

SENATE FILE NO. SF0030

Child support-use of inmate's assets.

Sponsored by: Senator(s) Boner, Ellis and Nethercott and
Representative(s) Barlow, Kirkbride, Olsen
and Pelkey

A BILL

for

1 AN ACT relating to child support; providing for court ordered
2 deviation from presumptive child support payments when an
3 obligor is incarcerated; specifying when a court may order an
4 incarcerated person's assets sold and distributed for child
5 support payments; and providing for an effective date.

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

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9 **Section 1.** W.S. 20-2-307 by creating a new subsection
10 (e) is amended to read:

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12 **20-2-307. Presumptive child support to be followed;**
13 **deviations by court.**

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1 (e) A court may deviate, as provided in this
2 subsection, from the presumptive child support payments
3 established by W.S. 20-2-304 upon specific findings that a
4 support obligor has become incarcerated and the obligor has
5 incurred a loss of income as a result of incarceration and is
6 therefore unable to maintain child support payments as
7 ordered or agreed before incarceration. A court may order the
8 sale and distribution of the proceeds of assets of the
9 incarcerated obligor to provide payments equal, or as nearly
10 equal as possible, to child support payments calculated
11 before incarceration. Assets subject to this subsection are
12 those:

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14 (i) Owned solely by the obligor;

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16 (ii) Not exempt from execution or attachment under
17 any state or federal law; and

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19 (iii) In excess of a net value of twenty-five
20 thousand dollars (\$25,000.00) as calculated according to
21 generally accepted accounting principles. The value of assets
22 exempt from execution or attachment under state or federal

1 law shall be included for purposes of calculation under this
2 paragraph.

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4 **Section 2.** This act is effective July 1, 2019.

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(END)