

CHAPTER 26

CHILD SUPPORT

Original House Bill No. 37

AN ACT to amend W.S. 14-2-108(d)(ii), 14-2-113(d) and (f), 14-6-236(a), 20-2-113(a), (d) and (g) and 20-4-123; and to repeal W.S. 20-6-214(b) relating to child support; specifying when temporary support may be ordered during the pendency of a paternity action; providing for child support payments to the clerk of court; providing for the judgments in paternity actions and decrees of divorce to contain information including the parties' social security numbers, addresses and employment information; requiring the parties to advise the clerk of court of any change of address or employment; eliminating authorization to clerks of court for the deduction of a fee for child support payments;

providing that orders of support may not be retroactively modified except as to limited periods; and providing for an effective date.

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

Section 1. W.S. 14-2-108(d)(ii), 14-2-113(d) and (f), 14-6-236(a), 20-2-113(a), (d) and (g) and 20-4-123 are amended to read:

14-2-108. Informal hearing; refusal of witnesses or parties to testify; testimony of physician; temporary custody and support of children.

(d) During the pendency of an action and on application of either party, the court may enter an order providing for:

(ii) Temporary support of the child when the blood test tends to establish the paternity or when the man alleged to be the natural father has acknowledged his paternity of the child in writing.

14-2-113. Effect and contents of judgment or order; new birth certificate; determination of support; payments to clerk of court; continuing jurisdiction.

(d) Support judgments or orders ordinarily shall be for periodic payments which may vary in amount. All child support payments shall be paid to the clerk of the district court. In the best interest of the child, a lump sum payment or the purchase of an annuity may be ordered in lieu of periodic payments of support. The court, as it deems just, may limit the father's liability for past support of the child to the proportion of the expenses already incurred. Any order providing for support, custody or visitation shall include the child's name and date of birth and shall provide for a statement of the addresses and social security numbers of the parties, and the names and addresses of each party's employer. The court shall order each party to notify the clerk of court in writing within fifteen (15) days of any change in address or employment.

(f) The court has continuing jurisdiction to modify a judgment or order made pursuant to W.S. 14-2-101 through 14-2-120. Provisions respecting support may be modified only upon a showing of a substantial and material change in circumstances. If any order of support provides for periodic payments or installments to the clerk of court, any amount unpaid at the time it is due shall become a judgment by operation of law. An order for child support is not subject to retroactive modification except the order may be modified with respect to any period during which a petition for modification is pending, but only from the date notice of that petition was given to the obligee, if the obligor is the petitioner, or to the obligor, if the obligee is the petitioner.

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

(a) When legal custody of a child is vested by court order in an individual, agency or organization other than the child's parents, the court shall in the same or any subsequent proceeding inquire into the

financial condition of the child's parents or any other person who may be legally obligated to support the child. After due notice and hearing the court may order the parents or any other legally obligated person to pay a reasonable sum for the support and treatment of the child during the time that a dispositional order is in force. The amount ordered to be paid shall be paid to the clerk of the juvenile court for transmission to the person or agency having legal custody of the child or to whom compensation is due. The clerk of court is authorized to receive periodic payments payable in the name or for the benefit of the child, including but not limited to social security, veteran's administration benefits or insurance annuities, and apply the payments as the court directs.

20-2-113. Disposition and maintenance of children in decree; modification; access to records; payment to court clerk.

(a) In granting a divorce or annulment of a marriage, the court may make such disposition of the children as appears most expedient and beneficial for the well-being of the children. The court shall consider the relative competency of both parents and no award of custody shall be made solely on the basis of gender of the parent. On the petition of either of the parents, the court may revise the decree concerning the care, custody, visitation and maintenance of the children as the circumstances of the parents and the benefit of the children requires. In any case in which child support has been ordered to be paid to the clerk of the court, any periodic payment or installment under the provisions of the decree concerning maintenance is on the date it is due a judgment by operation of law. An order for child support is not subject to retroactive modification except:

(i) Upon agreement of the parties; or

(ii) The order may be modified with respect to any period during which a petition for modification is pending, but only from the date notice of that petition was given to the obligee, if the obligor is the petitioner, or to the obligor, if the obligee is the petitioner.

(d) Any decree which includes an order providing for child support shall provide for a statement of the:

(i) Addresses and social security numbers of the parties;

(ii) Names and addresses of each party's employer; and

(iii) Names and birthdates of the children to whom the order relates. The court shall order each party to notify the clerk of court in writing within fifteen (15) days of any change in address or employment.

(g) All child support payments shall be paid to the clerk of the district court.

20-4-123. Proceedings governed by rules of evidence and civil action; modification of support orders.

In any hearing for the civil enforcement of this act the court is governed by the rules of evidence applicable in a civil court action in the district court. If the action is based on a support order issued by another

court, a certified copy of the order shall be received as evidence of the duty of support, subject only to defenses available to an obligor with respect to paternity or to a defendant in an action or a proceeding to enforce a foreign money judgment. A support order issued by another court is not subject to retroactive modification except the order may be modified with respect to any period during which a petition for modification is pending, but only from the date notice of that petition was given to the obligee, if the obligor is the petitioner, or to the obligor, if the obligee is the petitioner. In any case in which child support has been ordered to be paid to the clerk of a Wyoming court, any periodic payment or installment under the provisions of the decree concerning maintenance is on the date it is due a judgment by operation of law. The determination or enforcement of a duty of support owed to one (1) obligee is unaffected by any interference by another obligee with rights of custody or visitation granted by a court.

Section 2. W.S. 20-6-214(b) is repealed.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 11, 1988.