

# If We're Not Married, Do I Have to Pay Child Support?

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Child support is viewed by the State of Utah as a child's right and a parent's inherent obligation when parents separate, even if the couple has never married. Whether the parents are married is not relevant to the child support requirement under Utah law. The law requires the noncustodial parent to provide financial support to the custodial parent for their minor child(ren). Under certain rare conditions, the court does consider relieving a parent from the child support requirement. But, your unmarried status in relation to the other parent is not a cause for the court to excuse you from child support responsibilities.

## What if I'm Not the Child's Father?

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After establishing paternity, whether by DNA testing or based on the birth certificate, the court can order payment of child support. In Utah, paternity must be confirmed before a mother is legally entitled to be paid child support by a man. For a married couple, the husband is presumed by the court to be the child's father. In cases of unmarried couples separating, paternity must be proven before rights to child support can be decided by the court. (Paternity must also be proven so that the child can be covered by the father's group insurance policy and access a range of other financial benefits.)

## If We Plan to Share Custody, I Don't Have To Pay Support, Right?

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Regardless of whether you and your child's other parent have ever been married, the state requires you as parents either to split custody (share custody equally) or have one parent assume custody and the other pay for the child's financial support. In some cases, a parent may share custody with the other parent equally and still be required to pay child support.

## How Is the Child Support Amount Calculated?

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The amount of child support the noncustodial parent must pay can be agreed upon by the two parents privately and then approved by the judge. If the parties cannot agree, then the court will calculate the child support amount based on financial factors including both parents' individual financial positions and the number of nights the child will be spending at each parent's house each year per the court-ordered parent-time schedule.

## What if I Can't Pay Child Support?

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Even if you have made only an informal verbal arrangement with the child's other parent to pay child support of a specific amount at specific intervals and you stop paying, your former cohabitor can still petition the family court for enforcement of the agreement.

The judge may assess your claim of changed circumstances in issuing an order that relieves you from payments, but a modification will probably be required when you can financially resume the payments in the originally agreed amounts.

The court may further order you to pay all back child support if it is determined that you could have paid or were required to pay during some part of the period while you were not cohabitating with the other parent and the child and were not paying.

## What Happens if I Stop Paying Child Support?

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Just the same as if you had been married to the other parent and got a divorce, to legally stop paying support payments in Utah or to pay a lower amount than required by existing court order, you must obtain a modification.

Even if you lose your job, you are still required to make all court-ordered child support payments until the court modifies the order to relieve you from that legal responsibility.

If you stop paying regular child support payments, you can be held in contempt of court for disobeying the court order. The punishments can include fines up to \$1,000 and jail time of up to one year. Penalties can be much more severe if you have a record of prior convictions for failing to pay court-ordered child support.

## When Does Child Support End?

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When a child reaches the age of adulthood under Idaho law, child support can be terminated. But, in some cases, courts will order continuing child support until the child graduates from high school, if the child is disabled, or due to other reasons.

Child Support and Adoption: Even if the custodial parent begins cohabitating with someone new, child support can only be terminated if the child is adopted by that parent's new mate or someone else and the noncustodial parent terminates his/her parental rights. (Courts strongly disapprove of efforts to have parental rights terminated to avoid paying child support.)

## **Best Child Support Lawyer, Salt Lake City UT**

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Attorney David Pedrazas provides information resources for parents in Utah, married and unmarried alike, who are going through difficult child custody and child support cases. He has a long record of helping people obtain the best outcomes for their child support issues, making it possible for families to move forward more quickly to happier times.

**For solutions to child support issues, call the Law Office of David Pedrazas or contact us on our website to discuss the details of your situation.**

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