

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, 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 an obligor parent to pay an amount as a child support advance to assist with child care costs;

- requires the office to study and prepare a proposed method for calculating the amount of a child support advance; and

- gives reporting requirements to the office.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

31 ENACTS:

32 **35A-7-202**, Utah Code Annotated 1953

33 **35A-7-203**, Utah Code Annotated 1953

34 **35A-7-204**, Utah Code Annotated 1953

35 **35A-7-205**, Utah Code Annotated 1953

36 **35A-7-206**, Utah Code Annotated 1953

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

38

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

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

41 **26B-9-206 . Issuance or modification of administrative order -- Compliance with**
 42 **court order -- Authority of office -- Stipulated agreements -- Notification requirements.**

43 (1) Through an adjudicative proceeding the office may issue or modify an administrative
 44 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
 48 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
 50 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
 53 receiving public assistance to participate in appropriate work activities if the obligor
 54 is unemployed and is not otherwise incapacitated;

55 (g) requires an obligor to pay a 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
 58 party who timely files a written request for an adjudicative proceeding with the
 59 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
 62 judgment-lien under Section 26B-9-214 may be filed with the clerk of any district
 63 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
 66 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
 68 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)
 70 that is not based on the judicial order, except:
- 71 (a) the office may establish a new obligation in those cases in which the juvenile court
 72 has ordered the parties to meet with the office to determine the support pursuant to
 73 Section 78A-6-356; or
 74 (b) the office may issue an order of current support in accordance with the child support
 75 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
 77 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
 79 stipulated agreements providing for the issuance of an administrative order under this
 80 part.
- 81 (6) The office may act in the name of the obligee in endorsing and cashing any drafts,
 82 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
 84 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.**

91 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
 94 by an employee.
 95 (3) "Date of hire" means the date labor or services for compensation are first performed by
 96 the employee.
 97 (4) "Date of rehire" means the date labor or services for compensation are first performed
 98 by an employee who was previously employed by the employer but has been separated

99 from that employment for at least 60 consecutive days.

100 (5)(a) "Employee" means an individual who is an employee within the meaning of
101 Chapter 24 of the Internal Revenue Code of 1986.

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

106 (6)(a) "Employer" means any person or entity that is an employer as defined in Section
107 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
110 Labor Relations Act.

111 (b) "Labor organization" includes any entity or hiring hall that is used by agreement
112 between the organization and an employer to carry out requirements described in
113 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
116 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
119 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
121 doing business in this state or a company operating a network in this state to facilitate
122 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
125 from a service provider; or

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

129 Section 3. Section **35A-7-202** is enacted to read:

130 **Part 2. Independent Contractor Reporting**

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

132 (1) Each service recipient shall report to the registry, through a W-9 form or other format

133 acceptable to the state, the following information regarding each service provider that is
134 newly paid or contracted 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
138 the service provider;

139 (d) the service provider's federal taxpayer identification number, if the social security
140 number is not 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
142 as an employee.

143 (2) The report required under Subsection (1) shall also include the service recipient's name,
144 address, and 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
146 of the date 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
150 \$600 or is unknown.

151 (5) A report is not required under this part if the service provider is providing the services
152 to a federal or state agency that is performing intelligence or counterintelligence
153 functions, if the head of such agency has determined that reporting with respect to the
154 service provider could endanger the safety of the service provider or compromise an
155 ongoing investigation or intelligence mission.

156 Section 4. Section **35A-7-203** is enacted to read:

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

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

161 Section 5. Section **35A-7-204** is enacted to read:

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

163 A failure of a service recipient to provide a report as required under this part may be
164 enforced in the same manner as a failure of an employer to report a newly hired employee,
165 including the penalties for failure to report provided in Section 35A-7-106.

166 Section 6. Section **35A-7-205** is enacted to read:

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

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

170 Section 7. Section **35A-7-206** is enacted to read:

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

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

174 Section 8. Section **80-4-105** is amended to read:

175 **80-4-105 . Effect of decree.**

176 (1) An order for the termination of parental rights divests the child and the parents of all
177 legal rights, powers, immunities, duties, and obligations with respect to each other,
178 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
180 benefit due to the child from any third person, including any Indian tribe, agency,
181 state, or the United States.

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

185 (A) order that the child support arrears be preserved and be subject to collection,
186 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
188 order or decree.

189 (ii) The order required by Subsection (2)(b)(i) is a presumption that is rebuttable only
190 upon a showing by a preponderance of the evidence that the best interest of the
191 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
193 parent's parental rights, the former parent:

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

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

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

199 Section 9. Section **81-4-406** is amended to read:

200 **81-4-406 . Decree of divorce -- When decree becomes absolute -- Remarriage --**

201 **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
203 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
205 decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the
206 Utah Rules of Civil Procedure.
- 207 (2) Unless the requirement is waived by the court under Subsection 81-4-402(5), a court
208 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
210 81-4-106; and
- 211 (b) both parties have presented a certificate of course completion for each course to the
212 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
215 liabilities of the parties contracted or incurred during marriage in accordance with
216 Section 15-4-6.5;
- 217 (b) require the parties to notify respective creditors or obligees, regarding the court's
218 division of debts, obligations, or liabilities and regarding the parties' separate and
219 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
222 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
225 after the divorce becomes final; and
- 226 (iii) understands that, if no changes are made to the policy or contract, the
227 beneficiaries currently listed will receive any funds paid by the insurance
228 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:
- 230 (i) [-]an order for child support and medical expenses as described in Chapter 6,
231 Child Support[-];
- 232 (ii) as applicable, an order for a child care advance as provided under Section
233 81-6-209.5; and
- 234 (iii) a statement providing notice that the Office of Recovery Services provides

235 services to individuals who are seeking assistance in the collection or enforcement
 236 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,
 239 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
 245 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
 248 orders.
 249 (6) The court, upon application or on the court's own motion for good cause shown, may
 250 waive, alter, or extend a designated period of time before the decree becomes absolute,
 251 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
 253 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,
 255 parent-time, and other matters related to a minor child born to the parties after the decree
 256 of divorce is entered.

257 Section 10. Section **81-6-101** is amended to read:

258 **81-6-101 . Definitions for chapter.**

259 As used in this chapter:

- 260 (1) "Administrative agency" means the Office of Recovery Services or the Department of
 261 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.
 264 (4) "Base child support award" means the award that may be ordered and is calculated
 265 using the child support guidelines before additions for medical expenses and
 266 work-related child care costs.
 267 (5) "Base combined child support obligation" means the presumed amount of child support
 268 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
 270 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,
 273 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
 275 the normal and expected year of graduation and not otherwise emancipated,
 276 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
 278 provide some financial resources to the family, is not able to support self by own
 279 means.
- 280 (8) "Child care advance" means a periodic payment that an administrative agency or court
 281 orders an obligor parent to pay to assist with the child care expenses of the obligor
 282 parent's child.
- 283 ~~[(8)]~~ (9)(a) "Child support" means a base child support award, or a monthly financial
 284 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
 286 order for current periodic payments, and sum certain judgments awarded for
 287 arrearages, medical expenses, and child care costs.
- 288 ~~[(9)]~~ (10) "Child support guidelines" means the calculation and application of child support
 289 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
 291 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
 295 14, Utah Uniform Interstate Family Support Act.
- 296 ~~[(11)]~~ (12) "Child support tables" means the tables described in Part 3, Child Support Tables.
- 297 ~~[(12)]~~ (13) "Child support services" means the same as that term is defined in Section
 298 26B-9-101.
- 299 ~~[(13)]~~ (14) "Gross income" means the amount of income calculated for a parent as described
 300 in Section 81-6-203.
- 301 ~~[(14)]~~ (15) "Health care coverage" means coverage under which medical services are
 302 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
- 309 individual, regardless of source, whether denominated as wages, salary, commission,
- 310 bonus, pay, allowances, contract payment, or otherwise, including severance pay,
- 311 sick pay, and incentive pay.
- 312 (b) "Income" includes:
- 313 (i) all gain derived from capital assets, labor, or both, including profit gained through
- 314 sale or conversion of capital assets;
- 315 (ii) interest and dividends;
- 316 (iii) periodic payments made under pension or retirement programs or insurance
- 317 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
- 322 81-9-101.
- 323 ~~[(17)]~~ (18) "Low income table" means the appropriate table under Section 81-6-303 or
- 324 81-6-305.
- 325 ~~[(18)]~~ (19) "Medical expenses" means health and dental expenses and related insurance
- 326 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
- 329 jurisdiction to whom child support is owed or who is entitled to reimbursement of child
- 330 support or public assistance.
- 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
- 333 and Human Services.
- 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

- 337 government program; and
- 338 (ii) medical costs related to the pregnancy, incurred after the date of conception and
- 339 before the pregnancy ends; and
- 340 (b) minus any portion of the amount described in Subsection [~~(23)~~(a)] (24)(a) that a court
- 341 determines is equitable based on the totality of the circumstances, not including any
- 342 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
- 344 children.
- 345 [~~(25)~~] (26) "State" means a state, territory, possession of the United States, the District of
- 346 Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other
- 347 comparable domestic or foreign jurisdiction.
- 348 [~~(26)~~] (27) "Support" means past-due, present, and future obligations to provide for the
- 349 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
- 353 modification, for alimony.
- 354 [~~(28)~~] (29) "Temporary" means a period of time that is projected to be less than 12 months
- 355 in duration.
- 356 [~~(29)~~] (30) "Third party" means an agency or a person other than a parent or a child who
- 357 provides care, maintenance, and support to a child.
- 358 [~~(30)~~] (31) "Tribunal" means the district court, the Department of Health and Human
- 359 Services, Office of Recovery Services, or court or administrative agency of a state,
- 360 territory, possession of the United States, the District of Columbia, the Commonwealth
- 361 of Puerto Rico, Native American tribe, or other comparable domestic or foreign
- 362 jurisdiction.
- 363 [~~(31)~~] (32) "Work-related child care expenses" means reasonable child care costs for up to a
- 364 full-time work week or training schedule as necessitated by the employment or training
- 365 of a parent.
- 366 [~~(32)~~] (33) "Worksheet" means a form used to aid in calculating the base child support
- 367 award.

368 Section 11. Section **81-6-209.5** is enacted to read:

369 **81-6-209.5 . Costs of child care -- Child care advance -- Office of Recovery**

370 **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
- 373 requiring the obligor parent to pay a reasonable child care advance to assist with the
- 374 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
- 376 has occurred, or a petition to modify a child support order as described in Section
- 377 81-6-212 is filed, the court determining the amount of a child care advance shall
- 378 require each party to file a proposed award of a child care advance before the court
- 379 enters or modifies a child support order;
- 380 (c)(i) a court or administrative agency shall use guidelines or cost tables prepared by
- 381 the Office of Recovery Services, or the amount of \$195, whichever is greater, as a
- 382 rebuttable presumption in establishing or modifying the amount of the child care
- 383 advance;
- 384 (ii) the court or administrative agency shall order that:
- 385 (A) the amount set for the child care advance be payable periodically, either
- 386 monthly, or on a schedule determined by the court or administrative agency;
- 387 (B) the child care advance payments commence on a specific date or
- 388 circumstance; and
- 389 (C) if appropriate, the child care advance payments cease on a specified date or
- 390 circumstance; and
- 391 (iii) the amount of a child care advance, the frequency of child care advance
- 392 payments, and the commencement and termination of child care advance
- 393 payments as determined under Subsections (1)(c)(i) and (1)(c)(ii) are rebuttable
- 394 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
- 397 or schedule; or
- 398 (C) a showing by a preponderance of the evidence that a different amount or
- 399 schedule is in the best interest of the child;
- 400 (d) unless otherwise provided by the court, the child care advance shall terminate when
- 401 the child turns 13 years old; and
- 402 (e) when determining an amount that a parent may owe under Section 81-6-209, the
- 403 court shall give the obligor parent credit for any child care advance payments made
- 404 during the relevant time.

- 405 (2) The Office of Recovery Services shall:
- 406 (a) study the costs, parental income considerations, and practical and procedural issues
- 407 related to establishing a child care order for a child who is subject to a child support
- 408 order;
- 409 (b) based upon the study results:
- 410 (i) prepare guidelines or a cost table to be used for the calculation of the presumed
- 411 amount of a child care advance in compliance with the requirements of this
- 412 section;
- 413 (ii) propose guidelines or practices to recommend how often periodic child care
- 414 advance payments should be made; and
- 415 (iii) propose guidelines or practices to recommend when child care advance payments
- 416 should commence and when they should cease; and
- 417 (c) report the office's research findings, recommendations, and proposed calculation
- 418 methods associated with the study item described in this Subsection (2) to the
- 419 Judiciary Interim Committee on or before the October 2025 interim meeting.

420 Section 12. **Effective Date.**

421 This bill takes effect on May 7, 2025.