

INSTRUCTIONS FOR FILING A CLAIM FOR CHILD SUPPORT ABATEMENT

W.S. § 20-2-305 provides, unless otherwise ordered by the Court, child support shall abate by one-half (1/2) of the daily support obligation for each day the non-custodial parent has the physical custody of the child for whom support is due, provided that the non-custodial parent has custody of the child for more than **fifteen (15)** consecutive days. Overnight and weekend visits with the custodial parent during the period for which abatement is claimed shall be disregarded in computing abatement.

1. All claims must be filed with the Clerk of Court within thirty (30) days after the period for which abatement is claimed and must be accompanied by a **\$10.00** fee (cash, certified check or money order).
2. The Clerk will mail a copy of the Claim to the custodial parent at the address provided to the Clerk by the non-custodial parent.
3. The custodial parent may object to the abatement claim by filing an Objection with the Clerk of Court within thirty (30) days of the date the Clerk mailed the notice of Claim for Child Support Abatement. The Objection must be accompanied by a **\$10.00** fee (cash, certified check or money order).
4. A copy of the Objection to Claim for Abatement will be mailed to the non-custodial parent at the address provided on the Claim for Child Support Abatement.
5. If an Objection to the Claim for Abatement is timely filed, the non-custodial parent MAY respond to the issues raised in the objection by filing a **Response** within fifteen (15) days of the date the Clerk mailed to the objection to the custodial parent. There is no fee associated with a Response.
6. The Clerk will mail a copy of the Response to the custodial parent at the address provided to the Clerk.
7. CLAIMS, OBJECTIONS AND RESPONSES NOT TIMELY FILED OR NOT ACCOMPANIED BY THE REQUISITE FEE ARE BARRED.
8. The Clerk will notify the Court of claims, objections and responses and the Court will resolve the differences with or without a hearing and enter an appropriate order.
9. The custodial parent may approve the abatement claim prior to the expiration of the thirty (30) day time period for objections by filing a **Notice of Immediate Approval** with the Clerk of Court. There is no filing fee for the Notice.
10. All abatement amounts shall be applied first to current child support due and then to any arrearage balance owed for past-due child support.
11. **If child support is withheld from your paycheck (Income Withholding Order exists)** You will receive a refund check from the Clerk of the District Court if you are current on your child support obligation, or if you are in arrears your abatement credit will be applied to your arrearage balance.
12. **If you pay child support on your own (no Income Withholding Order)** If you are current on your child support obligation (once the Order of Abatement is signed) you may subtract the abated amount from your next scheduled payment (this is your responsibility) or if you are in arrears your abatement will be applied to your arrearage balance.
13. If you elect not to accept your abated credit from the next scheduled payment, this may be considered a gift to the custodial party and you may lose your right to any future credit.

INCOMPLETE FORMS WILL NOT BE ACCEPTED AND WILL BE RETURNED WITH NO ACTION TAKEN. THIS INCLUDES ADDRESSES OF BOTH PARTIES, DATES OF VISITATION AND MATH COMPUTATION.

(RESUBMITTED FORMS MUST STILL BE SUBMITTED WITHIN 30 DAYS AFTER THE VISITATION PERIOD ENDS. IF IT IS NOT TIMELY SUBMITTED, IT WILL BE BARRED - THERE IS NO EXTENSION OF TIME FOR RESUBMITTED CLAIMS.)