# CHILD SUPPORT GUIDELINES 

2006 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Gregory S. Bell
House Sponsor: Lorie D. Fowlke

## LONG TITLE

## General Description:

This bill updates child support guidelines and makes other corrections.

## Highlighted Provisions:

This bill:

- recalculates and updates the child support table amounts;
- defines "temporary" as less than 12 months;
- requires the use of the same table when adjusting child support amounts due to aging out or death of a child; and
- makes technical corrections.


## Monies Appropriated in this Bill:

None

## Other Special Clauses:

This bill coordinates with H.B. 30, Emancipation of a Minor by providing superseding and technical amendments.

## Utah Code Sections Affected:

## AMENDS:

78-45-2, as last amended by Chapters 161 and 186, Laws of Utah 2000
78-45-7.2, as last amended by Chapter 176, Laws of Utah 2003
78-45-7.5, as last amended by Chapter 116, Laws of Utah 2001
78-45-7.7, as last amended by Chapter 255, Laws of Utah 2001

78-45-7.10, as last amended by Chapter 176, Laws of Utah 2003
78-45-7.14, as repealed and reenacted by Chapter 118, Laws of Utah 1994
78-45-7.15, as last amended by Chapter 176, Laws of Utah 2003
78-45-7.16, as last amended by Chapter 118, Laws of Utah 1994
78-45-7.21, as enacted by Chapter 118, Laws of Utah 1994

Be it enacted by the Legislature of the state of Utah:
Section 1. Section 78-45-2 is amended to read:

## 78-45-2. Definitions.

As used in this chapter:
(1) "Adjusted gross income" means income calculated under Subsection 78-45-7.6(1).
(2) "Administrative agency" means the Office of Recovery Services or the Department of Human Services.
(3) "Administrative order" means an order that has been issued by the Office of Recovery Services, the Department of Human Services, or an administrative agency of another state or other comparable jurisdiction with similar authority to that of the office.
(4) "Base child support award" means the award that may be ordered and is calculated using the guidelines before additions for medical expenses and work-related child care costs.
(5) "Base combined child support obligation table," "child support table," "base child support obligation table," "low income table," or "table" means the appropriate table in Section 78-45-7.14.
(6) "Child" means:
(a) a son or daughter under the age of 18 years who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States;
(b) a son or daughter over the age of 18 years, while enrolled in high school during the normal and expected year of graduation and not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States; or
(c) a son or daughter of any age who is incapacitated from earning a living and, if able to provide some financial resources to the family, is not able to support self by own means.
(7) "Child support" means a base child support award as defined in [Section 78-45-2] this section, or a monthly financial award for uninsured medical expenses, ordered by a tribunal
for the support of a child, including current periodic payments, all arrearages which accrue under an order for current periodic payments, and sum certain judgments awarded for arrearages, medical expenses, and child care costs.
(8) "Child support order" or "support order" means a judgment, decree, or order of a tribunal whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal separation, separate maintenance, paternity, guardianship, civil protection, or otherwise which:
(a) establishes or modifies child support;
(b) reduces child support arrearages to judgment; or
(c) establishes child support or registers a child support order under Title 78, Chapter 45f, Uniform Interstate Family Support Act.
(9) "Child support services" or "IV-D child support services" means services provided pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. Section 651 et seq.
(10) "Court" means the district court or juvenile court.
(11) "Guidelines" means the child support guidelines in Sections 78-45-7.2 through 78-45-7.21.
(12) "Income" means earnings, compensation, or other payment due to an individual, regardless of source, whether denominated as wages, salary, commission, bonus, pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and incentive pay. "Income" includes:
(a) all gain derived from capital assets, labor, or both, including profit gained through sale or conversion of capital assets;
(b) interest and dividends;
(c) periodic payments made under pension or retirement programs or insurance policies of any type;
(d) unemployment compensation benefits;
(e) workers' compensation benefits; and
(f) disability benefits.
(13) "Joint physical custody" means the child stays with each parent overnight for more than $30 \%$ of the year, and both parents contribute to the expenses of the child in addition to paying child support.
(14) "Medical expenses" means health and dental expenses and related insurance costs.
(15) "Obligee" means an individual, this state, another state, or another comparable jurisdiction to whom child support is owed or who is entitled to reimbursement of child support or public assistance.
(16) "Obligor" means any person owing a duty of support.
(17) "Office" means the Office of Recovery Services within the Department of Human Services.
(18) "Parent" includes a natural parent, or an adoptive parent.
(19) "Split custody" means that each parent has physical custody of at least one of the children.
(20) "State" includes any state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or other comparable domestic or foreign jurisdiction.
(21) "Temporary" means projected to be less than 12 months in duration.
[(21)] (22) "Third party" means an agency or a person other than the biological or adoptive parent or a child who provides care, maintenance, and support to a child.
$[(22)](23)$ "Tribunal" means the district court, the Department of Human Services, Office of Recovery Services, or court or administrative agency of any state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or other comparable domestic or foreign jurisdiction.
[(23)] (24) "Work-related child care costs" means reasonable child care costs for up to a full-time work week or training schedule as necessitated by the employment or training of a parent under Section 78-45-7.17.
[(24)] (25) "Worksheets" means the forms used to aid in calculating the base child support award.

Section 2. Section 78-45-7.2 is amended to read:
78-45-7.2. Application of guidelines -- Rebuttal.
(1) The guidelines apply to any judicial or administrative order establishing or modifying an award of child support entered on or after July 1, 1989.
(2) (a) The child support guidelines shall be applied 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 guidelines, the award amounts resulting from the application of the guidelines, and the use of worksheets consistent with these guidelines are presumed to be correct, unless rebutted under the provisions of this section.
(3) A written finding or specific finding on the record supporting the conclusion that complying with a provision of the guidelines or ordering an award amount resulting from use of the 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. If an order rebuts the presumption through findings, it is considered a deviated order.
(4) The following shall be considered deviations from the guidelines, if:
(a) the order includes a written finding that it is a [nongutidelines order] deviation from the guidelines;
(b) the guidelines worksheet has the box checked for a deviation and has an explanation as to the reason; or
(c) the deviation was made because there were more children than provided for in the guidelines table.
(5) If the amount in the order and the amount on the guidelines worksheet differ[,but the differenee is less than] by $\$ 10$ or more, the order shall [not] be considered deviated and the incomes listed on the worksheet may not be used in adjusting support for emancipation.
(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if:
(i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or
(ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase.
(b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.
(7) In a proceeding to modify an existing award, consideration of natural or adoptive
children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied:
(a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent 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 order.
(8) (a) If a child support order has not been issued or modified within the previous three years, a parent, legal guardian, or the office may petition the court to adjust the amount of a child support order.
(b) Upon receiving a petition under Subsection (8)(a), the court shall, taking into account the best interests of the child, determine whether there is a difference between the payor's ordered support amount [ordered] and the payor's support amount that would be required under the guidelines. [ff]
(i) If the current amount was ordered prior to January 1, 2007, there is a difference of $\mathbf{2 5 \%}$ or more, the difference is not of a temporary nature, and the order does not deviate from the guidelines, the court shall adjust the amount to that which is provided for in the guidelines.
(ii) If the current amount was ordered on or after January 1, 2007, there is a difference of $10 \%$ or more [and], the difference is not of a temporary nature, and the order does not deviate from the guidelines, the court shall adjust the amount to that which is provided for in the guidelines.
(c) A showing of a substantial change in circumstances is not necessary for an adjustment under Subsection (8)(b).
(9) (a) A parent, legal guardian, or the office may at any time petition the court to adjust the amount of a child support order if there has been a substantial change in circumstances. A change in the base combined child support obligation table set forth in Section 78-45-7.14 is not a substantial change in circumstances for the purposes of this section.
(b) For purposes of Subsection (9)(a), a substantial change in circumstances may include:
(i) material changes in custody;
(ii) material changes in the relative wealth or assets of the parties;
(iii) material changes of $30 \%$ or more in the income of a parent;
(iv) material changes in the employment potential and ability of a parent to earn;
(v) material changes in the medical needs of the child; and
(vi) material changes in the legal responsibilities of either parent for the support of others.
(c) Upon receiving a petition under Subsection (9)(a), the court shall, taking into account the best interests of the child, determine whether a substantial change has occurred. If it has, the court shall then determine whether the change results in a difference of $15 \%$ or more between the payor's ordered support amount and the payor's support amount [of ehild support ordered and the amount] that would be required under the guidelines. If there is such a difference [and], the difference is not of a temporary nature, and the order does not deviate from the guidelines, the court shall adjust the amount of child support ordered to that which is provided for in the guidelines.
(10) Notice of the opportunity to adjust a support order under Subsections (8) and (9) shall be included in each child support order issued or modified after July 1, 1997.

Section 3. Section 78-45-7.5 is amended to read:

## 78-45-7.5. Determination of gross income -- Imputed income.

(1) As used in the guidelines, "gross income" includes:
(a) prospective income from any source, including nonearned sources, except under Subsection (3); and
(b) income from salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from "nonmeans-tested" government programs.
(2) Income from earned income sources is limited to the equivalent of one full-time 40-hour job. However, if and only if during the time prior to the original support order, the parent normally and consistently worked more than 40 hours at his job, the court may consider this extra time as a pattern in calculating the parent's ability to provide child support.
(3) Specifically excluded from gross income are:
(a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program;
(b) benefits received under a housing subsidy program, the Job Training Partnership Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, Food Stamps, or General Assistance; and
(c) other similar means-tested welfare benefits received by a parent.
(4) (a) Gross income from self-employment or operation of a business shall be calculated by subtracting necessary expenses required for self-employment or business operation from gross receipts. The income and expenses from self-employment or operation of a business shall be reviewed to determine an appropriate level of gross income available to the parent to satisfy a child support award. Only those expenses necessary to allow the business to operate at a reasonable level may be deducted from gross receipts.
(b) Gross income determined under this subsection may differ from the amount of business income determined for tax purposes.
(5) (a) When possible, gross income should first be computed on an annual basis and then recalculated to determine the average gross monthly income.
(b) Each parent shall provide verification of current income. Each parent shall provide year-to-date pay stubs or employer statements and complete copies of tax returns from at least the most recent year unless the court finds the verification is not reasonably available.

Verification of income from records maintained by the Department of Workforce Services may be substituted for pay stubs, employer statements, and income tax returns.
(c) Historical and current earnings shall be used to determine whether an underemployment or overemployment situation exists.
(6) Gross income includes income imputed to the parent under Subsection (7).
(7) (a) Income may not be imputed to a parent unless the parent stipulates to the amount imputed, the party defaults, or, in contested cases, a hearing is held and [a finding made that the parent is voluntarily unemployed or underemployed] the judge in a judicial proceeding or the presiding officer in an administrative proceeding enters findings of fact as to the evidentiary basis for the imputation.
(b) If income is imputed to a parent, the income shall be based upon employment potential and probable earnings as derived from employment opportunities, work history, occupation qualifications, and prevailing earnings for persons of similar backgrounds in the community, or the median earning for persons in the same occupation in the same geographical
area as found in the statistics maintained by the Bureau of Labor Statistics.
(c) If a parent has no recent work history or their occupation is unknown, income shall be imputed at least at the federal minimum wage for a 40 -hour work week. To impute a greater income, the judge in a judicial proceeding or the presiding officer in an administrative proceeding shall enter specific findings of fact as to the evidentiary basis for the imputation.
(d) Income may not be imputed if any of the following conditions exist and the condition is not of a temporary nature:
(i) the reasonable costs of child care for the parents' minor children approach or equal the amount of income the custodial parent can earn;
(ii) a parent is physically or mentally [disabled to the extent he eannot] unable to earn minimum wage;
(iii) a parent is engaged in career or occupational training to establish basic job skills; or
(iv) unusual emotional or physical needs of a child require the custodial parent's presence in the home.
(8) (a) Gross income may not include the earnings of a minor child who is the subject of a child support award nor benefits to a minor child in the child's own right such as Supplemental Security Income.
(b) Social Security benefits received by a child due to the earnings of a parent shall be credited as child support to the parent upon whose earning record it is based, by crediting the amount against the potential obligation of that parent. Other unearned income of a child may be considered as income to a parent depending upon the circumstances of each case.

Section 4. Section 78-45-7.7 is amended to read:

## 78-45-7.7. Calculation of obligations.

(1) For all worksheets, income and support award figures shall be rounded to the nearest dollar. Each parent's child support obligation shall be established in proportion to their adjusted gross incomes, unless the low income table is applicable. Except during periods of court-ordered parent-time as set forth in Section 78-45-7.11, the parents are obligated to pay their proportionate shares of the base combined child support obligation. If physical custody of the child changes from that assumed in the original order, modification of the order is not necessary, even if only one parent is specifically ordered to pay in the order.
(2) Except in cases of joint physical custody and split custody as defined in Section 78-45-2 and in cases where the obligor's adjusted gross income is $\$ 1,050$ or less monthly, the base child support award shall be determined as follows:
(a) combine the adjusted gross incomes of the parents and determine the base combined child support obligation using the base combined child support obligation table; and
(b) calculate each parent's proportionate share of the base combined child support obligation by multiplying the combined child support obligation by each parent's percentage of combined adjusted gross income.
(3) In the case of an incapacitated adult child, any amount that the incapacitated adult child can contribute to his or her support may be considered in the determination of child support and may be used to justify a reduction in the amount of support ordered, except that in the case of orders involving multiple children, the reduction shall not be greater than the effect of reducing the total number of children by one in the child support table calculation.
(4) In cases where the monthly adjusted gross income of [the obligor] either parent is between $\$ 650$ and $\$ 1,050$, the base child support award shall be the lesser of the amount calculated in accordance with Subsection (2) and the amount calculated using the low income table. If the income and number of children is found in an area of the low income table in which no amount is shown, the base combined child support obligation table is to be used.
(5) The base combined child support obligation table provides combined child support obligations for up to six children. For more than six children, additional amounts may be added to the base child support obligation shown. Unless rebutted by Subsection 78-45-7.2(3), the amount ordered shall not be less than the amount which would be ordered for up to six children.
(6) If the monthly adjusted gross income of [the obligor] either parent is $\$ 649$ or less, the tribunal shall determine the amount of the child support obligation on a case-by-case basis, but the base child support award shall not be less than [\$20] \$30.
(7) The amount shown on the table is the support amount for the total number of children, not an amount per child.

Section 5. Section 78-45-7.10 is amended to read:
78-45-7.10. Adjustment when child becomes emancipated.
(1) When a child becomes 18 years of age, or has graduated from high school during
the child's normal and expected year of graduation, whichever occurs later, or if the child dies, marries, or is a member of the armed forces of the United States, the base child support award is automatically adjusted to [refleet] the base combined child support obligation for the remaining number of children due child support, shown in the table [for the remaining number of chritdrendue ehritd support] that was used to establish the most recent order, using the incomes of the parties as specified in that order or the worksheets, unless otherwise provided in the child support order.
(2) The award may not be reduced by a per child amount derived from the base child support award originally ordered.
(3) If the incomes of the parties are not specified in the [tast] most recent order or the worksheets, the information regarding the incomes is not consistent, or the order deviates from the guidelines, automatic adjustment of the order does not apply and the order will continue until modified by the issuing tribunal. If the order is deviated and the parties subsequently obtain a judicial order that adjusts the support back to the date of the emancipation of the child, the Office of Recovery Services may not be required to repay any difference in the support collected during the interim.

Section 6. Section 78-45-7.14 is amended to read:
78-45-7.14. Base combined child support obligation table and low income table.
The following includes the Base Combined Child Support Obligation Table and the Low Income Table:

## BASE COMBINED CHILD SUPPORT OBLIGATION TABLE

## (Both Parents)

[Monthly Combined]
[Adj. Gross Ineome Number of Children]

[From To]

| $[650-$ | 675 | 99 | 184 | 191 | 198 | 200 | $201]$ |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| $[676-$ | 700 | 103 | 190 | 198 | 205 | 207 | $209]$ |
| $[701-$ | 725 | 106 | 197 | 205 | 212 | 214 | $216]$ |
| $[726-$ | 750 | 110 | 204 | 212 | 220 | 221 | $223]$ |
| $[751-$ | 775 | 113 | 211 | 219 | 227 | 229 | $234]$ |

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| $[8,401-8,500$ | 755 | 1,275 | 1,644 | 1,876 | 2,064 | $2,220]$ |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| $[8,501-8,600$ | 759 | 1,283 | 1,654 | 1,887 | 2,077 | $2,234]$ |
| $[8,601-8,700$ | 763 | 1,291 | 1,664 | 1,899 | 2,090 | $2,247]$ |
| $[8,701-8,800$ | 768 | 1,298 | 1,675 | 1,911 | 2,103 | $2,261]$ |
| $[8,801-8,900$ | 772 | 1,306 | 1,685 | 1,922 | 2,116 | $2,275]$ |
| $[8,901-9,000$ | 777 | 1,314 | 1,695 | 1,934 | 2,129 | $2,289]$ |
| $[9,001-9,100$ | 781 | 1,322 | 1,705 | 1,945 | 2,141 | $2,303]$ |
| $[9,101-9,200$ | 786 | 1,330 | 1,716 | 1,957 | 2,154 | $2,317]$ |
| $[9,201-9,300$ | 790 | 1,337 | 1,726 | 1,969 | 2,167 | $2,330]$ |
| $[9,301-9,400$ | 795 | 1,345 | 1,736 | 1,980 | 2,180 | $2,344]$ |
| $[9,401-9,500$ | 799 | 1,353 | 1,747 | 1,992 | 2,193 | $2,358]$ |
| $[9,501-9,600$ | 803 | 1,361 | 1,757 | 2,003 | 2,206 | $2,372]$ |
| $[9,601-9,700$ | 808 | 1,369 | 1,767 | 2,015 | 2,218 | $2,386]$ |
| $[9,701-9,800$ | 812 | 1,376 | 1,777 | 2,027 | 2,231 | $2,400]$ |
| $[9,801-9,900$ | 817 | 1,384 | 1,788 | 2,038 | 2,244 | $2,414]$ |
| $[9,901-10,000$ | 821 | 1,392 | 1,798 | 2,050 | 2,257 | $2,427]$ |
| $[10,001-10,100$ | 826 | 1,400 | 1,808 | 2,061 | 2,270 | $2,441]$ |

Monthly Combined
Adj. Gross Income

From To

| 726 - | 750 | $\underline{138}$ | $\underline{245}$ |
| :---: | :---: | :---: | :---: |
| 751 - | 775 | 141 | $\underline{252}$ |
| 776 - | 800 | 146 | $\underline{259}$ |
| 801 - | 825 | 151 | $\underline{265}$ |
| 826- | 850 | $\underline{155}$ | $\underline{272}$ |
| 851- | 875 | 160 | $\underline{279}$ |
| 876 - | 900 | 165 | $\underline{285}$ |
| 901 - | 925 | 169 | $\underline{292}$ |
| 926 - | 950 | 174 | $\underline{299}$ |
| 951 - | 975 | 179 | $\underline{305}$ |

Number of Children
$\begin{array}{lll}\underline{3} & \underline{4}\end{array}$

351
$\underline{382}$
392
402
412
423
433
443
$\underline{453}$
464
474

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| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 462 | 976-1,000 | $\underline{183}$ | $\underline{312}$ | $\underline{363}$ | 405 | 445 | 484 |
| 463 | 1,001-1,050 | $\underline{193}$ | $\underline{322}$ | $\underline{374}$ | 417 | 459 | 500 |
| 464 | 1,051-1,100 | $\underline{201}$ | 335 | $\underline{390}$ | 435 | 478 | 520 |
| 465 | 1,101-1,150 | $\underline{210}$ | 348 | 405 | 452 | 497 | $\underline{541}$ |
| 466 | 1,151-1,200 | $\underline{220}$ | $\underline{362}$ | $\underline{420}$ | $\underline{469}$ | 516 | 561 |
| 467 | 1,201-1,250 | $\underline{229}$ | $\underline{375}$ | 436 | 486 | 535 | 582 |
| 468 | 1,251-1,300 | $\underline{238}$ | $\underline{388}$ | $\underline{451}$ | 503 | 553 | 602 |
| 469 | 1,301-1,350 | $\underline{248}$ | 401 | 467 | 520 | 572 | 623 |
| 470 | 1,351-1,400 | $\underline{256}$ | $\underline{414}$ | 481 | 536 | 590 | $\underline{642}$ |
| 471 | 1,401-1,450 | $\underline{265}$ | $\underline{426}$ | $\underline{495}$ | 552 | 607 | 661 |
| 472 | 1,451-1,500 | $\underline{275}$ | 438 | 510 | 568 | 625 | 680 |
| 473 | $\underline{1,501-1,550}$ | $\underline{284}$ | $\underline{451}$ | $\underline{524}$ | 584 | 643 | $\underline{699}$ |
| 474 | 1,551-1,600 | $\underline{293}$ | $\underline{463}$ | 538 | 600 | 660 | 718 |
| 475 | 1,601-1,650 | 303 | $\underline{476}$ | 553 | 616 | 678 | 737 |
| 476 | $\underline{1,651-1,700}$ | $\underline{311}$ | $\underline{488}$ | $\underline{567}$ | $\underline{632}$ | $\underline{695}$ | 757 |
| 477 | 1,701-1,750 | $\underline{320}$ | 500 | 581 | 648 | 713 | 776 |
| 478 | $\underline{1,751-1,800}$ | 330 | $\underline{513}$ | $\underline{596}$ | 664 | 731 | 795 |
| 479 | 1,801-1,850 | $\underline{339}$ | $\underline{525}$ | $\underline{610}$ | 680 | 748 | $\underline{814}$ |
| 480 | $\underline{1,851-1,900}$ | $\underline{348}$ | 538 | $\underline{624}$ | $\underline{696}$ | $\underline{766}$ | 833 |
| 481 | 1,901-1,950 | $\underline{358}$ | 550 | 638 | 712 | 783 | 852 |
| 482 | 1,951-2,000 | $\underline{366}$ | 562 | $\underline{652}$ | 727 | 800 | 870 |
| 483 | 2,001-2,100 | $\underline{385}$ | 580 | 673 | 750 | $\underline{825}$ | 898 |
| 484 | 2,101-2,200 | $\underline{399}$ | $\underline{604}$ | $\underline{701}$ | 781 | 859 | $\underline{935}$ |
| 485 | 2,201-2,300 | $\underline{410}$ | 628 | 728 | $\underline{812}$ | 893 | $\underline{972}$ |
| 486 | 2,301-2,400 | 420 | 652 | 756 | 843 | $\underline{927}$ | 1,009 |
| 487 | 2,401-2,500 | 431 | $\underline{676}$ | 784 | 874 | $\underline{961}$ | 1,046 |
| 488 | 2,501-2,600 | 443 | 700 | $\underline{811}$ | $\underline{904}$ | $\underline{995}$ | 1,082 |
| 489 | 2,601-2,700 | 453 | 723 | 838 | 934 | 1,028 | 1,118 |
| 490 | 2,701-2,800 | 464 | 747 | $\underline{865}$ | $\underline{964}$ | 1,060 | 1,154 |
| 491 | 2,801-2,900 | $\underline{475}$ | 770 | $\underline{891}$ | 994 | $\underline{1,093}$ | 1,189 |
| 492 | 2,901-3,000 | 485 | 794 | $\underline{918}$ | 1,024 | 1,126 | 1,225 |





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| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 586 | 12,301-12,400 | 1,185 | 1,929 | $\underline{2,191}$ | $\underline{2,443}$ | $\underline{2,687}$ | $\underline{2,924}$ |
| 587 | 12,401-12,500 | 1,192 | 1,938 | $\underline{2,202}$ | $\underline{2,455}$ | $\underline{2,700}$ | 2,938 |
| 588 | 12,501-12,600 | 1,199 | 1,947 | $\underline{2,212}$ | 2,467 | $\underline{2,714}$ | $\underline{\text { 2,952 }}$ |
| 589 | 12,601-12,700 | 1,206 | 1,956 | 2,223 | 2,479 | $\underline{2,727}$ | 2,967 |
| 590 | 12,701-12,800 | 1,213 | 1,966 | $\underline{2,234}$ | 2,491 | $\underline{2,740}$ | 2,981 |
| 591 | 12,801-12,900 | 1,220 | 1,975 | 2,245 | 2,503 | $\underline{2,753}$ | $\underline{2,995}$ |
| 592 | 12,901-13,000 | 1,227 | 1,984 | 2,255 | 2,514 | $\underline{2,766}$ | $\underline{3,009}$ |
| 593 | 13,001-13,100 | 1,233 | 1,993 | 2,265 | 2,525 | $\underline{2,778}$ | $\underline{3,022}$ |
| 594 | 13,101-13,200 | 1,239 | $\underline{2,001}$ | 2,275 | $\underline{2,536}$ | $\underline{2,790}$ | $\underline{3,035}$ |
| 595 | 13,201-13,300 | 1,245 | $\underline{2,010}$ | $\underline{2,285}$ | $\underline{2,547}$ | $\underline{2,802}$ | $\underline{3,049}$ |
| 596 | 13,301-13,400 | 1,250 | $\underline{2,018}$ | 2,294 | $\underline{2,558}$ | $\underline{2,814}$ | $\underline{3,062}$ |
| 597 | 13,401-13,500 | 1,256 | $\underline{2,027}$ | 2,304 | $\underline{2,569}$ | $\underline{2,826}$ | $\underline{3,075}$ |
| 598 | 13,501-13,600 | 1,262 | $\underline{2,035}$ | 2,314 | $\underline{2,580}$ | $\underline{2,838}$ | $\underline{3,088}$ |
| 599 | 13,601-13,700 | 1,267 | $\underline{2,044}$ | 2,324 | $\underline{2,591}$ | $\underline{2,850}$ | 3,101 |
| 600 | 13,701-13,800 | 1,273 | $\underline{2,052}$ | 2,334 | 2,602 | $\underline{2,862}$ | 3,114 |
| 601 | 13,801-13,900 | 1,279 | $\underline{2,061}$ | 2,344 | $\underline{2,613}$ | $\underline{2,875}$ | 3,127 |
| 602 | 13,901-14,000 | 1,284 | $\underline{2,069}$ | $\underline{2,354}$ | 2,624 | $\underline{2,887}$ | 3,141 |
| 603 | 14,001-14,100 | 1,290 | $\underline{2,078}$ | 2,363 | 2,635 | $\underline{2,899}$ | $\underline{3,154}$ |
| 604 | 14,101-14,200 | 1,296 | $\underline{2,087}$ | 2,373 | 2,646 | $\underline{2,911}$ | 3,167 |
| 605 | 14,201-14,300 | 1,301 | $\underline{2,095}$ | 2,383 | $\underline{2,657}$ | $\underline{2,923}$ | $\underline{3,180}$ |
| 606 | 14,301-14,400 | 1,306 | 2,104 | 2,393 | 2,668 | $\underline{2,935}$ | 3,193 |
| 607 | 14,401-14,500 | 1,312 | $\underline{2,112}$ | $\underline{2,403}$ | $\underline{\text { 2,679 }}$ | $\underline{2,947}$ | 3,206 |
| 608 | 14,501-14,600 | 1,317 | 2,121 | $\underline{2,413}$ | $\underline{2,690}$ | $\underline{2,959}$ | 3,220 |
| 609 | 14,601-14,700 | 1,323 | $\underline{2,129}$ | $\underline{2,423}$ | 2,701 | $\underline{2,971}$ | 3,233 |
| 610 | 14,701-14,800 | 1,329 | 2,138 | $\underline{2,432}$ | $\underline{2,712}$ | $\underline{2,983}$ | 3,246 |
| 611 | 14,801-14,900 | 1,334 | $\underline{2,146}$ | $\underline{2,442}$ | 2,723 | $\underline{2,995}$ | 3,259 |
| 612 | 14,901-15,000 | 1,340 | $\underline{2,155}$ | $\underline{2,452}$ | $\underline{2,734}$ | 3,008 | $\underline{3,272}$ |
| 613 | 15,001-15,100 | 1,345 | 2,163 | $\underline{2,461}$ | 2,744 | 3,018 | 3,284 |
| 614 | 15,101-15,200 | 1,351 | $\underline{2,170}$ | $\underline{2,469}$ | $\underline{2,752}$ | 3,028 | 3,294 |
| 615 | 15,201-15,300 | 1,357 | $\underline{2,177}$ | $\underline{2,476}$ | $\underline{2,761}$ | 3,037 | 3,304 |
| 616 | 15,301-15,400 | 1,362 | 2,184 | 2,484 | 2,769 | 3,046 | 3,314 |


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| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 617 | 15,401-15,500 | 1,368 | $\underline{2,191}$ | $\underline{2,491}$ | $\underline{2,778}$ | 3,056 | 3,325 |
| 618 | 15,501-15,600 | 1,373 | 2,198 | $\underline{2,499}$ | $\underline{2,786}$ | 3,065 | $\underline{3,335}$ |
| 619 | 15,601-15,700 | 1,379 | 2,205 | 2,507 | $\underline{2,795}$ | 3,074 | 3,345 |
| 620 | 15,701-15,800 | 1,384 | $\underline{2,211}$ | $\underline{2,514}$ | $\underline{2,803}$ | 3,084 | 3,355 |
| 621 | 15,801-15,900 | 1,390 | $\underline{2,218}$ | 2,522 | $\underline{2,812}$ | 3,093 | 3,365 |
| 622 | 15,901-16,000 | 1,395 | 2,225 | $\underline{2,529}$ | $\underline{2,820}$ | 3,102 | 3,375 |
| 623 | 16,001-16,100 | 1,401 | 2,232 | 2,537 | 2,829 | 3,112 | 3,385 |
| 624 | 16,101-16,200 | 1,407 | $\underline{2,239}$ | $\underline{2,545}$ | $\underline{2,837}$ | 3,121 | 3,396 |
| 625 | $\underline{16,201-16,300}$ | 1,412 | $\underline{2,246}$ | $\underline{2,552}$ | $\underline{2,846}$ | 3,130 | $\underline{3,406}$ |
| 626 | $\underline{16,301-16,400}$ | 1,418 | $\underline{2,253}$ | 2,560 | $\underline{2,854}$ | 3,140 | $\underline{3,416}$ |
| 627 | 16,401-16,500 | 1,423 | 2,260 | 2,567 | 2,863 | 3,149 | 3,426 |
| 628 | $\underline{16,501-16,600}$ | 1,429 | $\underline{2,267}$ | $\underline{2,575}$ | $\underline{2,871}$ | 3,158 | $\underline{3,436}$ |
| 629 | $\underline{16,601-16,700}$ | 1,434 | $\underline{2,274}$ | $\underline{2,583}$ | $\underline{2,880}$ | 3,168 | 3,446 |
| 630 | 16,701-16,800 | 1,440 | $\underline{2,281}$ | $\underline{2,590}$ | 2,888 | 3,177 | 3,457 |
| 631 | 16,801-16,900 | 1,445 | 2,288 | 2,598 | $\underline{2,897}$ | 3,186 | 3,467 |
| 632 | 16,901-17,000 | 1,451 | 2,295 | $\underline{2,605}$ | $\underline{2,905}$ | 3,196 | $\underline{3,477}$ |
| 633 | 17,001-17,100 | 1,456 | 2,302 | $\underline{2,613}$ | $\underline{2,914}$ | 3,205 | $\underline{3,487}$ |
| 634 | 17,101-17,200 | 1,462 | 2,309 | 2,621 | $\underline{2,922}$ | 3,214 | 3,497 |
| 635 | 17,201-17,300 | 1,467 | 2,316 | $\underline{2,628}$ | $\underline{2,931}$ | 3,224 | 3,507 |
| 636 | 17,301-17,400 | 1,473 | $\underline{2,323}$ | $\underline{2,636}$ | $\underline{2,939}$ | 3,233 | $\underline{3,517}$ |
| 637 | 17,401-17,500 | 1,478 | 2,330 | $\underline{2,643}$ | $\underline{2,947}$ | 3,242 | $\underline{3,528}$ |
| 638 | 17,501-17,600 | 1,483 | 2,337 | $\underline{2,651}$ | $\underline{2,956}$ | 3,252 | $\underline{3,538}$ |
| 639 | 17,601-17,700 | 1,489 | 2,344 | $\underline{2,659}$ | 2,964 | 3,261 | 3,548 |
| 640 | 17,701-17,800 | 1,494 | $\underline{2,351}$ | $\underline{2,666}$ | $\underline{2,973}$ | 3,270 | $\underline{3,558}$ |
| 641 | 17,801-17,900 | 1,499 | 2,358 | $\underline{2,674}$ | $\underline{2,981}$ | 3,280 | $\underline{3,568}$ |
| 642 | 17,901-18,000 | 1,505 | 2,365 | $\underline{2,682}$ | $\underline{2,990}$ | 3,289 | $\underline{3,578}$ |
| 643 | 18,001-18,100 | 1,510 | 2,372 | $\underline{2,689}$ | 2,998 | 3,298 | 3,588 |
| 644 | 18,101-18,200 | 1,516 | $\underline{2,379}$ | $\underline{2,697}$ | 3,007 | 3,308 | 3,599 |
| 645 | 18,201-18,300 | 1,520 | 2,386 | $\underline{2,704}$ | 3,015 | 3,317 | $\underline{3,609}$ |
| 646 | 18,301-18,400 | 1,525 | 2,392 | $\underline{2,712}$ | 3,024 | 3,326 | $\underline{3,619}$ |
| 647 | 18,401-18,500 | 1,530 | 2,399 | $\underline{2,720}$ | 3,032 | 3,336 | 3,629 |


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| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 648 | 18,501-18,600 | 1,535 | $\underline{2,406}$ | $\underline{2,727}$ | 3,041 | 3,345 | $\underline{3,639}$ |
| 649 | 18,601-18,700 | 1,540 | $\underline{2,413}$ | $\underline{2,735}$ | 3,049 | 3,354 | $\underline{3,649}$ |
| 650 | 18,701-18,800 | 1,545 | 2,420 | $\underline{2,742}$ | 3,058 | 3,364 | $\underline{3,659}$ |
| 651 | 18,801-18,900 | 1,550 | $\underline{2,427}$ | $\underline{2,750}$ | 3,066 | 3,373 | $\underline{3,670}$ |
| 652 | 18,901-19,000 | 1,555 | $\underline{2,434}$ | $\underline{2,758}$ | 3,075 | 3,382 | $\underline{3,680}$ |
| 653 | 19,001-19,100 | 1,560 | $\underline{2,441}$ | $\underline{2,765}$ | 3,083 | 3,391 | $\underline{3,690}$ |
| 654 | 19,101-19,200 | 1,565 | 2,448 | $\underline{2,773}$ | 3,092 | 3,401 | $\underline{3,700}$ |
| 655 | $\underline{19,201-19,300}$ | 1,570 | 2,455 | $\underline{2,780}$ | 3,100 | 3,410 | $\underline{3,710}$ |
| 656 | $\underline{19,301-19,400}$ | 1,575 | 2,462 | $\underline{2,788}$ | 3,109 | 3,419 | $\underline{3,720}$ |
| 657 | $\underline{19,401-19,500}$ | 1,580 | $\underline{2,469}$ | $\underline{2,796}$ | 3,117 | 3,429 | $\underline{3,731}$ |
| 658 | 19,501-19,600 | 1,585 | $\underline{2,476}$ | 2,803 | 3,126 | 3,438 | 3,741 |
| 659 | 19,601-19,700 | 1,590 | 2,483 | $\underline{2,811}$ | 3,134 | 3,447 | $\underline{3,751}$ |
| 660 | $\underline{19,701-19,800}$ | 1,595 | 2,490 | $\underline{2,818}$ | 3,143 | 3,457 | $\underline{3,761}$ |
| 661 | $\underline{19,801-19,900}$ | 1,600 | $\underline{2,497}$ | $\underline{2,826}$ | 3,151 | 3,466 | $\underline{3,771}$ |
| 662 | 19,901-20,000 | 1,605 | 2,504 | 2,834 | 3,159 | 3,475 | 3,781 |
| 663 | LOW INCOME TABLE (Obligor Parent Only) |  |  |  |  |  |  |
| 664 |  |  |  |  |  |  |  |
| 665 | [Monthly Adj. |  |  |  |  |  |  |
| 666 | Gross Ineome | Number of Children] |  |  |  |  |  |
| 667 |  |  | 2 | 3 |  | 5 | $6]$ |
| 668 | [From To] |  |  |  |  |  |  |
| 669 | [650-675 | 23 | 23 | 23 |  | 24 | 24] |
| 670 | 70 | 45 | 46 | 46 | 47 | 47 | 48] |
| 671 | [701-725 | 68 | 68 | 69 | 70 | 71 | 71] |
| 672 | [726-750 | 90 |  | 92 | 93 |  | 95] |
| 673 | [751-775 | 13 | 114 | 15 | 116 | 118 | 119] |
| 674 | [776-800 |  | 137 | 138 | 140 | 141 | 143] |
| 675 | [801-825 |  | 159 | 161 | 163 | 165 | 166] |
| 676 | [826-850 |  | 182 | 184 | 186 | 188 | 190] |
| 677 | [851-875 |  | 205 | 207 | 209 | 212 | 214] |
| 678 | [876-900 |  | 228 | 230 | 233 | 235 | 238] |


| $[901-$ | 925 | 250 | 253 | 256 | 259 |
| :--- | :--- | :--- | :--- | :--- | :--- |
| $[926-$ | 950 | 276 | 279 | $261]$ |  |
| $[951-$ | 975 | 299 | 302 | 282 | $285]$ |
| $[976-1,000$ |  | 326 | 306 | $309]$ |  |
| $[1,001-1,050$ |  | 372 | 329 | $333]$ |  |

## Monthly Combined

## Adj. Gross Income <br> $$
\underline{1} \quad \underline{2}
$$ <br> <br> $\underline{2}$ <br> <br> $\underline{2}$ <br> Number of Children

From To
$0-649$

650-675

| $\underline{30}$ | $\underline{30}$ |
| :--- | :--- |
| $\underline{30}$ | $\underline{30}$ |
| $\underline{58}$ | $\underline{60}$ |
| $\underline{88}$ | $\underline{88}$ |


| $\underline{30}$ | $\underline{30}$ | $\underline{30}$ | $\underline{30}$ |
| :--- | :--- | :--- | :--- |
| $\underline{30}$ | $\underline{30}$ | $\underline{31}$ | $\underline{31}$ |
| $\underline{60}$ | $\underline{61}$ | $\underline{61}$ | $\underline{62}$ |
| $\underline{90}$ | $\underline{91}$ | $\underline{92}$ | $\underline{92}$ |
| $\underline{119}$ | $\underline{120}$ | $\underline{122}$ | $\underline{123}$ |
| $\underline{149}$ | $\underline{151}$ | $\underline{153}$ | $\underline{155}$ |
| $\underline{179}$ | $\underline{182}$ | $\underline{183}$ | $\underline{186}$ |
| $\underline{209}$ | $\underline{212}$ | $\underline{214}$ | $\underline{216}$ |
| $\underline{239}$ | $\underline{242}$ | $\underline{244}$ | $\underline{247}$ |
| $\underline{269}$ | $\underline{272}$ | $\underline{275}$ | $\underline{278}$ |
| $\underline{299}$ | $\underline{303}$ | $\underline{305}$ | $\underline{309}$ |
| $\underline{329}$ | $\underline{333}$ | $\underline{337}$ | $\underline{339}$ |
| $\underline{359}$ | $\underline{363}$ | $\underline{366}$ | $\underline{370}$ |
| $\underline{389}$ | $\underline{393}$ | $\underline{398}$ | $\underline{402}$ |
|  | $\underline{424}$ | $\underline{428}$ | $\underline{433}$ |
|  | $\underline{484}$ | $\underline{489}$ | $\underline{494}$ |

$\underline{31}$ 62 $\underline{92}$ 123 155 186

Section 7. Section 78-45-7.15 is amended to read:
78-45-7.15. Medical expenses.
(1) The court shall order that insurance for the medical expenses of the minor children be provided by a parent if it is available at a reasonable cost.
(2) In determining which parent shall be ordered to maintain insurance for medical expenses, the court or administrative agency may consider the:
(a) reasonableness of the cost;
(b) availability of a group insurance policy;
(c) coverage of the policy; and
(d) preference of the custodial parent.
(3) The order shall require each parent to share equally the out-of-pocket costs of the premium actually paid by a parent for the children's portion of insurance.
(4) The parent who provides the insurance coverage may receive credit against the base child support award or recover the other parent's share of the children's portion of the premium. In cases in which the parent does not have insurance but another member of the parent's household provides insurance coverage for the children, the parent may receive credit against the base child support award or recover the other parent's share of the children's portion of the premium.
(5) The children's portion of the premium is a per capita share of the premium actually paid. The premium expense for the children shall be calculated by dividing the premium amount by the number of persons covered under the policy and multiplying the result by the number of children in the instant case.
(6) The order shall require [eachparent] the parents to share equally all reasonable and necessary uninsured medical expenses incurred for the dependent children, including but not limited to deductibles and copayments, [ineurred for the dependent ehildrent.
(7) The parent ordered to maintain insurance shall provide verification of coverage to the other parent, or to the Office of Recovery Services under Title IV of the Social Security Act, 42 U.S.C. Section 601 et seq., upon initial enrollment of the dependent children, and thereafter on or before January 2 of each calendar year. The parent shall notify the other parent, or the Office of Recovery Services under Title IV of the Social Security Act, 42 U.S.C. Section 601 et seq., of any change of insurance carrier, premium, or benefits within 30 calendar days of the date he first knew or should have known of the change.
(8) A parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.
(9) In addition to any other sanctions provided by the court, a parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with Subsections (7) and (8).

Section 8. Section 78-45-7.16 is amended to read:

## 78-45-7.16. Child care expenses -- Expenses not incurred.

(1) The child support order shall require that each parent share [equally] proportionally the reasonable work-related child care expenses of the parents based on each parent's percentage of the combined adjusted gross income amount identified on the child support worksheet.
(2) (a) If an actual expense for child care is incurred, a parent shall begin paying his share on a monthly basis immediately upon presentation of proof of the child care expense, but if the child care expense ceases to be incurred, that parent may suspend making monthly payment of that expense while it is not being incurred, without obtaining a modification of the child support order.
(b) (i) In the absence of a court order to the contrary, a parent who incurs child care expense shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent.
(ii) In the absence of a court order to the contrary, the parent shall notify the other parent of any change of child care provider or the monthly expense of child care within 30 calendar days of the date of the change.
(3) In addition to any other sanctions provided by the court, a parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with Subsection (2)(b).

Section 9. Section 78-45-7.21 is amended to read:
78-45-7.21. Award of tax exemption for dependent children.
(1) No presumption exists as to which parent should be awarded the right to claim a child or children as exemptions for federal and state income tax purposes. Unless the parties otherwise stipulate in writing, the court [oradministrative agen] shall award in any final order the exemption on a case-by-case basis.
(2) In awarding the exemption, the court [or administrative ageney] shall consider:
(a) [as the primary factor,] the relative contribution of each parent to the cost of raising the child; [and]
(b) [among other factors,] the relative tax benefit to each parent[-]; and
(c) that the child support guidelines tables incorporate the presumption that the custodial parent claims the children for tax purposes and the noncustodial parent's tax filing status is single with no dependents.
(3) Notwithstanding Subsection (2), the court [oradministrative agency] may not award any exemption to the noncustodial parent if that parent is not current in his child support obligation, in which case the court [or administrative ageney] may award an exemption to the custodial parent.
(4) An exemption may not be awarded to a parent unless the award will result in a tax benefit to that parent.

Section 10. Coordinating S.B. 195 with H.B. 30 -- Superseding and technical amendments.

If this S.B. 195 and H.B. 30 both pass, it is the intent of the Legislature that Subsection 78-45-7.10(1) in S.B. 195 be amended to read as follows:
"(1) When a child becomes 18 years of age, or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later, or if the child dies, marries, is a member of the armed forces of the United States, or is emancipated in accordance with Title 78, Chapter 3a, Part 10, Emancipation, the base child support award is automatically adjusted to [refleet] the base combined child support obligation for the remaining number of children due child support, shown in the table [for the remaining number of ehildren due child support] that was used to establish the most recent order, using the incomes of the parties as specified in that order or the worksheets, unless otherwise provided in the child support order."

## Legislative Review Note

as of 2-3-06 10:30 AM
Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.
$\left.\begin{array}{lc}\hline \hline \text { Fiscal Note } & \text { Child Support Guidelines }\end{array}\right] 09-F e b-06$

## State Impact

No Fiscal Impact.

## Individual and Business Impact

May have a fiscal impact on some individuals, but cannot be quantified at this time.

