

1 **Child Support Requirements**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to child support obligations for a child in state custody.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ provides that a parent or other obligated individual is not responsible to pay the state child
9 support for a child who is in state custody, which includes custody of the Division of

10 Child and Family Services and the Division of Juvenile Justice and Youth Services;

11 ▶ prohibits the juvenile court system from ordering child support to be paid to the state
12 because a child is in state custody;

13 ▶ requires the Office of Recovery Services to cease collection of past due amounts of child
14 support ordered in connection with a child being in state custody and to forgive any
15 outstanding balances owed for such child support obligations;

16 ▶ modifies the duties of the Office of Recovery Services in relation to collection of child
17 support for a child who is in state custody;

18 ▶ modifies the duties of the attorney general in relation to collection of child support for a
19 child who is in state custody;

20 ▶ repeals provisions that permit and regulate child support while a child is in state custody;
21 and

22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **26B-9-206**, as renumbered and amended by Laws of Utah 2023, Chapter 305

30 **63G-4-402**, as last amended by Laws of Utah 2021, Chapter 262

31 **78A-6-356**, as last amended by Laws of Utah 2024, Chapter 366
 32 **80-2-301**, as last amended by Laws of Utah 2024, Chapters 240, 307
 33 **80-2-303**, as renumbered and amended by Laws of Utah 2022, Chapter 334
 34 **80-2-305**, as renumbered and amended by Laws of Utah 2022, Chapter 334
 35 **80-3-405**, as last amended by Laws of Utah 2023, Chapters 309, 320 and 330
 36 **80-6-207**, as last amended by Laws of Utah 2022, Chapter 155
 37 **81-6-104**, as renumbered and amended by Laws of Utah 2024, Chapter 366
 38 **81-6-205**, as enacted by Laws of Utah 2024, Chapter 366

39 REPEALS:

40 **80-6-803**, as renumbered and amended by Laws of Utah 2021, Chapter 261

41

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

43 Section 1. Section **26B-9-206** is amended to read:

44 **26B-9-206 . Issuance or modification of administrative order -- Compliance with**
 45 **court order -- Authority of office -- Stipulated agreements -- Notification requirements.**

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

- 48 (a) determines paternity;
- 49 (b) determines whether an obligor owes support;
- 50 (c) determines temporary orders of child support upon clear and convincing evidence of
 51 paternity in the form of genetic test results or other evidence;
- 52 (d) requires an obligor to pay a specific or determinable amount of present and future
 53 support;
- 54 (e) determines the amount of past-due support;
- 55 (f) orders an obligor who owes past-due support and is obligated to support a child
 56 receiving public assistance to participate in appropriate work activities if the obligor
 57 is unemployed and is not otherwise incapacitated;
- 58 (g) imposes a penalty authorized under this chapter;
- 59 (h) determines an issue that may be specifically contested under this chapter by a party
 60 who timely files a written request for an adjudicative proceeding with the office; and
 61 (i) renews an administrative judgment.

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

- 65 (b) Upon a filing under Subsection (2)(a), the clerk of the court shall:
- 66 (i) docket the abstract or notice in the judgment docket of the court and note the time
- 67 of receipt on the abstract or notice and in the judgment docket; and
- 68 (ii) at the request of the office, place a copy of the abstract or notice in the file of a
- 69 child support action involving the same parties.
- 70 (3) If a judicial order has been issued, the office may not issue an order under Subsection (1)
- 71 that is not based on the judicial order, except[:]
- 72 ~~[(a) the office may establish a new obligation in those cases in which the juvenile court~~
- 73 ~~has ordered the parties to meet with the office to determine the support pursuant to~~
- 74 ~~Section 78A-6-356; or]~~
- 75 ~~[(b)]~~ that the office may issue an order of current support in accordance with the child
- 76 support guidelines if the conditions of Subsection 78B-14-207(2)(c) are met.
- 77 (4) The office may proceed under this section in the name of this state, another state under
- 78 Section 26B-9-209, any department of this state, the office, or the obligee.
- 79 (5) The office may accept voluntary acknowledgment of a support obligation and enter into
- 80 stipulated agreements providing for the issuance of an administrative order under this
- 81 part.
- 82 (6) The office may act in the name of the obligee in endorsing and cashing any drafts,
- 83 checks, money orders, or other negotiable instruments received by the office for support.
- 84 (7) The obligor shall, after a notice of agency action has been served on the obligor in
- 85 accordance with Section 63G-4-201, keep the office informed of:
- 86 (a) the obligor's current address;
- 87 (b) the name and address of current payors of income;
- 88 (c) availability of or access to health insurance coverage; and
- 89 (d) applicable health insurance policy information.
- 90 Section 2. Section **63G-4-402** is amended to read:
- 91 **63G-4-402 . Judicial review -- Informal adjudicative proceedings.**
- 92 (1)(a) The district courts have jurisdiction to review by trial de novo all final agency
- 93 actions resulting from informal adjudicative proceedings, except that the juvenile
- 94 courts have jurisdiction over all final agency actions relating to:
- 95 (i) the removal or placement of children in state custody; and
- 96 ~~[(ii) the support of children under Subsection (1)(a)(i) as determined administratively~~
- 97 ~~under Section 78A-6-356; and]~~
- 98 ~~[(iii)]~~ (ii) supported findings of abuse or neglect made by the Division of Child and

99 Family Services.

100 (b) Venue for judicial review of informal adjudicative proceedings shall be as provided
101 in the statute governing the agency or, in the absence of such a venue provision, in
102 the county where the petitioner resides or maintains the petitioner's principal place of
103 business.

104 (2)(a) The petition for judicial review of informal adjudicative proceedings shall be a
105 complaint governed by the Utah Rules of Civil Procedure and shall include:

- 106 (i) the name and mailing address of the party seeking judicial review;
- 107 (ii) the name and mailing address of the respondent agency;
- 108 (iii) the title and date of the final agency action to be reviewed, together with a copy,
109 summary, or brief description of the agency action;
- 110 (iv) identification of the persons who were parties in the informal adjudicative
111 proceedings that led to the agency action;
- 112 (v) a copy of the written agency order from the informal proceeding;
- 113 (vi) facts demonstrating that the party seeking judicial review is entitled to obtain
114 judicial review;
- 115 (vii) a request for relief, specifying the type and extent of relief requested; and
116 (viii) a statement of the reasons why the petitioner is entitled to relief.

117 (b) All additional pleadings and proceedings in the district court are governed by the
118 Utah Rules of Civil Procedure.

119 (3)(a) The court, without a jury, shall determine all questions of fact and law and any
120 constitutional issue presented in the pleadings.

121 (b) The Utah Rules of Evidence apply in judicial proceedings under this section.

122 Section 3. Section **78A-6-356** is amended to read:

123 **78A-6-356 . Child support obligation when child is in state custody -- Cessation**
124 **of collection.**

125 (1) As used in this section:

- 126 (a) "Office" means the Office of Recovery Services.
- 127 (b) "Secure care" means the same as that term is defined in Section 80-1-102.
- 128 (c) "State custody" means that a child is in the custody of a state department, division, or
129 agency, including secure care.

130 [~~(2) Under this section, a juvenile court may not issue a child support order against an~~
131 ~~individual unless:]~~

132 [~~(a) the individual is served with notice that specifies the date and time of a hearing to~~

- 133 determine the financial support of a specified child;]
- 134 [(b) the individual makes a voluntary appearance; or]
- 135 [(c) the individual submits a waiver of service.]
- 136 [(3) Except as provided in Subsection (11), when a juvenile court places a child in state
- 137 custody or if the guardianship of the child has been granted to another party and an
- 138 agreement for a guardianship subsidy has been signed by the guardian, the juvenile court:]
- 139 [(a) shall order the child's parent, guardian, or other obligated individual to pay child
- 140 support for each month the child is in state custody or cared for under a grant of
- 141 guardianship;]
- 142 [(b) shall inform the child's parent, guardian, or other obligated individual, verbally and
- 143 in writing, of the requirement to pay child support in accordance with Title 81,
- 144 Chapter 6, Child Support; and]
- 145 [(c) may refer the establishment of a child support order to the office.]
- 146 [(4) When a juvenile court chooses to refer a case to the office to determine support
- 147 obligation amounts in accordance with Title 81, Chapter 6, Child Support, the juvenile
- 148 court shall:]
- 149 [(a) make the referral within three working days after the day on which the juvenile
- 150 court holds the hearing described in Subsection (2)(a); and]
- 151 [(b) inform the child's parent, guardian, or other obligated individual of:]
- 152 [(i) the requirement to contact the office within 30 days after the day on which the
- 153 juvenile court holds the hearing described in Subsection (2)(a); and]
- 154 [(ii) the penalty described in Subsection (6) for failure to contact the office.]
- 155 [(5) Liability for child support ordered under Subsection (3) shall accrue:]
- 156 [(a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which
- 157 the juvenile court holds the hearing described in Subsection (2)(a) if there is no
- 158 existing child support order for the child; or]
- 159 [(b) beginning on the day the child is removed from the child's home, including time
- 160 spent in detention or sheltered care, if the child is removed after having been returned
- 161 to the child's home from state custody.]
- 162 [(6)(a) If the child's parent, guardian, or other obligated individual contacts the office
- 163 within 30 days after the day on which the court holds the hearing described in
- 164 Subsection (2)(a), the child support order may not include a judgment for past due
- 165 support for more than two months.]
- 166 [(b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the

167 liability of support to begin to accrue from the date of the proceeding referenced in
168 Subsection (3) if:]

169 [(i) the court informs the child's parent, guardian, or other obligated individual, as
170 described in Subsection (4)(b), and the parent, guardian, or other obligated
171 individual fails to contact the office within 30 days after the day on which the
172 court holds the hearing described in Subsection (2)(a); and]

173 [(ii) the office took reasonable steps under the circumstances to contact the child's
174 parent, guardian, or other obligated individual within 30 days after the last day on
175 which the parent, guardian, or other obligated individual was required to contact
176 the office to facilitate the establishment of a child support order.]

177 [(e) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken
178 reasonable steps if the office:]

179 [(i) has a signed, returned receipt for a certified letter mailed to the address of the
180 child's parent, guardian, or other obligated individual regarding the requirement
181 that a child support order be established; or]

182 [(ii) has had a documented conversation, whether by telephone or in person, with the
183 child's parent, guardian, or other obligated individual regarding the requirement
184 that a child support order be established.]

185 [(7) In collecting arrears, the office shall comply with Section 26B-9-219 in setting a
186 payment schedule or demanding payment in full.]

187 [(8)(a) Unless a court orders otherwise, the child's parent, guardian, or other obligated
188 individual shall pay the child support to the office.]

189 [(b) The clerk of the juvenile court, the office, or the department and the department's
190 divisions shall have authority to receive periodic payments for the care and
191 maintenance of the child, such as social security payments or railroad retirement
192 payments made in the name of or for the benefit of the child.]

193 [(9) An existing child support order payable to a parent or other individual shall be assigned
194 to the department as provided in Section 26B-9-111.]

195 [(10)(a) Subsections (4) through (9) do not apply if legal custody of a child is vested by
196 the juvenile court in an individual.]

197 [(b)(i) If legal custody of a child is vested by the juvenile court in an individual, the
198 court may order the child's parent, guardian, or other obligated individual to pay
199 child support to the individual in whom custody is vested.]

200 [(ii) In the same proceeding, the juvenile court shall inform the child's parent,

201 guardian, or other obligated individual, verbally and in writing, of the requirement
 202 to pay child support in accordance with Title 81, Chapter 6, Child Support.]

203 ~~[(11)]~~ (2) ~~[The]~~ On or after May 7, 2025, the juvenile court may not order an individual to
 204 pay child support ~~[for]~~ to reimburse the state while a child is in state custody ~~[if:]~~ .
 205 ~~[(a) the individual's only form of income is a government-issued disability benefit;]~~
 206 ~~[(b) the benefit described in Subsection (11)(a) is issued because of the individual's~~
 207 ~~disability, and not the child's disability; and]~~
 208 ~~[(c) the individual provides the juvenile court and the office evidence that the individual~~
 209 ~~meets the requirements of Subsections (11)(a) and (b)].~~

210 ~~[(12)]~~ (3) ~~[(a) The child's]~~ On or after May 7, 2025, a parent or ~~[another obligated]~~ other
 211 individual who is subject to a child support order to reimburse the state while a child
 212 is or has been in state custody is not responsible ~~[for child support for the period of~~
 213 ~~time that the child is removed from the child's home by the Division of Child and~~
 214 Family Services if:] to pay child support in relation to that order.
 215 ~~[(i) the juvenile court finds that there were insufficient grounds for the removal of the~~
 216 ~~child; and]~~
 217 ~~[(ii) the child is returned to the home of the child's parent or guardian based on the~~
 218 ~~finding described in Subsection (12)(a)(i).]~~

219 ~~[(b) If the juvenile court finds insufficient grounds for the removal of the child under~~
 220 ~~Subsection (12)(a), but that the child is to remain in state custody, the juvenile court~~
 221 ~~shall order that the child's parent or another obligated individual is responsible for~~
 222 ~~child support beginning on the day on which it became improper to return the child to~~
 223 ~~the home of the child's parent or guardian.]~~

224 ~~[(13) After the juvenile court or the office establishes an individual's child support~~
 225 ~~obligation ordered under Subsection (3), the office shall waive the obligation without~~
 226 ~~further order of the juvenile court if:]~~

227 ~~[(a) the individual's child support obligation is established in accordance with a low~~
 228 ~~income table described in Title 81, Chapter 6, Part 3, Child Support Tables; or]~~
 229 ~~[(b) the individual's only source of income is a means-tested, income replacement~~
 230 ~~payment of aid, including:]~~
 231 ~~[(i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment~~
 232 ~~Program; or]~~
 233 ~~[(ii) cash benefits received under General Assistance, social security income, or~~
 234 ~~social security disability income.]~~

235 (4) On May 7, 2025, the office shall forgive and cease collection of any outstanding child
236 support obligation that is owed, or would otherwise accrue after that date, as a result of a
237 child support order to reimburse the state while a child is in state custody.

238 Section 4. Section **80-2-301** is amended to read:

239 **80-2-301 . Division responsibilities.**

240 (1) The division is the child, youth, and family services authority of the state.

241 (2) The division shall:

242 (a) administer services to minors and families, including:

243 (i) child welfare services;

244 (ii) domestic violence services; and

245 (iii) all other responsibilities that the Legislature or the executive director of the
246 department may assign to the division;

247 (b) provide the following services:

248 (i) financial and other assistance to an individual adopting a child with special needs
249 under Sections 80-2-806 through 80-2-809, not to exceed the amount the division
250 would provide for the child as a legal ward of the state;

251 (ii) non-custodial and in-home services in accordance with Section 80-2-306,
252 including:

253 (A) services designed to prevent family break-up; and

254 (B) family preservation services;

255 (iii) reunification services to families whose children are in substitute care in
256 accordance with this chapter, Chapter 2a, Removal and Protective Custody of a
257 Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;

258 (iv) protective supervision of a family, upon court order, in an effort to eliminate
259 abuse or neglect of a child in that family;

260 (v) shelter care in accordance with this chapter, Chapter 2a, Removal and Protective
261 Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;

262 (vi) domestic violence services, in accordance with the requirements of federal law;

263 (vii) protective services to victims of domestic violence and the victims' children, in
264 accordance with this chapter, Chapter 2a, Removal and Protective Custody of a
265 Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;

266 (viii) substitute care for dependent, abused, and neglected children;

267 (ix) services for minors who are victims of human trafficking or human smuggling,
268 as described in Sections 76-5-308 through 76-5-310.1, or who have engaged in

- 269 prostitution or sexual solicitation, as defined in Sections 76-10-1302 and
270 76-10-1313; and
- 271 (x) training for staff and providers involved in the administration and delivery of
272 services offered by the division in accordance with this chapter and Chapter 2a,
273 Removal and Protective Custody of a Child;
- 274 (c) establish standards for all:
- 275 (i) contract providers of out-of-home care for minors and families;
- 276 (ii) facilities that provide substitute care for dependent, abused, or neglected children
277 placed in the custody of the division; and
- 278 (iii) direct or contract providers of domestic violence services described in
279 Subsection (2)(b)(vi);
- 280 (d) have authority to:
- 281 (i) contract with a private, nonprofit organization to recruit and train foster care
282 families and child welfare volunteers in accordance with Section 80-2-405;
- 283 (ii) approve facilities that meet the standards established under Subsection (2)(c) to
284 provide substitute care for dependent, abused, or neglected children placed in the
285 custody of the division; and
- 286 (iii) approve an individual to provide short-term relief care to a foster parent if the
287 individual:
- 288 (A) provides the relief care for less than six consecutive nights;
- 289 (B) provides the relief care in the short-term relief care provider's home;
- 290 (C) is direct access qualified, as that term is defined in Section 26B-2-120; and
- 291 (D) is an immediate family member or relative, as those terms are defined in
292 Section 80-3-102, of the foster parent;
- 293 (e) cooperate with the federal government in the administration of child welfare and
294 domestic violence programs and other human service activities assigned by the
295 department;
- 296 (f) in accordance with Subsection (5)(a), promote and enforce state and federal laws
297 enacted for the protection of abused, neglected, or dependent children, in accordance
298 with this chapter and Chapter 2a, Removal and Protective Custody of a Child, unless
299 administration is expressly vested in another division or department of the state;
- 300 (g) cooperate with the Workforce Development Division within the Department of
301 Workforce Services in meeting the social and economic needs of an individual who is
302 eligible for public assistance;

- 303 (h) compile relevant information, statistics, and reports on child and family service
 304 matters in the state;
- 305 (i) prepare and submit to the department, the governor, and the Legislature reports of the
 306 operation and administration of the division in accordance with the requirements of
 307 Sections 80-2-1102 and 80-2-1103;
- 308 (j) within appropriations from the Legislature, provide or contract for a variety of
 309 domestic violence services and treatment methods;
- 310 (k) enter into contracts for programs designed to reduce the occurrence or recurrence of
 311 abuse and neglect in accordance with Section 80-2-503;
- 312 ~~[(t)] seek reimbursement of funds the division expends on behalf of a child in the~~
 313 ~~protective custody, temporary custody, or custody of the division, from the child's~~
 314 ~~parent or guardian in accordance with an order for child support under Section~~
 315 ~~78A-6-356;]~~
- 316 ~~[(m)]~~ (l) ensure regular, periodic publication, including electronic publication, regarding
 317 the number of children in the custody of the division who:
- 318 (i) have a permanency goal of adoption; or
 319 (ii) have a final plan of termination of parental rights, under Section 80-3-409, and
 320 promote adoption of the children;
- 321 ~~[(n)]~~ (m) subject to Subsections (5) and (7), refer an individual receiving services from
 322 the division to the local substance abuse authority or other private or public resource
 323 for a court-ordered drug screening test;
- 324 ~~[(o)]~~ (n) report before November 30, 2020, and every third year thereafter, to the Social
 325 Services Appropriations Subcommittee regarding:
- 326 (i) the daily reimbursement rate that is provided to licensed foster parents based on
 327 level of care;
- 328 (ii) the amount of money spent on daily reimbursements for licensed foster parents
 329 during the previous fiscal year; and
- 330 (iii) any recommended changes to the division's budget to support the daily
 331 reimbursement rates described in Subsection ~~[(2)(o)(i)]~~ (2)(n)(i);
- 332 ~~[(p)]~~ (o) when a division child welfare caseworker identifies a safety concern with the
 333 foster home, cooperate with the Office of Licensing and make a recommendation to
 334 the Office of Licensing concerning whether the foster home's license should be
 335 placed on conditions, suspended, or revoked; and
- 336 ~~[(q)]~~ (p) perform other duties and functions required by law.

- 337 (3)(a) The division may provide, directly or through contract, services that include the
338 following:
- 339 (i) adoptions;
 - 340 (ii) day-care services;
 - 341 (iii) out-of-home placements for minors;
 - 342 (iv) health-related services;
 - 343 (v) homemaking services;
 - 344 (vi) home management services;
 - 345 (vii) protective services for minors;
 - 346 (viii) transportation services; or
 - 347 (ix) domestic violence services.
- 348 (b) The division shall monitor services provided directly by the division or through
349 contract to ensure compliance with applicable law and rules made in accordance with
350 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 351 (c)(i) Except as provided in Subsection (3)(c)(ii), if the division provides a service
352 through a private contract, the division shall post the name of the service provider
353 on the division's website.
- 354 (ii) Subsection (3)(c)(i) does not apply to a foster parent placement.
- 355 (4)(a) The division may:
- 356 (i) receive gifts, grants, devises, and donations;
 - 357 (ii) encourage merchants and service providers to:
 - 358 (A) donate goods or services; or
 - 359 (B) provide goods or services at a nominal price or below cost;
 - 360 (iii) distribute goods to applicants or consumers of division services free or for a
361 nominal charge and tax free; and
 - 362 (iv) appeal to the public for funds to meet needs of applicants or consumers of
363 division services that are not otherwise provided by law, including Sub-for-Santa
364 programs, recreational programs for minors, and requests for household
365 appliances and home repairs.
- 366 (b) If requested by the donor and subject to state and federal law, the division shall use a
367 gift, grant, devise, donation, or proceeds from the gift, grant, devise, or donation for
368 the purpose requested by the donor.
- 369 (5)(a) In carrying out the requirements of Subsection (2)(f), the division shall:
- 370 (i) cooperate with the juvenile courts, the Division of Juvenile Justice and Youth

- 371 Services, and with all public and private licensed child welfare agencies and
372 institutions to develop and administer a broad range of services and support;
- 373 (ii) take the initiative in all matters involving the protection of abused or neglected
374 children, if adequate provisions have not been made or are not likely to be made;
375 and
- 376 (iii) make expenditures necessary for the care and protection of the children described
377 in Subsection (5)(a)(ii), within the division's budget.
- 378 (b) If an individual is referred to a local substance abuse authority or other private or
379 public resource for court-ordered drug screening under Subsection [~~(2)(n)~~] (2)(m), the
380 court shall order the individual to pay all costs of the tests unless:
- 381 (i) the cost of the drug screening is specifically funded or provided for by other
382 federal or state programs;
- 383 (ii) the individual is a participant in a drug court; or
- 384 (iii) the court finds that the individual is an indigent individual.
- 385 (6) Except to the extent provided by rules made in accordance with Title 63G, Chapter 3,
386 Utah Administrative Rulemaking Act, the division is not required to investigate
387 domestic violence in the presence of a child, as described in Section 76-5-114.
- 388 (7)(a) Except as provided in Subsection (7)(b), the division may not:
- 389 (i) require a parent who has a child in the custody of the division to pay for some or
390 all of the cost of any drug testing the parent is required to undergo; or
- 391 (ii) refer an individual who is receiving services from the division for drug testing by
392 means of a hair, fingernail, or saliva test that is administered to detect the presence
393 of drugs.
- 394 (b) Notwithstanding Subsection (7)(a)(ii), the division may refer an individual who is
395 receiving services from the division for drug testing by means of a saliva test if:
- 396 (i) the individual consents to drug testing by means of a saliva test; or
- 397 (ii) the court, based on a finding that a saliva test is necessary in the circumstances,
398 orders the individual to complete drug testing by means of a saliva test.

399 Section 5. Section **80-2-303** is amended to read:

400 **80-2-303 . Division enforcement authority -- Attorney general responsibilities.**

- 401 (1) The division shall take legal action that is necessary to enforce this chapter and Chapter
402 2a, Removal and Protective Custody of a Child.
- 403 (2)(a) Subject to Section 67-5-17 and the attorney general's prosecutorial discretion in
404 civil enforcement actions, the attorney general shall enforce this chapter, Chapter 2a,

405 Removal and Protective Custody of a Child, Chapter 3, Abuse, Neglect, and
 406 Dependency Proceedings, and Chapter 4, Termination and Restoration of Parental
 407 Rights, relating to protection or custody of an abused, neglected, or dependent minor
 408 and the termination of parental rights.

409 (b) The attorney general may contract with the local county attorney to enforce this
 410 chapter, Chapter 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse,
 411 Neglect, and Dependency Proceedings, and Chapter 4, Termination and Restoration
 412 of Parental Rights.

413 (c) It is the responsibility of the attorney general's office to:

414 (i) advise the division regarding decisions to remove a minor from the minor's home;

415 (ii) represent the division in all court and administrative proceedings related to abuse,
 416 neglect, or dependency including, but not limited to, shelter hearings, dispositional
 417 hearings, dispositional review hearings, periodic review hearings, and petitions for
 418 termination of parental rights; and

419 (iii) be available to and advise child welfare caseworkers on an ongoing basis.

420 (d)(i) The attorney general shall designate no less than 16 full-time attorneys to
 421 advise and represent the division in abuse, neglect, and dependency proceedings,
 422 including petitions for termination of parental rights.

423 (ii) The attorneys described in Subsection (2)(d)(i) shall devote full time and
 424 attention to the representation described in Subsection (2)(d)(i) and, insofar as it is
 425 practicable, be housed in or near various offices of the division statewide.

426 (3)(a) The attorney general's office shall represent the division in an action[;]

427 [(a)] involving a minor who has not been adjudicated as abused or neglected, but who is
 428 placed in the custody of the division by the juvenile court primarily on the basis of
 429 delinquent behavior or a status offense[; or]

430 [(b) for reimbursement of funds from a parent or guardian under Subsection
 431 80-2-301(2)(f)].

432 [(e)] (b) This section does not affect the responsibility of the county attorney or district
 433 attorney to represent the state in the matters described in Subsection (3)(a).

434 Section 6. Section **80-2-305** is amended to read:

435 **80-2-305 . Fraudulently obtained services -- Division recovery -- Agreement with**
 436 **Office of Recovery Services.**

437 [(f)] If it is discovered that a person is fraudulently obtaining, or has fraudulently obtained,
 438 services offered by the division in accordance with this chapter or Chapter 2a, Removal

439 and Protective Custody of a Child, the division shall take all necessary steps, including
440 legal action through the attorney general, to recover all money or the value of services
441 fraudulently obtained.

442 [~~(2) The division may establish an agreement with the Office of Recovery Services to fulfill~~
443 ~~the requirements of this section.~~]

444 Section 7. Section **80-3-405** is amended to read:

445 **80-3-405 . Dispositions after adjudication.**

446 (1) Upon adjudication under Subsection 80-3-402(1), the juvenile court may make the
447 dispositions described in Subsection (2) at the dispositional hearing.

448 (2)(a)(i) The juvenile court may vest custody of an abused, neglected, or dependent
449 minor in the division or any other appropriate person, with or without
450 court-specified child welfare services, in accordance with the requirements and
451 procedures of this chapter.

452 (ii) When placing a minor in the custody of the division or any other appropriate
453 person, the juvenile court:

454 (A) shall give primary consideration to the welfare of the minor;

455 (B) shall give due consideration to the rights of the parent or parents concerning
456 the minor; and

457 (C) when practicable, may take into consideration the religious preferences of the
458 minor and of the minor's parents or guardian.

459 (b)(i) The juvenile court may appoint a guardian for the minor if it appears necessary
460 in the interest of the minor.

461 (ii) A guardian appointed under Subsection (2)(b)(i) may be a public or private
462 institution or agency, but not a nonsecure residential placement provider, in which
463 legal custody of the minor is vested.

464 (iii) When placing a minor under the guardianship of an individual or of a private
465 agency or institution, the juvenile court:

466 (A) shall give primary consideration to the welfare of the minor; and

467 (B) when practicable, may take into consideration the religious preferences of the
468 minor and of the minor's parents or guardian.

469 (c) The juvenile court may order:

470 (i) protective supervision;

471 (ii) family preservation;

472 (iii) sibling visitation; or

- 473 (iv) other services.
- 474 (d)(i) If a minor has been placed with an individual or relative as a result of an
475 adjudication under this chapter, the juvenile court may enter an order of
476 permanent legal custody and guardianship with the individual or relative of the
477 minor.
- 478 [~~(ii) If a juvenile court enters an order of permanent custody and guardianship with
479 an individual or relative of a minor under Subsection (2)(d)(i), the juvenile court
480 may, in accordance with Section 78A-6-356, enter an order for child support on
481 behalf of the minor against the natural parents of the minor.]~~
- 482 [(~~iii~~) (ii) An order under this Subsection (2)(d):
- 483 (A) shall remain in effect until the minor is 18 years old;
- 484 (B) is not subject to review under Section 78A-6-358; and
- 485 (C) may be modified by petition or motion as provided in Section 78A-6-357.
- 486 (e) The juvenile court may order a child be committed to the physical custody, as
487 defined in Section 26B-5-401, of a local mental health authority, in accordance with
488 the procedures and requirements of Title 26B, Chapter 5, Part 4, Commitment of
489 Persons Under Age 18.
- 490 (f)(i) If the child has an intellectual disability, the juvenile court may make an order
491 committing a minor to the Utah State Developmental Center in accordance with
492 Title 26B, Chapter 6, Part 6, Admission to an Intermediate Care Facility for
493 People with an Intellectual Disability.
- 494 (ii) The juvenile court shall follow the procedure applicable in the district court with
495 respect to judicial commitments to the Utah State Developmental Center when
496 ordering a commitment under Subsection (2)(f)(i).
- 497 (g)(i) Subject to Subsection 80-1-102(58)(b) and Section 80-3-304, the juvenile court
498 may order that a minor:
- 499 (A) be examined or treated by a mental health therapist, as described in Section
500 80-3-109; or
- 501 (B) receive other special care.
- 502 (ii) For purposes of receiving the examination, treatment, or care described in
503 Subsection (2)(g)(i), the juvenile court may place the minor in a hospital or other
504 suitable facility that is not secure care or secure detention.
- 505 (iii) In determining whether to order the examination, treatment, or care described in
506 Subsection (2)(g)(i), the juvenile court shall consider:

- 507 (A) the desires of the minor;
- 508 (B) the desires of the parent or guardian of the minor if the minor is younger than
509 18 years old; and
- 510 (C) whether the potential benefits of the examination, treatment, or care outweigh
511 the potential risks and side-effects, including behavioral disturbances, suicidal
512 ideation, brain function impairment, or emotional or physical harm resulting
513 from the compulsory nature of the examination, treatment, or care.
- 514 (h) The juvenile court may make other reasonable orders for the best interest of the
515 minor.
- 516 (3)(a) At the dispositional hearing described in Subsection 80-3-402(3), if a child
517 remains in an out-of-home placement, the juvenile court shall:
- 518 (i) make specific findings regarding the conditions of parent-time that are in the
519 child's best interest; and
- 520 (ii) if parent-time is denied, state the facts that justify the denial.
- 521 (b) Parent-time shall be under the least restrictive conditions necessary to:
- 522 (i) protect the physical safety of the child; or
- 523 (ii) prevent the child from being traumatized by contact with the parent due to the
524 child's fear of the parent in light of the nature of the alleged abuse or neglect.
- 525 (c)(i) The division or the person designated by the division or a court to supervise a
526 parent-time session may deny parent-time for the session if the division or the
527 supervising person determines that, based on the parent's condition, it is necessary
528 to deny parent-time to:
- 529 (A) protect the physical safety of the child;
- 530 (B) protect the life of the child; or
- 531 (C) consistent with Subsection (3)(c)(ii), prevent the child from being traumatized
532 by contact with the parent.
- 533 (ii) In determining whether the condition of the parent described in Subsection
534 (3)(c)(i) will traumatize a child, the division or the person supervising the
535 parent-time session shall consider the impact that the parent's condition will have
536 on the child in light of:
- 537 (A) the child's fear of the parent; and
- 538 (B) the nature of the alleged abuse or neglect.
- 539 (4) Upon an adjudication under this chapter, the juvenile court may not:
- 540 (a) commit a minor solely on the ground of abuse, neglect, or dependency to the

- 541 Division of Juvenile Justice and Youth Services;
- 542 (b) assume the function of developing foster home services; or
- 543 (c) vest legal custody of an abused, neglected, or dependent minor in the division to
- 544 primarily address the minor's ungovernable or other behavior, mental health, or
- 545 disability, unless the division:
- 546 (i) engages other relevant divisions within the department that are conducting an
- 547 assessment of the minor and the minor's family's needs;
- 548 (ii) based on the assessment described in Subsection (4)(c)(i), determines that vesting
- 549 custody of the minor in the division is the least restrictive intervention for the
- 550 minor that meets the minor's needs; and
- 551 (iii) consents to legal custody of the minor being vested in the division.
- 552 (5) The juvenile court may combine the dispositions listed in Subsection (2) if combining
- 553 the dispositions is permissible and the dispositions are compatible.
- 554 (6)(a) If, for a relative placement, an interstate placement requested under the Interstate
- 555 Compact on the Placement of Children has been initiated by the division or is ordered
- 556 by or pending before the juvenile court, the court may not finalize a non-relative
- 557 placement unless the court gives due weight to:
- 558 (i) the preferential consideration granted to a relative in Section 80-3-302;
- 559 (ii) the rebuttable presumption in Section 80-3-302; and
- 560 (iii) the division's placement authority under Subsections 80-1-102(50) and
- 561 80-3-303(1).
- 562 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile
- 563 court under Subsection 80-3-502(3).
- 564 Section 8. Section **80-6-207** is amended to read:
- 565 **80-6-207 . Detention hearings -- Period of detention -- Bail.**
- 566 (1)[(a)] After admission of a child to a detention facility under Section 80-6-205 and
- 567 immediate investigation by a juvenile probation officer, the juvenile court or the
- 568 juvenile probation officer shall order the release of the child to the child's parent,
- 569 guardian, or custodian if the juvenile court or the juvenile probation officer finds that
- 570 the child can be safely returned to the parent's, the guardian's, or the custodian's care,
- 571 upon written promise to bring the child to the juvenile court at a time set or without
- 572 restriction.
- 573 [(b) If a child's parent, guardian, or custodian fails to retrieve the child from a detention
- 574 facility within 24 hours after notification of release, the parent, guardian, or custodian

- 575 is responsible for the cost of care for the time the child remains in the detention
576 facility in accordance with Section 78A-6-356.]
- 577 [~~(e) The detention facility shall determine the cost of care.~~]
- 578 [~~(d) Any money collected under this Subsection (1) shall be retained by the division to~~
579 ~~recover the cost of care for the time the child remains in the facility.]~~
- 580 (2)(a) When a child is admitted to a detention facility, the child's parent, guardian, or
581 custodian shall be informed by the individual in charge of the detention facility that
582 the parent's, the guardian's, or the custodian's child has the right to a prompt hearing
583 in a juvenile court to determine whether the child is to be further detained or released.
- 584 (b) If a minor is admitted to a detention facility, the minor shall be informed by the
585 person in charge of the facility that the minor has the right to a prompt hearing in a
586 juvenile court to determine whether the minor is to be further detained or released.
- 587 (3)[~~(a)~~] The juvenile court may, at any time, order the release of the minor, from
588 detention, regardless of whether a detention hearing is held or not.
- 589 [~~(b) If a child is released, and the child remains in the detention facility, because the~~
590 ~~child's parents, guardian, or custodian fails to retrieve the child, the parent, guardian,~~
591 ~~or custodian shall be responsible for the cost of care as provided in Subsections (1)(b),~~
592 ~~(c), and (d) in accordance with Section 78A-6-356.]~~
- 593 (4)(a) As used in this Subsection (4), "arrest" means being apprehended, detained, taken
594 into temporary custody under Section 80-6-201 or 80-6-202, held for investigation, or
595 restrained by a peace officer or other person due to an accusation or suspicion that the
596 minor committed an offense.
- 597 (b) A minor may not be held in a detention facility longer than 24 hours, unless a
598 juvenile court determines that there is probable cause for the minor's arrest.
- 599 (5)(a) A detention hearing under this section shall be held by a juvenile court judge or
600 commissioner.
- 601 (b) A juvenile court shall hold a detention hearing within 48 hours of the minor's
602 admission to a detention facility, excluding weekends and holidays, to determine
603 whether the minor should:
- 604 (i) remain in detention in accordance with Subsection (8);
605 (ii) be released to a parent or guardian; or
606 (iii) be placed in any other party's custody as authorized by statute.
- 607 (6) The probable cause determination under Subsection (4) and the detention hearing under
608 Subsection (5) may occur at the same time if the probable cause determination and the

- 609 detention hearing occur within the time frame under Subsection (4).
- 610 (7)(a) A detention hearing may not be waived.
- 611 (b) Staff at the detention facility shall provide the juvenile court with all information
612 received from the individual who brought the minor to the detention facility.
- 613 (8)(a) The juvenile court may only order a minor to be held in the detention facility or be
614 placed in another appropriate facility, subject to further order of the court, if the court
615 finds at a detention hearing that:
- 616 (i) releasing the minor to the minor's parent, guardian, or custodian presents an
617 unreasonable risk to public safety;
- 618 (ii) less restrictive nonresidential alternatives to detention have been considered and,
619 where appropriate, attempted; and
- 620 (iii) the minor is eligible for detention under the detention guidelines and Section
621 80-6-205.
- 622 (b) The juvenile court may not vest custody of a minor admitted to detention in the
623 Division of Child and Family Services, except as provided in Chapter 3, Abuse,
624 Neglect, and Dependency Proceedings.
- 625 (9)(a) After a detention hearing has been held, only the juvenile court may release a
626 minor from detention.
- 627 (b) If a minor remains in a detention facility, periodic reviews shall be held in
628 accordance with the Utah Rules of Juvenile Procedure to ensure that continued
629 detention of the minor is necessary.
- 630 (10) This section does not apply to a minor who is brought to a correctional facility in
631 accordance with Section 80-6-502, 80-6-504, or 80-6-505.
- 632 (11) Title 77, Chapter 20, Bail, does not apply to a minor, except for:
- 633 (a) a minor charged in accordance with Section 80-6-502;
- 634 (b) a minor bound over to the district court in accordance with Section 80-6-504; or
- 635 (c) a minor who need not be detained and lives outside this state.
- 636 Section 9. Section **81-6-104** is amended to read:
- 637 **81-6-104 . Duty of parents to provide support for a child -- Support follows the**
638 **child.**
- 639 (1)(a) Every child is presumed to be in need of the support of the child's parents.
- 640 (b) Every parent shall support their child.
- 641 (c) Nothing in this chapter relieves a parent of the primary obligation of support for the
642 parent's child.

- 643 (2) Except as limited in a court order under Section 81-6-208:
- 644 (a) the expenses incurred on behalf of a minor child for reasonable and necessary
- 645 medical and dental expenses and other necessities are chargeable upon the property
- 646 of both parents, regardless of the marital status of the parents; and
- 647 (b) a creditor may sue a parent for the expenses described in Subsection (2)(a) incurred
- 648 on behalf of a minor child.
- 649 ~~[(3)(a) A parent whose minor child has become a ward of this or any other state is not~~
- 650 ~~relieved of the primary obligation to support that child until the minor child is 18~~
- 651 ~~years old or is legally married, regardless of any agreements or legal defenses that~~
- 652 ~~exist between the parents or other care providers.]~~
- 653 ~~[(b)] (3)(a)~~ Any state that provides support for a child shall have the right to
- 654 reimbursement.
- 655 ~~[(c)] (b)~~ A third party has a right to recover support from a parent.
- 656 (4) An obligation ordered for child support and medical expenses:
- 657 (a) are for the use and benefit of the child; and
- 658 (b) shall follow the child in a case in which a parent, or another person, is awarded sole
- 659 physical custody of the child as described in Subsection 81-6-205(8).
- 660 (5) The rights created in this chapter are in addition to and not in substitution to any other
- 661 rights.

662 Section 10. Section **81-6-205** is amended to read:

663 **81-6-205 . Sole physical custody -- Obligation calculations -- Change in physical**

664 **custody.**

- 665 (1) This section applies to a case in which a parent, or another person, is awarded sole
- 666 physical custody of the children.
- 667 (2) Except as provided in Subsections (3) and (4), the court or administrative agency shall
- 668 determine the base child support award for each parent by:
- 669 (a) dividing each parent's monthly adjusted gross income by the combined monthly
- 670 adjusted gross income to determine each parent's percentage; and
- 671 (b) multiplying each parent's percentage by the base combined child support obligation
- 672 that is calculated as described in Subsection 81-6-204(1).
- 673 (3)(a) If the base combined child support obligation is \$0, the court or administrative
- 674 agency shall establish the base child support award for each parent by:
- 675 (i) determining the individual monthly adjusted gross income for the parent;
- 676 (ii) locating the amount of the base child support award in the low income table by

- 677 finding:
- 678 (A) the monthly adjusted gross income for the parent in the low income table; and
- 679 (B) the number of children in common with the parents.
- 680 (b) The corresponding amount in the low income table is the base child support award
- 681 for that parent.
- 682 (4)(a) If a parent's individual monthly adjusted gross income is less than the highest
- 683 amount of monthly adjusted gross income shown in the low income table, the court
- 684 or administrative agency shall determine that the base child support award is the
- 685 lesser of:
- 686 (i) the amount calculated using the base combined child support obligation table as
- 687 described in Subsection (2); and
- 688 (ii) the amount calculated using the low income table as described in Subsection (3).
- 689 (b) If the monthly adjusted gross income of a parent is found in an area of the low
- 690 income table in which no amount is shown, the court or administrative agency shall
- 691 determine the base child support award by using the amount listed in the base
- 692 combined child support obligation table and calculated as described in Subsection (2).
- 693 (5) A base child support award in a sole physical custody case may not be less than \$30.
- 694 (6) The amounts calculated under this section are rebuttable as described in Section
- 695 81-6-202.
- 696 (7) A parent without sole physical custody of the children is an obligor and is required to
- 697 pay the amount of child support calculated under this section.
- 698 (8)(a) When physical custody of a child changes after the original child support order,
- 699 the parent without physical custody of the child is required to pay the amount of child
- 700 support calculated under this section, without the need to modify the order, to:
- 701 (i) the parent who has physical custody of the child; or
- 702 (ii) a relative to whom physical custody of the child has been voluntarily given[; or] .
- 703 [~~(iii) the state when the child is residing outside of the home in the protective~~
- 704 ~~custody, temporary custody, or care of the state or a state-licensed facility for at~~
- 705 ~~least 30 days.]~~
- 706 (b) When physical custody of a child changes from the physical custody that is assumed
- 707 in the original child support order calculated under this section, the modification of
- 708 the child support order is not necessary even if only one parent is specifically ordered
- 709 to pay in the child support order.

710 Section 11. **Repealer.**

- 711 This bill repeals:
- 712 Section **80-6-803, Cost of support and maintenance of a juvenile offender --**
- 713 **Responsibility.**
- 714 Section 12. **Effective Date.**
- 715 This bill takes effect on May 7, 2025.