

62A-11-333 Right to judicial review.

- (1)
 - (a) Within 30 days of notice of any administrative action on the part of the office to establish paternity or establish, modify or enforce a child support order, the obligor may file a petition for de novo review with the district court.
 - (b) For purposes of Subsection (1)(a), notice includes:
 - (i) notice actually received by the obligor in accordance with Section 62A-11-304.4;
 - (ii) participation by the obligor in the proceedings related to the establishment of the paternity or the modification or enforcement of child support; or
 - (iii) receiving a paycheck in which a reduction has been made for child support.
- (2) The petition shall name the office and all other appropriate parties as respondents and meet the form requirements specified in Section 63G-4-402.
- (3) A copy of the petition shall be served upon the Child and Family Support Division of the Office of Attorney General.
- (4)
 - (a) If the petition is regarding the amount of the child support obligation established in accordance with Title 78B, Chapter 12, Utah Child Support Act, the court may issue a temporary order for child support until a final order is issued.
 - (b) The petitioner may file an affidavit stating the amount of child support reasonably believed to be due and the court may issue a temporary order for that amount. The temporary order shall be valid for 60 days, unless extended by the court while the action is being pursued.
 - (c) If the court upholds the amount of support established in Subsection (4)(a), the petitioner shall be ordered to make up the difference between the amount originally ordered in Subsection (4)(a) and the amount temporarily ordered under Subsection (4)(b).
 - (d) This Subsection (4) does not apply to an action for the court-ordered modification of a judicial child support order.
- (5) The court may, on its own initiative and based on the evidence before it, determine whether the petitioner violated U.R. Civ. P. Rule 11 by filing the action. If the court determines that U.R.Civ.P. Rule 11 was violated, it shall, at a minimum, award to the office attorney fees and costs for the action.
- (6) Nothing in this section precludes the obligor from seeking administrative remedies as provided in this chapter.

Amended by Chapter 3, 2008 General Session

Amended by Chapter 382, 2008 General Session