

Effective 7/1/2015

Part 5
Enforcement of Support Order Without Registration

78B-14-501 Employer's receipt of income-withholding order of another state.

An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support-enforcement agency, to the person defined as the obligor's employer under Title 62A, Chapter 11, Part 4, Income Withholding in IV-D Cases, and Part 5, Income Withholding in Non IV-D Cases, without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-14-502 Employer's compliance with income-withholding order of another state.

- (1) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.
- (2) The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.
- (3) Except as otherwise provided in Subsection (4) and Section 78B-14-503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:
 - (a) the duration and amount of periodic payments of current child support, stated as a sum certain;
 - (b) the person designated to receive payments and the address to which the payments are to be forwarded;
 - (c) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;
 - (d) the amount of periodic payments of fees and costs for a support-enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and
 - (e) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.
- (4) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:
 - (a) the employer's fee for processing an income withholding order;
 - (b) the maximum amount permitted to be withheld from the obligor's income; and
 - (c) the times within which the employer must implement the withholding order and forward the child support payment.

Amended by Chapter 45, 2015 General Session

78B-14-503 Employer's compliance with two or more income-withholding orders.

If an obligor's employer receives two or more income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for the withholding and allocating income withheld for two or more child support obligees.

Amended by Chapter 45, 2015 General Session

78B-14-504 Immunity from civil liability.

An employer that complies with an income withholding order issued in another state in accordance with this part is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

Revisor instructions Chapter 245, 2013 General Session

Amended by Chapter 412, 2011 General Session

78B-14-505 Penalties for noncompliance.

An employer that willfully fails to comply with an income withholding order issued in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Revisor instructions Chapter 245, 2013 General Session

Amended by Chapter 412, 2011 General Session

78B-14-506 Contest by obligor.

- (1) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in Part 6, Registration, Enforcement, and Modification of Support Order, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state.
- (2) The obligor shall give notice of the contest to:
 - (a) a support-enforcement agency providing services to the obligee;
 - (b) each employer that has directly received an income-withholding order relating to the obligor; and
 - (c) the person designated to receive payments in the income-withholding order or if no person is designated, to the obligee.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-14-507 Administrative enforcement of orders.

- (1) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued in another state, or seeking to enforce a foreign support order, may send the documents required for registering the order to a support enforcement agency of this state.
- (2) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

Amended by Chapter 45, 2015 General Session