

This article will outline the current Texas law on child support modification and explain when it makes sense to pursue a child support modification.

Child support modification is addressed in [Texas Family Code Section 156.401 through Section 156.409](#). Whether you are the payor who is seeking a reduction or the payee seeking an increase, the standard is the same. There are two possible avenues to seek a modification:

- Section 156.401(1) – allows the court to modify the child support if the circumstances have “materially and substantially changed” since the last order. This section gives very broad discretion to the trial judge in determining exactly what constitutes a “material and substantial” change in circumstances.
- Section 156.401(2) – essentially requires the court to recalculate the child support amount as long as it has been at least three years from the last order and the new child support amount would be at least 20% or \$100 different than the current amount. This section gives very little discretion to the trial judge other than making a determination of the facts that are used in the calculation.

Essentially, someone seeking to modify child support would only use Section 156.401(1) if it had been less than three years since the previous order. Otherwise, the argument would be based on Section 156.401(2) and the case would be much more clear cut.

Typical reasons for child support modifications by payors include issues like a reduction in their income or having additional children. While there are other possible grounds, by far the most common reason a payee seeks a modification is that the payor now has a higher income than he/she did at the time of the last order.

Obviously, the analysis above is focused on the more common child support modification situations and does not attempt to address more complex situations. If you have any questions or comments about child support modification feel free to drop your comment below.

About the Author

Scott Morgan is a board certified family law attorney and founder of the [Morgan Law Firm](#). You can read more of his family law posts on his [divorce blog](#).