

Adult Child Support – Does Your Child Qualify For An Extension?

utahdivorce.biz/adult-child-support-does-your-child-qualify-for-an-extension



In Utah, parents are responsible for providing the necessary financial support for their minor child(ren). A child's status as a minor is defined in Utah Family Code 3901 as the period up to the point in time that the child gets married, becomes emancipated, dies, or reaches age 19. Or until the child reaches age 18 if the child is *not* a full-time high school student living with a parent. But, what if a child support extension is needed because a child is incapacitated and cannot be self-sufficient, whether temporarily or permanently?

The only exceptions to the above age limits on child support are in cases where: 1) both parents agree that the child can continue being treated as having child status for financial support purposes; or 2) the child legally qualifies for *adult child support* under Utah Code 3901.

If a controversy arises about continuing child support into adulthood for an incapacitated child, you will need to work with an experienced child support lawyer in Salt Lake City Utah.

What if There's a Dispute About Adult Child Support?

When the child legally qualifies for adult child support, there is a foregone conclusion to the matter, in terms of what is legally enforceable. When both parents agree to continue with child support into their child's adulthood, it can be relatively easy for all involved to move forward in cooperation with a clear plan. But, what happens when the parents are *not* in agreement on this critical issue?

When the Parents Agree to Adult Child Support

If both parents agree to adult child support that continues after the child becomes age 18, or 19 if the child is in high school, the stipulation can simply be included in the original support order. The terms can later be modified if circumstances change — *unless* the parties specify that the order for adult child support cannot be modified or terminated.

When the Parents Do Not Agree on Adult Child Support

If the co-parents cannot agree regarding payment of adult child support, a parent can ask the family court to order the support under Family Code 3910. For the adult child to qualify for this extended support, he or she must be unable to earn a living due to an incapacity to do so *and* the individual must be without sufficient means for self-support.

The extended support may continue for a limited period. For example, the support could be paid until the disabled young person can obtain enough training and education to enable him or her to become self-sufficient. In other words, the purpose of the support would be to sustain the person while he/she becomes able to live independently, get a job, manage personal finances, etc.

If it is not possible for the individual ever to build sufficient skills to obtain employment because of the extent of the disability, adult child support would necessarily be longer-term.

When one party proves that the child cannot earn a living due to incapacity and is without the necessary financial means to live without continued parental support, the judge will determine the appropriate amount of adult-child support to be awarded. The calculation for adult child support is based on the same guidelines as for regular child support, but the court has more latitude in distributing the funds.

The court can order that the support funds paid by the parents be put in a trust account, establishing a separate estate for the child. If the individual is receiving income, the court may modify the amount of the adult child support commensurately.

How to Get a Court Order for Adult Child Support

There are various approaches you can take in an effort to obtain adult child support payments for your incapacitated child. You can try to negotiate with your ex-spouse, the co-parent, or you might be eligible to request a court order for the support. If you believe that the latter option is likely to be more successful, then you need to contact the best lawyer for child support Utah has available to you. Your family law attorney will ensure that your rights and your child's rights are fully protected and provide the best possible case to the judge for issuing an order for extended support.

Best Child Support Lawyer, Salt Lake City UT

For over 20 years, Attorney David Pedrazas has been helping people in Utah obtain the best outcomes in their child support cases, enabling families to progress sooner to happier times.

For child support issues, call the Law Office of David Pedrazas, PLLC, or contact us here online to discuss your situation and get help identifying your best options.
