The Family Court of the State of Delaware

In and For  New Castle County  Kent County  Sussex County

**Petition for Adjustment or Modification of Child Support Due to Incarceration**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| *Petitioner* | |  |  | *Recipient* |  |  | (court use only) |
| Name | | Date of Birth |  | Name | Date of Birth |  | File Number |
|  | |  |  |  |  |  |  |
| Street Address (when not incarcerated) | | |  | Street Address (if known) | |  |  |
|  | | |  |  | |  | Petition Number |
| P.O. Box Number | | |  | P.O. Box Number | |  |  |
|  | | |  |  | |  |  |
| City/State/Zip Code | SBI# | |  | City/State/Zip Code | |  | DCSS # |
|  |  | |  |  | |  |  |

The inmate alleges the following to be true:

1. My child(ren) in this case is(are):

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name |  | Age |  | Name |  | Age |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

1. I am currently incarcerated at (name of correctional facility)       .
   1. My current confinement started on       /       /      ,
   2. I have been or will be continually incarcerated for more than 180 days.
   3. I expect to be released on (good time release date)       /       /      .
   4. Documentation of the dates of initial confinement and of release (or anticipated release) is attached.
2. I have a child support obligation of $      per month (estimate if unsure). My most recent order determining current child support issued:

Before February of 2019; or

After January of 2019 and decreases my support obligation upon my incarceration for over 180 days.

1. My current support obligation was last determined  more than (or)  less than 2½ years ago.
2. I was incarcerated the last time my current child support obligation was established or modified, or

I was not incarcerated the last time my current child support obligation was established or modified.

1. None of the exceptions to an adjustment or modification of child support due to incarceration apply:

I have no independent income, resources or assets with which to pay an obligation of support consistent with my pre-incarceration circumstances; and

My incarceration is NOT for a criminal offense in which a child of this order or this child support recipient was a victim, or for non-payment of child support

Therefore, I request adjustment or modification of my child support obligation pursuant to Family Court Civil Rule 506(c).

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  |  | Petitioner Print Name |
|  |  |  |
| Date |  | Petitioner Signature |