



THE LAW OFFICE OF DAVID A. KOBILKA

HOW CAN I CHANGE MY CUSTODY AND/OR CHILD SUPPORT ORDER IN TEXAS?

If you're reading this it is likely that you, like many people are unhappy with their child custody and/or support order. There is good news. There is a good chance you won't be stuck with the same court orders until your youngest child is eighteen. Below are a few situations where a parent can ask the court to modify their child custody and/or support order.



1. **“MATERIAL and SUBSTANTIAL CHANGE”**

A custody or may be changed if the circumstances of the child, a parent, or other party affected by the order have **materially and substantially** changed since the earlier of the date of the order or the date of the signing of a mediated or collaborative law settlement agreement on

which the order is based. What is “material and substantial” is determined on a case by case basis. If you aren’t sure, contact our office. To give you an idea, a father who suddenly wanted to spend more time with his kids was not “material and substantial” enough to warrant a modification. A marriage can be assuming the modifier can meet all of the other legal requirements.



2. Your Child is 12 or Older

If your child is least 12 years of age, he or she can express to the Judge in private the name of the parent who is the child’s preference to live with.

3. The Primary Parent Has Been Away Six Months or Longer

If the Parent who has the exclusive right to designate the primary residence of the child has voluntarily surrendered the primary care and possession of the child to another person for at least six months. If you aren’t sure if they have “voluntarily” surrendered your child, call our office and schedule a consultation or schedule through www.daklawoffice.com .

4. Best Interest of the Child

In any of the above mentioned numbers 1-3, the parent asking for a modification must show the court the modification is in the best interest of the child. If you aren’t sure what the best interest of the child means exactly, give our office a call and schedule a case evaluation or schedule a call at www.daklawoffice.com .

5. Child Support Changes

You can ask the court to modify your child support order if it has been **three years** since the date of the order was entered, or last modified, **and** the monthly amount of the child support award under the order differs by either 20 percent or \$100 from the amount that *would be awarded in accordance with the child support guidelines if you were able to modify*. If you have questions about what this means, call our office or schedule a consultation at www.daklawoffice.com .

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