

HOUSE BILL NO. HB0047

Child support abatements.

Sponsored by: Representative(s) Simpson

A BILL

for

1 AN ACT relating to child support; increasing filing fees  
2 for claims for abatement of child support; providing for an  
3 objection and approval process for abatement claims;  
4 requiring abatements to first be applied toward any  
5 arrearages; clarifying requirements for abatements; making  
6 conforming amendments; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 20-2-305 is amended to read:

11

12 **20-2-305. Abatements.**

13

14 (a) Unless otherwise ordered by the court, child  
15 support shall abate by one-half (1/2) of the daily support  
16 obligation for each day the noncustodial parent has  
17 physical custody of the child for whom support is due,

1 provided that the noncustodial parent has custody of the  
2 child for fifteen (15) or more ~~than fourteen (14)~~  
3 consecutive days. For the purposes of computing abatement  
4 and determining whether the noncustodial parent has met the  
5 consecutive day requirement of this subsection, overnight  
6 and weekend visits with the custodial parent during the  
7 period for which abatement is claimed shall be disregarded.  
8 ~~in computing abatement.~~

9  
10 (b) The noncustodial parent shall file any claim for  
11 child support abatement with the clerk of the court within  
12 thirty (30) days after the period for which abatement is  
13 claimed and shall pay to the clerk the sum of ~~one dollar~~  
14 ~~(\$1.00)~~ ten dollars (\$10.00). The clerk shall mail a copy  
15 of the claim to the custodial parent at the address  
16 provided to the clerk by the custodial parent.

17  
18 (c) The custodial parent shall have the right to  
19 object to any claim for abatement made by the noncustodial  
20 parent. The custodial parent's right to object shall be  
21 limited solely to issues related to the legitimacy or  
22 accuracy of the abatement claim. The custodial parent ~~may~~  
23 ~~object~~ shall file any objection to the abatement claim ~~by~~  
24 ~~filing an objection~~ with the clerk of court within thirty

1 (30) days of the date the clerk mailed the notice of claim  
2 for abatement and shall pay to the clerk a fee of ~~one~~  
3 ~~dollar (\$1.00)~~ ten dollars (\$10.00). The custodial parent  
4 may approve the abatement claim prior to the expiration of  
5 the thirty (30) day time period for objections by filing  
6 notice of immediate approval with the clerk of the court,  
7 and no filing fee shall be assessed for filing of such  
8 notice of immediate approval. The clerk shall mail a copy  
9 of the objection or notice of immediate approval to the  
10 noncustodial parent at the address provided to the clerk by  
11 that parent.

12

13 (d) Claims, ~~or~~ objections or responses not timely  
14 filed or not accompanied by the requisite fee are barred  
15 without further order of the court.

16

17 (e) The clerk shall notify the court of claims and  
18 objections not barred and of any arrearage owed by the  
19 noncustodial parent, and the court shall promptly resolve  
20 the differences, with or without a hearing, and ~~enter~~  
21 prepare and file an appropriate order.

22

23 (f) Abatement amounts shall be applied first to any  
24 arrearage balance payable for past-due child support. If

1 there is no arrearage and no objection was filed within the  
2 thirty (30) day period for objections, or if there is no  
3 arrearage and a notice of immediate approval was filed  
4 prior to the expiration of the thirty (30) day period for  
5 objections, the abatement amount shall be reduced from the  
6 next scheduled payment of child support.

7  
8 (g) In all cases in which the custodial parent has  
9 filed an objection to a claim for abatement within the  
10 thirty (30) day time period, the noncustodial parent shall  
11 have the right to respond to the objection. The  
12 noncustodial parent's right to respond to the objection  
13 shall be limited solely to issues raised in the objection  
14 but not addressed in the noncustodial parent's original  
15 claim. The noncustodial parent shall file any response  
16 with the clerk of the court within fifteen (15) days of the  
17 date the clerk mailed the objection to the noncustodial  
18 parent, and no filing fee shall be assessed. The clerk  
19 shall mail a copy of the response to the custodial parent  
20 at the address provided to the clerk by the custodial  
21 parent. The court shall fully consider the abatement claim  
22 of the noncustodial parent regardless of whether a response  
23 to the objection was filed.

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1       **Section 2.** This act is effective July 1, 2003.

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(END)