
Future Adjustment To Child Support Obligation

Parents and the Court are aware that the cost of living generally increases, and are often concerned that the child support obligation agreed upon today may not be sufficient for the children's needs over time.

The Court now requires that parents must be aware of the (new) provisions of New York's Domestic Relations law section 236 (B)(9)(b)(ii) which provides that each parent has a right to seek a modification of an order of child support through the Court upon a showing of:

- I. A substantial change in circumstances; or
- II. That 3 years have passed since the child support order was entered, last modified or adjusted; or
- III. There has been a change in either party's gross income by 15% or more since the order was entered, last modified or adjusted.

However, if the parents specifically "opt out" of part II or part III of the above in a validly executed agreement or stipulation, then this basis to seek modification in the court system will not apply.

As an alternative to applying to the court in the future to change the amount of child support paid, parents in mediation are encouraged to make their own agreement concerning future modification of child support. Your agreement should be one which is the most appropriate for your family, based upon your individual circumstances. Your choice will be documented in your mediated agreement.

The following are some options you may wish to consider to address future child support changes.

1. Adjust child support in accordance with the Child Support Standards Act guidelines (based on income) every one, two, or three years, etc.;
2. Adjust child support in accordance with the Consumer Price Index every one, two, or three years, etc.;
3. Provide for a specific dollar or percentage increase in child support every one, two, or three years, etc.;
4. Combine 1, 2, or 3 in a fashion acceptable to both parents;
5. Provide for renegotiation of child support after a specific time based upon certain defined terms;
6. Agree to no reduction in child support as each child is emancipated, where the CSSA obligation would otherwise drop to a lower percentage.