
Changing child support

Posted by Miami LS - 2008/06/27 09:59

I'm not a family law attorney, but i need to know what is involved in changing spousal support and child support. Client is paying support based on wages and income earned 3 years ago. Client can no longer afford the amount of his obligation. Now that there is a change in income/circumstances, what will the court request to prove that the client can not afford the payments (other than tax return)?

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Re:Changing child support

Posted by norton - 2008/06/27 11:01

You are generally required to file a motion before the judge that put into place the first child support program requesting a modification and stating the reason along with supporting documentation and schedule for a hearing on the issue.

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Re:Changing child support

Posted by steve - 2008/07/03 07:58

I would also make sure that the order grants your client the right to claim a child as a dependent for income tax purposes. If the order doesnt state that, then upon audit your client make loose the right to claim a dependency exemption on his child.

As you know, in order to claim a dependency exemption, the taxpayer must provideover 1/2 the support to the minor child & pass a relationship test (e.g. parent/child).

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