Form 223
(Rev. 4/05)

# RULES OF SUPPORT

1. **THE LEGAL DUTY TO SUPPORT YOUR CHILD(REN):** The Court has acquired continuing jurisdiction over you for purposes of enforcement and/or modification of the order. Pursuant to Delaware law, Title 13 Delaware Code, Section 501, parents are required to support their child(ren) until the age of 18, unless still in high school, and then until the age of 19 or graduation from high school, whichever occurs first.

2. **CHANGE OF ADDRESS:** Pursuant to Delaware law, Title 13 Delaware Code, Section 513(f), you are required to report any change of drivers license number, residential address or telephone number to Family Court, within five (5) working days of such change.

**TO NOTIFY THE COURT CALL:** **255-0300 in New Castle County**
**672-1026 in Kent County**
**855-7416 in Sussex County**

**IF YOU ARE A DCSE CLIENT, YOU SHOULD ALSO CALL 577-7171 TO NOTIFY THEM OF CHANGES. Notice of all subsequent Court appearances,** under this Order, will be mailed to your last known address given to the Court. If you fail to appear a default judgment may be entered against you, your action may be dismissed, or a capias or warrant may issue for your arrest. Title 13 Delaware Code, 513(f).

3. **CHANGE OF EMPLOYMENT OR HEALTH INSURANCE:** The support order requires you to notify the Court of any change of employment or health insurance status within five (5) days. You are required to keep the Court informed when you lose or leave a job, if you receive unemployment compensation, disability benefits, sick pay, supplemental employment benefits (SUB pay), pension, or any other income, and if health insurance becomes available or is canceled for your child(ren). Pursuant to Delaware law, Title 13 Delaware Code, Section 513(f), if you obtain a new job you must notify the Court of the new employer's name, address and telephone number. Notifying the Court of employment or insurance changes does not entitle you to a modification of the support order. To request a modification, you must file a petition for modification. (See #5)

4. **WAGE ATTACHMENT:** Pursuant to Delaware law, Title 13 Delaware Code, Section 513(b)(1), when an order for support and/or medical support is entered, the Family Court will attach your income unless both parties submit a **written agreement outlining an alternative payment arrangement, effective and outside the control of the obligor,** and/or the Court finds, after hearing the facts, that there is "good cause" to stay the attachment. If the attachment is stayed, an attachment will issue upon a showing of a default in payment of 7 working days by filing a Verified Notice of Income Attachment (available at the Clerk's Office).

**The attachment for support must be ordered payable to the Division of Child Support Enforcement (DCSE).** DCSE will keep an accounting of all payments made through that agency and will provide an account statement to either party, upon request. You must make payments as ordered until you see the ordered amount being withheld from your wages. Any time you are not working or the amount withheld is less than the ordered amount, you are required to make the payment or make up the difference on your own. **All payments must be made to DCSE, P. O. Box 904, New Castle DE 19720.**

**The attachment for medical support will be ordered payable directly to the insurance carrier.** Wages will be attached for the amount of the premium for which the employee is responsible.

5. **PETITION FOR MODIFICATION**: If your financial situation changes, one or more of the children on this order have reached age 18 or 19 as described in #1 above, or you are placed under a Court ordered support obligation for other children, or you have experienced other significant changes in circumstances through no fault of your own, or your current order is over 2 1/2 years old, you may petition the Court for modification of your support order.

When you petition the Court for modification of an order, the order may be modified upward or downward based on the amount of support calculated according to the Delaware Child Support Formula. The modification may be effective from the date that the other party receives notice of your intent to modify only if the notice is sent by certified or registered mail. Title 13 Delaware Code, Section 513(d)(2).

If the underlying order is less than 2 1/2 years old you must describe the substantial changes that you believe would warrant a modification within the 2 1/2-year period. Even if a hearing is held, the child support calculation must show a 10% increase or decrease in the support order to warrant modification. If the order is over 2 1/2 years old, the Court will modify the order, if warranted, according to the amount calculated under the Melson Formula.

**You are required to keep the other party informed of substantial changes in your financial circumstances as they may arise, and you must exchange financial information every 12 months from the date the support order is entered.**

6. **MOTION TO REVOKE THE SUPPORT ORDER AND/OR QUASH THE WAGE ATTACHMENT;** If you are no longer legally obligated to support any of the children under your order, because they have all reached the age of majority outlined in #1 above, or you have been awarded legal custody of them by the Court, or there exists a written voluntary agreement of the parents that you have custody, your support obligation is revoked by operation of law, pursuant to Title 13 Delaware Code, Section 517.

If your wages are being attached for the amount of your child support obligation, you may request that the Court stop the attachment by filing a motion to revoke the support order and quash the wage attachment. Prior to filing this with the Court, you must send a copy of your motion to the other party and the Division of Child Support Enforcement if the Division has been involved in the case. The party has 10 days, plus time for mailing, to respond to the Court before the Court decides on your motion. Your motion may be easily decided if you attach any supporting documentation that might help the Court, such as high school diploma of the child(ren), custody order, signed written custody agreement or support order that shows the order has been revoked by operation of law.

7. **CUSTODY/VISITATION:** Your right to visit with your child(ren) is an issue separate from child support and will only be addressed upon the filing of an appropriate petition for custody or visitation.

**If you are not a client of DCSE and need assistance in completing any child support related motions or petitions, call one of the numbers listed in paragraph #2 for information.**