

Effective 9/1/2024

81-6-205 Sole physical custody -- Obligation calculations -- Change in physical custody.

- (1) This section applies to a case in which a parent, or another person, is awarded sole physical custody of the children.
- (2) Except as provided in Subsections (3) and (4), the court or administrative agency shall determine the base child support award for each parent by:
 - (a) dividing each parent's monthly adjusted gross income by the combined monthly adjusted gross income to determine each parent's percentage; and
 - (b) multiplying each parent's percentage by the base combined child support obligation that is calculated as described in Subsection 81-6-204(1).
- (3)
 - (a) If the base combined child support obligation is \$0, the court or administrative agency shall establish the base child support award for each parent by:
 - (i) determining the individual monthly adjusted gross income for the parent;
 - (ii) locating the amount of the base child support award in the low income table by finding:
 - (A) the monthly adjusted gross income for the parent in the low income table; and
 - (B) the number of children in common with the parents.
 - (b) The corresponding amount in the low income table is the base child support award for that parent.
- (4)
 - (a) If a parent's individual monthly adjusted gross income is less than the highest amount of monthly adjusted gross income shown in the low income table, the court or administrative agency shall determine that the base child support award is the lesser of:
 - (i) the amount calculated using the base combined child support obligation table as described in Subsection (2); and
 - (ii) the amount calculated using the low income table as described in Subsection (3).
 - (b) If the monthly adjusted gross income of a parent is found in an area of the low income table in which no amount is shown, the court or administrative agency shall determine the base child support award by using the amount listed in the base combined child support obligation table and calculated as described in Subsection (2).
- (5) A base child support award in a sole physical custody case may not be less than \$30.
- (6) The amounts calculated under this section are rebuttable as described in Section 81-6-202.
- (7) A parent without sole physical custody of the children is an obligor and is required to pay the amount of child support calculated under this section.
- (8)
 - (a) When physical custody of a child changes after the original child support order, the parent without physical custody of the child is required to pay the amount of child support calculated under this section, without the need to modify the order, to:
 - (i) the parent who has physical custody of the child;
 - (ii) a relative to whom physical custody of the child has been voluntarily given; or
 - (iii) the state when the child is residing outside of the home in the protective custody, temporary custody, or care of the state or a state-licensed facility for at least 30 days.
 - (b) When physical custody of a child changes from the physical custody that is assumed in the original child support order calculated under this section, the modification of the child support order is not necessary even if only one parent is specifically ordered to pay in the child support order.

Enacted by Chapter 366, 2024 General Session

