

REVIEW AND ADJUST: PRE-REVIEW PACKET

The Office of Recovery Services (ORS) is authorized to review and adjust a child support order pursuant to Utah Code 26B-9-206, 26B-9-210, 26B-9-211 and 26B-9-212. In accordance with Federal and State law, you have the right to ask ORS to review your child support order for an adjustment. **Please be aware, the review may result in an upward or downward change to the child support amount.**

The laws governing child support can be found in Utah Code Title 81, Chapter 6 and Section 81-7-102. ORS uses Utah's child support provisions found in Utah Code, Title 81, Part 6 to calculate child support. Completing the appropriate worksheets will assist you in estimating the child support for each parent and determining if your order may qualify for a review and adjustment. **ORS is unable to help you complete these pre-review forms.** If you have questions or need help completing the forms, you may wish to contact a private attorney.

This packet includes the Child Support Obligation Worksheet – Sole Physical Custody and the instructions for the worksheet. Child support obligation tables used to calculate child support can be found in Sections 81-6-302 through 305. For examples of the Joint Physical Custody worksheet and instructions or Split Custody worksheet and instructions, refer to the Utah Courts website at www.utcourts.gov/support.

The Request for Review and Adjustment of the Child Support Obligation form has also been included in this packet. If you have an open child support case with ORS and feel that your order may qualify for an adjustment, you may complete this form to begin a review process at ORS.

If a written request for review is received, ORS will review your child support order and determine if the order qualifies for an adjustment. The qualifications vary based on the age of the order. ORS may request that the child support order be adjusted if:

- **Child Support Order is at least 3 years old:**
 1. the new child support obligation is at least 10% higher or lower than the current child support obligation; and,
 2. the difference is not of a temporary nature.

- **Child Support Order is less than 3 years old:**
 1. there has been a substantial change in circumstances and proof has been provided;
 2. there is at least 15% higher or lower difference than the current child support order; and,
 3. the difference is not of a temporary nature.

- **ORS will not adjust your order:**
 1. if the youngest child will be 18 years old or emancipate within a year;
 2. if the non-requesting parent cannot be located; or,
 3. for other issues, such as parent-time or custody.

If your order does not require a parent to have medical and dental insurance for the child(ren), ORS may request that the order be modified to require either or both parents to get insurance, if it is available at a reasonable cost through employment-related or other group health insurance.

Once ORS receives a written request to review your order, a determination will be made, based on the above criteria, whether the case qualifies for a review. If a case does qualify for a review, both parents will be sent a Financial Statement to complete and return to determine if an adjustment of the order will be completed. Along with a completed financial statement, you will also be required to provide verification of your yearly gross income. If required verification is not received, this may stop the review of your child support order.

If you request a review and later want to stop the review, ORS may contact the other parent to find out if the non-requesting parent wants the review to continue or to stop.

If your court order gave custody of the child to one parent and now the child lives with the other parent and you have not gone back to court to change the custody in the order, ORS must use the worksheet showing the child living with the parent stated in the order.

If your court order is for split or joint custody, you may obtain the Split Custody Worksheet or the Joint Physical Custody Worksheet online at www.utcourts.gov/resources/forms/.

The guidelines are based on the “Income Shares” model. This model uses gross and adjusted incomes of **both parents** to determine the child support awards for each parent. Generally, ORS determines income based upon one full-time 40-hour job. However, ORS may also consider income from a variety of other income-generating sources such as wages, commissions, bonuses, rents, gifts, pensions, Social Security benefits, worker compensation benefits, unemployment compensation, disability insurance benefits, or any other income-generating source (refer to Utah Code 81-6-203). Certain sources of income are not included when determining the gross income of a parent. Some of those types of income include cash assistance, Supplement Security Income (SSI), and Social Security Disability Insurance (SSDI) (refer to Utah Code 81-6-203(7) for a complete list).

Send all documentation and correspondence to the following address:

Office of Recovery Services
PO Box 45033
Salt Lake City, Utah 84145

ORS Phone: (801)536-8500
ORS Website: www.ors.utah.gov

In the District Court of Utah

_____ Judicial District _____ County

Plaintiff/Petitioner v. Defendant/Respondent	<p>Child Support Obligation Worksheet – Sole Physical Custody</p> <p>The combined child support obligation table used for calculation is: (Utah Code 81-6-302 and 303) (Utah Code 81-6-304 and 305)</p> <p>Case Number _____</p>
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Write the names of the parents: **(name: PARENT 1) (name: PAARENT 2) COMBINED**

1. Enter the # of natural and adopted children of these parents for whom support is to be awarded.			
2a. Enter the parent’s gross monthly income. Refer to Instructions for definition of income.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	-	-	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	-	-	
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-	-	
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table (U.C.A. 81-6-302 or 304). Find the Base Combined Support Obligation. Enter it here.			\$
5. Divide each parent’s adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.		%	%
6. Multiply Line 4 by Line 5 for each parent to obtain each parent’s share of the Base Support Obligation.	\$	\$	
7. BASE CHILD SUPPORT AWARD: Bring down the amount(s) from Line 6 or enter the amount(s) from the Low Income table per U.C.A. 81-6-204 and 205. The parent(s) without physical custody of the child(ren) pay(s) the amount(s) all 12 months of the year.	\$	\$	

8. Who must pay child support?

- Parent 1
- Parent 2
- Both

9. Is the support award the same as the guideline amount in Line 7?

Yes No

If YES, you are done with this section.

If NO, enter the amount ordered:

Parent 1 \$(w/e amount)

Parent 2 \$(w/e amount)

10. What were the reasons stated by the court for the deviation?

property settlement

excessive debts of the marriage

absence of need of the parent to receive child support

other: (worker entered)

INSTRUCTIONS FOR THE CHILD SUPPORT WORKSHEET – SOLE PHYSICAL CUSTODY

See Office of Recovery Services Child Support Calculator for assistance in filling out this form.

Line 1. Enter the number of natural and adopted children of the parents for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter each parent's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include 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."

U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income. U.C.A. 78B-12-203(3) says: "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, SNAP benefits, or General Assistance; and
- (c) other similar means-tested welfare benefits received by a parent.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to a former spouse [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Canceled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of any child support orders either parent is ordered to pay for children by another partner [(U.C.A. 78B-12-204(1))].

A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) states: "(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 a child support award, as provided in Subsection (7); (b) Additional worksheets shall be prepared that compute the base child support award of the respective parents for the additional children. The base child support award shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

U.C.A. 78B-12-210 (7) states: "In a proceeding to adjust or 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 [the parent who receives child support] if the credit would increase the support obligation of the obligor [the parent who must pay child support] from the most recent order; or (b) for the benefit of the obligor [parent who must pay child support] if the amount of support received by the obligee [the parent who receives child support] would be decreased from the most recent order.”

Line 3. (See U.C.A. 78B-12-205) If the parent who must pay child support’s income is over \$1,050 complete the calculation as directed. If the parent who must pay child support’s income is \$650 to \$1,050 then calculate the child support award using the "Combined Child Support Obligation Table" and the "Low Income Table." The child support award will be the lesser of the two amounts. Enter the lesser of the two amounts on Line 7. If the parent who must pay child support’s income is \$649 or less, the court may determine the child support amount, but the amount may not be less than \$30; refer to U.C.A. 78B-12-205(6).

Line 4. The amount on the "Combined Child Support Obligation Table" (U.C.A. 78B-12-301) shows the amount BOTH parents combined should contribute for the support of their children.

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

Line 6. Calculate each parent's share of the amount in Line 4 as a dollar amount.

Line 7. The Base Child Support Award is the amount the parent who must pay child support pays to the parent who receives child support. This is the amount the parent(s) without physical custody of the child(ren) pays all 12 months of the year.

Line 8. Designate which parent or parents have a support obligation based on this worksheet.

Line 9. Complete Line 9 to indicate if the amount ordered deviates from the guideline amount in Line 7.

Line 10. Complete Line 10 if the parent who must pay child support will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table," "Low Income Table" or in accordance with U.C.A. 78B-12-205.

Request for Review and Adjustment of the Child Support Obligation

YOUR INFORMATION (Please print):

Last Name	First Name	Middle Initial	Social Security Number*
Address			Telephone
City	State	ZIP Code	Other Telephone
ORS Case Number (The case for which you are requesting a review.)		Copy this form and submit a separate request for each case you wish to have reviewed.	
Child(ren)'s Name(s) (Names of all children on the case being reviewed.)			
Other Parent's Name (If applicable)			

REASON FOR REQUESTING REVIEW:

- It has been 3 years since the order was issued or modified. (This does not require proof of a substantial change in circumstances.)

- It has been less than 3 years since the order was issued or modified, but there has been a substantial change in circumstances that is not a temporary change (expected to last less than 12 months).

- There has been a change in custody.
 - Custody of all the children in the order has changed.
 - Custody of some of the children in the order has changed.

NOTE: The Office of Recovery Services is not permitted by federal law to modify a court order for custody, visitation, property division, or other non-child support related provisions.

- A child has emancipated and the order is a deviated order.

- The current order was established before May 3, 2023 and there is no medical language in the order or insurance is available to the other parent and he/she is not ordered to maintain insurance.

- There has been a change in one parent's ability to earn that will last longer than 12 months. Attach supporting documentation (e.g., doctor's note).

COMMENTS/ADDITIONAL INFORMATION:

Signature (required): _____ **Date:** _____

*Based on section 466(a)(13) of the Social Security Act [42 U.S.C. 666(a)(13)] it is mandatory for a state's child support enforcement program to request social security account numbers in order to locate individuals for purposes of establishing paternity and establishing, modifying, and enforcing support obligations.

Mail completed form to: Office of Recovery Services, PO Box 45033, Salt Lake City, Utah 84145