

HB0463S02 compared with HB0463

~~{Omitted text}~~ shows text that was in HB0463 but was omitted in HB0463S02

inserted text shows text that was not in HB0463 but was inserted into HB0463S02

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Child Support Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor:

LONG TITLE

General Description:

This bill modifies provisions related to child support~~{,-}~~ and family law~~{,-and income reporting}~~ .

Highlighted Provisions:

This bill:

- ▶ ~~{requires certain independent contractors to report payments for personal services to the new hire registry maintained by the Department of Workforce Services;}~~
- ▶ creates a rebuttable presumption that an order terminating parental rights shall state the amount of any child support arrears and permit collection of arrears;
- ▶ requires that a divorce decree provide information about the Office of Recovery Services (office);
- ▶ beginning July 1, 2026, creates a rebuttable presumption that a child support order shall include ~~{an order for}~~ a provision requiring an obligor parent to pay ~~{an}~~ a recurring amount as ~~{a child support advance to assist with}~~ an ongoing expense for child care ~~{costs}~~ ;
- ▶

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requires the office to study and prepare a proposed method for calculating the amount of {~~a child support advance;~~} an ongoing expense for child care and report the office's findings to the Health and Human Services Interim Committee;

18 ▸ requires the office to propose to the Health and Human Services Interim Committee procedural and statutory considerations that are necessary to move from a receipt-based child care payment model to a model where all new or modified child support orders would instead require an ongoing expense for child care as the primary means for sharing child care costs; and

19 ▸ gives reporting requirements to the office.

24 Money Appropriated in this Bill:

25 None

26 None

29 AMENDS:

30 26B-9-201 , as last amended by Laws of Utah 2024, Chapter 366 , as last amended by Laws of Utah 2024, Chapter 366

31 26B-9-206 , as renumbered and amended by Laws of Utah 2023, Chapter 305 , as renumbered and amended by Laws of Utah 2023, Chapter 305

27 ~~{35A-7-102 , as last amended by Laws of Utah 2012, Chapter 107 , as last amended by Laws of Utah 2012, Chapter 107}~~

32 80-4-105 , as last amended by Laws of Utah 2022, Chapter 334 , as last amended by Laws of Utah 2022, Chapter 334

33 81-4-406 , as enacted by Laws of Utah 2024, Chapter 366 , as enacted by Laws of Utah 2024, Chapter 366

34 81-6-101 , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and amended by Laws of Utah 2024, Chapter 366

35 81-6-209 , as renumbered and amended by Laws of Utah 2024, Chapter 366 , as renumbered and amended by Laws of Utah 2024, Chapter 366

36 ENACTS:

32 ~~{35A-7-202 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

33 ~~{35A-7-203 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

34 ~~{35A-7-204 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

35 ~~{35A-7-205 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

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36 ~~{35A-7-206, Utah Code Annotated 1953, Utah Code Annotated 1953}~~

37 **81-6-209.5**, Utah Code Annotated 1953, Utah Code Annotated 1953

38

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

40 Section 1. Section 26B-9-201 is amended to read:

41 **26B-9-201. Definitions.**

As used in this part:

- 43 (1) "Adjudicative proceeding" means an action or proceeding of the office conducted in accordance
with Title 63G, Chapter 4, Administrative Procedures Act.
- 45 (2) "Administrative order" means an order that has been issued by the office, the department, or an
administrative agency of another state or other comparable jurisdiction with similar authority to that
of the office.
- 48 (3) "Arrears" means support debt.
- 49 (4) "Assistance" means public assistance as defined in Section 26B-9-101.
- 50 (5) "Cash medical support" means an obligation to equally share all reasonable and necessary medical
and dental expenses of children.
- 52 (6) "Child" means the same as that term is defined in Section 81-6-101.
- 53 (7) "Child support" means the same as that term is defined in Section 26B-9-101.
- 54 (8) "Child support guidelines" means the same as that term is defined in Section 81-6-101.
- 55 (9) "Child support order" means a judgment, decree, or order, whether temporary, final, or subject to
modification, issued by a tribunal for child support and related costs and fees, interest and penalties,
income withholding, attorney fees, and other relief.
- 58 (10) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 59 (11) "Court order" means a judgment or order of a tribunal of appropriate jurisdiction of this state,
another state, Native American tribe, the federal government, or any other comparable jurisdiction.
- 62 (12) "Director" means the director of the Office of Recovery Services.
- 63 (13) "Disposable earnings" means that part of the earnings of an individual remaining after the
deduction of all amounts required by law to be withheld.
- 65 (14) "High-volume automated administrative enforcement" in interstate cases means, on the request
of another state, the identification by the office, through automatic data matches with financial
institutions and other entities where assets may be found, of assets owned by persons who owe child

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support in the requesting state, and the seizure of the assets by the office, through levy or other appropriate processes.

- 70 (15) "Income" means the same as that term is defined in Section 26B-9-101.
- 71 (16) "IV-D services" means services provided pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651, et seq.
- 73 (17) "Notice of agency action" means the notice required to commence an adjudicative proceeding in accordance with Section 63G-4-201.
- 75 (18) "Obligee" means an individual, this state, another state, or other comparable jurisdiction to whom a duty of child support is owed, or who is entitled to reimbursement of child support or public assistance.
- 78 (19) "Obligor" means a person, firm, corporation, or the estate of a decedent owing a duty of support to this state, to an individual, to another state, or other corporate jurisdiction in whose behalf this state is acting.
- 81 (20) "Office" means the Office of Recovery Services.
- 82 (21) "Ongoing expense for child care" means the same as that term is defined in Section 81-6-101.
- 84 [~~21~~] (22) "Parent" means the same as that term is defined in Section 81-1-101.
- 85 [~~22~~] (23) "Past-due support" means support debt.
- 86 [~~23~~] (24) "Person" includes an individual, firm, corporation, association, political subdivision, department, or office.
- 88 [~~24~~] (25) "Public assistance" means the same as that term is defined in Section 26B-9-101.
- 89 [~~25~~] (26) "Presiding officer" means a presiding officer described in Section 63G-4-103.
- 90 [~~26~~] (27) "Support" includes past-due, present, and future obligations established by:
- 91 (a) a tribunal or imposed by law for the financial support, maintenance, medical, or dental care of a child; and
- 93 (b) a tribunal for the financial support of a spouse or former spouse with whom the obligor's child resides if the obligor also owes a child support obligation that is being enforced by the state.
- 96 [~~27~~] (28) "Support debt" means the debt created by nonpayment of support.
- 97 [~~28~~] (29) "Support order" means a child support order.
- 98 [~~29~~] (30) "Tribunal" means the district court, the department, the Office of Recovery Services, or court or administrative agency of any state, territory, possession of the United States, the District

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of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or other comparable domestic or foreign jurisdiction.

102 Section 2. Section **26B-9-206** is amended to read:

103 **26B-9-206. Issuance or modification of administrative order -- Compliance with court order**
-- Authority of office -- Stipulated agreements -- Notification requirements.

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

45 (a) determines paternity;

46 (b) determines whether an obligor owes support;

47 (c) determines temporary orders of child support upon clear and convincing evidence of paternity in the
form of genetic test results or other evidence;

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

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

52 (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;

55 (g) requires an obligor to pay {a} **an ongoing expense for** child care {advance} in accordance with
Section 81-6-209.5;

56 [~~g~~] (h) imposes a penalty authorized under this chapter;

57 [~~h~~] (i) 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

60 [~~i~~] (j) renews an administrative judgment.

61 (2)

. (a) An abstract of a final administrative order issued under this section or a notice of judgment-lien
under Section 26B-9-214 may be filed with the clerk of any district court.

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

65 (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

67 (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.

69 (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:

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- 71 (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 78A-6-356; or
- 74 (b) the office may issue an order of current support in accordance with the child support guidelines if
the conditions of Subsection 78B-14-207(2)(c) are met.
- 76 (4) The office may proceed under this section in the name of this state, another state under Section
26B-9-209, any department of this state, the office, or the obligee.
- 78 (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.
- 81 (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.
- 83 (7) The obligor shall, after a notice of agency action has been served on the obligor in accordance with
Section 63G-4-201, keep the office informed of:
- 85 (a) the obligor's current address;
- 86 (b) the name and address of current payors of income;
- 87 (c) availability of or access to health insurance coverage; and
- 88 (d) applicable health insurance policy information.

89 ~~{Section 2. Section 35A-7-102 is amended to read: }~~

90 **35A-7-102. Definitions.**

As used in this chapter:

- 92 (1) "Business day" means a day on which state offices are open for regular business.
- 93 (2) "Compensation" means payment owed by an employer for labor or services performed by an
employee.
- 95 (3) "Date of hire" means the date labor or services for compensation are first performed by the
employee.
- 97 (4) "Date of rehire" means the date labor or services for compensation are first performed by an
employee who was previously employed by the employer but has been separated from that
employment for at least 60 consecutive days.
- 100 (5)
- . (a) "Employee" means an individual who is an employee within the meaning of Chapter 24 of the
Internal Revenue Code of 1986.

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(b) "Employee" does not include an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of that agency determines that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

106 (6)

(a) "Employer" means any person or entity that is an employer as defined in Section 3401(d) of the Internal Revenue Code of 1986.

108 (b) "Employer" includes any governmental entity and any labor organization.

109 (7)

(a) "Labor organization" means any entity as defined in Section 2(5) of the National Labor Relations Act.

111 (b) "Labor organization" includes any entity or hiring hall that is used by agreement between the organization and an employer to carry out requirements described in Section 8(f)(3) of the National Labor Relations Act.

114 (8) "Registry" means the centralized new hire registry created in Section 35A-7-103.

115 (9) "Service provider" means an individual over 18 years old, a corporation with a sole shareholder, or a limited liability company with a sole member:

117 (a) that is not an employee of the service recipient;

118 (b) that contracts or provides services for compensation to a service recipient doing business in this state in an amount equal or greater than \$600 in the calendar year; or

120 (c) that logs in as a driver to the digital network of a transportation network company doing business in this state or a company operating a network in this state to facilitate delivery of food, goods, or services to persons seeking those services.

123 (10) "Service recipient" means a person doing business in this state:

124 (a) who enters into a contract for services with a service provider or receives services from a service provider; or

126 (b) as a company which maintains a digital network to facilitate services by transportation network company drivers or drivers delivering food, goods, or services to a person seeking those services.

129 Section 3. Section 3 is enacted to read:

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Part 2. Independent Contractor Reporting

131 35A-7-202. Reporting of service contracts.

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- 132 (1) Each service recipient shall report to the registry, through a W-9 form or other format acceptable to
133 the state, the following information regarding each service provider that is newly paid or contracted
134 for services provided within the state:
- 135 (a) the service provider's name;
136 (b) the service provider's address;
137 (c) the service provider's social security number, if provided to the service recipient by the service
138 provider;
139 (d) the service provider's federal taxpayer identification number, if the social security number is not
140 provided to the service recipient by the service provider; and
141 (e) an indication that the service provider is being reported as a service provider and not as an
142 employee.
- 143 (2) The report required under Subsection (1) shall also include the service recipient's name, address, and
144 social security number or federal taxpayer identification number.
- 145 (3) A report required under this section shall be made no later than 20 days after the earlier of the date
146 on which the service recipient:
- 147 (a) pays remuneration of \$600 or more to a service provider in the calendar year; or
148 (b) contracts for services of \$600 or more from a service provider in the calendar year.
- 149 (4) A service recipient may report under this section if the value of the services is less than \$600 or is
150 unknown.
- 151 (5) A report is not required under this part if the service provider is providing the services to a federal
152 or state agency that is performing intelligence or counterintelligence functions, if the head of such
153 agency has determined that reporting with respect to the service provider could endanger the safety
154 of the service provider or compromise an ongoing investigation or intelligence mission.

156 Section 4. Section 4 is enacted to read:

157 **35A-7-203. Confidentiality.**

Information provided by a service recipient to the registry under this part is confidential
but shall be made available for use by a state agency, in this state or another state, that
administers state plans under Title IV-D of the Social Security Act.

161 Section 5. Section 5 is enacted to read:

162 **35A-7-204. Enforcement.**

A failure of a service recipient to provide a report as required under this part may be

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enforced in the same manner as a failure of an employer to report a newly hired employee, including the penalties for failure to report provided in Section 35A-7-106.

166 Section 6. Section **6** is enacted to read:

167 **35A-7-205. Immunity.**

A service recipient who provides a report under this act in good faith is immune from liability for providing the report.

170 Section 7. Section **7** is enacted to read:

171 **35A-7-206. Choice of law.**

The duties of a service recipient under this part are governed by the laws of the state where the service recipient receives the services.

152 Section 3. Section **80-4-105** is amended to read:

153 **80-4-105. Effect of decree.**

176 (1) An order for the termination of parental rights divests the child and the parents of all legal rights, powers, immunities, duties, and obligations with respect to each other, except the right of the child to inherit from the parent.

179 (2)

. (a) An order or decree entered under this chapter may not disentitle a child to any benefit due to the child from any third person, including any Indian tribe, agency, state, or the United States.

182 (b)

. (i) An order or decree entered under this chapter shall explicitly address whether any arrears in child support in relation to the child exist and, subject to Subsection (2)(b)(ii), shall:

185 (A) order that the child support arrears be preserved and be subject to collection, including through the Office of Recovery Services; and

187 (B) state the amount of child support arrears owing as of the time of entry of the order or decree.

189 (ii) The order required by Subsection (2)(b)(i) is a presumption that is rebuttable only upon a showing by a preponderance of the evidence that the best interest of the child mitigates all or part of any child support arrears owing.

192 (3) Except as provided in Sections 80-4-401 and 80-4-402, after the termination of a parent's parental rights, the former parent:

194 (a) is not entitled to any notice of proceedings for the adoption of the child; and

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(b) does not have any right to object to the adoption or to participate in any other placement proceedings.

197 (4) An order terminating the rights of a parent, guardian, or custodian does not expire with termination
of the jurisdiction of the juvenile court.

177 Section 4. Section **81-4-406** is amended to read:

178 **81-4-406. Decree of divorce -- When decree becomes absolute -- Remarriage -- Jurisdiction
to modify a decree for a child born after the decree.**

202 (1)

(a) The court shall enter a decree of divorce upon the evidence or the petitioner's affidavit in the case of default as described in Subsection (1)(b).

204 (b) A court may not grant a divorce upon default, unless there is evidence to support a decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the Utah Rules of Civil Procedure.

207 (2) Unless the requirement is waived by the court under Subsection 81-4-402(5), a court may not grant a decree of divorce for parties with a minor child until:

209 (a) both parties have attended the mandatory courses described in Sections 81-4-105 and 81-4-106; and

211 (b) both parties have presented a certificate of course completion for each course to the court.

213 (3) In a decree of divorce, the court shall:

214 (a) specify which party is responsible for the payment of joint debts, obligations, or liabilities of the parties contracted or incurred during marriage in accordance with Section 15-4-6.5;

217 (b) require the parties to notify respective creditors or obligees, regarding the court's division of debts, obligations, or liabilities and regarding the parties' separate and current addresses in accordance with Section 15-4-6.5;

220 (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);

221 (d) if a party owns a life insurance policy or an annuity contract, include an acknowledgment by the court that the party:

223 (i) has reviewed and updated, where appropriate, the list of beneficiaries;

224 (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries after the divorce becomes final; and

226 (iii) understands that, if no changes are made to the policy or contract, the beneficiaries currently listed will receive any funds paid by the insurance company under the terms of the policy or contract; and

229 (e) if the parties have a child as defined in Section 81-6-101, include:

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- 230 (i) [-]an order for child support and medical expenses as described in Chapter 6, Child Support[-] ;
- 232 (ii) ~~{ as applicable, }~~ a provision in the child support order that requires payment of an { order } ongoing
expense for { a } child care { advance as provided under } subject to the procedures and requirements
of Section 81-6-209.5; and
- 234 (iii) a statement providing notice that the Office of Recovery Services provides services to individuals
who are seeking assistance in the collection or enforcement of child support orders.
- 237 (4) The court may include in the divorce decree any equitable orders relating to:
- 238 (a) the parties, including any alimony to be awarded to a party in accordance with Part 5, Spousal
Support;
- 240 (b) a child of the parties; and
- 241 (c) any property, debts, or obligations.
- 242 (5) A decree of divorce becomes absolute:
- 243 (a) on the date it is signed by the court and entered by the clerk in the register of actions;
- 244 (b) at the expiration of a period of time the court may specifically designate, unless an appeal or other
proceedings for review are pending;
- 246 (c) if an appeal is taken, when the decree is affirmed; or
- 247 (d) when the court, before the decree becomes absolute, for sufficient cause otherwise orders.
- 249 (6) The court, upon application or on the court's own motion for good cause shown, may waive, alter, or
extend a designated period of time before the decree becomes absolute, but not to exceed six months
from the signing and entry of the decree.
- 252 (7) A party to a divorce proceeding may not marry another individual other than the other party for
whom the divorce was granted until the party's divorce becomes absolute.
- 254 (8) The court has jurisdiction to modify a decree of divorce to address child support, parent-time, and
other matters related to a minor child born to the parties after the decree of divorce is entered.
- 236 Section 5. Section **81-6-101** is amended to read:
- 237 **81-6-101. Definitions for chapter.**
- As used in this chapter:
- 260 (1) "Administrative agency" means the Office of Recovery Services or the Department of Health and
Human Services.
- 262 (2) "Administrative order" means the same as that term is defined in Section 26B-9-201.
- 263 (3) "Alimony" means the same as that term is defined in Section 81-4-101.

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- 264 (4) "Base child support award" means the award that may be ordered and is calculated using the child
support guidelines before additions for medical expenses and work-related child care costs.
- 267 (5) "Base combined child support obligation" means the presumed amount of child support that the
parents should provide for their child as described in Subsection 81-6-204(1).
- 269 (6) "Base combined child support obligation table" means the appropriate table described in Sections
81-6-302 and 81-6-304.
- 271 (7) "Child" means:
- 272 (a) a son or daughter who is under 18 years old and who is not otherwise emancipated, self-supporting,
married, or a member of the armed forces of the United States;
- 274 (b) a son or daughter who is 18 years old or older while enrolled in high school during the normal and
expected year of graduation and not otherwise emancipated, self-supporting, married, or a member
of the armed forces of the United States; or
- 277 (c) a son or daughter of any age who is incapacitated from earning a living and, if able to provide some
financial resources to the family, is not able to support self by own means.
- 280 ~~{(8)} "Child care advance" means a periodic payment that an administrative agency or court orders an
obligor parent to pay to assist with the child care expenses of the obligor parent's child.~~
- 283 ~~{(8)}{ } {(9)}{ }~~
- . (a) "Child support" means a base child support award, or a monthly financial award for uninsured
medical expenses, ordered by a tribunal for the support of a child.
- 285 (b) "Child support" includes current periodic payments, arrearages that accrue under an order for
current periodic payments, and sum certain judgments awarded for arrearages, medical expenses,
and child care costs.
- 288 ~~{(9)}{ } {(10)}{ }~~ "Child support guidelines" means the calculation and application of child support as
described in Part 2, Calculation and Adjustment of Child Support.
- 290 ~~{(10)}{ } {(11)}{ }~~ "Child support order" means a judgment, decree, or order issued by a tribunal
whether temporary, final, or subject to modification, that:
- 292 (a) establishes or modifies child support;
- 293 (b) reduces child support arrearages to judgment; or
- 294 (c) establishes child support or registers a child support order under Title 78B, Chapter 14, Utah
Uniform Interstate Family Support Act.
- 296 ~~{(11)}{ } {(12)}{ }~~ "Child support tables" means the tables described in Part 3, Child Support Tables.

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- 297 ~~{(12)}~~ ~~{(13)}~~ "Child support services" means the same as that term is defined in Section
26B-9-101.
- 299 ~~{(13)}~~ ~~{(14)}~~ "Gross income" means the amount of income calculated for a parent as described in
Section 81-6-203.
- 301 ~~{(14)}~~ ~~{(15)}~~ "Health care coverage" means coverage under which medical services are provided
to a child through:
- 303 (a) fee for service;
- 304 (b) a health maintenance organization;
- 305 (c) a preferred provider organization;
- 306 (d) any other type of private health insurance; or
- 307 (e) public health care coverage.
- 308 ~~{(15)}~~ ~~{(16)}~~
- . (a) "Income" means earnings, compensation, or other payment due to an individual, regardless of
source, whether denominated as wages, salary, commission, bonus, pay, allowances, contract
payment, or otherwise, including severance pay, sick pay, and incentive pay.
- 312 (b) "Income" includes:
- 313 (i) all gain derived from capital assets, labor, or both, including profit gained through sale or conversion
of capital assets;
- 315 (ii) interest and dividends;
- 316 (iii) periodic payments made under pension or retirement programs or insurance policies of any type;
- 318 (iv) unemployment compensation benefits;
- 319 (v) workers' compensation benefits; and
- 320 (vi) disability benefits.
- 321 ~~{(16)}~~ ~~{(17)}~~ "Joint physical custody" means the same as that term is defined in Section 81-9-101.
- 323 ~~{(17)}~~ ~~{(18)}~~ "Low income table" means the appropriate table under Section 81-6-303 or
81-6-305.
- 325 ~~{(18)}~~ ~~{(19)}~~ "Medical expenses" means health and dental expenses and related insurance costs.
- 327 ~~{(19)}~~ ~~{(20)}~~ "Minor child" means a child who is younger than 18 years old.
- 328 ~~{(20)}~~ ~~{(21)}~~ "Obligee" means an individual, this state, another state, or another comparable
jurisdiction to whom child support is owed or who is entitled to reimbursement of child support or
public assistance.

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- 331 ~~{(21){}}~~ ~~{(22){}}~~ "Obligor" means a person owing a duty of support.
- 332 ~~{(22){}}~~ ~~{(23){}}~~ "Office" means the Office of Recovery Services within the Department of Health and Human Services.
- 306 (23) "Ongoing expense for child care" means a periodic payment that an administrative agency or court orders an obligor parent to pay to assist with the child care expenses of the obligor parent's child.
- 334 ~~{(23)}~~ (24) "Pregnancy expenses" means an amount equal to:
- 335 (a) the sum of a pregnant mother's:
- 336 (i) health insurance premiums while pregnant that are not paid by an employer or government program; and
- 338 (ii) medical costs related to the pregnancy, incurred after the date of conception and before the pregnancy ends; and
- 340 (b) minus any portion of the amount described in Subsection ~~{(23)(a)}~~ (24)(a) that a court determines is equitable based on the totality of the circumstances, not including any amount paid by the mother or father of the child.
- 343 ~~{(24)}~~ (25) "Split custody" means that each parent has physical custody of at least one of the children.
- 345 ~~{(25)}~~ (26) "State" means a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other comparable domestic or foreign jurisdiction.
- 348 ~~{(26)}~~ (27) "Support" means past-due, present, and future obligations to provide for the financial support, maintenance, or medical expenses of a child.
- 350 ~~{(27)}~~ (28) "Support order" means:
- 351 (a) a child support order; or
- 352 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to modification, for alimony.
- 354 ~~{(28)}~~ (29) "Temporary" means a period of time that is projected to be less than 12 months in duration.
- 356 ~~{(29)}~~ (30) "Third party" means an agency or a person other than a parent or a child who provides care, maintenance, and support to a child.
- 358 ~~{(30)}~~ (31) "Tribunal" means the district court, the Department of Health and Human Services, Office of Recovery Services, or court or administrative agency of a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other comparable domestic or foreign jurisdiction.

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363 [~~(31)~~] (32) "Work-related child care expenses" means reasonable child care costs for up to a full-time
work week or training schedule as necessitated by the employment or training of a parent.

366 [~~(32)~~] (33) "Worksheet" means a form used to aid in calculating the base child support award.

343 Section 6. Section 81-6-209 is amended to read:

344 **81-6-209. Requirements for a child support order regarding child care costs and expenses --**
Actual expenses for child care.

346 (1) The court or administrative agency shall require in a child support order that each parent share
equally the reasonable work-related child care expenses of the parents.

348 (2)

. (a) If an actual expense for child care is incurred, a parent shall begin paying the parent's share on a
monthly basis immediately upon presentation of proof of the child care expense.

351 (b) If the child care expense ceases to be incurred, the parent may suspend making monthly payment of
that expense, while the expense is not being incurred, without obtaining a modification of the child
support order.

354 (c)

. (i) In the absence of a court order to the contrary, a parent who incurs child care expense shall provide
written verification of the cost and identity of a child care provider to the other parent upon initial
engagement of a provider and thereafter on the request of the other parent.

358 (ii) In the absence of a court order to the contrary, the parent shall notify the other parent of any change
of child care provider or the monthly expense of child care within 30 calendar days after the day on
which the change occurred.

361 (3) The court may deny a parent incurring child care expenses the right to receive credit for the
expenses or to recover the other parent's share of the expenses if the parent incurring the expenses
fails to comply with Subsection (2)(c).

364 (4)

. (a) The court or administrative agency shall presume that child care costs should be included in a child
support order if a parent, during extended parent-time, is working and actually incurring the child
care costs.

367 (b) The presumption under Subsection (4)(a) is rebutted if:

368 (i) the obligor's base child support award, in combination with the award of medical expenses, exceeds
50% of the obligor's adjusted gross income; or

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- 370 (ii) by adding the child care costs, the obligor's child support obligation would exceed 50% of the
obligor's adjusted gross income.
- 372 (5)
- . (a) The court or administrative agency may award child care costs on a case-by-case basis if the child
care costs are related to the career and occupational training of the custodial parent or the child care
costs would be in the interest of justice.
- 375 (b) The court or administrative agency may assign financial responsibility in a child support order
for all or a portion of child care expenses incurred on behalf of a child due to the employment or
training of the custodial parent.
- 378 (6)
- . (a) The court or administrative agency may impute a monthly obligation for child care costs when the
court imputes income to a parent who is providing child care for the child so that the parties are not
incurring child care costs for the child.
- 381 (b) The court shall apply any monthly obligation imputed under Subsection (6)(a) towards any actual
child care costs incurred within the same month for the child.
- 383 (7) Beginning July 1, 2026, collection of child care costs shall be subject to the requirements of Section
81-6-209.5.
- 385 Section 7. Section 7 is enacted to read:
- 386 **81-6-209.5. Costs of child care -- {Child} Ongoing expense for child care {advance} -- Office
of Recovery Services study item and report.**
- 371 (1) Beginning July 1, 2026:
- 372 (a) a court or administrative agency shall include in a child support order a provision requiring the
obligor parent to pay a reasonable ongoing expense for child care {advance} to assist with the child
care expenses for the obligor parent's child;
- 375 (b) if a previous child support order does not exist, a substantial change in circumstances has occurred,
or a petition to modify a child support order as described in Section 81-6-212 is filed, the court
determining the amount of {a} the ongoing expense for child care {advance} shall require each
party to file a proposed award of {a} an ongoing expense for child care {advance} before the court
enters or modifies a child support order;
- 380 (c)
- .

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- (i) a court or administrative agency shall use guidelines or cost tables prepared by the Office of Recovery Services ~~{, or the amount of \$195, whichever is greater, }~~ as a rebuttable presumption in establishing or modifying the amount of the ongoing expense for child care ~~{ advance }~~ ;
- 384 (ii) the court or administrative agency shall order that:
- 385 (A) the amount set for the ongoing expense for child care ~~{ advance }~~ be payable periodically, either monthly, or on a schedule determined by the court or administrative agency;
- 387 (B) the payment for an ongoing expense for child care ~~{ advance payments }~~ commence on a specific date or circumstance; and
- 389 (C) if appropriate, the ongoing expense for child care ~~{ advance }~~ payments cease on a specified date or circumstance; and
- 391 (iii) the amount of ~~{ a }~~ an ongoing expense for child care ~~{ advance }~~ , the frequency of ongoing expense for child care ~~{ advance }~~ payments, and the commencement and termination of ongoing expense for child care ~~{ advance }~~ payments as determined under Subsections (1)(c)(i) and (1)(c)(ii) are rebuttable upon:
- 395 (A) an agreement of the parties that is acceptable to the court;
- 396 (B) the court's determination that the evidence presented favors a different amount or schedule; or
- 398 (C) a showing by a preponderance of the evidence that a different amount or schedule is in the best interest of the child;
- 400 (d) unless otherwise provided by the court, the ongoing expense for child care ~~{ advance }~~ shall terminate when the child turns 13 years old; and
- 419 (e) when determining an amount that a parent may owe for an ongoing expense for child care, the court:
- 402 ~~{(e)}~~ (i) { when determining an amount that a parent may owe under Section 81-6-209, the court } shall give the obligor parent credit for any ongoing expense for child care ~~{ advance }~~ payments made during the relevant time~~{:}~~ ; and
- 423 (ii) may set the amount at zero upon a showing by a preponderance of the evidence that child care expenses will not be incurred.
- 405 (2) The Office of Recovery Services shall:
- 406 (a) study the costs, parental income considerations, and practical and procedural issues related to establishing a requirement to provide an ongoing expense for child care ~~{ order }~~ for a child who is subject to a child support order;
- 409 (b) based upon the study results:

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- 410 (i) ~~prepare guidelines or a cost table to be used for the calculation of the presumed amount of {a} an~~
ongoing expense for child care ~~{advance}~~ in compliance with the requirements of this section;
- 413 (ii) ~~propose guidelines or practices to recommend how often periodic~~ ongoing expense for child care
~~{advance}~~ payments should be made; ~~{and}~~
- 415 (iii) ~~propose guidelines or practices to recommend when~~ ongoing expense for child care ~~{advance}~~
payments should commence and when they should cease; and
- 437 (iv) propose all statutory and procedural changes that are required to change the presumption from
collecting child care costs through receipt-based reimbursement as provided under Section
81-6-209, to a new presumption that all new and modified child support orders shall contain a
provision requiring child care costs to be paid by means of an ongoing expense for child care; and
- 417 (c) ~~report {the office's research findings, recommendations, and proposed calculation methods~~
~~associated with}~~ on the study ~~{item}~~ items described in ~~{this Subsection (2)}~~ Subsections (2)(a)
and (b) to the ~~{Judiciary}~~ Health and Human Services Interim Committee on or before the October
2025 interim meeting.

444 Section 8. **Effective date.**

This bill takes effect on May 7, 2025.

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