

62A-11-320.6 Review and adjustment of support order for substantial change in circumstances outside three-year cycle.

- (1)
 - (a) A parent or legal guardian involved in a case receiving IV-D services or the office, if there has been an assignment under Section 35A-3-108, may at any time request the office to review a child support order if there has been a substantial change in circumstances.
 - (b) For purposes of Subsection (1)(a), 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 ability of a parent to earn;
 - (v) material changes in the medical needs of the child; and
 - (vi) material changes in the legal responsibilities of either parent for the support of others.
- (2) Upon receiving a request under Subsection (1), the office shall review the order, taking into account the best interests of the child involved, to determine whether the substantial change in circumstance has occurred, and if so, whether the change resulted in a difference of 15% or more between the amount of child support 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 support order issued or modified by the office, adjust the amount in accordance with the guidelines; or
 - (b) with respect to a support order issued or modified by a court, file a petition with the court to adjust the amount in accordance with the guidelines.
- (3) The office may use automated methods to collect information for a review conducted under Subsection (2).
- (4)
 - (a) A parent or legal guardian who requests a review under Subsection (1) 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 initiates and conducts a review under Subsection (1), the office shall provide notice of the request to any parent or legal guardian within five days and in accordance with Section 62A-11-304.4.
- (5) Within 30 days of notice being sent under Subsection (4), a parent or legal guardian may file a response to a request for review with the office.

Enacted by Chapter 232, 1997 General Session