

Superseded 5/12/2015

35A-3-108 Assignment of support.

- (1)
 - (a) The division shall obtain an assignment of support from each applicant or client regardless of whether the payment is court ordered.
 - (b) Upon the receipt of assistance, any right to receive support from another person passes to the state, even if the client has not executed and delivered an assignment to the division as required by Subsection (1)(a).
 - (c) The right to support described in Subsection (1)(b) includes a right to support in the applicant's or client's own behalf or in behalf of any family member for whom the applicant or client is applying for or receiving assistance.
- (2) An assignment of support or a passing of rights under Subsection (1)(b) includes payments ordered, decreed, or adjudged by any court within this state, any other state, or territory of the United States and is not in lieu of, and does not supersede or alter, any other court order, decree, or judgment.
- (3) When an assignment is executed or the right to support passes to the department under Subsection (1)(b), the applicant or client is eligible to regular monthly assistance and the support paid to the division is a refund.
- (4) All sums refunded, except any amount which is required to be credited to the federal government, shall be deposited into the General Fund.
- (5) On and after the date a family stops receiving cash assistance, an assignment of support under Subsection (1) does not apply to any support that accrued before the family received such assistance if the department has not collected the support by the date the family stops receiving cash assistance, if the assignment is executed on or after October 1, 1998.
- (6) The department shall distribute arrearages to families in accordance with the Social Security Act, 42 U.S.C. Sec. 657.
- (7) The total amount of child support assigned to the department and collected under this section may not exceed the total amount of cash assistance received by the recipient.