

**NONCUSTODIAL VISITATION SURVEY**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Bryan D. Holladay**

**This act requires the Office of Recovery Services to survey divorced parents to determine the extent of visitation abuse within the state. The act requires that the office survey a representative sample of custodial and noncustodial parents on visitation practices and provide the results of the survey to the Health and Human Services Interim Committee by November 30, 2001.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**62A-11-104**, as last amended by Chapter 161, Laws of Utah 2000

ENACTS:

**62A-11-112**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **62A-11-104** is amended to read:

**62A-11-104. Duties of office.**

The office has the following duties:

(1) to provide child support services if:

(a) the office has received an application for child support services;

(b) the state has provided public assistance; or

(c) a child lives out of the home in the protective custody, temporary custody, or custody or care of the state or another party for at least 30 days;

(2) to carry out the obligations of the department contained in this chapter and in Title 78, Chapters 45, 45a, and 45f for the purpose of collecting child support;

(3) to recover public assistance provided to persons for which they were ineligible;

(4) to collect money due the department which could act to offset expenditures by the



28 state;

29 (5) to cooperate with the federal government in programs designed to recover health and  
30 social service funds;

31 (6) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution, and  
32 reimbursable expenses owed to the state or any of its political subdivisions, if the office has  
33 contracted to provide collection services;

34 (7) to implement income withholding for collection of child support in accordance with  
35 Part 4 of this chapter;

36 (8) to enter into agreements with financial institutions doing business in the state to  
37 develop and operate, in coordination with such financial institutions, a data match system in the  
38 manner provided for in Section 62A-11-304.5;

39 (9) to establish and maintain the state case registry in the manner required by the Social  
40 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:

41 (a) the amount of monthly or other periodic support owed under the order, and other  
42 amounts, including arrearages, interest, late payment penalties, or fees, due or overdue under the  
43 order;

44 (b) any amount described in Subsection (9)(a) that has been collected;

45 (c) the distribution of collected amounts;

46 (d) the birth date of any child for whom the order requires the provision of support; and

47 (e) the amount of any lien imposed with respect to the order pursuant to this part;

48 (10) to contract with the Department of Workforce Services to establish and maintain the  
49 new hire registry created under Section 35A-7-103;

50 (11) to determine whether an individual who has applied for or is receiving cash assistance  
51 or Medicaid is cooperating in good faith with the office as required by Section 62A-11-307.2;

52 [~~and~~]

53 (12) to finance any costs incurred from collections, fees, General Fund appropriation,  
54 contracts, and federal financial participation[~~]; and~~ and

55 (13) to survey custodial and noncustodial parents at regular intervals concerning visitation  
56 practices in accordance with Section 62A-11-112 .

57 Section 2. Section **62A-11-112** is enacted to read:

58 **62A-11-112. Visitation survey-- Declaration -- Development -- Use.**

- 59           (1) The state declares that:
- 60           (a) children need positive relationships with and guidance from both parents;
- 61           (b) the denial of visitation by custodial parents and the failure of noncustodial parents to
- 62 exercise their visitation rights is damaging to the health and well-being of the children;
- 63           (c) children who are separated from a parent through divorce and then denied a meaningful
- 64 relationship with a noncustodial parent are at a much greater risk for destructive behaviors;
- 65           (d) it has an interest in the health and well-being of the smallest and most vulnerable of
- 66 its citizens; and
- 67           (e) it cannot address a potential problem without specific information upon which to base
- 68 any possible solution.
- 69           (2) The office shall survey a representative sample of not less than 500 custodial and 500
- 70 noncustodial parents on visitation practices.
- 71           (3) The survey shall be anonymous and contain not more than ten questions directed to
- 72 each group.
- 73           (4) The survey shall be developed to provide the office with enough information to
- 74 determine the extent of visitation problems that may exist within the state.
- 75           (5) The survey information shall be tabulated, compiled, and presented to the Health and
- 76 Human Services Interim Committee by November 30, 2001.

**h Section 3. Coordination Clause.**

**IF THIS BILL AND S.B. 165, NONCUSTODIAL VISITATION, BOTH PASS IT IS THE INTENT OF THE LEGISLATURE THAT THE TERM "VISITATION" FOUND ON LINES 55, 61, 62, 70, AND 74, BE DELETED AND THE TERM "PARENT TIME" BE INSERTED IN ITS PLACE. h**

**Legislative Review Note  
as of 2-12-01 1:51 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**