

GENERAL ASSISTANCE PROGRAM CHANGES

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Edward H. Redd

LONG TITLE

General Description:

This bill modifies how money refunded to the Employment Development Division through an assignment of support may be used by the division.

Highlighted Provisions:

This bill:

▶ provides that money refunded to the Employment Development Division through an assignment of support shall be retained by the division and may be used by the division for the General Assistance program under certain circumstances; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-3-108, as last amended by Laws of Utah 2011, Chapter 297

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

Section 1. Section **35A-3-108** is amended to read:

35A-3-108. Assignment of support.



28 (1) (a) The division shall obtain an assignment of support from each applicant or client
29 regardless of whether the payment is court ordered.

30 (b) Upon the receipt of assistance, ~~[any]~~ the right to receive support from another
31 person passes to the state, even if the client has not executed and delivered an assignment to the
32 division as required by Subsection (1)(a).

33 (c) The right to support described in Subsection (1)(b) includes a right to support in the
34 applicant's or client's own behalf or in behalf of ~~[any]~~ a family member for whom the applicant
35 or client is applying for or receiving assistance.

36 (2) An assignment of support or a passing of rights under Subsection (1)(b) includes
37 payments ordered, decreed, or adjudged by ~~[any]~~ a court within this state, ~~[any other]~~ another
38 state, or a territory of the United States and is not in lieu of, and does not supersede or alter,
39 any other court order, decree, or judgment.

40 (3) When an assignment is executed or the right to support passes to the department
41 under Subsection (1)(b), the applicant or client is eligible to regular monthly assistance and the
42 support paid to the division is a refund.

43 ~~[(4) All sums refunded, except any amount which is required to be credited to the
44 federal government, shall be deposited into the General Fund.]~~

45 (4) (a) A refund as described in Subsection (3) that offsets a benefit provided to a
46 recipient of General Assistance as defined in Section 35A-3-102 shall be retained by the
47 division and may be used by the division to provide General Assistance to other recipients,
48 unless the refund is required to be credited to the federal government.

49 (b) Except as provided in Subsection (4)(a), a refund as described in Subsection (3)
50 that is not required to be credited to the federal government shall be deposited into the General
51 Fund.

52 (5) On and after the date a family stops receiving cash assistance, an assignment of
53 support under Subsection (1) does not apply to ~~[any]~~ support that accrued before the family
54 received such assistance if the department has not collected the support by the date the family
55 stops receiving cash assistance~~[, if the assignment is executed on or after October 1, 1998].~~

56 (6) The department shall distribute arrearages to families in accordance with the Social
57 Security Act, 42 U.S.C. Sec. 657.

58 (7) The total amount of child support assigned to the department and collected under

59 this section may not exceed the total amount of cash assistance received by the recipient.

Legislative Review Note
as of 11-17-14 2:48 PM

Office of Legislative Research and General Counsel