

# Can Mother Cancel Child Support Payments

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Naturally, children need uninterrupted financial support from their parents until they reach the legal age of adulthood at age 18. So, non-custodial parents are required to pay child support monthly, without exception, to contribute their part of the necessary funds to raise their children. Divorced or legally separated parents must pay the costs of their children's food, shelter, clothing, healthcare, educational supplies, and other essentials. But are there any circumstances in which a parent can legally stop child support payments *before* a child turns 18 years of age?

To succeed with a petition for a child support modification, get the best help available to you from an experienced Salt Lake City, UT, divorce lawyer. Contact the Law Office of David Pedrazas for guidance on family law in Utah as it pertains to child support modification.

## What Causes Child Support to Stop?

Under Utah Code 78B-12-219, modification of child support is automatically granted when the child:

- Becomes 18 years of age
- Becomes a legally emancipated minor
- Graduates from high school in the year he/she is expected to graduate
- Gets legally married
- Becomes a member of one of the military services
- Becomes deceased

To legally cancel the court order for child support payments, the payor must file a petition with the family court to have a judge decide the matter.

NOTE: If child support is modified for one child, that does not necessarily mean that the amount of child support being paid for the other children in the family does not change.

## **Parental Rights and Stopping Child Support Payments**

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Generally, a child support order cannot be terminated before the date specified under Utah state law except under certain conditions stipulated under the state law. However, a judge may approve the discontinuation of child support payments if the non-custodial parent legally relinquishes her or his parental rights, and that parent can convince the judge that there are acceptable reasons to allow the child support payments to be canceled.

## **What If the Payor Just Stops Paying Child Support?**

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Under Utah law (78B-5-202.6), orders regarding past-due child support can be enforced for 4 years after the youngest child reaches age 18 or 8 years from the date the child support order was entered by the court — whichever is longer.

## **Can Parents Agree to No Child Support?**

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No, in Utah, child support cannot be waived. It is not an option that the parents can simply accept or decline. Every divorce and legal separation case involving minor children in the state must ultimately include an order for child support.

## **How Your Child Support Lawyer Helps You**

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Your divorce and child support lawyer can guide you through the process and ensure that everything is submitted to the court as required and that all state laws and court rules are obeyed. Your lawyer will make sure that your child support modification case is not dismissed, delayed, or otherwise adversely impacted by unacceptable handling.

## **To Modify a Child Support Order in Utah**

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Modifying child support requires either filing a petition or a motion to terminate child support with the family court. The request for modification is assessed based on the financial circumstances of the family. The court will determine whether the requested adjustment is acceptable under Utah's child support guidelines. The petitioner must navigate the court system rules and other requirements, the Utah statutes regarding child support, and the legal procedures to meet state requirements.

The Utah Department of Human Services, Office of Recovery Services / Child Support Services (ORS/CSS) processes requests for modifications of existing child support orders. The agency cautions parents that court-ordered child support cannot be modified by

ORS/CSS if any of these situations applies:

- The youngest child is within a year of becoming age 18.
- One of the parents is currently in jail or state prison.
- Efforts to locate one of the parents have been unsuccessful.

## **For Help Obtaining a Child Support Modification in Utah**

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If you need help modifying a child support order in Utah, we have many years of experience in this family law matter here in Utah as well as child custody, child support, alimony, and others. We are here to provide caring and highly effective legal representation.

**If you live in Utah and need help modify child support, call the Law Office of David Pedrazas, PLLC at (801) 263-7078 for an appointment to discuss your situation.**

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