

Superseded 5/3/2023

78B-12-216 Reduction for extended parent-time.

- (1) The base child support award shall be:
 - (a) reduced by 50% for each child for time periods during which the child is with the noncustodial parent by order of the court or by written agreement of the parties for at least 25 of any 30 consecutive days of extended parent-time; or
 - (b) 25% for each child for time periods during which the child is with the noncustodial parent by order of the court, or by written agreement of the parties for at least 12 of any 30 consecutive days of extended parent-time.
- (2) If the dependent child is a client of cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program, any agreement by the parties for reduction of child support during extended parent-time shall be approved by the administrative agency.
- (3) Normal parent-time and holiday visits to the custodial parent shall not be considered extended parent-time.
- (4) For cases receiving IV-D child support services in accordance with Title 62A, Chapter 11, Part 1, Office of Recovery Services, Part 3, Child Support Services Act, and Part 4, Income Withholding in IV-D Cases, to receive the adjustment the noncustodial parent shall provide written documentation of the extended parent-time schedule, including the beginning and ending dates, to the Office of Recovery Services in the form of either a court order or a voluntary written agreement between the parties.
- (5) If the noncustodial parent complies with Subsection (4), owes no past-due support, and pays the full, unadjusted amount of current child support due for the month of scheduled extended parent-time and the following month, the Office of Recovery Services shall refund the difference from the child support due to the custodial parent or the state, between the full amount of current child support received during the month of extended parent-time and the adjusted amount of current child support due:
 - (a) from current support received in the month following the month of scheduled extended parent-time; or
 - (b) from current support received in the month following the month written documentation of the scheduled extended parent-time is provided to the office, whichever occurs later.
- (6) If the noncustodial parent complies with Subsection (4), owes past-due support, and pays the full, unadjusted amount of current child support due for the month of scheduled extended parent-time, the Office of Recovery Services shall apply the difference, from the child support due to the custodial parent or the state, between the full amount of current child support received during the month of extended parent-time and the adjusted amount of current child support due, to the past-due support obligation in the case.
- (7) For cases not receiving IV-D child support services in accordance with Title 62A, Chapter 11, Part 1, Office of Recovery Services, Part 3, Child Support Services Act, and Part 4, Income Withholding in IV-D Cases, any potential adjustment of the support payment during the month of extended visitation or any refund that may be due to the noncustodial parent from the custodial parent, shall be resolved between the parents or through the court without involvement by the Office of Recovery Services.
- (8) For purposes of this section the per child amount to which the abatement applies shall be calculated by dividing the base child support award by the number of children included in the award.
- (9) The reduction in this section does not apply to parents with joint physical custody obligations calculated in accordance with Section 78B-12-208.