

# Child Support Modification Lawyer in Utah

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The amount of child support originally set by the court can be later modified, ***if circumstances have changed***. A Utah judge may modify the existing order, to bring the amount of child support in line with changes in the situation. For example, if one parent's ***income has significantly increased or decreased***, the court may find it appropriate to adjust the amount of child support. You may have multiple reasons why you need to seek a modification to ***increase or decrease*** the child support amount. ***Our experienced Utah child support modification lawyer, Eric M. Swinyard, can guide you through the process of legally pursuing a modification and to ensure that your rights are fully protected throughout the legal process.***

## Reasons To Modify Child Support

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To succeed in the Utah court with your request to modify your current child support order, you need to ***prove to a judge that a substantial change of circumstances has occurred since the time that the original order was issued***. The change may be *either temporary or permanent*, depending on the kind of change that has occurred. Some situations that the court may recognize as sufficient reasons for modifying an existing child support order include:

- There has been a significant *increase* in the income of the parent who *pays* the child support (normally 10% or more).
- There has been a significant *decrease* in the income of the parent who *receives* the child support (normally 10% or more).
- The parent receiving child support involuntarily loses his or her job.
- The needs of the child have increased significantly, resulting in increased educational, medical, or other expenses.
- One of the two parents is experiencing hardship due to disability, illness, or temporary financial problem

- An increase in the cost of living impacts one or the other parent's financial condition.
- One of the two parents has remarried.

## How to Modify Child Support

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This information answers the questions, “***When can you modify a child support order?***” and, “***What is the process for modifying a child support order?***” And, “***Can I modify child support without going to court?***” Answers to all of these depend upon your particular situation. One of two approaches can be used to request a modification of child support from the Utah court—either filing a ***Motion to Modify Child Support*** or filing a ***Petition to Modify Child Support***. There are limited circumstances under which the Utah court permits filing a Motion for the modification. Therefore, in the majority of cases, filing a Petition is necessary.

***Motion to Modify Child Support***— To succeed with a motion for modification of child support, specific conditions must be met, including:

- The child support order was issued at least three years ago.
- There is a difference of at least 10% between the amount, as required under the Utah Child Support Guidelines, and the amount originally ordered.
- The change in the amount of the modified support is not temporary.
- The proposed modified amount *is consistent* with Utah state guidelines.
- The current order—including the Decree of Divorce, Decree of Paternity, and Decree of Child Support and Parent Time—must not have already been modified within the past three years.

See the Utah Code Section 78B-12-210(8) for additional information.

***Petition to Modify Child Support***— If all of the conditions required to succeed with a motion for modification of child support are not met, then the appropriate alternative is to file a petition for modification of child support.

- The child support order was issued at least three years ago.
- There is a difference of at least 10% between the amount, as required under the Utah Child Support Guidelines, and the amount originally ordered.
- The change in the amount of the modified support is not temporary.
- The proposed modified amount *is not consistent* with Utah state guidelines.

***Modification Within Three Years*** — Modification of child support ***within three years*** — A petition for modification of the existing child support order can be used to modify an existing child support order that was entered within the past three years, if there has been a sufficient change to any one of the following conditions:

- Custody of the child
- One of the two parent's assets or wealth in relation to the other parent
- A change of 30% or more in one of the parent's income
- One of the parent's employment
- One of the parents' earning potential

- The medical needs of the child
- One of the parent's legal responsibilities for the financial support of other people
- The cost or availability of healthcare coverage
- Child care expenses due to work or education
- The child's emancipation

For a child support modification to be ordered, there must be a change resulting in a difference of at least 15% between the originally ordered amount and the amount required under Utah state guidelines. See Utah Code Section 78B-12-210(9) for more information.

**Modification Regardless of Timeframe** — There are certain additional acceptable grounds for child support modification, through filing a petition, without regard for the length of time since the original order was entered, for examples:

- Significant change in the availability or affordability of health insurance coverage
- Significant change in expenses related to education or work
- Changes to the tax exemption for dependents
- The child becomes emancipated or becomes 18 years of age

NOTE: With either approach (motion or petition), you are required to serve the other parent with the appropriate documentation and to do so by the means authorized per the Utah Rules of Civil Procedure (URCP) 4.)

## Calculation of Child Support

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An established formula is used to calculate child support. A Child Support Worksheet and interactive [child support calculator](#) is available to help users determine child support amounts. Calculations vary depending upon custody arrangements. Using the correct forms and entering all of the correct factors.

## What To Do If Your Child Support Order Is From Another State

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The Utah court must have "**jurisdiction**", in order to legally modify a child support order. If the existing child support order was entered by a court outside the state of Utah, or if the parents or child live outside the state, be sure you confirm which court has [jurisdiction](#) in a case for modifying the child support amount.

So, be sure that the Utah court, and not the court of any other state, has jurisdiction in deciding on modification to child support in your case. See the Support Modification Jurisdiction Chart PDF provided on the Utah state websites. And, ***talk to our experienced Utah child support modification lawyer about what is necessary to overcome problems regarding jurisdiction.***

## Can I Modify child support Without Going To Court?

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Modifying a child support order in Utah is a complex process, and it is not a simple one to navigate alone. If you need to have your child support order modified due to changed circumstances, you should consult with an attorney experienced in matters of laws regarding modifying child support in the state of Utah.

Your lawyer will provide you with more thorough information about ***how to proceed*** with your attempt to have the child support order modified, including using the ***child support modification form*** and other forms involved, explaining ***what happens at a child support modification hearing***, and answering questions such as how long does it take to modify child support in a case such as yours.

Utah child support modification lawyer, Eric M. Swinyard, can ***guide you through each step of the legal process and help you navigate the intricacies of the legal system***. Note that legal help is available at reduced costs for people with modest incomes.

## Salt Lake City, and Provo, Utah Child Support Attorney, Eric M. Swinyard Can Help

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The Law Offices of Eric Swinyard is a family law practice in Utah. As a Utah divorce attorney, ***Eric provides his clients with high-quality, affordable legal services***. We help people who are going through the legal process of divorce, child custody, child support, alimony, paternity, adoption, and other matters in the Utah court system.

We understand how difficult it can be for our clients while they're going through a family legal problem, such as child support issues. ***When parents disagree on the appropriate amount for child support, then returning to court becomes necessary in order to settle the matter***. We know how important it is for our clients to have the full benefit of a professional legal team ensuring that everything that can be done ***is*** done to ***protect their rights in court and to ensure the best possible outcome for them and their families***.

### For More Information

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For more information about child support modification, or to make an appointment to discuss your case with a Utah child support modification lawyer, ***contact Eric Swinyard, Utah divorce attorney at (801) 938-4345***. Ask for a ***free consultation*** to have your case for modifying child support reviewed and to make sure you know all of your rights in your case.

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