

How to Modify Spousal Maintenance

If you want to change the amount or timing of spousal maintenance, you need to file a motion to change the maintenance order.

If you and your former spouse agree that the amount or time period of maintenance should be changed, you can fill out a [Stipulation to Change Maintenance](#). Both you and your former spouse must sign the form.

If you and your former spouse do not agree that the amount or time period of maintenance should be changed, you can fill out the [Notice of Motion and Motion to Change Maintenance form](#) and file it with the court. As a part of this motion you must show that a "substantial change of circumstances" has happened. This could be a change in your health, retirement, remarriage, or a new and unexpected financial burden that affects your ability to pay or receive maintenance. Either spouse - the paying or receiving spouse - can file a request to change maintenance.

There is a \$30 filing fee that you must pay when you file the motion. If you cannot afford the fee, you can fill out a [Petition for Waiver of Fees and Costs, Affidavit of Indigency](#) and [Order](#) to have the fee waived. The court will fill in the hearing date and time on the motion and return a copy of the motion to you. You must mail a copy of the motion to your former spouse at least 8 business days before the date of the hearing.

If you waived the right to ask for maintenance at the time of the divorce, you cannot file a motion for maintenance after the divorce is finished. However, if maintenance is not waived (i.e. "left open"), then you can ask for it in the future if your financial circumstances have changed.

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