

“Post Divorce Modifications”

When a Change in Circumstances Occurs After Divorce

By Alicia Williamson on 5/05/2008

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Generally speaking, after a divorce has been finalized, things pretty much remain exactly as the divorce decree stipulates, yet there are times when after the divorce is finalized people seek post-divorce modifications. The reasons for these modifications are many. Perhaps one person has not met his or her responsibilities based on the divorce agreement. Maybe one spouse wants to leave the state. Or potentially, one parent has lost his or her job. When a person's living conditions or financial situations change dramatically after a divorce, and they are unable to meet their responsibilities, or if a spouse appears to be a threat to the children, either the custodial or non-custodial parent may request post divorce modification.

Divorce Modifications Usually Involve Custody and Support Issues

While the majority of divorce modifications usually involve custodial or support issues of children, there are times when provision of alimony as well as property agreements and debt distribution need to be modified. In any of these situations, if you have gotten a divorce, but find that things have changed significantly, you may need to inquire about modifying some of the decisions regarding child support, visitation, child custody orders or alimony. Consequently, if you find yourself facing any of these types of circumstances, you should consult with a good divorce attorney who can help you with post divorce modifications to the original divorce decree.

Significant Changes After Divorce

Let's suppose the court has ordered a parent to pay a certain amount of child support but their financial situation has changed. How does the parent go about making modifications to the agreement? And how does the court address these situations? For any parent who wants or needs to make a modification, the first step is showing the reason for the request. In other words, circumstances for the party seeking the modification must have changed significantly since the original order was entered. There might have been a huge drop in income or a perhaps a change in location for the person paying child support. Under these circumstances, it is appropriate to request a modification. But, bear in mind that minor disagreements between parents will not be enough for changing the divorce order. Furthermore, since each state's laws are different, any modification made must comply with the state's family code guidelines. Most states require that there must be a significant change in circumstances or they will not consider modifying a divorce judgment. In many cases, a good divorce attorney can help parents reach reasonable agreements with the former spouse outside of court, but there are many situations that must be heard in a court of law.

How Modifications Are Handled

In most cases, obtaining post divorce modifications are not usually difficult, especially if there has been a real change in either of the spouse's lives. Take for example the custodial parent who wants to move to another state and they are requesting a modification in regard to child visitation. In most cases, relocations out of state require a **removal hearing** to obtain court permission to relocate the child. During the hearing, the spouse who wants to make the move must convince the court why the move is necessary and why it may be in the best interest of the child. Once a request for modification has been entered, the court will evaluate what is best for the child and whether the modification is appropriate. After the evaluation is complete, it will be determined whether a modification is justified. Naturally, if the parent moves, custody arrangements are modified and more than likely, child support payments will change if the other parent has to pay for traveling to see the child.

About the Divorce Attorneys at Straight Divorce

A good [divorce attorney](#) can help make the transition a little smoother. Straight Divorce is committed to helping people through the divorce process or modifying their divorce decrees that reflect on their current personal and economic situations. Having successfully assisted thousands of individuals with divorce situations for over a decade, Straight Divorce attorneys make the divorce process as simple as possible. The lawyers at Straight Divorce are available for consultation. To speak with an attorney, please visit Straight Divorce at www.straightdivorce.com or if you are ready for the services of a [divorce attorney](#), please call us at 1.800.353.6058 or e-mail us at articles@straightdivorce.com for assistance.