

MODIFICATION/ REVIEW

HOW ARE COURT ORDERS CHANGED OR TERMINATED?

Support orders, once entered, remain in effect until further Order of Court. Do not assume that your support order is automatically closed, suspended, modified or otherwise adjusted unless this has been confirmed in writing by the Domestic Relations Office. Court orders are modified or vacated usually upon either written agreement of the parties which is approved by the Court, or upon the filing of an appropriate petition.

WHAT IS A PETITION FOR REVIEW?

A petition for review is a formal request for review of a support order entered more than three years from the date of the filing of the petition.

IF I FILE A PETITION FOR REVIEW, WHAT SHOULD THE PETITION REQUEST?

Where a **Petition for Review** is filed, the petition shall allege the date of entry of the order of support which the petitioner seeks to have reviewed and **shall not** request any relief other than **review** of the previous order. No specific change of circumstances need be alleged.

WHAT IS A PETITION FOR MODIFICATION?

A petition for modification is an official request to have your present support order increased, decreased or modified, based on a change of circumstances since the entry of the support order.

ARE BRIEF CHANGES OF CIRCUMSTANCES SUFFICIENT REASONS FOR MODIFICATION?

Brief changes, inflation, changes of income resulting from quitting a job, being fired for just cause, lack of visitation, other willful reductions of income including incarceration are not acceptable reasons to modify a support order.

WHEN SHOULD I FILE A PETITION FOR MODIFICATION?

Petition the court as soon as possible after experiencing a change in circumstances. Early filing is important because changes to support orders cannot be applied to the time period before you take this action. The exceptions to this rule are rare and allow changes to be applied to an Order for an earlier period only if you were unable to file a petition because of a significant physical or mental disorder, misrepresentation of another party or

other significant reason. Even under these circumstances, you must file a petition immediately, once you are no longer prevented from doing so.

Modifications of support orders are usually effective beginning on the date the petition is filed.

IF I FILE A PETITION FOR MODIFICATION, MUST I SHOW THERE HAS BEEN A SUBSTANTIAL CHANGE OF CIRCUMSTANCES SINCE THE SUPPORT ORDER WAS ENTERED?

Yes. A substantial change in circumstances includes the following examples: the parties have reconciled and are living together; the parties have reached an out-of-court agreement (and the person receiving support is not receiving public assistance); the child on the support order is over eighteen years of age and is not attending school; there is a substantial increase or decrease in the income of either party; the parties are divorced and the defendant is no longer obligated to support the plaintiff; there are extraordinary and continuing medical expenses not in existence at the time the last order was entered; it can be shown that the increased age of the child(ren) or other factors has increased expenses; or the child for whom support is being paid has been adopted, among others.

IF I FILE A PETITION FOR MODIFICATION, WHAT SHOULD THE PETITION REQUEST?

Petitions for modification filed in support actions should request only modification or termination of the existing support order.

WHAT HAPPENS AFTER THE CONFERENCE/HEARING AND NO AGREEMENT IS REACHED?

After reviewing the information or the evidence, the conference officer or permanent hearing officer will recommend to the court either that the current support be modified, or that the petition be dismissed in the event there is not a significant change in circumstances. The recommendation may result in any appropriate increase, decrease, modification or termination of the prior support order, as well as modification of other terms as authorized by law. You should be aware that it is possible for the support order to be increased when you seek a decrease or decreased when you seek an increase, as the hearing officer must base a recommendation on the available information and on court guidelines.

IF I WANT TO FILE A PETITION FOR MODIFICATION OR PETITION FOR REVIEW, HOW DO I BEGIN?

In order to initiate a change in your support order because of a change in circumstances or a request for review, an unrepresented person should report to the Domestic Relations Office, Courthouse, where a petition can be obtained for completion. If you are represented by an attorney, contact your attorney.

CAN AN AGREEMENT BE SIGNED WITHOUT FILING A PETITION?

If both parties (and/or any agency involved, such as the Dept. of Public Welfare or Children & Youth) have agreed to a specific change in the support order, contact your Domestic Relations Officer to request an appointment to sign a new agreement. A Domestic Relations Officer must oversee the entering of an agreement and order.

IS THERE A FEE FOR FILING A PETITION?

Yes, a \$15.00 filing fee must accompany the filing of any petition for modification or petition for review. If you receive cash assistance, SSI benefits or are incarcerated the fee is waived. When the parties agree and there is no need for a petition to be filed, there is no fee.

WHAT HAPPENS IF A PARTY DOES NOT APPEAR FOR THE CONFERENCE?

If you are the person who filed the petition and you do not appear, your petition will be dismissed. If you file a petition and the other party does not appear, the Conference Officer will enter a recommended order.

**PETITION FOR
MODIFICATION/
REVIEW**

**Domestic Relations Section
of Schuylkill County**

Courthouse

Post Office Box 1192

Pottsville, PA 17901-7192

Phone: (570) 628-1588

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