

**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.

Renumbered and Amended by Chapter 3, 2008 General Session