

Superseded 5/3/2023

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, Child Support Services Act, and Part 4, Income Withholding in IV-D Cases, 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.