

INSTRUCTIONS FOR MOTION FOR MODIFICATION OF CHILD SUPPORT

The Motion for Modification of Child Support is used when you want the Court to modify the existing child support order (either to increase or decrease the amount of child support paid). Child support is calculated under statutory guidelines (C.R.S. §14-10-115). If there has been a “substantial and continuing” change in circumstances (for example, one of the parties has received a significant pay raise or pay cut), then you may seek a modification of the child support obligation by filing a Motion for Modification of Child Support. The Court can then change the child support order, including making the change retroactive, but the Court can only make the change retroactive to the date of the filing of the motion.

Fill in the appropriate information. You must include the full names and dates of birth of all of the children who are subject to the child support order.

In paragraph 3, describe fully the living arrangements of your children. If all of the children live most of the time with one parent, list their names in the appropriate space, and list “none” in the other space. If the parties have “split” the residential arrangements, so that one parent has one or more of the children most of the time and the other parent has the other child or children most of the time, then describe the arrangement fully in paragraph 3.

In paragraph 4, set forth the parenting time schedule of the parent who does not have the child most of the time. Be sure to specify the number of overnight visits the child has with that parent. Include any “extra” overnight visits that are in addition to the regular weekly or monthly schedule; for example, holidays or extended visitation during summer vacation.

In paragraph 6, you must describe fully the change in circumstances that you believe justifies a modification of the existing child support order. The Court will not modify the child support obligation unless it finds that the change in circumstances is “substantial and continuing.” Under the statute (C.R.S. §14-10-122(b)), a change is not “substantial” if it results in a new child support obligation that is less than a 10% change in the amount of support due per month.

You must fill out an Affidavit with Respect to Financial Affairs and bring it to court. If you have completed a child support worksheet that shows what you believe the new child support obligation should be under the statutory guidelines, you should attach it to your motion.

NOTE: IF YOUR CHILD SUPPORT ORDER IS CHANGED, AND YOU HAVE AN INCOME ASSIGNMENT, THE INCOME ASSIGNMENT MUST BE MODIFIED.