

**OFFICE OF RECOVERY SERVICES**

**AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: D. Edgar Allen**

**This act enacts new language to require that an application for child support services inform the applicant that providing false information may lead to prosecution or case closure.**

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

AMENDS:

**62A-11-304.2**, as last amended by Chapter 9, Laws of Utah 2001

ENACTS:

**62A-11-303.5**, Utah Code Annotated 1953

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

Section 1. Section **62A-11-303.5** is enacted to read:

**62A-11-303.5. Application for child support services.**

Any person applying to the office for child support services shall be required to attest to the truthfulness of the information contained in the application. The attestation shall indicate that the person believes that all information provided is true and correct to the best of their knowledge and that knowingly providing false or misleading information is a violation of Section 76-8-504 and may result in prosecution, case closure for failure to cooperate, or both.

Section 2. Section **62A-11-304.2** is amended to read:

**62A-11-304.2. Issuance or modification of administrative order -- Compliance with court order -- Authority of office -- Stipulated agreements -- Notification requirements.**

(1) Through an adjudicative proceeding the office may issue or modify an administrative order that:

- (a) determines paternity [~~in accordance with Section 78-45a-10~~];
- (b) determines whether an obligor owes support;
- (c) determines temporary orders of child support upon clear and convincing evidence of paternity in the form of genetic test results or other evidence;

(d) requires an obligor to pay a specific or determinable amount of present and future support;

(e) determines the amount of past-due support;

(f) orders an obligor who owes past-due support and is obligated to support a child receiving public assistance to participate in appropriate work activities if the obligor is unemployed and is not otherwise incapacitated;

(g) imposes a penalty authorized under this chapter;

(h) determines an issue that may be specifically contested under this chapter by a party who timely files a written request for an adjudicative proceeding with the office; and

(i) renews an administrative judgment.

(2) (a) An abstract of a final administrative order issued under this section or a notice of judgment-lien under Section 62A-11-312.5 may be filed with the clerk of any district court.

(b) Upon a filing under Subsection (2)(a), the clerk of the court shall:

(i) docket the abstract or notice in the judgment docket of the court and note the time of receipt on the abstract or notice and in the judgment docket; and

(ii) at the request of the office, place a copy of the abstract or notice in the file of a child support action involving the same parties.

(3) If a judicial order has been issued, the office may not issue an order under Subsection (1) that is not based on the judicial order, except:

(a) the office may establish a new obligation in those cases in which the juvenile court has ordered the parties to meet with the office to determine the support pursuant to Section 78-3a-906; or

(b) the office may issue an order of current support in accordance with the child support guidelines if the conditions of Subsection 78-45f-207(2)(c) are met.

(4) The office may proceed under this section in the name of this state, another state under Section 62A-11-305, any department of this state, the office, or the obligee.

(5) The office may accept voluntary acknowledgment of a support obligation and enter into stipulated agreements providing for the issuance of an administrative order under this part.

(6) The office may act in the name of the obligee in endorsing and cashing any drafts, checks, money orders, or other negotiable instruments received by the office for support.

(7) The obligor shall, after a notice of agency action has been served on him in accordance with Section 63-46b-3, keep the office informed of:

- (a) his current address;
- (b) the name and address of current payors of income;
- (c) availability of or access to health insurance coverage; and
- (d) applicable health insurance policy information.