

CHILD SUPPORT MODIFICATIONS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Eric K. Hutchings

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

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

AMENDS:

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

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

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

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

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

(a) 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 for at least 14 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. ~~[However, normal]~~

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

(4) The Office of Recovery Services shall make the appropriate reduction provided for in 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 base child support award by 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