward the support of the child(ren).
Amount (Check One)

3. Since that Order, circumstances have changed (*check all that apply*):

Expenses for the child(ren) have substantially increased (*Explain*):

Expenses for the child(ren) have substantially decreased (*Explain*):

Father/ mother's income has substantially increased (*Explain*):
(Check One)

Father/ mother's income has substantially decreased (*Explain*):
(Check One)

Child(ren) have reached the age of 18 years.

Other changes have occurred (*Explain*):

FOR THESE REASONS, I request the court (*check all that apply*):

- Order an increase in child support.
Order a decrease in child support.
- Order child support to be paid (check one):
 - Through the local support enforcement agency.
 - Directly to the person who has custody.
- Order _____ to provide health insurance for the child(ren).
Name
- Order any other appropriate relief.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

Date

Signature

***IMPORTANT: YOU MUST COMPLETE A FINANCIAL STATEMENT WITH THIS FORM
(Use Form DOM REL 30 or DOM REL 31)***

Circuit Court for _____ Case No. _____
City or County

Name	VS.	Name
Street Address	Apt. #	Street Address
City	State	Zip Code
Telephone	Area Code	Area Code
<i>Plaintiff</i>		<i>Defendant</i>

FINANCIAL STATEMENT
(Short)
(DOM REL 30)

I, _____, state that:

I am the ^{My name} mother/ father or _____
Check One State Relationship (for example, aunt, grandfather, guardian, etc.)
of the minor child(ren):

Name	Date of Birth	Name	Date of Birth
Name	Date of Birth	Name	Date of Birth
Name	Date of Birth	Name	Date of Birth

The following is a list of my income and expenses (see below*):

See definitions on back before filling out.

Total monthly income (before taxes) \$ _____

Child support I am paying for my other child(ren) each month _____

Alimony I am paying each month to _____
Name of Person(s)

Alimony I am receiving each month from _____
Name of Person(s)

For the child or children listed above:

Monthly health insurance premium _____

Work-related monthly child care expenses _____

Extraordinary monthly medical expenses _____

School and transportation expenses _____

*To figure the monthly amount of expenses, weekly expenses should be multiplied by 4.3 and yearly expenses should be divided by 12.

If you do not pay the same amount each month for any of the categories listed, figure what your average monthly expense is.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.

Date

Signature

Total Monthly Income: Include income from all sources including self-employment, rent, royalties, business income, salaries, wages, commissions, bonuses, dividends, pensions, interest, trusts, annuities, social security benefits, workers compensation, unemployment benefits, disability benefits, alimony or maintenance received, tips, income from side jobs, severance pay, capitol gains, gifts, prizes, lottery winnings, etc. Do not report benefits from means-tested public assistance programs such as food stamps or AFDC.

Extraordinary Medical Expenses: Uninsured expenses over \$100 for a single illness or condition including orthodontia, dental treatment, asthma treatment, physical therapy, treatment for any chronic health problems, and professional counseling or psychiatric therapy for diagnosed mental disorders.

Child Care Expenses: Actual child care expenses incurred on behalf of a child due to employment or job search of either parent with amount to be determined by actual experience or the level required to provide quality care from a licensed source.

School and Transportation Expenses: Any expenses for attending a special or private elementary or secondary school to meet the particular needs of the child or expenses for transportation of the child between the homes of the parents.

Circuit Court for _____ **Case No.** _____
City or County

Name VS. _____
Name

Street Address Apt. # _____
Street Address Apt. #

City State Zip Code Area Code Telephone _____
City State Zip Code Area Code Telephone

CHILD SUPPORT GUIDELINES WORKSHEET A
(Primary Physical Custody to One Parent)
(DOM REL 34)

Name of Child _____ Date of Birth _____ _____ Name of Child _____ Date of Birth _____

Name of Child _____ Date of Birth _____ _____ Name of Child _____ Date of Birth _____

Name of Child _____ Date of Birth _____ _____ Name of Child _____ Date of Birth _____

	Mother	Father	Combined
1. MONTHLY ACTUAL INCOME (Before taxes)			
a. Minus pre-existing child support payment actually paid	-	-	
b. Minus alimony actually paid	-	-	
c. Plus / minus alimony awarded in this case	+/-	+/-	
2. MONTHLY ADJUSTED ACTUAL INCOME			
3. PERCENTAGE SHARE OF INCOME (Divide each parent's income on Line 2 by the combined income on Line 2)	%	%	
4. BASIC CHILD SUPPORT OBLIGATION (Apply Line 2 Combined Income to Child Support Schedule)			
a. Work-Related Child Care Expenses (Code, FL § 12-204(h))			+
b. Health Insurance Expenses (Code, FL § 12-204(h)(1))			+
c. Extraordinary Medical Expenses (Code, FL § 12/204 (g))			+
d. Additional Expenses (Code, FL § 12-104(i))			+
5. TOTAL CHILD SUPPORT OBLIGATION (Add lines 4, 4a, 4b, 4c and 4d)			
6. EACH PARENT'S CHILD SUPPORT OBLIGATION (Multiply Line 3 times Line 5 for each parent)			
7. RECOMMENDED CHILD SUPPORT ORDER (Bring down amount from Line 6 for the non-custodial parent only. Leave custodial parent column blank)			
a. Minus direct pay by noncustodial parent from Line 4.	-	-	
8. RECOMMENDED AMOUNT TO BE PAID TO CUSTODIAL PARENT			

Comments, calculations, or rebuttals to schedule or adjustments if non-custodial parent directly pays extraordinary expenses:

Deduct from the recommended child support order amount (Line 8) any third party benefits paid to or for a child (e.g. SSA Disability, retirement or other third party dependency benefit).

PREPARED BY:

Date:

Circuit Court for _____ **Case No.** _____
City or County

Name

Name

Street Address Apt. # **VS.** Street Address Apt. #

City State Zip Code Area Code Telephone City State Zip Code Area Code Telephone

CHILD SUPPORT GUIDELINES WORKSHEET B
(Shared Physical Custody)
(DOM REL 35)

Name of Child Date of Birth _____
Name of Child Date of Birth _____

Name of Child Date of Birth _____
Name of Child Date of Birth _____

Name of Child Date of Birth _____
Name of Child Date of Birth _____

	Mother	Father	Combined
1. MONTHLY ACTUAL INCOME (Before taxes)			
a. Minus pre-existing child support payment actually paid	-	-	
b. Minus alimony actually paid	-	-	
c. Plus / minus alimony awarded in this case	+/-	+/-	
2. MONTHLY ADJUSTED ACTUAL INCOME			
3. PERCENTAGE SHARE OF INCOME (Divide each parent's income on Line 2 by the combined income on Line 2).	%	%	
4. BASIC CHILD SUPPORT OBLIGATION (Apply Line 2 Combined Income to the Child Support Schedule)			
5. ADJUSTED BASIC CHILD SUPPORT OBLIGATION (Line 4 times 1.5)			
6. OVERNIGHTS with each parent (must total 365)			365
7. PERCENTAGE WITH EACH PARENT (Line 6 divided by 365)	A %	B %	
STOP HERE IF Line 7 is less than 35% for either parent. Shared physical custody does not apply. Use DOM. REL. 34 instead.			
8. EACH PARENT'S THEORETICAL CHILD SUPPORT OBLIGATION (Multiply Line 3 times Line 5 for each parent)	A	B	

	Mother	Father	Combined
9. BASIC CHILD SUPPORT OBLIGATION FOR TIME WITH OTHER PARENT (Multiply Line 7A times Line 8B and put answer on Line 9B. Multiply Line 7B times Line 8A and put answer on Line 9A).	A	B	
10. NET BASIC CHILD SUPPORT OBLIGATION (Subtract lesser amount from greater amount in Line 9 and place answer here under column with greater amount in Line 9).			
11. EXPENSES			
a. Work-Related Child Care Expenses (Code, FL § 12-204(h))			+
b. Health Insurance Expense Code (Code, FL § 12-204(h)(1))			+
c. Extraordinary Medical Expenses (Code, FL § 12-204(g))			+
d. Additional Expenses (Code, FL § 12-204(i))			+
12. NET ADJUSTMENT from ADJUSTMENT WORKSHEET, below, if applicable. If not, continue to Line 13.			
13. NET BASIC CHILD SUPPORT OBLIGATION (From Line 10 of this worksheet, above.)			
14. RECOMMENDED CHILD SUPPORT ORDER (If the same parent owes money under Lines 12 and Line 13, add these two figures to obtain amount owed by that parent. If one parent owes money under Line 12 and the other owes money under Line 13, subtract the lesser amount from the greater to obtain the difference. The parent owing the greater of the two amounts on Lines 12 and 13 will owe that difference as the child support obligation. <u>NOTE:</u> The amount owed in a shared custody arrangement may not exceed the amount that would be owed if the obligor parent were a non-custodial parent. See DOM. REL. 34).			
Comments, calculations, or rebuttals including in-kind responsibility because of sharing or special adjustments because of direct payments:			
Deduct from the recommended child support order amount (Line 14) any third party benefits paid to or for a child (e.g. SSA Disability, retirement or other third party dependency benefit).			
PREPARED BY:			Date:

ADJUSTMENT WORKSHEET
(For Calculating Line 12 of Shared Physical Custody Worksheet, above)

INSTRUCTIONS FOR ADJUSTMENT WORKSHEET: *Use this worksheet ONLY if any of the Expenses listed in Lines 11a, 11b, 11c or 11d is directly paid out or received by the parents in a different proportion than the percentage share of income entered on Line 3 of the Shared Physical Custody Worksheet, above. Example: If the mother pays all of the daycare, or parents split education/medical costs 50/50 and Line 3 is other than 50/50. If there is more than one 11d expenses, the calculations on Lines g and h below must be made for each expense.*

	Mother	Father
a. Total amount of direct payments made for line 11a expenses times each parent's percentage of income (Line 3, Shared Physical Custody Worksheet) (Proportionate share)		
b. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line a, above. (The difference between amount paid and proportionate share).		
c. Total amount of direct payments made for Line 11b expenses times each parent's percentage of income (Line 3, Shared Physical Custody Worksheet).		
d. The excess amount of direct payments made by the parent who pays more than the amount calculated on Line c, above.		
e. Total amount of direct payments made for Line 11c expenses times each parent's percentage of income (Line 3, Shared Physical Custody Worksheet).		
f. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line e, above.		
g. Total amount of direct payments made for line 11d, expenses times each parent's percentage of income (line 3, Shared Physical Custody Worksheet).		
h. The excess amount of direct payments made by the parent who pays more than the amount calculated in Line g, above.		
i. For each parent, add lines b, d, f, and h		
j. Subtract lesser amount from greater amount in Line i, above. Place the answer on this line under the lesser amount in Line i. Also enter this answer on Line 12 of the Shared Physical Custody Worksheet, in the same parent's column.		