

Modifying Divorce Decrees

Following a divorce or dissolution of marriage, many folks want or need to modify some part of the Divorce Decree or Judgment of Dissolution entered when the divorce was granted. These modifications may concern child support because of job changes or relocations, changes in terms of child custody or visitation, or other matters.

People sometimes try to do this on their own informally and without court involvement. Although this may work for a time if both parties get along well, it is important to understand that the only way to properly modify a court order such as a Judgment of Dissolution of Marriage is by **another** Court Order. Simply agreeing to pay more or less child support or to change custody or visitation, if not embodied in an agreement approved by the court, ordinarily has no legal or enforceable effect. To be binding, an agreement to modify needs to be reduced to writing and then submitted to the court for its approval.

What's more, an agreement to modify, for example, child support or custody, can have other consequences. For example, if more child support is ordered, it may affect who gets to claim a child as an exemption for income tax purposes. If custody is modified, it affects who pays child support, what terms of visitation will be, and other matters.

For all these reasons, if you want to modify a Judgment of Dissolution, it is important to seek legal advice from an experienced family lawyer to make certain that whatever may be agreed between you and your ex-spouse does what you intend to do **and** does not cause unintended consequences.

It is always good if the parties can work out post-divorce issues fairly and amicably. This can save everyone time, money, and stress. However, to assure whatever you and your ex-spouse agree to do is legally enforceable and fair, you should review any agreement with a qualified family law attorney who can then review it, reduce it to writing, and seek approval by the court.

With over 37 years experience in family law, Schwiebert Law, P.C. stands ready to help you with your legal needs as they may arise in this area.