

Effective 9/1/2024

Superseded 5/6/2026

81-6-202 Determination of amount of child support -- Application of child support guidelines -- Requirements for child support order.

- (1)
 - (a) If a prior child support order does not exist, a substantial change in circumstances has occurred, or a petition to modify a child support order as described in Section 81-6-212 is filed, the court determining the amount of prospective child support shall require each party to file a proposed award of child support using the child support guidelines before the court enters or modifies a child support order.
 - (b) When no prior child support order exists, the court or administrative agency shall determine and assess all arrearages based upon the child support guidelines.
- (2)
 - (a) The court or administrative agency shall apply the child support guidelines as a rebuttable presumption in establishing or modifying the amount of temporary or permanent child support.
 - (b) The rebuttable presumption means the provisions and considerations required by the child support guidelines, the award amounts resulting from the application of the child support guidelines, and the use of worksheets consistent with the child support guidelines are presumed to be correct, unless the child support guidelines are rebutted in accordance with this section.
- (3)
 - (a) A written finding or specific finding on the record supporting the conclusion that complying with a provision of the child support guidelines or ordering an award amount resulting from use of the child support guidelines would be unjust, inappropriate, or not in the best interest of a child in a particular case is sufficient to rebut the presumption in that case.
 - (b) If an order rebuts the presumption through findings, the order is considered a deviated order.
- (4) The following are considered deviations from the child support guidelines, if:
 - (a) the order includes a written finding that the order is a deviation from the child support guidelines;
 - (b) the worksheet has:
 - (i) the box checked for a deviation; and
 - (ii) an explanation as to the reason; or
 - (c) the deviation is made because there were more children than provided for in the child support tables.
- (5) If the amount in the order and the amount on the worksheet differ by \$10 or more:
 - (a) the order is considered deviated; and
 - (b) the incomes listed on the worksheet may not be used in adjusting support for emancipation as described in Section 81-6-213.
- (6) If the court finds sufficient evidence to rebut the guidelines as described in Subsection (3), the court shall establish child support after considering all relevant factors, including:
 - (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.
- (7)
- (a) If there are children of either parent who live in the home of that parent and are not children in common to both parties, the court or administrative agency, at the option of either party, may take into account the children under the child support guidelines in setting a base child support award as described in Subsection (8).
 - (b) Additional worksheets shall be prepared that calculate the base child support award of the respective parents for the additional children.
 - (c) The court or administrative agency shall subtract the base child support award calculated under Subsection (7)(b) from the appropriate parent's income before determining the award in the case described in Subsection (7)(a).
- (8) In a proceeding to adjust or modify a child support order, the court or administrative agency may consider children, who are born after the entry of the child support order and are not in common to both parties, to mitigate an increase in the award, but the court or administrative agency may not consider the children:
- (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent child support order; or
 - (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent child support order.
- (9) A stipulated amount for child support or combined child support and alimony is adequate under the child support guidelines if the stipulated child support amount or combined amount equals or exceeds the base child support award required by the child support guidelines.
- (10) The court shall include the following provisions in a child support order:
- (a) a provision establishing the monthly amount of child support obligation for each parent in accordance with the child support guidelines;
 - (b) a provision assigning responsibility for the payment of reasonable and necessary medical expenses for the child as described in Section 81-6-208;
 - (c) a provision requiring the purchase and maintenance of appropriate health care insurance for the medical expenses of the child as described in Section 81-6-208 if health care insurance is or becomes available at a reasonable cost;
 - (d) a provision regarding the child care expenses and costs as described in Section 81-6-209;
 - (e) a provision regarding each parent's right to claim a child as a tax exemption for federal and state income tax purposes in accordance with Section 81-6-210;
 - (f) provisions for income withholding as a means of collecting child support, in accordance with Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases; and
 - (g) a provision regarding a parent's opportunity to adjust a child support order as described in Section 81-6-212.
- (11) The office shall include the provisions described in Section 26B-9-224 in a child support order.