

1 **CHILD SUPPORT MODIFICATIONS**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Eric K. Hutchings**

5 **This act modifies provisions relating to child support, providing for a reduction in the**
6 **amount of child support when a child remains with the noncustodial parent for a certain**
7 **length of time.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **78-45-7.11**, as last amended by Chapter 255, Laws of Utah 2001

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **78-45-7.11** is amended to read:

13 **78-45-7.11. Reduction for extended parent-time.**

14 (1) ~~[The]~~ Unless otherwise ordered by the court, the child support order shall provide that
15 the ~~base~~ **COMBINED** child support ~~award~~ **OBLIGATION** be reduced by:

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

19 (b) 25% for each child for time periods during which the child is with the noncustodial
20 parent for at least 14 of any 30 consecutive days of extended parent-time.

21 (2) If the dependent child is a client of cash assistance provided under Title 35A, Chapter
22 3, Part 3, Family Employment Program, any agreement by the parties for reduction of child support
23 during extended parent-time shall be approved by the administrative agency. ~~[However, normal]~~

24 (3) Normal parent-time and holiday visits to the custodial parent shall not be considered
25 ~~[an interruption of the consecutive day requirement]~~ extended parent-time.

26 (4) The Office of Recovery Services shall make the appropriate reduction provided for in
27 Subsection (1) after being notified that the extended parent-time has occurred. Either party may



28 notify the office.

29 [~~(2)~~] (5) For purposes of this section the per child amount to which the abatement applies
30 shall be calculated by dividing the ~~h~~ [base] **COMBINED** ~~h~~ child support ~~h~~ [award] **OBLIGATION** ~~h~~ by
30a the number of children included
31 in the award.

32 [~~(3)~~] (6) The reduction in this section does not apply to parents with joint physical custody
33 obligations calculated in accordance with Section 78-45-7.9.

Legislative Review Note
as of 2-6-02 8:15 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel