



UTAH STATE SENATE

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February 10, 2000

Corrected Committee Report

Mr. President:

The Judiciary Committee reports a favorable recommendation on **S.B. 49**, CHILD SUPPORT AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 2, Line 49: Delete line 49.
2. Page 2, Line 50: After line 50, insert:
"**62A-11-333**, Utah Code Annotated 1953"
3. Page 19, Line 573: After line 573, insert:
"Section 13. Section 62A-11-333 is enacted to read:
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

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Section 63-46b-15.

(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 78, Chapter 45, Uniform Civil Liability for 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 attorneys' fees and costs for the action.

(6) Nothing in this section precludes the obligor from seeking administrative remedies as provided in this Chapter."

4. Page 23, Line 700: After Line 700, insert:
"(5) There is a presumption that voluntary relinquishment or consent for termination of parental rights is not in the child's best interest where it appears to the court that the primary purpose is to avoid a financial support obligation. The presumption may be rebutted, however, if the court finds the relinquishment or consent to termination of parental rights will facilitate the establishment of stability and permanency for the child."
5. Page 23, Line 701: Bracket "(5)" and insert "(6)"

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6. Page 23, Lines
703 - 709: Delete lines 703 through 709.

7. Page 31, Line 956: Delete line 956

Renumber the remaining Sections accordingly.

8. Page 42, Lines
1275 - 1288: Delete lines 1275 - 1288.

Respectfully,

Terry Spencer
Committee Chair

Voting: 6-0-0

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