

Melissa G. Ballard proposes the following substitute bill:

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## **Inmate Reentry, Finances, and Debt Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

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### **LONG TITLE**

#### **General Description:**

This bill concerns inmate and former inmate reentry, finances, and debts.

#### **Highlighted Provisions:**

This bill:

▸ defines terms;

▸ requires, with a delayed implementation date, a county jail to notify certain state agencies that may have information concerning an inmate's existing debts when an inmate is incarcerated in the county jail for more than 90 days and when the inmate is released from the county jail;

▸ requires, with a delayed implementation date, the Office of State Debt Collection to suspend the accrual of interest on certain accounts receivable during periods of at least 90 days of incarceration and for an additional period after release;

▸ expands the duties of the reentry division created by the Department of Corrections (department);

▸ requires the department to provide information to an inmate on a regular basis concerning:

• the inmate's known debts;

• incentives for paying certain debts while incarcerated; and

• information on how to access additional information concerning debts and resources on financial literacy and money management;

▸ requires the department:

• with a delayed implementation date, to notify certain state agencies that may have information concerning an inmate's existing debts when an inmate enters and leaves incarceration; and

• to provide educational resources to individuals designated by an inmate concerning incentives for repaying certain debts while incarcerated;

▸ amends provisions concerning when incarceration may not be considered by the Office of Recovery Services (office) as voluntary unemployment for purposes of a child support

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- 30 order;
- 31     ▸ requires the office to suspend child support orders and money judgments in certain
- 32 circumstances relating to incarceration;
- 33     ▸ provides that the office shall resume a suspended child support obligation after the
- 34 offender has been released for 90 days; and
- 35     ▸ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

- 42 **64-13-6**, as last amended by Laws of Utah 2024, Chapters 144, 208
- 43 **64-13-23**, as last amended by Laws of Utah 2024, Chapter 144
- 44 **81-6-101**, as renumbered and amended by Laws of Utah 2024, Chapter 366
- 45 **81-6-203**, as renumbered and amended by Laws of Utah 2024, Chapter 366

46 ENACTS:

- 47 **17-22-35**, Utah Code Annotated 1953
- 48 **63A-3-509**, Utah Code Annotated 1953
- 49 **81-6-211.5**, Utah Code Annotated 1953

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

52 Section 1. Section **17-22-35** is enacted to read:

53 **17-22-35 . Notification requirements to state agencies concerning potential**  
54 **inmate debts.**

55 (1) As used in this section, "inmate" means an individual who is in the custody of a county  
56 jail.

57 (2)(a) Beginning on January 1, 2027, a county jail is required to notify the Office of  
58 State Debt Collection, the State Tax Commission, and the Office of Recovery  
59 Services:

- 60 (i) within five business days after the day on which an inmate has been incarcerated
- 61 in the county jail for 90 consecutive days; and
- 62 (ii) if an inmate has been incarcerated in the county jail for more than 90 consecutive
- 63 days, within five business days after the day on which an inmate is released from

64           the county jail.

65       (b) The notification described in Subsection (2)(a) shall include:

66           (i) the relevant dates of the inmate's incarceration and identifying information  
67           concerning the inmate's identity; and

68           (ii) whether the inmate's incarceration is based on:

69           (A) criminal non-payment of a child support order; or

70           (B) an offense against the inmate's child or custodial parent of the inmate's child.

71       (c) The requirement described in Subsection (2)(a)(i) does not apply if a court, another  
72       county jail, the Department of Corrections, or another entity already has notified the  
73       Office of State Debt Collection, the State Tax Commission, and the Office of  
74       Recovery Services as described in Subsection (2)(a) about the inmate's incarceration.

75       (d) The requirement described in Subsection (2)(a)(ii) does not apply if an inmate is  
76       transferred to a different county jail or another incarcerated setting for the purpose of  
77       continued incarceration.

78       Section 2. Section **63A-3-509** is enacted to read:

79           **63A-3-509 . Suspension of interest on certain accounts receivable during and**  
80       **subsequent to incarceration.**

81           Beginning on January 1, 2027, unless prohibited by another provision of law or a court  
82       order, or unless an account receivable contains restitution as defined in Section 77-38b-102,  
83       the office shall suspend the accrual of interest on an individual's accounts receivable under  
84       Subsection 63A-3-502(4)(g):

85       (1) during any period that the individual is incarcerated in a county jail or a state prison, if  
86       the period is 90 or more consecutive days; and

87       (2) for a period of 180 days after the day on which the individual is released from a period  
88       of incarceration as described in Subsection (1).

89       Section 3. Section **64-13-6** is amended to read:

90           **64-13-6 . Department duties.**

91       (1) The department shall:

92           (a) protect the public through institutional care and confinement, and supervision in the  
93           community of offenders where appropriate;

94           (b) implement court-ordered punishment of offenders;

95           (c) provide evidence-based and evidence-informed program opportunities for offenders  
96           designed to reduce offenders' criminogenic and recidivism risks, including  
97           behavioral, cognitive, educational, and career-readiness program opportunities;

- 98 (d) ensure that offender participation in all program opportunities described in  
99 Subsection (1)(c) is voluntary;
- 100 (e) where appropriate, utilize offender volunteers as mentors in the program  
101 opportunities described in Subsection (1)(c);
- 102 (f) provide treatment for sex offenders who are found to be treatable based upon criteria  
103 developed by the department;
- 104 (g) provide the results of ongoing clinical assessment of sex offenders and objective  
105 diagnostic testing to sentencing and release authorities;
- 106 (h) manage programs that take into account the needs and interests of victims, where  
107 reasonable;
- 108 (i) supervise probationers and parolees as directed by statute and implemented by the  
109 courts and the Board of Pardons and Parole;
- 110 (j) subject to Subsection (3), investigate criminal conduct involving offenders  
111 incarcerated in a state correctional facility;
- 112 (k) cooperate and exchange information with other state, local, and federal law  
113 enforcement agencies to achieve greater success in prevention and detection of crime  
114 and apprehension of criminals;
- 115 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult  
116 Offender Supervision;
- 117 (m) establish a case action plan based on appropriate validated risk, needs, and  
118 responsivity assessments for each offender as follows:
- 119 (i)(A) if an offender is to be supervised in the community, the department shall  
120 establish a case action plan for the offender no later than 60 days after the day  
121 on which the department's community supervision of the offender begins; and  
122 (B) if the offender is committed to the custody of the department, the department  
123 shall establish a case action plan for the offender no later than 90 days after the  
124 day on which the offender is committed to the custody of the department;
- 125 (ii) each case action plan shall:
- 126 (A) integrate an individualized, evidence-based, and evidence-informed treatment  
127 and program plan with clearly defined completion requirements; and  
128 (B) require that a case manager will:
- 129 (I) ensure that an assessment of the education level, occupational interests, and  
130 aptitudes of the inmate has been completed;
- 131 (II) refer the inmate to a higher education student advisor at an institution

- 132 offering programs consistent with the inmate's interests and aptitudes for  
133 advisement on educational preferences and plans;
- 134 (III) incorporate the inmate's interests, aptitudes, and student advisement into  
135 an education plan consistent with the guidance provided by the Higher  
136 Education and Corrections Council created in Section 53B-35-201; and
- 137 (IV) refer the inmate to the student advisor at the institution called for in the  
138 case action plan for guidance and assistance with the education process;
- 139 (iii) the department shall share each newly established case action plan with the  
140 sentencing and release authority within 30 days after the day on which the case  
141 action plan is established; and
- 142 (iv) the department shall share any changes to a case action plan, including any  
143 change in an offender's risk assessment, with the sentencing and release authority  
144 within 30 days after the day of the change;
- 145 (n) ensure that an inmate has reasonable access to legal research;
- 146 (o) ensure that any training or certification required of a public official or public  
147 employee, as those terms are defined in Section 63G-22-102, complies with Title  
148 63G, Chapter 22, State Training and Certification Requirements, if the training or  
149 certification is required:
- 150 (i) under this title;
- 151 (ii) by the department; or
- 152 (iii) by an agency or division within the department;
- 153 (p) when reporting on statewide recidivism, include the metrics and requirements  
154 described in Section 63M-7-102;
- 155 (q) create a reentry division that focuses on the successful reentry of inmates into the  
156 community[;], which shall include:
- 157 (i) screening and assessments for an inmate's risks and needs;
- 158 (ii) individualized plans and case management;
- 159 (iii) quality treatment, education, and job preparation;
- 160 (iv) community partnerships; and
- 161 (v) comprehensive release planning before the inmate's release, including:
- 162 (A) coordination with support services; and
- 163 (B) coordination with one or more family members or friends, if the inmate has  
164 given permission to contact specific individuals for this purpose;
- 165 (r) coordinate with the Board of Pardons and Parole regarding inmate records that are

- 166 necessary for the Board of Pardons and Parole to make necessary determinations  
167 regarding an inmate; and
- 168 (s) ensure that inmate records regarding discipline, programs, and other relevant metrics  
169 are:
- 170 (i) complete and updated in a timely manner; and  
171 (ii) when applicable, shared with the Board of Pardons and Parole in a timely manner.
- 172 (2) The department may in the course of supervising probationers and parolees:
- 173 (a) respond to an individual's violation of one or more terms of the probation or parole in  
174 accordance with the graduated and evidence-based processes established by the adult  
175 sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and  
176 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction  
177 for an individual's violation of the terms of probation or parole a period of  
178 incarceration of not more than three consecutive days and not more than a total of  
179 five days within a period of 30 days.
- 180 (3)(a) By following the procedures in Subsection (3)(b), the department may investigate  
181 the following occurrences at state correctional facilities:
- 182 (i) criminal conduct of departmental employees;  
183 (ii) felony crimes resulting in serious bodily injury;  
184 (iii) death of any person; or  
185 (iv) aggravated kidnaping.
- 186 (b) Before investigating any occurrence specified in Subsection (3)(a), the department  
187 shall:
- 188 (i) notify the sheriff or other appropriate law enforcement agency promptly after  
189 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a)  
190 has occurred; and  
191 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to  
192 conduct an investigation involving an occurrence specified in Subsection (3)(a).
- 193 (4) Upon request, the department shall provide copies of investigative reports of criminal  
194 conduct to the sheriff or other appropriate law enforcement agencies.
- 195 (5)(a) The executive director of the department, or the executive director's designee if  
196 the designee possesses expertise in correctional programming, shall consult at least  
197 annually with cognitive and career-readiness staff experts from the Utah system of  
198 higher education and the State Board of Education to review the department's  
199 evidence-based and evidence-informed treatment and program opportunities.

- 200 (b) Beginning in the 2022 interim, the department shall provide an annual report to the  
 201 Law Enforcement and Criminal Justice Interim Committee regarding:
- 202 (i) the department's implementation of and offender participation in evidence-based  
 203 and evidence-informed treatment and program opportunities designed to reduce  
 204 the criminogenic and recidivism risks of offenders over time; and
- 205 (ii) the progress of the department's implementation of the inmate program  
 206 requirements described in Section 64-13-50.
- 207 (6)(a) As used in this Subsection (6):
- 208 (i) "Accounts receivable" means any amount owed by an offender arising from a  
 209 criminal judgment that has not been paid.
- 210 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,  
 211 surcharges, costs, interest, penalties, restitution to victims, third-party claims,  
 212 claims, reimbursement of a reward, and damages that an offender is ordered to  
 213 pay.
- 214 (b) The department shall collect and disburse, with any interest and any other costs  
 215 assessed under Section 64-13-21, an accounts receivable for an offender during:
- 216 (i) the parole period and any extension of that period in accordance with Subsection  
 217 (6)(c); and
- 218 (ii) the probation period for which the court orders supervised probation and any  
 219 extension of that period by the department in accordance with Subsection  
 220 77-18-105(7).
- 221 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the  
 222 time that the offender's sentence expires or terminates, the department shall be  
 223 referred to the sentencing court for the sentencing court to enter a civil judgment  
 224 of restitution and a civil accounts receivable as described in Section 77-18-114.
- 225 (ii) If the board makes an order for restitution within 60 days from the day on which  
 226 the offender's sentence expires or terminates, the board shall refer the order for  
 227 restitution to the sentencing court to be entered as a civil judgment of restitution as  
 228 described in Section 77-18-114.
- 229 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.
- 230 Section 4. Section **64-13-23** is amended to read:
- 231 **64-13-23 . Offender's income, debt, and finances -- Department responsibilities**  
 232 **concerning offender debt and financial information.**
- 233 (1) The department may require each offender, while in the custody of the department or

- 234 while on probation or parole, to place funds received or earned by the offender from any  
235 source into:
- 236 (a) an account administered by the department; or  
237 (b) a joint account with the department at a federally insured financial institution.
- 238 (2) The department may require each offender to maintain a minimum balance in an  
239 account under Subsection (1) for the particular offender's use upon:
- 240 (a) discharge from the custody of the department; or  
241 (b) completion of parole or probation.
- 242 (3) If the funds are placed in a joint account at a federally insured financial institution:  
243 (a) any interest accrues to the benefit of the offender account; and  
244 (b) the department may require that the signatures of both the offender and a  
245 departmental representative be submitted to the financial institution to withdraw  
246 funds from the account.
- 247 (4) If the funds are placed in an account administered by the department, the department  
248 may by rule designate:
- 249 (a) a certain portion of the offender's funds as interest-bearing savings; and  
250 (b) a portion of the offender's funds as noninterest-bearing to be used for day-to-day  
251 expenses.
- 252 (5)(a) The department may withhold part of the offender's funds in an account under  
253 Subsection (1) for expenses of:
- 254 ~~[(a)]~~ (i) supervision or treatment;  
255 ~~[(b)]~~ (ii) restitution, reparation, fines, alimony, support payments, or similar  
256 court-ordered payments;  
257 ~~[(c)]~~ (iii) obtaining the offender's DNA specimen, if the offender is required under  
258 Section 53-10-404 to provide a specimen;  
259 ~~[(d)]~~ (iv) department-ordered repayment of a fine that is incurred under Section  
260 64-13-33; and  
261 ~~[(e)]~~ (v) other debt to the state.
- 262 (b) The department shall provide or make available an account statement at least every  
263 two weeks to each inmate who has an account under Subsection (1) that contains:  
264 (i) a list of the inmate's known existing debts, including debts related to the inmate's  
265 restitution, court costs, fines, tax obligations, alimony, child support, other  
266 court-ordered payments, and similar debts;  
267 (ii) information regarding incentives for paying certain debts while incarcerated; and



- 268            (iii) information on how the inmate can access information concerning:  
269            (A) the debts listed in Subsection (5)(b)(i); and  
270            (B) educational resources on financial literacy and money management.  
271        (c) The department may provide an account statement to a former inmate through the  
272            former inmate's parole officer through the Division of Adult Probation and Parole  
273            upon request.
- 274        (6)(a) An offender may not be granted free process in civil actions, including petitions  
275            for a writ of habeas corpus, if, at any time from the date the cause of action arose  
276            through the date the cause of action remains pending, there are any funds in an  
277            account under Subsection (1) that have not been withheld or are not subject to  
278            withholding under Subsection (4) or (5).
- 279        (b) The amount assessed for the filing fee, service of process and other fees and costs  
280            shall not exceed the total amount of funds the offender has in excess of the indigence  
281            threshold established by the department but not less than \$25 including the  
282            withholdings under Subsection (4) or (5) during the identified period of time.
- 283        (c) The amounts assessed shall not exceed the regular fees and costs provided by law.
- 284        (7) The department may disclose information on offender accounts to the Office of  
285            Recovery Services and other appropriate state agencies.
- 286        (8) The department shall publish a notice on the department's website, and any website used  
287            by an individual depositing funds into an offender's account, that the individual may  
288            request from the department a copy of a statement of the offender's financial account in  
289            accordance with Title 63G, Chapter 2, Government Records Access and Management  
290            Act.
- 291        (9)(a)(i) Beginning on January 1, 2027, within 15 days after the day on which an  
292            inmate enters incarceration in a state prison, the department shall notify the Office  
293            of State Debt Collection, the State Tax Commission, and the Office of Recovery  
294            Services about the inmate's incarceration, including:  
295            (A) the relevant dates of the inmate's incarceration and identifying information  
296            concerning the inmate's identity; and  
297            (B) whether the inmate's incarceration is based on criminal non-payment of a child  
298            support order or an offense against the child or custodial parent.
- 299        (ii) Beginning on January 1, 2027, within 15 days after the day on which an inmate is  
300            released from incarceration, the department shall notify the entities listed in  
301            Subsection (9)(a)(i) of the inmate's release date.

302 (b) The requirement described in Subsection (9)(a)(i) does not apply if a court, county  
303 jail, or other entity previously has notified the agencies listed in Subsection (9)(a)(i)  
304 about the inmate's incarceration.

305 (10)(a) The department shall, on a periodic basis, offer educational resources to one or  
306 more individuals designated by an inmate concerning financial incentives for  
307 repaying certain debts during an inmate's incarceration.

308 (b) The department may, if the department has received an inmate's consent, provide one  
309 or more individuals designated by an inmate with information concerning the  
310 inmate's current financial account balance and existing known debts, in addition to  
311 the information provided under Subsection (10)(a).

312 Section 5. Section **81-6-101** is amended to read:

313 **81-6-101 . Definitions for chapter.**

314 As used in this chapter:

315 (1) "Administrative agency" means the Office of Recovery Services or the Department of  
316 Health and Human Services.

317 (2) "Administrative order" means the same as that term is defined in Section 26B-9-201.

318 (3) "Alimony" means the same as that term is defined in Section 81-4-101.

319 (4) "Base child support award" means the award that may be ordered and is calculated  
320 using the child support guidelines before additions for medical expenses and  
321 work-related child care costs.

322 (5) "Base combined child support obligation" means the presumed amount of child support  
323 that the parents should provide for their child as described in Subsection 81-6-204(1).

324 (6) "Base combined child support obligation table" means the appropriate table described in  
325 Sections 81-6-302 and 81-6-304.

326 (7) "Child" means:

327 (a) a son or daughter who is under 18 years old and who is not otherwise emancipated,  
328 self-supporting, married, or a member of the armed forces of the United States;

329 (b) a son or daughter who is 18 years old or older while enrolled in high school during  
330 the normal and expected year of graduation and not otherwise emancipated,  
331 self-supporting, married, or a member of the armed forces of the United States; or

332 (c) a son or daughter of any age who is incapacitated from earning a living and, if able to  
333 provide some financial resources to the family, is not able to support self by own  
334 means.

335 (8)(a) "Child support" means a base child support award, or a monthly financial award

- 336 for uninsured medical expenses, ordered by a tribunal for the support of a child.
- 337 (b) "Child support" includes current periodic payments, arrearages that accrue under an  
338 order for current periodic payments, and sum certain judgments awarded for  
339 arrearages, medical expenses, and child care costs.
- 340 (9) "Child support guidelines" means the calculation and application of child support as  
341 described in Part 2, Calculation and Adjustment of Child Support.
- 342 (10) "Child support order" means a judgment, decree, or order issued by a tribunal whether  
343 temporary, final, or subject to modification, that:
- 344 (a) establishes or modifies child support;
- 345 (b) reduces child support arrearages to judgment; or
- 346 (c) establishes child support or registers a child support order under Title 78B, Chapter  
347 14, Utah Uniform Interstate Family Support Act.
- 348 (11) "Child support tables" means the tables described in Part 3, Child Support Tables.
- 349 (12) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 350 (13) "Gross income" means the amount of income calculated for a parent as described in  
351 Section 81-6-203.
- 352 (14) "Health care coverage" means coverage under which medical services are provided to  
353 a child through:
- 354 (a) fee for service;
- 355 (b) a health maintenance organization;
- 356 (c) a preferred provider organization;
- 357 (d) any other type of private health insurance; or
- 358 (e) public health care coverage.
- 359 (15)(a) "Incarceration" means the placement of an obligor who has been ordered to pay  
360 child support into a carceral setting in which the obligor is not permitted to earn  
361 wages from employment outside of the carceral setting.
- 362 (b) "Incarceration" does not include being placed on probation, parole, or work release.
- 363 ~~[(15)]~~ (16)(a) "Income" means earnings, compensation, or other payment due to an  
364 individual, regardless of source, whether denominated as wages, salary, commission,  
365 bonus, pay, allowances, contract payment, or otherwise, including severance pay,  
366 sick pay, and incentive pay.
- 367 (b) "Income" includes:
- 368 (i) all gain derived from capital assets, labor, or both, including profit gained through  
369 sale or conversion of capital assets;

- 370 (ii) interest and dividends;
- 371 (iii) periodic payments made under pension or retirement programs or insurance
- 372 policies of any type;
- 373 (iv) unemployment compensation benefits;
- 374 (v) workers' compensation benefits; and
- 375 (vi) disability benefits.
- 376 ~~[(16)]~~ (17) "Joint physical custody" means the same as that term is defined in Section
- 377 81-9-101.
- 378 ~~[(17)]~~ (18) "Low income table" means the appropriate table under Section 81-6-303 or
- 379 81-6-305.
- 380 ~~[(18)]~~ (19) "Medical expenses" means health and dental expenses and related insurance
- 381 costs.
- 382 ~~[(19)]~~ (20) "Minor child" means a child who is younger than 18 years old.
- 383 ~~[(20)]~~ (21) "Obligee" means an individual, this state, another state, or another comparable
- 384 jurisdiction to whom child support is owed or who is entitled to reimbursement of child
- 385 support or public assistance.
- 386 ~~[(21)]~~ (22) "Obligor" means a person owing a duty of support.
- 387 ~~[(22)]~~ (23) "Office" means the Office of Recovery Services within the Department of Health
- 388 and Human Services.
- 389 ~~[(23)]~~ (24) "Pregnancy expenses" means an amount equal to:
- 390 (a) the sum of a pregnant mother's:
- 391 (i) health insurance premiums while pregnant that are not paid by an employer or
- 392 government program; and
- 393 (ii) medical costs related to the pregnancy, incurred after the date of conception and
- 394 before the pregnancy ends; and
- 395 (b) minus any portion of the amount described in Subsection ~~[(23)(a)]~~ (24)(a) that a court
- 396 determines is equitable based on the totality of the circumstances, not including any
- 397 amount paid by the mother or father of the child.
- 398 ~~[(24)]~~ (25) "Split custody" means that each parent has physical custody of at least one of the
- 399 children.
- 400 ~~[(25)]~~ (26) "State" means a state, territory, possession of the United States, the District of
- 401 Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other
- 402 comparable domestic or foreign jurisdiction.
- 403 ~~[(26)]~~ (27) "Support" means past-due, present, and future obligations to provide for the

404 financial support, maintenance, or medical expenses of a child.

405 [~~(27)~~] (28) "Support order" means:

406 (a) a child support order; or

407 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to  
408 modification, for alimony.

409 (29) "Suspension" means adjusting a child support order to zero dollars during the period of  
410 an obligor's incarceration.

411 [~~(28)~~] (30) "Temporary" means a period of time that is projected to be less than 12 months  
412 in duration.

413 [~~(29)~~] (31) "Third party" means an agency or a person other than a parent or a child who  
414 provides care, maintenance, and support to a child.

415 [~~(30)~~] (32) "Tribunal" means the district court, the Department of Health and Human  
416 Services, Office of Recovery Services, or court or administrative agency of a state,  
417 territory, possession of the United States, the District of Columbia, the Commonwealth  
418 of Puerto Rico, Native American tribe, or other comparable domestic or foreign  
419 jurisdiction.

420 [~~(31)~~] (33) "Work-related child care expenses" means reasonable child care costs for up to a  
421 full-time work week or training schedule as necessitated by the employment or training  
422 of a parent.

423 [~~(32)~~] (34) "Worksheet" means a form used to aid in calculating the base child support  
424 award.

425 Section 6. Section **81-6-203** is amended to read:

426 **81-6-203 . Determination of gross income for child support -- Imputing income to**  
427 **a parent.**

428 (1)(a) Each parent shall provide verification of current income to the court or  
429 administrative agency.

430 (b) Each parent shall provide year-to-date pay stubs or employer statements and  
431 complete copies of tax returns from at least the most recent year, unless the court  
432 finds the verification is not reasonably available.

433 (c) Verification of income from records maintained by the Department of Workforce  
434 Services may be substituted for pay stubs, employer statements, and income tax  
435 returns.

436 (2)(a) To calculate gross income of a parent, the court or administrative agency may  
437 include:

- 438 (i) prospective income of the parent, including income from earned and nonearned  
439 sources, such as salaries, wages, commissions, royalties, bonuses, rents, gifts from  
440 anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony  
441 from previous marriages, annuities, capital gains, Social Security benefits, worker  
442 compensation benefits, unemployment compensation, income replacement  
443 disability insurance benefits, and payments from nonmeans-tested government  
444 programs; and
- 445 (ii) income imputed to the parent as described in Subsection (6).
- 446 (b) Income from earned income sources is limited to the equivalent of one full-time  
447 40-hour job.
- 448 (c) If and only if during the time before the original support order, the parent normally  
449 and consistently worked more than 40 hours at the parent's job, the court may  
450 consider this extra time as a pattern in calculating the parent's ability to provide child  
451 support.
- 452 (3)(a) The court or administrative agency shall use historical and current earnings to  
453 determine whether an underemployment or overemployment situation exists.
- 454 [~~(b) The office may not treat incarceration of at least six months as voluntary~~  
455 ~~unemployment in establishing or modifying a support order.]~~
- 456 (b) When establishing or modifying a child support order for an obligor who is a parent  
457 and incarcerated, the office shall follow the requirements of Section 81-6-211.5.
- 458 (4)(a) To calculate income from self-employment or operation of a business, the court or  
459 administrative agency:
- 460 (i) shall calculate gross income from self-employment or operation of a business by  
461 subtracting necessary expenses required for self-employment or business  
462 operation from gross receipts;
- 463 (ii) shall review income and expenses from self-employment or operation of a  
464 business to determine an appropriate level of gross income available to the parent  
465 to satisfy a child support award; and
- 466 (iii) may only deduct those expenses necessary to allow the business to operate at a  
467 reasonable level from gross receipts.
- 468 (b) Gross income determined under this Subsection (4) may differ from the amount of  
469 business income determined for tax purposes.
- 470 (5) When possible, the court or administrative agency shall determine the average monthly  
471 gross income for each parent by:

- 472 (a) calculating the gross income of each parent on an annual basis; and  
473 (b) dividing the annual gross income for each parent by 12.
- 474 (6)(a) The court or administrative agency may not impute income to a parent unless the  
475 parent stipulates to the amount imputed, the parent defaults, or, in contested cases, a  
476 hearing is held and the court or administrative agency enters findings of fact as to the  
477 evidentiary basis for the imputation.
- 478 (b) If income is imputed to a parent, the court or administrative agency shall base  
479 income upon employment potential and probable earnings considering, to the extent  
480 known:
- 481 (i) employment opportunities;
  - 482 (ii) work history;
  - 483 (iii) occupation qualifications;
  - 484 (iv) educational attainment;
  - 485 (v) literacy;
  - 486 (vi) age;
  - 487 (vii) health;
  - 488 (viii) criminal record;
  - 489 (ix) other employment barriers and background factors; and
  - 490 (x) prevailing earnings and job availability for persons of similar backgrounds in the  
491 community.
- 492 (c) If a parent has no recent work history or a parent's occupation is unknown, the court  
493 or administrative agency may impute an income to that parent at the federal  
494 minimum wage for a 40-hour work week.
- 495 (d) To impute a greater or lesser income, the court or administrative agency shall enter  
496 specific findings of fact as to the evidentiary basis for the imputation.
- 497 (e) The court or administrative agency may not impute income to a parent if any of the  
498 following conditions exist and the condition is not of a temporary nature:
- 499 (i) the reasonable costs of child care for the parents' minor child approach or equal  
500 the amount of income the custodial parent can earn;
  - 501 (ii) a parent is physically or mentally unable to earn minimum wage;
  - 502 (iii) a parent is engaged in career or occupational training to establish basic job skills;  
503 or
  - 504 (iv) unusual emotional or physical needs of a child require the custodial parent's  
505 presence in the home.

- 506 (7) Notwithstanding Subsection (2), the court or administrative agency may not include the  
 507 following sources of income when calculating the gross income of a parent:
- 508 (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment  
 509 Program;
- 510 (b) benefits received under a housing subsidy program, the Job Training Partnership Act,  
 511 Supplemental Security Income, Social Security Disability Insurance, Medicaid,  
 512 SNAP benefits, or General Assistance;
- 513 (c) other similar means-tested welfare benefits received by a parent;
- 514 (d) the earned income of a child who is the subject of a child support award; or
- 515 (e) except as otherwise provided in Subsection (8), the benefits to a child in the child's  
 516 own right, such as Supplemental Security Income.
- 517 (8)(a) The court or administrative agency shall credit, as child support, the amount of  
 518 social security benefits received by a child due to the earnings of the parent on whose  
 519 earning record the social security benefits are based by crediting the amount against  
 520 the potential obligation of that parent.
- 521 (b) The court or administrative agency may consider other unearned income of a child as  
 522 income of a parent depending upon the circumstances of each case.

523 Section 7. Section **81-6-211.5** is enacted to read:

524 **81-6-211.5 . Child support orders for an incarcerated obligor -- Suspension --**

525 **Exceptions.**

- 526 (1) The office may not treat incarceration of 90 or more consecutive days as voluntary  
 527 unemployment in establishing or modifying a child support order.
- 528 (2)(a) Except as provided in Subsection (2)(c), for any period of 90 or more consecutive  
 529 days of the obligor's incarceration, suspension of a money judgment or support order  
 530 issued in this state for an obligor ordered to pay child support shall occur by  
 531 operation of law.
- 532 (b) For a suspension under Subsection (2)(a), the office shall:
- 533 (i) retroactively date the period of suspension to the date on which the office notified  
 534 the required parties of the suspension, with the eligible period beginning on the  
 535 first day of the first full month of the date that the office provided the parties with  
 536 the notification;
- 537 (ii) issue a balance credit for any funds collected during the period of suspension,  
 538 unless the funds have already been distributed, in which case, the funds may not  
 539 be credited or otherwise recovered; and



540            (iii) resume the obligation described in Subsection (2)(a) on the first day of the first  
541            full month that occurs once 90 days have passed after the day on which the  
542            obligor is released from incarceration.

543            (c) The office may not suspend an obligation under Subsection (2)(a) if the obligor is  
544            incarcerated for:

545            (i) criminal non-payment of a child support order; or

546            (ii) an offense against the inmate's child or custodial parent of the inmate's child.

547            (3) The suspension described in Subsection (2)(a) is only applicable for an obligor whose  
548            term of incarceration begins on or after January 1, 2027.

549            **Section 8. Effective Date.**

550            This bill takes effect on May 7, 2025.