


How To Stop Misuse of Child Support Payments in Utah

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Divorce is typically a stressful and financially impactful experience, to say the very least about it. When your children are affected, that compounds the emotional and financial difficulties. In moving forward beyond divorce, you naturally want to be sure that your child custody agreement is clear and settled, and that the child support order is reasonable, and that your children are well cared for. If you are concerned about the misuse of child support payments you have been making, then you understandably want to know if the payments you send your ex-spouse are being used for the benefit of your kids.

Does Child Support Have to Be Spent on the Child?

Many people assume that it is against the law for a parent receiving child support to spend the money on herself or himself, or on anything other than for things that directly benefit the child. However, in Utah, the matter of what can or cannot be paid for using child support funds is not clarified under the state statutes.

The question of whether it is legal to spend money provided for child support on things that are not for the child is addressed on a case-by-case basis. There have been certain cases that may provide some insights into the issue of how a custodial parent is permitted to use child support funds.

Can I Stop Child Support Payments Because My Ex is Misusing The Money?

There may be circumstances in which it is possible to obtain a reduction of a previously ordered amount of alimony that offsets the amount of child support that has been misused. If your Utah child support lawyer can succeed in presenting evidence sufficient to prove the act(s) misuse of the funds, it might be possible to obtain a court order to stop child support payments, or that permits you to pay directly for all or part of the expenses for your child.

If you are concerned about child support money not being used on child expenses, you can petition the court for a modification. Or, you might be able to obtain an order from the court requiring the child support recipient to provide financial accounting for allocations of the child support funds, under Utah statutes, to help ensure that the custodial parent is spending child support money for the benefit of the child.

Can I Get a Child Support Modification Due to Misuse of the Funds?

There is reportedly at least one case in Utah history in which a noncustodial parent was permitted by the court to reduce child support payments, due to misuse of support funds by the custodial parent. An experienced divorce attorney can assess a claim that a mother spending child support on herself or a father using child support payments he receives is illegal, based on the details of the case. However, ultimately, a judge will determine whether the custodial parent's particular use of the funds is permitted under state law or not.

There appears to be little likelihood a child support payer will receive compensation retroactively for child support payment of funds that were misused. Generally, modification of child support applies only to payments scheduled for the future. (Another question that is sometimes raised in pursuit of a remedy is, "Can the child get child support directly in Utah?" The answer is that child support payments are always sent directly to the custodial adult.)

How Can I Get a Child Support Modification to Stop Misuse of Money Sent for My Kids?

The support payer will have to petition the family court that issued the existing order for a modification of child support payment amounts. The court may instead order the child support recipient to provide an accounting for the spending of the funds. Under such child support monitoring use by the court, typically the child support payment recipient is required to provide receipts and possibly other forms of accounting periodically, to show how money received for child support is being used.

Reportedly, some states recognize habitual misuse of child support payments as meeting the criteria for a "substantial change of circumstances," which is a condition that, when proven, courts do recognize as cause for child support modification.

Navigating Utah Child Support Laws and Family Courts

If you want to pursue legal action to change a current child support order, because the custodial parent of your child appears to be misusing money you have provided for child support, you will need to work with a qualified Utah family law attorney.

For possible modification of child support orders, you will need an experienced Salt Lake City child support attorney to assess your legal options and represent you in the family court.



HOW TO STOP MISUSE OF CHILD SUPPORT PAYMENTS IN UTAH

The average amount of child support reaches nearly \$5,800 per year in the U.S.

UTAH CHILD SUPPORT CALCULATOR FORMULA



- The needs of the child, including medical care, education, insurance, and if he/she has any special needs;
- The income and needs of each parent, but especially the custodial parent;
- The non-custodial parent's ability to make monthly child support payments;
- The child's standard of living before his/her parents



were separated or divorced, especially considering the child's financial needs to maintain the same standard of living.

CAN YOU EVER CHANGE THE AMOUNT OF CHILD SUPPORT?

- Your diminished ability to earn;
- The other parent's acquired ability to earn;
- Your changed standard of living;
- The receiving parent changing his/her marital status or living with a romantic partner who can provide for the child;



If you suspect child support abuse, call the Law Office of David Pedrazas, PLLC, Salt Lake City UT, to schedule a free 30-minute legal consultation, or use our online contact form.



Attorney David Pedrazas, Salt Lake City, Utah

Over the past 20 years, Attorney David Pedrazas has helped people throughout the greater Salt Lake area obtain the best possible outcomes of their divorce and child support cases. He and his legal support team are deeply committed to helping every client make fully informed decisions during the divorce process, in order to move on after divorce to better years for themselves and their families.

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