

**62A-11-320.5 Review and adjustment of child support order in three-year cycle --
Substantial change in circumstances not required.**

- (1) If a child support order has not been issued, modified, or reviewed within the previous three years, the office shall review a child support order, taking into account the best interests of the child involved, if:
 - (a) requested by a parent or legal guardian involved in a case receiving IV-D services; or
 - (b) there has been an assignment under Section 35A-3-108 and the office determines that a review is appropriate.
- (2) If the office conducts a review under Subsection (1), the office shall determine if there is a difference of 10% or more between the amount ordered and the amount that would be required under the child support guidelines. If there is such a difference and the difference is not of a temporary nature, the office shall:
 - (a) with respect to a child support order issued or modified by the office, adjust the amount to that which is provided for in the guidelines; or
 - (b) with respect to a child support order issued or modified by a court, file a petition with the court to adjust the amount to that which is provided for in the guidelines.
- (3) The office may use automated methods to:
 - (a) collect information and conduct reviews under Subsection (2); and
 - (b) identify child support orders in which there is a difference of 10% or more between the amount of child support ordered and the amount that would be required under the child support guidelines for review under Subsection (1)(b).
- (4)
 - (a) A parent or legal guardian who requests a review under Subsection (1)(a) shall provide notice of the request to the other parent within five days and in accordance with Section 62A-11-304.4.
 - (b) If the office conducts a review under Subsections (1)(b) and (3)(b), the office shall provide notice to the parties of:
 - (i) a proposed adjustment under Subsection (2)(a); or
 - (ii) a proposed petition to be filed in court under Subsection (2)(b).
- (5)
 - (a) Within 30 days of notice being sent under Subsection (4)(a), a parent or legal guardian may respond to a request for review filed with the office.
 - (b) Within 30 days of notice being sent under Subsection (4)(b), a parent or legal guardian may contest a proposed adjustment or petition by requesting a review under Subsection (1)(a) and providing documentation that refutes the adjustment or petition.
- (6) A showing of a substantial change in circumstances is not necessary for an adjustment under this section.

Repealed and Re-enacted by Chapter 232, 1997 General Session