

§ 78B-12-101. Title

This chapter is known as the "Utah Child Support Act."

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-102. Definitions

As used in this chapter:

(1) "Adjusted gross income" means income calculated under Subsection 78B-12-204(1).

(2) "Administrative agency" means the Office of Recovery Services or the Department of Human Services.

(3) "Administrative order" means an order that has been issued by the Office of Recovery Services, the Department of Human Services, or an administrative agency of another state or other comparable jurisdiction with similar authority to that of the office.

(4) "Base child support award" means the award that may be ordered and is calculated using the guidelines before additions for medical expenses and work-related child care costs.

(5) "Base combined child support obligation table," "child support table," "base child support obligation table," "low income table," or "table" means the appropriate table in Part 3, Tables.

(6) "Cash medical support" means an obligation to equally share all reasonable and necessary medical and dental expenses of children.

(7) "Child" means:

(a) a son or daughter under the age of 18 years who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States;

(b) a son or daughter over the age of 18 years, while enrolled in high school during the normal and expected year of graduation and not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States; or

(c) a son or daughter of any age who is incapacitated from earning a living and, if able to provide some financial resources to the family, is not able to support self by own means.

(8) "Child support" means a base child support award, or a monthly financial award for uninsured medical expenses, ordered by a tribunal for the support of a child, including current periodic payments, all arrearages which accrue under an order for current periodic payments, and sum certain judgments awarded for arrearages, medical expenses, and child care costs.

(9) "Child support order" or "support order" means a judgment, decree, or order of a tribunal whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal separation, separate maintenance, paternity, guardianship, civil protection, or otherwise which:

(a) establishes or modifies child support;

(b) reduces child support arrearages to judgment; or

(c) establishes child support or registers a child support order under Chapter 14, Uniform Interstate Family Support Act.

(10) "Child support services" or "IV-D child support services" means services provided pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. Section 651 et seq.

(11) "Court" means the district court or juvenile court.

(12) "Guidelines" means the directions for the calculation and application of child support in Part 2, Calculation and Adjustment.

(13) "Income" means earnings, compensation, or other payment due to an individual, regardless of source, whether denominated as wages, salary, commission, bonus, pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and incentive pay. "Income" includes:

(a) all gain derived from capital assets, labor, or both, including profit gained through sale or conversion of capital assets;

(b) interest and dividends;

(c) periodic payments made under pension or retirement programs or insurance policies of any type;

(d) unemployment compensation benefits;

(e) workers' compensation benefits; and

(f) disability benefits.

(14) "Joint physical custody" means the child stays with each parent overnight for more than 30% of the year, and both parents contribute to the expenses of the child in addition to paying child support.

(15) "Medical expenses" means health and dental expenses and related insurance costs.

(16) "Obligee" means an individual, this state, another state, or another comparable jurisdiction to whom child support is owed or who is entitled to reimbursement of child support or public assistance.

(17) "Obligor" means any person owing a duty of support.

(18) "Office" means the Office of Recovery Services within the Department of Human Services.

(19) "Parent" includes a natural parent, or an adoptive parent.

(20) "Split custody" means that each parent has physical custody of at least one of the children.

(21) "State" includes any state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or other comparable domestic or foreign jurisdiction.

(22) "Temporary" means a period of time that is projected to be less than 12 months in duration.

(23) "Third party" means an agency or a person other than the biological or adoptive parent or a child who provides care, maintenance, and support to a child.

(24) "Tribunal" means the district court, the Department of Human Services, Office of Recovery Services, or court or administrative agency of any state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or other comparable domestic or foreign jurisdiction.

(25) "Work-related child care costs" means reasonable child care costs for up to a full-time work week or training schedule as necessitated by the employment or training of a parent under Section 78B-12-215.

(26) "Worksheets" means the forms used to aid in calculating the base child support award.

History. Amended by Chapter 142, 2009 General Session

§ 78B-12-103. District court jurisdiction

The district court shall have jurisdiction of all proceedings brought under this chapter.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-104. Continuing jurisdiction

The court shall retain jurisdiction to modify or vacate the order of support where justice requires.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-105. Duty of parents

(1) Every child is presumed to be in need of the support of the child's mother and father. Every mother and father

shall support their children.

(2) Except as limited in a court order under Section 30-3-5, 30-4-3, or 78B-12-212 :

(a) The expenses incurred on behalf of a minor child for reasonable and necessary medical and dental expenses, and other necessities are chargeable upon the property of both parents, regardless of the marital status of the parents.

(b) Either or both parents may be sued by a creditor for the expenses described in Subsection (2)(a) incurred on behalf of minor children.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-106. Ward of state - Natural or adoptive parent has primary obligation to support - Right of third party to recover support

(1) A natural or an adoptive parent whose minor child has become a ward of this or any other state is not relieved of the primary obligation to support that child until the child reaches the age of majority, regardless of any agreements or legal defenses that may exist between the parents or other care providers. Any state that provides support for a child shall have the right to reimbursement.

(2) Nothing contained in this chapter may act to relieve the natural parent or adoptive parent of the primary obligation of support.

(3) A third party has the same right to recover support from the natural or adoptive parent as a custodial parent.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-107. Duty of obligor regardless of presence or residence of obligee

An obligor present or resident in this state has the duty of support as defined in this chapter regardless of the presence or residence of the obligee.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-108. Support follows the child

(1) Obligations ordered for child support and medical expenses are for the use and benefit of the child and shall follow the child.

(2) Except in cases of joint physical custody and split custody as defined in Section 78B-12-102, when physical custody changes from that assumed in the original order, the parent without physical custody of a child shall be required to pay the amount of support determined in accordance with Sections 78B-12-205 and 78B-12-212,

without the need to modify the order for:

- (a) the parent who has physical custody of the child;
- (b) a relative to whom physical custody of the child has been voluntarily given; or
- (c) the state when the child is residing outside of the home in the protective custody, temporary custody, or custody or care of the state or a state-licensed facility for at least 30 days.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-109. Waiver and estoppel

- (1) Waiver and estoppel shall apply only to the custodial parent when there is no order already established by a tribunal if the custodial parent freely and voluntarily waives support specifically and in writing.
- (2) Waiver and estoppel may not be applied against any third party or public entity that may provide support for the child.
- (3) A noncustodial parent, or alleged biological father in a paternity action, may not rely on statements made by the custodial parent of the child concerning child support unless the statements are reduced to writing and signed by both parties.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-110. Appeals

Appeals may be taken from orders and judgments under this chapter as in other civil actions.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-111. Court order - Medical expenses of dependent children - Assigning responsibility for payment - Insurance coverage - Income withholding

The court shall include the following in its order:

- (1) a provision assigning responsibility for the payment of reasonable and necessary medical expenses for the dependent children;
- (2) a provision requiring the purchase and maintenance of appropriate insurance for the medical expenses of dependent children, if coverage is or becomes available at a reasonable cost; and
- (3) provisions for income withholding, in accordance with Title 62A, Chapter 11, Parts 4 and 5.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-112. Payment under child support order - Judgment

(1) All monthly payments of child support shall be due on the 1st day of each month pursuant to Title 62A, Chapter 11, Part 3, Child Support Services Act, Part 4, Income Withholding in IV-D Cases, and Part 5, Income Withholding in Non-IV-D Cases.

(2) For purposes of child support services and income withholding pursuant to Title 62A, Chapter 11, Part 3 and Part 4, child support is not considered past due until the 1st day of the following month. For purposes other than those specified in Subsection (1) support shall be payable 1/2 by the 5th day of each month and 1/2 by the 20th day of that month, unless the order or decree provides for a different time for payment.

(3) Each payment or installment of child or spousal support under any support order, as defined by Section 78B-12-102, is, on and after the date it is due:

(a) a judgment with the same attributes and effect of any judgment of a district court, except as provided in Subsection (4);

(b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction; and

(c) not subject to retroactive modification by this or any other jurisdiction, except as provided in Subsection (4).

(4) A child or spousal support payment under a support order may be modified with respect to any period during which a modification is pending, but only from the date of service of the pleading on the obligee, if the obligor is the petitioner, or on the obligor, if the obligee is the petitioner. If the tribunal orders that the support should be modified, the effective date of the modification shall be the month following service on the parent whose support is affected. Once the tribunal determines that a modification is appropriate, the tribunal shall order a judgment to be entered for any difference in the original order and the modified amount for the period from the service of the pleading until the final order of modification is entered.

(5) The judgment provided for in Subsection (3)(a), to be effective and enforceable as a lien against the real property interest of any third party relying on the public record, shall be docketed in the district court in accordance with Sections 78B-5-202 and 62A-11-312.5.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-113. Enforcement of right of support

(1) (a) The obligee may enforce his right of support against the obligor. The office may proceed pursuant to this chapter or any other applicable statute on behalf of:

(i) the Department of Human Services;

(ii) any other department or agency of this state that provides public assistance, as defined by Subsection 62A-11-303(3), to enforce the right to recover public assistance; or

(iii) the obligee, to enforce the obligee's right of support against the obligor.

(b) Whenever any court action is commenced by the office to enforce payment of the obligor's support obligation, the attorney general or the county attorney of the county of residence of the obligee shall represent the office.

(2) (a) A person may not commence an action, file a pleading, or submit a written stipulation to the court, without complying with Subsection (2)(b), if the purpose or effect of the action, pleading, or stipulation is to:

(i) establish paternity;

(ii) establish or modify a support obligation;

(iii) change the court-ordered manner of payment of support;

(iv) recover support due or owing; or

(v) appeal issues regarding child support laws.

(b) (i) When taking an action described in Subsection (2)(a), a person must file an affidavit with the court at the time the action is commenced, the pleading is filed, or the stipulation is submitted stating whether child support services have been or are being provided under Part IV of the Social Security Act, 42 U.S.C., Section 601 et seq., on behalf of a child who is a subject of the action, pleading, or stipulation.

(ii) If child support services have been or are being provided, under Part IV of the Social Security Act, 42 U.S.C., Section 601 et seq., the person shall mail a copy of the affidavit and a copy of the pleading or stipulation to the Office of the Attorney General, Child Support Division.

(iii) If notice is not given in accordance with this Subsection (2), the office is not bound by any decision, judgment, agreement, or compromise rendered in the action. For purposes of appeals, service must be made on the Office of the Director for the Office of Recovery Services.

(c) If IV-D services have been or are being provided, that person shall join the office as a party to the action, or mail or deliver a written request to the Office of the Attorney General, Child Support Division asking the office to join as a party to the action. A copy of that request, along with proof of service, shall be filed with the court. The office shall be represented as provided in

Subsection (1)(b).

(3) Neither the attorney general nor the county attorney represents or has an attorney-client relationship with the obligee or the obligor in carrying out the duties under this chapter.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-114. County attorney to assist obligee

(1) The county attorney's office shall provide assistance to an obligee desiring to proceed under this chapter in the following manner:

(a) provide forms, approved by the Judicial Council of Utah, for an order of wage assignment if the obligee is not represented by legal counsel;

(b) inform the obligee of the right to file impecuniously if the obligee is unable to bear the expenses of the action and assist the obligee with such filing;

(c) advise the obligee of the available methods for service of process; and

(d) assist the obligee in expeditiously scheduling a hearing before the court.

(2) The county attorney's office may charge a fee not to exceed \$25 for providing assistance to an obligee under Subsection (1).

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-115. Husband and wife privileged communication inapplicable - Competency of spouses

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable under this chapter. Spouses are competent witnesses to testify to any relevant matter, including marriage and parentage.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-116. Social Security number in court records

The Social Security number of any individual who is subject to a support order shall be placed in the records relating to the matter.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-117. Rights are in addition to those presently existing

The rights created in this chapter are in addition to and not in substitution to any other rights.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-201. Procedure - Documentation - Stipulation

(1) In any matter in which child support is ordered, the moving party shall submit:

- (a) a completed child support worksheet;
- (b) the financial verification required by Subsection 78B-12-203(5) ;
- (c) a written statement indicating whether or not the amount of child support requested is consistent with the guidelines; and
- (d) the information required under Subsection (3).

(2) (a) If the documentation of income required under Subsection (1) is not available, a verified representation of the other party's income by the moving party, based on the best evidence available, may be submitted.

(b) The evidence shall be in affidavit form and may only be offered after a copy has been provided to the other party in accordance with Utah Rules of Civil Procedure or Title 63G, Chapter 4, Administrative Procedures Act, in an administrative proceeding.

(3) Upon the entry of an order in a proceeding to establish paternity or to establish, modify, or enforce a support order, each party shall file identifying information and shall update that information as changes occur with the court that conducted the proceeding.

(a) The required identifying information shall include the person's social security number, driver's license number, residential and mailing addresses, telephone numbers, the name, address and telephone number of employers, and any other data required by the United States Secretary of Health and Human Services.

(b) Attorneys representing the office in child support services cases are not required to file the identifying information required by Subsection (3)(a).

(4) A stipulated amount for child support or combined child support and alimony is adequate under the guidelines if the stipulated child support amount or combined amount equals or exceeds the base child support award required by the guidelines.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-202. Determination of amount of support - Rebuttable guidelines

(1) (a) Prospective support shall be equal to the amount granted by prior court order unless there has been a

substantial change of circumstance on the part of the obligor or obligee or adjustment under Subsection 78B-12-210(6) has been made.

(b) If the prior court order contains a stipulated provision for the automatic adjustment for prospective support, the prospective support shall be the amount as stated in the order, without a showing of a material change of circumstances, if the stipulated provision:

- (i) is clear and unambiguous;
- (ii) is self-executing;
- (iii) provides for support which equals or exceeds the base child support award required by the guidelines; and
- (iv) does not allow a decrease in support as a result of the obligor's voluntary reduction of income.

(2) If no prior court order exists, a substantial change in circumstances has occurred, or a petition to modify an order under Subsection 78B-12-210(6) has been filed, the court determining the amount of prospective support shall require each party to file a proposed award of child support using the guidelines before an order awarding child support or modifying an existing award may be granted.

(3) If the court finds sufficient evidence to rebut the guidelines, the court shall establish support after considering all relevant factors, including but not limited to:

- (a) the standard of living and situation of the parties;
- (b) the relative wealth and income of the parties;
- (c) the ability of the obligor to earn;
- (d) the ability of the obligee to earn;
- (e) the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income;
- (f) the needs of the obligee, the obligor, and the child;
- (g) the ages of the parties; and
- (h) the responsibilities of the obligor and the obligee for the support of others.

(4) When no prior court order exists, the court shall determine and assess all arrearages based upon the guidelines described in this chapter.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-203. Determination of gross income - Imputed income

(1) As used in the guidelines, "gross income" includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from "nonmeans-tested" government programs.

(2) Income from earned income sources is limited to the equivalent of one full-time 40-hour job. If and only if during the time prior to the original support order, the parent normally and consistently worked more than 40 hours at the parent's job, the court may consider this extra time as a pattern in calculating the parent's ability to provide child support.

(3) Notwithstanding Subsection (1), specifically excluded from gross income are:

(a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program;

(b) benefits received under a housing subsidy program, the Job Training Partnership Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, Food Stamps, or General Assistance; and

(c) other similar means-tested welfare benefits received by a parent.

(4) (a) Gross income from self-employment or operation of a business shall be calculated by subtracting necessary expenses required for self-employment or business operation from gross receipts. The income and expenses from self-employment or operation of a business shall be reviewed to determine an appropriate level of gross income available to the parent to satisfy a child support award. Only those expenses necessary to allow the business to operate at a reasonable level may be deducted from gross receipts.

(b) Gross income determined under this subsection may differ from the amount of business income determined for tax purposes.

(5) (a) When possible, gross income should first be computed on an annual basis and then recalculated to determine the average gross monthly income.

(b) Each parent shall provide verification of current income. Each parent shall provide year-to-date pay stubs or employer statements and complete copies of tax returns from at least the most recent year unless the court finds the verification is not reasonably available. Verification of income from records maintained by the Department of Workforce Services may be substituted for pay stubs, employer statements, and income tax returns.

(c) Historical and current earnings shall be used to determine whether an underemployment or overemployment situation exists.

(6) Gross income includes income imputed to the parent under Subsection (7).

(7) (a) Income may not be imputed to a parent unless the parent stipulates to the amount imputed, the parent defaults, or, in contested cases, a hearing is held and the judge in a judicial proceeding or the presiding officer in an administrative proceeding enters findings of fact as to the evidentiary basis for the imputation.

(b) If income is imputed to a parent, the income shall be based upon employment potential and probable earnings as derived from employment opportunities, work history, occupation qualifications, and prevailing earnings for persons of similar backgrounds in the community, or the median earning for persons in the same occupation in the same geographical area as found in the statistics maintained by the Bureau of Labor Statistics.

(c) If a parent has no recent work history or a parent's occupation is unknown, income shall be imputed at least at the federal minimum wage for a 40-hour work week. To impute a greater income, the judge in a judicial proceeding or the presiding officer in an administrative proceeding shall enter specific findings of fact as to the evidentiary basis for the imputation.

(d) Income may not be imputed if any of the following conditions exist and the condition is not of a temporary nature:

(i) the reasonable costs of child care for the parents' minor children approach or equal the amount of income the custodial parent can earn;

(ii) a parent is physically or mentally unable to earn minimum wage;

(iii) a parent is engaged in career or occupational training to establish basic job skills; or

(iv) unusual emotional or physical needs of a child require the custodial parent's presence in the home.

(8) (a) Gross income may not include the earnings of a minor child who is the subject of a child support award nor benefits to a minor child in the child's own right such as Supplemental Security Income.

(b) Social Security benefits received by a child due to the earnings of a parent shall be credited as child support to the parent upon whose earning record it is based, by crediting the amount against the potential obligation of that parent. Other unearned income of a child may be considered as income to a parent depending upon the circumstances of each case.

History. Renumbered and Amended by Chapter 3, 2008

General Session

§ 78B-12-204. Adjusted gross income

(1) As used in this chapter, "adjusted gross income" is the amount calculated by subtracting from gross income alimony previously ordered and paid and child support previously ordered.

(2) The guidelines do not reduce the total child support award by adjusting the gross incomes of the parents for alimony ordered in the pending proceeding. In establishing alimony, the court shall consider that in determining the child support, the guidelines do not provide a deduction from gross income for alimony.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-205. Calculation of obligations

(1) Each parent's child support obligation shall be established in proportion to their adjusted gross incomes, unless the low income table is applicable. Except during periods of court-ordered parent-time as set forth in Section 78B-12-216, the parents are obligated to pay their proportionate shares of the base combined child support obligation. If physical custody of the child changes from that assumed in the original order, modification of the order is not necessary, even if only one parent is specifically ordered to pay in the order.

(2) Except in cases of joint physical custody and split custody as defined in Section 78B-12-102 and in cases where the obligor's adjusted gross income is \$1,050 or less monthly, the base child support award shall be determined as follows:

(a) combine the adjusted gross incomes of the parents and determine the base combined child support obligation using the base combined child support obligation table; and

(b) calculate each parent's proportionate share of the base combined child support obligation by multiplying the combined child support obligation by each parent's percentage of combined adjusted gross income.

(3) In the case of an incapacitated adult child, any amount that the incapacitated adult child can contribute to the incapacitated adult child's support may be considered in the determination of child support and may be used to justify a reduction in the amount of support ordered, except that in the case of orders involving multiple children, the reduction shall not be greater than the effect of reducing the total number of children by one in the child support table calculation.

(4) In cases where the monthly adjusted gross income of either parent is between \$650 and \$1,050, the base child support award shall be the lesser of the amount calculated

in accordance with Subsection (2) and the amount calculated using the low income table. If the income and number of children is found in an area of the low income table in which no amount is shown, the base combined child support obligation table is to be used.

(5) The base combined child support obligation table provides combined child support obligations for up to six children. For more than six children, additional amounts may be added to the base child support obligation shown. Unless rebutted by Subsection 78B-12-210(3), the amount ordered may not be less than the amount which would be ordered for up to six children.

(6) If the monthly adjusted gross income of either parent is \$649 or less, the tribunal shall determine the amount of the child support obligation on a case-by-case basis, but the base child support award may not be less than \$30.

(7) The amount shown on the table is the support amount for the total number of children, not an amount per child.

(8) For all worksheets, income and support award figures shall be rounded to the nearest dollar.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-206. Income in excess of tables

If the combined adjusted gross income exceeds the highest level specified in the table, an appropriate and just child support amount shall be ordered on a case-by-case basis, but the amount ordered may not be less than the highest level specified in the table for the number of children due support.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-207. Obligation - Adjusted gross income used

Adjusted gross income shall be used in calculating each parent's share of the base combined child support obligation. Only income of the natural or adoptive parents of the child may be used to determine the award under these guidelines.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-208. Joint physical custody - Obligation calculations

In cases of joint physical custody, the base child support award shall be determined as follows:

(1) Combine the adjusted gross incomes of the parents and determine the base combined child support obligation using the base combined child support obligation table.

(2) Calculate each parent's proportionate share of the base combined child support obligation by multiplying the base combined child support obligation by each parent's percentage of combined adjusted gross income. The amounts so calculated are the base child support obligation due from each parent for support of the children.

(3) If the obligor's time with the children exceeds 110 overnights, the obligation shall be calculated further as follows:

(a) if the amount of time to be spent with the children is between 110 and 131 overnights, multiply the number of overnights over 110 by .0027, then multiply the result by the base combined child support obligation, and then subtract the result from the obligor's payment as determined by Subsection (2) to arrive at the obligor's payment; or

(b) if the amount of time to be spent with the children is 131 overnights or more, multiply the number of overnights over 130 by .0084, then multiply the result by the base combined child support obligation, and then subtract the result from the obligor's payment as determined in Subsection (3)(a) to arrive at the obligor's payment.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-209. Split custody - Obligation calculations

In cases of split custody, the base child support award shall be determined as follows:

(1) Combine the adjusted gross incomes of the parents and determine the base combined child support obligation using the base combined child support obligation table. Allocate a portion of the calculated amount between the parents in proportion to the number of children for whom each parent has physical custody. The amounts so calculated are a tentative base child support obligation due each parent from the other parent for support of the child or children for whom each parent has physical custody.

(2) Multiply the tentative base child support obligation due each parent by the percentage that the other parent's adjusted gross income bears to the total combined adjusted gross income of both parents.

(3) Subtract the lesser amount in Subsection (2) from the larger amount to determine the base child support award to be paid by the parent with the greater financial obligation.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-210. Application of guidelines - Use of

ordered child support

(1) The guidelines in this chapter apply to any judicial or administrative order establishing or modifying an award of child support entered on or after July 1, 1989.

(2) (a) The guidelines shall be applied as a rebuttable presumption in establishing or modifying the amount of temporary or permanent child support.

(b) The rebuttable presumption means the provisions and considerations required by the guidelines, the award amounts resulting from the application of the guidelines, and the use of worksheets consistent with these guidelines are presumed to be correct, unless rebutted under the provisions of this section.

(3) A written finding or specific finding on the record supporting the conclusion that complying with a provision of the guidelines or ordering an award amount resulting from use of the guidelines would be unjust, inappropriate, or not in the best interest of a child in a particular case is sufficient to rebut the presumption in that case. If an order rebuts the presumption through findings, it is considered a deviated order.

(4) The following shall be considered deviations from the guidelines, if:

(a) the order includes a written finding that it is a deviation from the guidelines;

(b) the guidelines worksheet has:

(i) the box checked for a deviation; and

(ii) an explanation as to the reason; or

(c) the deviation is made because there were more children than provided for in the guidelines table.

(5) If the amount in the order and the amount on the guidelines worksheet differ by \$10 or more:

(a) the order is considered deviated; and

(b) the incomes listed on the worksheet may not be used in adjusting support for emancipation.

(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if:

(i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or

(ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase.

(b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied:

(a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or

(b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order.

(8) (a) If a child support order has not been issued or modified within the previous three years, a parent, legal guardian, or the office may move the court to adjust the amount of a child support order.

(b) Upon receiving a motion under Subsection (8)(a), the court shall, taking into account the best interests of the child:

(i) determine whether there is a difference between the payor's ordered support amount and the payor's support amount that would be required under the guidelines; and

(ii) if there is a difference as described in Subsection (8)(b)(i), adjust the payor's ordered support amount to the payor's support amount provided in the guidelines if:

(A) the difference is 10% or more;

(B) the difference is not of a temporary nature; and

(C) the order adjusting the payor's ordered support amount does not deviate from the guidelines.

(c) A showing of a substantial change in circumstances is not necessary for an adjustment under this Subsection (8).

(9) (a) A parent, legal guardian, or the office may at any time petition the court to adjust the amount of a child support order if there has been a substantial change in circumstances. A change in the base combined child support obligation table set forth in Section 78B-12-301 is not a substantial change in circumstances for the purposes of this Subsection (9).

(b) For purposes of this Subsection (9), a substantial change in circumstances may include:

(i) material changes in custody;

(ii) material changes in the relative wealth or assets of the parties;

(iii) material changes of 30% or more in the income of a parent;

(iv) material changes in the employment potential and ability of a parent to earn;

(v) material changes in the medical needs of the child; or

(vi) material changes in the legal responsibilities of either parent for the support of others.

(c) Upon receiving a petition under Subsection (9)(a), the court shall, taking into account the best interests of the child:

(i) determine whether a substantial change has occurred;

(ii) if a substantial change has occurred, determine whether the change results in a difference of 15% or more between the payor's ordered support amount and the payor's support amount that would be required under the guidelines; and

(iii) adjust the payor's ordered support amount to that which is provided for in the guidelines if:

(A) there is a difference of 15% or more; and

(B) the difference is not of a temporary nature.

(10) Notice of the opportunity to adjust a support order under Subsections (8) and (9) shall be included in each child support order.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-211. Limitation on amount of support ordered

(1) There is no maximum limit on the base child support award that may be ordered using the base combined child support obligation table, using the low income table, or awarding medical expenses except under Subsection (2).

(2) If amounts under either table as provided in Part 3, Tables, in combination with the award of medical expenses exceeds 50% of the obligor's adjusted gross income, or by adding the child care costs, total child support would exceed 50% of the obligor's adjusted gross income, the presumption under Section 78B-12-215 is rebutted.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-212. Medical expenses

(1) (a) The court shall order that insurance for the medical expenses of the minor children be provided by a parent if it is available at a reasonable cost.

(b) The court shall, in accordance with Section 30-3-5,

designate which health, hospital, or dental insurance plan is primary and which health, hospital, or dental insurance plan is secondary if at any time a dependent child is covered by both parents' health, hospital, or dental insurance plans.

(2) In determining which parent shall be ordered to maintain insurance for medical expenses, the court or administrative agency may consider the:

(a) reasonableness of the cost;

(b) availability of a group insurance policy;

(c) coverage of the policy; and

(d) preference of the custodial parent.

(3) The order shall require each parent to share equally the out-of-pocket costs of the premium actually paid by a parent for the children's portion of insurance unless the court finds good cause to order otherwise.

(4) The parent who provides the insurance coverage may receive credit against the base child support award or recover the other parent's share of the children's portion of the premium. In cases in which the parent does not have insurance but another member of the parent's household provides insurance coverage for the children, the parent may receive credit against the base child support award or recover the other parent's share of the children's portion of the premium.

(5) The children's portion of the premium is a per capita share of the premium actually paid. The premium expense for the children shall be calculated by dividing the premium amount by the number of persons covered under the policy and multiplying the result by the number of children in the instant case.

(6) The order shall, in accordance with Subsection 30-3-5(1)(b), include a cash medical support provision that requires each parent to equally share all reasonable and necessary uninsured and unreimbursed medical and dental expenses incurred for the dependent children, including but not limited to deductibles and copayments unless the court finds good cause to order otherwise.

(7) The parent ordered to maintain insurance shall provide verification of coverage to the other parent, or to the Office of Recovery Services under Title IV of the Social Security Act, 42 U.S.C. Section 601 et seq., upon initial enrollment of the dependent children, and thereafter on or before January 2 of each calendar year. The parent shall notify the other parent, or the Office of Recovery Services under Title IV of the Social Security Act, 42 U.S.C. Section 601 et seq., of any change of insurance carrier, premium, or benefits within 30 calendar days of the date the parent first knew or should have known of the change.

(8) A parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

(9) In addition to any other sanctions provided by the court, a parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with Subsections (7) and (8).

History. Amended by Chapter 285, 2010 General Session

§ 78B-12-213. Determination of parental liability

(1) The district court or administrative agency may issue an order determining the amount of a parent's liability for medical expenses of a dependent child when the parent:

(a) is required by a prior court or administrative order to:

(i) share those expenses with the other parent of the dependent child; or

(ii) obtain insurance for medical expenses but fails to do so; or

(b) receives direct payment from an insurer under insurance coverage obtained after the prior court or administrative order was issued.

(2) If the prior court or administrative order does not specify what proportions of the expenses are to be shared, the district court may determine the amount of liability as may be reasonable and necessary.

(3) This section applies to an order without regard to when it was issued.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-214. Child care expenses - Expenses not incurred

(1) The child support order shall require that each parent share equally the reasonable work-related child care expenses of the parents.

(2) (a) If an actual expense for child care is incurred, a parent shall begin paying his share on a monthly basis immediately upon presentation of proof of the child care expense, but if the child care expense ceases to be incurred, that parent may suspend making monthly payment of that expense while it is not being incurred, without obtaining a modification of the child support order.

(b) (i) In the absence of a court order to the contrary, a parent who incurs child care expense shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a

provider and thereafter on the request of the other parent.

(ii) In the absence of a court order to the contrary, the parent shall notify the other parent of any change of child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

(3) In addition to any other sanctions provided by the court, a parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with Subsection (2)(b).

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-215. Child care costs

(1) The need to include child care costs in the child support order is presumed, if the custodial parent or the noncustodial parent, during extended parent-time, is working and actually incurring the child care costs.

(2) The need to include child care costs is not presumed, but may be awarded on a case-by-case basis, if the costs are related to the career or occupational training of the custodial parent, or if otherwise ordered by the court in the interest of justice.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-216. Reduction for extended parent-time

(1) The base child support award shall be:

(a) reduced by 50% for each child for time periods during which the child is with the noncustodial parent by order of the court or by written agreement of the parties for at least 25 of any 30 consecutive days of extended parent-time; or

(b) 25% for each child for time periods during which the child is with the noncustodial parent by order of the court, or by written agreement of the parties for at least 12 of any 30 consecutive days of extended parent-time.

(2) If the dependent child is a client of cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program, any agreement by the parties for reduction of child support during extended parent-time shall be approved by the administrative agency.

(3) Normal parent-time and holiday visits to the custodial parent shall not be considered extended parent-time.

(4) For cases receiving IV-D child support services in accordance with Title 62A, Chapter 11, Parts 1, 3, and 4, to receive the adjustment the noncustodial parent shall provide written documentation of the extended parent-time schedule, including the beginning and ending dates,

to the Office of Recovery Services in the form of either a court order or a voluntary written agreement between the parties.

(5) If the noncustodial parent complies with Subsection (4), owes no past-due support, and pays the full, unadjusted amount of current child support due for the month of scheduled extended parent-time and the following month, the Office of Recovery Services shall refund the difference from the child support due to the custodial parent or the state, between the full amount of current child support received during the month of extended parent-time and the adjusted amount of current child support due:

(a) from current support received in the month following the month of scheduled extended parent-time; or

(b) from current support received in the month following the month written documentation of the scheduled extended parent-time is provided to the office, whichever occurs later.

(6) If the noncustodial parent complies with Subsection (4), owes past-due support, and pays the full, unadjusted amount of current child support due for the month of scheduled extended parent-time, the Office of Recovery Services shall apply the difference, from the child support due to the custodial parent or the state, between the full amount of current child support received during the month of extended parent-time and the adjusted amount of current child support due, to the past-due support obligation in the case.

(7) For cases not receiving IV-D child support services in accordance with Title 62A, Chapter 11, Parts 1, 3, and 4, any potential adjustment of the support payment during the month of extended visitation or any refund that may be due to the noncustodial parent from the custodial parent, shall be resolved between the parents or through the court without involvement by the Office of Recovery Services.

(8) For purposes of this section the per child amount to which the abatement applies shall be calculated by dividing the base child support award by the number of children included in the award.

(9) The reduction in this section does not apply to parents with joint physical custody obligations calculated in accordance with Section 78B-12-208.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-217. Award of tax exemption for dependent children

(1) No presumption exists as to which parent should be awarded the right to claim a child or children as exemptions for federal and state income tax purposes.

Unless the parties otherwise stipulate in writing, the court or administrative agency shall award in any final order the exemption on a case-by-case basis.

(2) In awarding the exemption, the court or administrative agency shall consider:

(a) as the primary factor, the relative contribution of each parent to the cost of raising the child; and

(b) among other factors, the relative tax benefit to each parent.

(3) Notwithstanding Subsection (2), the court or administrative agency may not award any exemption to the noncustodial parent if that parent is not current in his child support obligation, in which case the court or administrative agency may award an exemption to the custodial parent.

(4) An exemption may not be awarded to a parent unless the award will result in a tax benefit to that parent.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-218. Accountability of support provided to benefit child - Accounting

(1) The court or administrative agency which issues the initial or modified order for child support may, upon the petition of the obligor, order prospectively the obligee to furnish an accounting of amounts provided for the child's benefit to the obligor, including an accounting or receipts.

(2) The court or administrative agency may prescribe the frequency and the form of the accounting which shall include receipts and an accounting.

(3) The obligor may petition for the accounting only if current on all child support that has been ordered.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-219. Adjustment when child becomes emancipated

(1) When a child becomes 18 years of age or graduates from high school during the child's normal and expected year of graduation, whichever occurs later, or if the child dies, marries, becomes a member of the armed forces of the United States, or is emancipated in accordance with Title 78A, Chapter 6, Part 8, Emancipation, the base child support award is automatically adjusted to the base combined child support obligation for the remaining number of children due child support, shown in the table that was used to establish the most recent order, using the incomes of the parties as specified in that order or the worksheets, unless otherwise provided in the child support order.

(2) The award may not be reduced by a per child amount derived from the base child support award originally ordered.

(3) If the incomes of the parties are not specified in the most recent order or the worksheets, the information regarding the incomes is not consistent, or the order deviates from the guidelines, automatic adjustment of the order does not apply and the order will continue until modified by the issuing tribunal. If the order is deviated and the parties subsequently obtain a judicial order that adjusts the support back to the date of the emancipation of the child, the Office of Recovery Services may not be required to repay any difference in the support collected during the interim.

History. Renumbered and Amended by Chapter 3, 2008 General Session

§ 78B-12-301. Base combined child support obligation table - Both parents

The table in this section shall be used to:

(1) establish a child support order entered for the first time on or after January 1, 2008;

(2) modify a child support order entered for the first time on or after January 1, 2008;

(3) modify a temporary judicial child support order established on or before December 31, 2007, if the new order is entered on or after January 1, 2008; or

(4) modify a final child support order entered on or before December 31, 2007, if the modification is made on or after January 1, 2010.

Monthly Combined

Adj. Gross Income Number of Children

1 2 3 4 5

6

From To

726 - 750 138 245 286 319 351

382

751 - 775 141 252 294 328 360

392

776 - 800 146 259 301 336 370

402

801 - 825 151 265 309 345 379

412

| | |
|-----------------------------------|-----------------------------------|
| 826 - 850 155 272 317 353 389 | 680 |
| 423 | 1,501 - 1,550 284 451 524 584 643 |
| 851 - 875 160 279 324 362 398 | 699 |
| 433 | 1,551 - 1,600 293 463 538 600 660 |
| 876 - 900 165 285 332 370 407 | 718 |
| 443 | 1,601 - 1,650 303 476 553 616 678 |
| 901 - 925 169 292 340 379 417 | 737 |
| 453 | 1,651 - 1,700 311 488 567 632 695 |
| 926 - 950 174 299 348 387 426 | 757 |
| 464 | 1,701 - 1,750 320 500 581 648 713 |
| 951 - 975 179 305 355 396 436 | 776 |
| 474 | 1,751 - 1,800 330 513 596 664 731 |
| 976 - 1,000 183 312 363 405 445 | 795 |
| 484 | 1,801 - 1,850 339 525 610 680 748 |
| 1,001 - 1,050 193 322 374 417 459 | 814 |
| 500 | 1,851 - 1,900 348 538 624 696 766 |
| 1,051 - 1,100 201 335 390 435 478 | 833 |
| 520 | 1,901 - 1,950 358 550 638 712 783 |
| 1,101 - 1,150 210 348 405 452 497 | 852 |
| 541 | 1,951 - 2,000 366 562 652 727 800 |
| 1,151 - 1,200 220 362 420 469 516 | 870 |
| 561 | 2,001 - 2,100 385 580 673 750 825 |
| 1,201 - 1,250 229 375 436 486 535 | 898 |
| 582 | 2,101 - 2,200 399 604 701 781 859 |
| 1,251 - 1,300 238 388 451 503 553 | 935 |
| 602 | 2,201 - 2,300 410 628 728 812 893 |
| 1,301 - 1,350 248 401 467 520 572 | 972 |
| 623 | 2,301 - 2,400 420 652 756 843 927 |
| 1,351 - 1,400 256 414 481 536 590 | 1,009 |
| 642 | 2,401 - 2,500 431 676 784 874 961 |
| 1,401 - 1,450 265 426 495 552 607 | 1,046 |
| 661 | 2,501 - 2,600 443 700 811 904 995 |
| 1,451 - 1,500 275 438 510 568 625 | 1,082 |

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|---|---|
| 2,601 - 2,700 453 723 838 934 1,028 | 1,636 |
| 1,118 | 4,301 - 4,400 616 1,081 1,248 1,391 1,530 |
| 2,701 - 2,800 464 747 865 964 1,060 | 1,665 |
| 1,154 | 4,401 - 4,500 624 1,101 1,270 1,416 1,557 |
| 2,801 - 2,900 475 770 891 994 1,093 | 1,694 |
| 1,189 | 4,501 - 4,600 633 1,119 1,291 1,439 1,583 |
| 2,901 - 3,000 485 794 918 1,024 1,126 | 1,722 |
| 1,225 | 4,601 - 4,700 641 1,133 1,306 1,456 1,601 |
| 3,001 - 3,100 496 817 945 1,054 1,159 | 1,742 |
| 1,261 | 4,701 - 4,800 650 1,147 1,321 1,473 1,620 |
| 3,101 - 3,200 508 838 970 1,081 1,189 | 1,762 |
| 1,294 | 4,801 - 4,900 659 1,161 1,336 1,489 1,638 |
| 3,201 - 3,300 518 859 994 1,108 1,219 | 1,783 |
| 1,326 | 4,901 - 5,000 668 1,175 1,351 1,506 1,657 |
| 3,301 - 3,400 529 881 1,018 1,135 1,248 | 1,803 |
| 1,358 | 5,001 - 5,100 676 1,189 1,366 1,523 1,675 |
| 3,401 - 3,500 539 902 1,042 1,162 1,278 | 1,823 |
| 1,391 | 5,101 - 5,200 684 1,203 1,381 1,540 1,694 |
| 3,501 - 3,600 548 923 1,066 1,189 1,308 | 1,843 |
| 1,423 | 5,201 - 5,300 693 1,217 1,396 1,557 1,712 |
| 3,601 - 3,700 555 944 1,090 1,216 1,337 | 1,863 |
| 1,455 | 5,301 - 5,400 701 1,227 1,408 1,570 1,726 |
| 3,701 - 3,800 564 965 1,115 1,243 1,367 | 1,878 |
| 1,487 | 5,401 - 5,500 710 1,238 1,419 1,582 1,741 |
| 3,801 - 3,900 573 985 1,138 1,269 1,396 | 1,894 |
| 1,519 | 5,501 - 5,600 719 1,248 1,431 1,595 1,755 |
| 3,901 - 4,000 581 1,004 1,160 1,294 1,423 | 1,909 |
| 1,548 | 5,601 - 5,700 728 1,259 1,442 1,608 1,769 |
| 4,001 - 4,100 590 1,024 1,182 1,318 1,450 | 1,925 |
| 1,577 | 5,701 - 5,800 733 1,269 1,454 1,621 1,783 |
| 4,101 - 4,200 599 1,043 1,204 1,342 1,477 | 1,940 |
| 1,607 | 5,801 - 5,900 739 1,280 1,465 1,634 1,797 |
| 4,201 - 4,300 608 1,062 1,226 1,367 1,503 | 1,956 |

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|---|---|
| 5,901 - 6,000 745 1,290 1,477 1,647 1,812 | 2,175 |
| 1,971 | 7,601 - 7,700 899 1,432 1,633 1,821 2,003 |
| 6,001 - 6,100 751 1,302 1,490 1,661 1,827 | 2,179 |
| 1,988 | 7,701 - 7,800 904 1,436 1,636 1,824 2,007 |
| 6,101 - 6,200 756 1,313 1,503 1,676 1,843 | 2,184 |
| 2,005 | 7,801 - 7,900 910 1,439 1,639 1,828 2,011 |
| 6,201 - 6,300 763 1,325 1,516 1,690 1,859 | 2,188 |
| 2,023 | 7,901 - 8,000 915 1,442 1,642 1,831 2,014 |
| 6,301 - 6,400 769 1,336 1,528 1,704 1,874 | 2,192 |
| 2,039 | 8,001 - 8,100 921 1,445 1,646 1,835 2,018 |
| 6,401 - 6,500 775 1,347 1,540 1,717 1,889 | 2,196 |
| 2,055 | 8,101 - 8,200 926 1,448 1,649 1,838 2,022 |
| 6,501 - 6,600 780 1,358 1,553 1,731 1,904 | 2,200 |
| 2,072 | 8,201 - 8,300 933 1,451 1,652 1,842 2,026 |
| 6,601 - 6,700 786 1,369 1,565 1,745 1,919 | 2,204 |
| 2,088 | 8,301 - 8,400 938 1,454 1,655 1,845 2,029 |
| 6,701 - 6,800 786 1,380 1,577 1,759 1,934 | 2,208 |
| 2,105 | 8,401 - 8,500 944 1,460 1,661 1,852 2,037 |
| 6,801 - 6,900 841 1,391 1,590 1,772 1,950 | 2,216 |
| 2,121 | 8,501 - 8,600 949 1,475 1,678 1,871 2,058 |
| 6,901 - 7,000 850 1,402 1,602 1,786 1,965 | 2,240 |
| 2,138 | 8,601 - 8,700 954 1,491 1,696 1,891 2,080 |
| 7,001 - 7,100 859 1,413 1,614 1,800 1,980 | 2,263 |
| 2,154 | 8,701 - 8,800 960 1,506 1,714 1,911 2,102 |
| 7,101 - 7,200 868 1,417 1,618 1,804 1,985 | 2,287 |
| 2,159 | 8,801 - 8,900 965 1,522 1,732 1,931 2,124 |
| 7,201 - 7,300 876 1,420 1,621 1,807 1,988 | 2,311 |
| 2,163 | 8,901 - 9,000 971 1,537 1,749 1,951 2,146 |
| 7,301 - 7,400 883 1,423 1,624 1,811 1,992 | 2,334 |
| 2,167 | 9,001 - 9,100 976 1,553 1,767 1,970 2,167 |
| 7,401 - 7,500 888 1,426 1,627 1,814 1,996 | 2,358 |
| 2,171 | 9,101 - 9,200 983 1,568 1,785 1,990 2,189 |
| 7,501 - 7,600 894 1,429 1,630 1,818 1,999 | 2,382 |

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|---|---|
| 9,201 - 9,300 988 1,584 1,803 2,010 2,211 | 2,697 |
| 2,405 | 10,901 - 11,000 1,090 1,788 2,033 2,267 2,494 |
| 9,301 - 9,400 994 1,599 1,820 2,030 2,233 | 2,713 |
| 2,429 | 11,001 - 11,100 1,096 1,799 2,045 2,280 2,508 |
| 9,401 - 9,500 999 1,614 1,838 2,049 2,254 | 2,729 |
| 2,453 | 11,101 - 11,200 1,103 1,809 2,056 2,293 2,522 |
| 9,501 - 9,600 1,004 1,630 1,856 2,069 2,276 | 2,744 |
| 2,477 | 11,201 - 11,300 1,109 1,820 2,068 2,306 2,537 |
| 9,601 - 9,700 1,010 1,645 1,874 2,089 2,298 | 2,760 |
| 2,500 | 11,301 - 11,400 1,116 1,830 2,080 2,319 2,551 |
| 9,701 - 9,800 1,015 1,661 1,891 2,109 2,320 | 2,775 |
| 2,524 | 11,401 - 11,500 1,123 1,841 2,091 2,332 2,565 |
| 9,801 - 9,900 1,021 1,673 1,905 2,124 2,336 | 2,791 |
| 2,542 | 11,501 - 11,600 1,129 1,851 2,103 2,345 2,579 |
| 9,901 - 10,000 1,026 1,683 1,917 2,137 2,351 | 2,806 |
| 2,557 | 11,601 - 11,700 1,136 1,862 2,115 2,358 2,594 |
| 10,001 - 10,100 1,033 1,694 1,928 2,150 2,365 | 2,822 |
| 2,573 | 11,701 - 11,800 1,143 1,872 2,126 2,371 2,608 |
| 10,101 - 10,200 1,039 1,704 1,940 2,163 2,379 | 2,838 |
| 2,589 | 11,801 - 11,900 1,150 1,882 2,138 2,383 2,622 |
| 10,201 - 10,300 1,045 1,715 1,951 2,176 2,394 | 2,852 |
| 2,604 | 11,901 - 12,000 1,157 1,892 2,148 2,395 2,635 |
| 10,301 - 10,400 1,051 1,725 1,963 2,189 2,408 | 2,867 |
| 2,620 | 12,001 - 12,100 1,164 1,901 2,159 2,407 2,648 |
| 10,401 - 10,500 1,058 1,736 1,975 2,202 2,422 | 2,881 |
| 2,635 | 12,101 - 12,200 1,171 1,910 2,170 2,419 2,661 |
| 10,501 - 10,600 1,064 1,746 1,986 2,215 2,436 | 2,895 |
| 2,651 | 12,201 - 12,300 1,178 1,919 2,180 2,431 2,674 |
| 10,601 - 10,700 1,070 1,757 1,998 2,228 2,451 | 2,910 |
| 2,666 | 12,301 - 12,400 1,185 1,929 2,191 2,443 2,687 |
| 10,701 - 10,800 1,077 1,767 2,010 2,241 2,465 | 2,924 |
| 2,682 | 12,401 - 12,500 1,192 1,938 2,202 2,455 2,700 |
| 10,801 - 10,900 1,083 1,778 2,021 2,254 2,479 | 2,938 |

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|---|---|
| 12,501 - 12,600 1,199 1,947 2,212 2,467 2,714 | 3,167 |
| 2,952 | 14,201 - 14,300 1,301 2,095 2,383 2,657 2,923 |
| 12,601 - 12,700 1,206 1,956 2,223 2,479 2,727 | 3,180 |
| 2,967 | 14,301 - 14,400 1,306 2,104 2,393 2,668 2,935 |
| 12,701 - 12,800 1,213 1,966 2,234 2,491 2,740 | 3,193 |
| 2,981 | 14,401 - 14,500 1,312 2,112 2,403 2,679 2,947 |
| 12,801 - 12,900 1,220 1,975 2,245 2,503 2,753 | 3,206 |
| 2,995 | 14,501 - 14,600 1,317 2,121 2,413 2,690 2,959 |
| 12,901 - 13,000 1,227 1,984 2,255 2,514 2,766 | 3,220 |
| 3,009 | 14,601 - 14,700 1,323 2,129 2,423 2,701 2,971 |
| 13,001 - 13,100 1,233 1,993 2,265 2,525 2,778 | 3,233 |
| 3,022 | 14,701 - 14,800 1,329 2,138 2,432 2,712 2,983 |
| 13,101 - 13,200 1,239 2,001 2,275 2,536 2,790 | 3,246 |
| 3,035 | 14,801 - 14,900 1,334 2,146 2,442 2,723 2,995 |
| 13,201 - 13,300 1,245 2,010 2,285 2,547 2,802 | 3,259 |
| 3,049 | 14,901 - 15,000 1,340 2,155 2,452 2,734 3,008 |
| 13,301 - 13,400 1,250 2,018 2,294 2,558 2,814 | 3,272 |
| 3,062 | 15,001 - 15,100 1,345 2,163 2,461 2,744 3,018 |
| 13,401 - 13,500 1,256 2,027 2,304 2,569 2,826 | 3,284 |
| 3,075 | 15,101 - 15,200 1,351 2,170 2,469 2,752 3,028 |
| 13,501 - 13,600 1,262 2,035 2,314 2,580 2,838 | 3,294 |
| 3,088 | 15,201 - 15,300 1,357 2,177 2,476 2,761 3,037 |
| 13,601 - 13,700 1,267 2,044 2,324 2,591 2,850 | 3,304 |
| 3,101 | 15,301 - 15,400 1,362 2,184 2,484 2,769 3,046 |
| 13,701 - 13,800 1,273 2,052 2,334 2,602 2,862 | 3,314 |
| 3,114 | 15,401 - 15,500 1,368 2,191 2,491 2,778 3,056 |
| 13,801 - 13,900 1,279 2,061 2,344 2,613 2,875 | 3,325 |
| 3,127 | 15,501 - 15,600 1,373 2,198 2,499 2,786 3,065 |
| 13,901 - 14,000 1,284 2,069 2,354 2,624 2,887 | 3,335 |
| 3,141 | 15,601 - 15,700 1,379 2,205 2,507 2,795 3,074 |
| 14,001 - 14,100 1,290 2,078 2,363 2,635 2,899 | 3,345 |
| 3,154 | 15,701 - 15,800 1,384 2,211 2,514 2,803 3,084 |
| 14,101 - 14,200 1,296 2,087 2,373 2,646 2,911 | 3,355 |

| | |
|---|---|
| 15,801 - 15,900 1,390 2,218 2,522 2,812 3,093 | 3,528 |
| 3,365 | 17,501 - 17,600 1,483 2,337 2,651 2,956 3,252 |
| 15,901 - 16,000 1,395 2,225 2,529 2,820 3,102 | 3,538 |
| 3,375 | 17,601 - 17,700 1,489 2,344 2,659 2,964 3,261 |
| 16,001 - 16,100 1,401 2,232 2,537 2,829 3,112 | 3,548 |
| 3,385 | 17,701 - 17,800 1,494 2,351 2,666 2,973 3,270 |
| 16,101 - 16,200 1,407 2,239 2,545 2,837 3,121 | 3,558 |
| 3,396 | 17,801 - 17,900 1,499 2,358 2,674 2,981 3,280 |
| 16,201 - 16,300 1,412 2,246 2,552 2,846 3,130 | 3,568 |
| 3,406 | 17,901 - 18,000 1,505 2,365 2,682 2,990 3,289 |
| 16,301 - 16,400 1,418 2,253 2,560 2,854 3,140 | 3,578 |
| 3,416 | 18,001 - 18,100 1,510 2,372 2,689 2,998 3,298 |
| 16,401 - 16,500 1,423 2,260 2,567 2,863 3,149 | 3,588 |
| 3,426 | 18,101 - 18,200 1,516 2,379 2,697 3,007 3,308 |
| 16,501 - 16,600 1,429 2,267 2,575 2,871 3,158 | 3,599 |
| 3,436 | 18,201 - 18,300 1,520 2,386 2,704 3,015 3,317 |
| 16,601 - 16,700 1,434 2,274 2,583 2,880 3,168 | 3,609 |
| 3,446 | 18,301 - 18,400 1,525 2,392 2,712 3,024 3,326 |
| 16,701 - 16,800 1,440 2,281 2,590 2,888 3,177 | 3,619 |
| 3,457 | 18,401 - 18,500 1,530 2,399 2,720 3,032 3,336 |
| 16,801 - 16,900 1,445 2,288 2,598 2,897 3,186 | 3,629 |
| 3,467 | 18,501 - 18,600 1,535 2,406 2,727 3,041 3,345 |
| 16,901 - 17,000 1,451 2,295 2,605 2,905 3,196 | 3,639 |
| 3,477 | 18,601 - 18,700 1,540 2,413 2,735 3,049 3,354 |
| 17,001 - 17,100 1,456 2,302 2,613 2,914 3,205 | 3,649 |
| 3,487 | 18,701 - 18,800 1,545 2,420 2,742 3,058 3,364 |
| 17,101 - 17,200 1,462 2,309 2,621 2,922 3,214 | 3,659 |
| 3,497 | 18,801 - 18,900 1,550 2,427 2,750 3,066 3,373 |
| 17,201 - 17,300 1,467 2,316 2,628 2,931 3,224 | 3,670 |
| 3,507 | 18,901 - 19,000 1,555 2,434 2,758 3,075 3,382 |
| 17,301 - 17,400 1,473 2,323 2,636 2,939 3,233 | 3,680 |
| 3,517 | 19,001 - 19,100 1,560 2,441 2,765 3,083 3,391 |
| 17,401 - 17,500 1,478 2,330 2,643 2,947 3,242 | 3,690 |

19,101 - 19,200 1,565 2,448 2,773 3,092 3,401
 3,700
 19,201 - 19,300 1,570 2,455 2,780 3,100 3,410
 3,710
 19,301 - 19,400 1,575 2,462 2,788 3,109 3,419
 3,720
 19,401 - 19,500 1,580 2,469 2,796 3,117 3,429
 3,731
 19,501 - 19,600 1,585 2,476 2,803 3,126 3,438
 3,741
 19,601 - 19,700 1,590 2,483 2,811 3,134 3,447
 3,751
 19,701 - 19,800 1,595 2,490 2,818 3,143 3,457
 3,761
 19,801 - 19,900 1,600 2,497 2,826 3,151 3,466
 3,771
 19,901 - 20,000 1,605 2,504 2,834 3,159 3,475
 3,781
 20,001 - 22,000 1,766 2,754 3,117 3,475 3,822 4,159
 22,001 - 24,000 1,926 3,005 3,401 3,791 4,170 4,537
 24,001 - 26,000 2,087 3,255 3,684 4,107 4,518 4,915
 26,001 - 28,000 2,247 3,506 3,968 4,423 4,865 5,293
 28,001 - 30,000 2,408 3,756 4,251 4,739 5,213 5,672
 30,001 - 32,000 2,508 3,916 4,451 4,979 5,473 5,952
 32,001 - 34,000 2,608 4,076 4,651 5,219 5,733 6,232
 34,001 - 36,000 2,708 4,236 4,851 5,459 5,993 6,512
 36,001 - 38,000 2,808 4,396 5,051 5,699 6,253 6,792
 38,001 - 40,000 2,908 4,556 5,251 5,939 6,513 7,072
 40,001 - 42,000 3,008 4,716 5,451 6,179 6,773 7,352
 42,001 - 44,000 3,108 4,876 5,651 6,419 7,033 7,632
 44,001 - 46,000 3,208 5,036 5,851 6,659 7,293 7,912
 46,001 - 48,000 3,308 5,196 6,051 6,899 7,553 8,192
 48,001 - 50,000 3,408 5,356 6,251 7,139 7,813 8,472

50,001 - 52,000 3,508 5,476 6,391 7,299 7,993 8,672
 52,001 - 54,000 3,608 5,596 6,531 7,459 8,173 8,872
 54,001 - 56,000 3,708 5,716 6,671 7,619 8,353 9,072
 56,001 - 58,000 3,808 5,836 6,811 7,779 8,533 9,272
 58,001 - 60,000 3,908 5,956 6,951 7,939 8,713 9,472
 60,001 - 62,000 4,008 6,076 7,091 8,099 8,893 9,672
 62,001 - 64,000 4,108 6,196 7,231 8,259 9,073 9,872
 64,001 - 66,000 4,208 6,316 7,371 8,419 9,253 10,072
 66,001 - 68,000 4,308 6,436 7,511 8,579 9,433 10,272
 68,001 - 70,000 4,408 6,556 7,651 8,739 9,613 10,472
 70,001 - 72,000 4,508 6,676 7,791 8,899 9,793 10,672
 72,001 - 74,000 4,608 6,796 7,931 9,059 9,973 10,872
 74,001 - 76,000 4,708 6,916 8,071 9,219 10,153 11,072
 76,001 - 78,000 4,808 7,036 8,211 9,379 10,333 11,272
 78,001 - 80,000 4,908 7,156 8,351 9,539 10,513 11,472
 80,001 - 82,000 5,008 7,276 8,491 9,699 10,693 11,672
 82,001 - 84,000 5,108 7,396 8,631 9,859 10,873 11,872
 84,001 - 86,000 5,208 7,516 8,771 10,019 11,053 12,072
 86,001 - 88,000 5,308 7,636 8,911 10,179 11,233 12,272
 88,001 - 90,000 5,408 7,756 9,051 10,339 11,413 12,472
 90,001 - 92,000 5,508 7,876 9,191 10,499 11,593 12,672
 92,001 - 94,000 5,608 7,996 9,331 10,659 11,773 12,872
 94,001 - 96,000 5,708 8,116 9,471 10,819 11,953 13,072
 96,001 - 98,000 5,808 8,236 9,611 10,979 12,133 13,272
 98,001 - 100,000 5,908 8,356 9,751 11,139 12,313 13,472

History. Renumbered and Amended by Chapter 3, 2008 General Session

Amended by Chapter 37, 2008 General Session

§ 78B-12-302. Low income table - Obligor parent only

The table in this section shall be used to:

- (1) establish a child support order entered for the first time on or after January 1, 2008;
- (2) modify a child support order entered for the first time

| | |
|---|--|
| on or after January 1, 2008; | 339 |
| (3) modify a temporary judicial child support order established on or before December 31, 2007, if the new order is entered on or after January 1, 2008; or | 926 - 950 363 366 |
| (4) modify a final child support order entered on or before December 31, 2007, if the modification is made on or after January 1, 2010. | 370 |
| Monthly Combined | 951 - 975 393 398 |
| Adj. Gross Income Number of Children | 402 |
| 1 2 3 4 5 | 976 - 1,000 428 |
| 6 | 433 |
| From To | 1,001 - 1,050 |
| 0 - 649 30 30 30 30 30 | 494 |
| 650 - 675 30 30 30 30 31 | History. Enacted by Chapter 3, 2008 General Session |
| 31 | Amended by Chapter 37, 2008 General Session |
| 676 - 700 58 60 60 61 61 | § 78B-12-401. Advisory committee - Membership - Expiration |
| 62 | (1) On or before March 1 of every fourth year, the governor shall appoint a child support guidelines advisory committee consisting of: |
| 701 - 725 88 88 90 91 92 | (a) one representative recommended by the Office of Recovery Services; |
| 92 | (b) one representative recommended by the Judicial Council; |
| 726 - 750 117 118 119 120 122 | (c) two representatives recommended by the Utah State Bar Association; |
| 123 | (d) two representatives of noncustodial parents; |
| 751 - 775 148 149 151 153 | (e) two representatives of custodial parents; |
| 155 | (f) one representative with expertise in economics; and |
| 776 - 800 178 179 182 183 | (g) two representatives from diverse interests related to child support issues, as the governor may consider appropriate. However, none of the individuals appointed under this subsection may be members of the Utah State Bar Association. |
| 186 | (2) The term of the committee members expires one month after the report of the committee is submitted to the Legislature under Section 78B-12-402. |
| 801 - 825 207 209 212 214 | (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term. |
| 216 | (4) The committee ceases to exist no later than November 1 of each year it is created. |
| 826 - 850 236 239 242 244 | History. Renumbered and Amended by Chapter 3, 2008 General Session |
| 247 | |
| 851 - 875 266 269 272 275 | |
| 278 | |
| 876 - 900 299 303 305 | |
| 309 | |
| 901 - 925 329 333 337 | |

§ 78B-12-402. Duties - Report - Staff

(1) The advisory committee shall review the child support guidelines to ensure their application results in the determination of appropriate child support award amounts.

(2) The committee shall report to the Legislative Judiciary Interim Committee on or before October 1 of every year in which it is created.

(3) The committee's report shall include recommendations of the majority of the committee, as well as specific recommendations of individual members of the committee.

(4) Staff for the committee shall be provided from the existing budget of the Department of Human Services.

History. Enacted by Chapter 3, 2008 General Session

§ 78B-12-403. Expenses for per diem and travel

A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(1) Section 63A-3-106 ;

(2) Section 63A-3-107 ; and

(3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

History. Repealed and Re-enacted by Chapter 286, 2010 General Session