

HOUSE BILL NO. HB0017

Child support amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to child support; amending presumptive
 2 child support provisions; repealing provisions related to
 3 abatements; providing conforming amendments; and providing
 4 for an effective date.

5

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

7

8 **Section** **1.** W.S. 14-2-204(d), 14-3-435(b),
 9 14-6-236(b), 14-6-435(b) and 20-2-304(c), (d) and by
 10 creating a new subsection (f) are amended to read:

11

12 **14-2-204. Liability for support; right of action;**
 13 **venue; service; measure of recovery; remedies cumulative;**
 14 **execution; continuing jurisdiction; notice.**

15

1 (d) The measure of recovery from the defendant is the
2 reasonable value of the care or support, including medical
3 support furnished to the child by the petitioner and the
4 child support ordered pursuant to W.S. 20-2-303, ~~through~~
5 ~~20-2-305~~ 20-2-304, 20-2-307 and 20-2-311. In addition, the
6 court may make other suitable order for future care or
7 support of the child. These remedies are cumulative and in
8 addition to other remedies provided by law. Payments of
9 future support shall be paid to the clerk of the district
10 court.

11

12 **14-3-435. Ordering payment for support and treatment**
13 **of child; how paid; enforcement.**

14

15 (b) An order for the payment of money entered against
16 a parent or other person legally obligated to support a
17 child under the provisions of W.S. 14-3-434, 20-2-101
18 through 20-2-406 or this section shall be entered
19 separately from the decree of disposition under W.S.
20 14-3-429 and shall not be treated as a part of the
21 confidential court record under W.S. 14-3-437. The order
22 may be filed in the district court of any county in the
23 state. From the time of filing, the order shall have the

1 same effect as a judgment or decree of the district court
2 in a civil action and may be enforced by the district
3 attorney, or the department of family services in the same
4 manner and with the same powers as in other child support
5 cases under W.S. 20-2-303, ~~through 20-2-305~~ 20-2-304,
6 20-2-307, 20-2-311, 20-2-401 through 20-2-406 and 20-6-101
7 through 20-6-222, or in any manner provided by law for
8 enforcement of a civil judgment for money.

9

10 **14-6-236. Ordering payment for support and treatment**
11 **of child; how paid; enforcement.**

12

13 (b) An order for the payment of money entered against
14 a parent or other person legally obligated to support a
15 child under the provisions of W.S. 14-6-235, 20-2-101
16 through 20-2-406 or this section shall be entered
17 separately from the decree of disposition under W.S.
18 14-6-229 and shall not be treated as a part of the
19 confidential court record under W.S. 14-6-239. The order
20 may be filed in the district court of any county in the
21 state. From the time of filing, the order shall have the
22 same effect as a judgment or decree of the district court
23 in a civil action and may be enforced by the district

1 attorney, or the department of family services in the same
2 manner and with the same powers as in other child support
3 cases under W.S. 20-2-303, ~~through 20-2-305~~ 20-2-304,
4 20-2-307, 20-2-311, 20-2-401 through 20-2-406 and 20-6-101
5 through 20-6-222, or in any manner provided by law for
6 enforcement of a civil judgment for money.

7

8 **14-6-435. Ordering payment for support and treatment**
9 **of child; how paid; enforcement.**

10

11 (b) An order for the payment of money entered against
12 a parent or other person legally obligated to support a
13 child under the provisions of W.S. 14-6-434, 20-2-101
14 through 20-2-406 or this section shall be entered
15 separately from the decree of disposition under W.S.
16 14-6-429 and shall not be treated as a part of the
17 confidential court record under W.S. 14-6-437. The order
18 may be filed in the district court of any county in the
19 state. From the time of filing, the order shall have the
20 same effect as a judgment or decree of the district court
21 in a civil action and may be enforced by the district
22 attorney, or the department of family services in the same
23 manner and with the same powers as in other child support

1 cases under W.S. 20-2-303, ~~through 20-2-305~~ 20-2-304,
2 20-2-307, 20-2-311, 20-2-401 through 20-2-406 and 20-6-101
3 through 20-6-222, or in any manner provided by law for
4 enforcement of a civil judgment for money.

5

6 **20-2-304. Presumptive child support.**

7

8 (c) When each parent keeps the children overnight for
9 more than ~~forty percent (40%)~~ twenty-five percent (25%) of
10 the year and both parents contribute substantially to the
11 expenses of the children in addition to the payment of
12 child support, a ~~joint presumptive~~ shared responsibility
13 child support obligation shall be determined by ~~use of the~~
14 ~~tables~~ multiplying the parents' total child support
15 obligation as derived from subsection (a) of this section
16 by one hundred fifty percent (150%). After the ~~joint~~
17 ~~presumptive~~ shared responsibility child support obligation
18 is ~~derived from column three of the tables~~ determined, that
19 amount shall be divided between the parents in proportion
20 to the net income of each. The proportionate share of the
21 total obligation of each parent shall then be multiplied by
22 the percentage of time the children spend with the other
23 parent to determine the theoretical support obligation owed

1 to the other parent. The parent owing the greater amount of
2 child support shall pay the difference between the two (2)
3 amounts as the net child support obligation.

4
5 (d) When each parent has physical custody of at least
6 one (1) of the children, a ~~joint presumptive shared~~
7 responsibility child support obligation for all of the
8 children shall be determined by use of the tables. The
9 ~~joint presumptive shared responsibility child~~ support
10 amount shall be divided by the number of children to
11 determine the presumptive support obligation for each
12 child, which amount shall then be allocated to each parent
13 based upon the number of those children in the physical
14 custody of that parent. That sum shall be multiplied by the
15 percentage that the other parent's net income bears to the
16 total net income of both parents. The obligations so
17 determined shall then be offset, with the parent owing the
18 larger amount paying the difference between the two (2)
19 amounts to the other parent as a net child support
20 obligation.

21
22 (f) If the difference between the obligor's net
23 income and the self-support reserve is less than the

1 support obligation as calculated from the tables in
2 subsection (a) of this section, the support obligation
3 shall be set using the difference between the obligor's net
4 income and the self-support reserve. As used in this
5 subsection "self-support reserve" means the current poverty
6 line for one (1) person as specified by the poverty
7 guidelines updated periodically in the Federal Register by
8 the United States department of health and human services
9 under the authority of 42 U.S.C. 9902(2).

10
11 **Section 2.** W.S. 20-2-304(b) and 20-2-305 are
12 repealed.

13
14 **Section 3.** This act is effective July 1, 2018.

15
16 (END)