

Effective 5/12/2015

35A-3-108 Assignment of support.

- (1)
 - (a) An applicant shall provide an assignment of support to the department regardless of whether the payment is court ordered.
 - (b) Upon the receipt of public assistance, any right of the recipient to receive support from another person passes to the state, including a right to support on behalf of any family member for whom the recipient is applying for or receiving assistance, even if the recipient has not executed and delivered an assignment of support to the department as required by Subsection (1)(a).
- (2) An assignment of support, or a right to receive support passed to the state, includes payments ordered, decreed, or adjudged by a court within this state, another state, or a 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 of support is executed or the right to support passes to the state under this section, the recipient is eligible to regular monthly assistance and the support paid to the state is a refund.
- (4) All money refunded under this section shall be deposited into the General Fund, except any amount which is required to be credited to the federal government.
- (5) On and after the date a recipient stops receiving cash assistance, an assignment of support under this section does not apply to support that accrued before the recipient received the cash assistance if:
 - (a) the state has not collected the support by the date the recipient stops receiving cash assistance; and
 - (b) the assignment was executed on or after October 1, 1998.
- (6) The state shall distribute arrearages to a recipient in accordance with the requirements of the Social Security Act, 42 U.S.C. Sec. 657.
- (7) When an assignment of support includes child support, the total amount of child support assigned to the state and collected under this section may not exceed the total amount of cash assistance received by the recipient.

Amended by Chapter 221, 2015 General Session