

Raymond P. Ward proposes the following substitute bill:

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 a provision requiring an obligor parent to pay a recurring amount as an ongoing expense for child care;
- requires the office to study and prepare a proposed method for calculating the amount of an ongoing expense for child care and report the office's findings to the Health and Human Services Interim Committee;
- requires the office to propose to the Health and Human Services Interim Committee procedural and statutory considerations that are necessary to move from a receipt-based child care payment model to a model where all new or modified child support orders would instead require an ongoing expense for child care as the primary means for sharing child care costs; and
- gives reporting requirements to the office.

Money Appropriated in this Bill:

None

Other Special Clauses:

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **26B-9-201**, as last amended by Laws of Utah 2024, Chapter 366

33 **26B-9-206**, as renumbered and amended by Laws of Utah 2023, Chapter 305

34 **35A-7-102**, as last amended by Laws of Utah 2012, Chapter 107

35 **80-4-105**, as last amended by Laws of Utah 2022, Chapter 334

36 **81-4-406**, as enacted by Laws of Utah 2024, Chapter 366

37 **81-6-101**, as renumbered and amended by Laws of Utah 2024, Chapter 366

38 **81-6-209**, as renumbered and amended by Laws of Utah 2024, Chapter 366

39 ENACTS:

40 **35A-7-202**, Utah Code Annotated 1953

41 **35A-7-203**, Utah Code Annotated 1953

42 **35A-7-204**, Utah Code Annotated 1953

43 **35A-7-205**, Utah Code Annotated 1953

44 **35A-7-206**, Utah Code Annotated 1953

45 **81-6-209.5**, Utah Code Annotated 1953



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

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

49 **26B-9-201 . Definitions.**

50 As used in this part:

51 (1) "Adjudicative proceeding" means an action or proceeding of the office conducted in
52 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

53 (2) "Administrative order" means an order that has been issued by the office, the
54 department, or an administrative agency of another state or other comparable jurisdiction
55 with similar authority to that of the office.

56 (3) "Arrears" means support debt.

57 (4) "Assistance" means public assistance as defined in Section 26B-9-101.

58 (5) "Cash medical support" means an obligation to equally share all reasonable and
59 necessary medical and dental expenses of children.

60 (6) "Child" means the same as that term is defined in Section 81-6-101.

61 (7) "Child support" means the same as that term is defined in Section 26B-9-101.

62 (8) "Child support guidelines" means the same as that term is defined in Section 81-6-101.

- 63 (9) "Child support order" means a judgment, decree, or order, whether temporary, final, or
64 subject to modification, issued by a tribunal for child support and related costs and fees,
65 interest and penalties, income withholding, attorney fees, and other relief.
- 66 (10) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 67 (11) "Court order" means a judgment or order of a tribunal of appropriate jurisdiction of
68 this state, another state, Native American tribe, the federal government, or any other
69 comparable jurisdiction.
- 70 (12) "Director" means the director of the Office of Recovery Services.
- 71 (13) "Disposable earnings" means that part of the earnings of an individual remaining after
72 the deduction of all amounts required by law to be withheld.
- 73 (14) "High-volume automated administrative enforcement" in interstate cases means, on the
74 request of another state, the identification by the office, through automatic data matches
75 with financial institutions and other entities where assets may be found, of assets owned
76 by persons who owe child support in the requesting state, and the seizure of the assets by
77 the office, through levy or other appropriate processes.
- 78 (15) "Income" means the same as that term is defined in Section 26B-9-101.
- 79 (16) "IV-D services" means services provided pursuant to Part D of Title IV of the Social
80 Security Act, 42 U.S.C. Sec. 651, et seq.
- 81 (17) "Notice of agency action" means the notice required to commence an adjudicative
82 proceeding in accordance with Section 63G-4-201.
- 83 (18) "Obligee" means an individual, this state, another state, or other comparable
84 jurisdiction to whom a duty of child support is owed, or who is entitled to
85 reimbursement of child support or public assistance.
- 86 (19) "Obligor" means a person, firm, corporation, or the estate of a decedent owing a duty
87 of support to this state, to an individual, to another state, or other corporate jurisdiction
88 in whose behalf this state is acting.
- 89 (20) "Office" means the Office of Recovery Services.
- 90 (21) "Ongoing expense for child care" means the same as that term is defined in Section
91 81-6-101.
- 92 [~~(21)~~] (22) "Parent" means the same as that term is defined in Section 81-1-101.
- 93 [~~(22)~~] (23) "Past-due support" means support debt.
- 94 [~~(23)~~] (24) "Person" includes an individual, firm, corporation, association, political
95 subdivision, department, or office.
- 96 [~~(24)~~] (25) "Public assistance" means the same as that term is defined in Section 26B-9-101.

- 97 ~~[(25)]~~ (26) "Presiding officer" means a presiding officer described in Section 63G-4-103.
- 98 ~~[(26)]~~ (27) "Support" includes past-due, present, and future obligations established by:
- 99 (a) a tribunal or imposed by law for the financial support, maintenance, medical, or
- 100 dental care of a child; and
- 101 (b) a tribunal for the financial support of a spouse or former spouse with whom the
- 102 obligor's child resides if the obligor also owes a child support obligation that is being
- 103 enforced by the state.
- 104 ~~[(27)]~~ (28) "Support debt" means the debt created by nonpayment of support.
- 105 ~~[(28)]~~ (29) "Support order" means a child support order.
- 106 ~~[(29)]~~ (30) "Tribunal" means the district court, the department, the Office of Recovery
- 107 Services, or court or administrative agency of any state, territory, possession of the
- 108 United States, the District of Columbia, the Commonwealth of Puerto Rico, Native
- 109 American Tribe, or other comparable domestic or foreign jurisdiction.

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

111 **26B-9-206 . Issuance or modification of administrative order -- Compliance with**

112 **court order -- Authority of office -- Stipulated agreements -- Notification requirements.**

- 113 (1) Through an adjudicative proceeding the office may issue or modify an administrative
- 114 order that:
- 115 (a) determines paternity;
- 116 (b) determines whether an obligor owes support;
- 117 (c) determines temporary orders of child support upon clear and convincing evidence of
- 118 paternity in the form of genetic test results or other evidence;
- 119 (d) requires an obligor to pay a specific or determinable amount of present and future
- 120 support;
- 121 (e) determines the amount of past-due support;
- 122 (f) orders an obligor who owes past-due support and is obligated to support a child
- 123 receiving public assistance to participate in appropriate work activities if the obligor
- 124 is unemployed and is not otherwise incapacitated;
- 125 (g) requires an obligor to pay an ongoing expense for child care in accordance with
- 126 Section 81-6-209.5;
- 127 ~~[(g)]~~ (h) imposes a penalty authorized under this chapter;
- 128 ~~[(h)]~~ (i) determines an issue that may be specifically contested under this chapter by a
- 129 party who timely files a written request for an adjudicative proceeding with the
- 130 office; and

- 131 [(†)] (j) renews an administrative judgment.
- 132 (2)(a) An abstract of a final administrative order issued under this section or a notice of
 133 judgment-lien under Section 26B-9-214 may be filed with the clerk of any district
 134 court.
- 135 (b) Upon a filing under Subsection (2)(a), the clerk of the court shall:
- 136 (i) docket the abstract or notice in the judgment docket of the court and note the time
 137 of receipt on the abstract or notice and in the judgment docket; and
- 138 (ii) at the request of the office, place a copy of the abstract or notice in the file of a
 139 child support action involving the same parties.
- 140 (3) If a judicial order has been issued, the office may not issue an order under Subsection (1)
 141 that is not based on the judicial order, except:
- 142 (a) the office may establish a new obligation in those cases in which the juvenile court
 143 has ordered the parties to meet with the office to determine the support pursuant to
 144 Section 78A-6-356; or
- 145 (b) the office may issue an order of current support in accordance with the child support
 146 guidelines if the conditions of Subsection 78B-14-207(2)(c) are met.
- 147 (4) The office may proceed under this section in the name of this state, another state under
 148 Section 26B-9-209, any department of this state, the office, or the obligee.
- 149 (5) The office may accept voluntary acknowledgment of a support obligation and enter into
 150 stipulated agreements providing for the issuance of an administrative order under this
 151 part.
- 152 (6) The office may act in the name of the obligee in endorsing and cashing any drafts,
 153 checks, money orders, or other negotiable instruments received by the office for support.
- 154 (7) The obligor shall, after a notice of agency action has been served on the obligor in
 155 accordance with Section 63G-4-201, keep the office informed of:
- 156 (a) the obligor's current address;
- 157 (b) the name and address of current payors of income;
- 158 (c) availability of or access to health insurance coverage; and
- 159 (d) applicable health insurance policy information.

160 Section 3. Section **35A-7-102** is amended to read:

161 **35A-7-102 . Definitions.**

162 As used in this chapter:

- 163 (1) "Business day" means a day on which state offices are open for regular business.
- 164 (2) "Compensation" means payment owed by an employer for labor or services performed

- 165 by an employee.
- 166 (3) "Date of hire" means the date labor or services for compensation are first performed by
167 the employee.
- 168 (4) "Date of rehire" means the date labor or services for compensation are first performed
169 by an employee who was previously employed by the employer but has been separated
170 from that employment for at least 60 consecutive days.
- 171 (5)(a) "Employee" means an individual who is an employee within the meaning of
172 Chapter 24 of the Internal Revenue Code of 1986.
- 173 (b) "Employee" does not include an employee of a federal or state agency performing
174 intelligence or counterintelligence functions if the head of that agency determines
175 that reporting the employee could endanger the safety of the employee or
176 compromise an ongoing investigation or intelligence mission.
- 177 (6)(a) "Employer" means any person or entity that is an employer as defined in Section
178 3401(d) of the Internal Revenue Code of 1986.
- 179 (b) "Employer" includes any governmental entity and any labor organization.
- 180 (7)(a) "Labor organization" means any entity as defined in Section 2(5) of the National
181 Labor Relations Act.
- 182 (b) "Labor organization" includes any entity or hiring hall that is used by agreement
183 between the organization and an employer to carry out requirements described in
184 Section 8(f)(3) of the National Labor Relations Act.
- 185 (8) "Registry" means the centralized new hire registry created in Section 35A-7-103.
- 186 (9) "Service provider" means an individual over 18 years old, a corporation with a sole
187 shareholder, or a limited liability company with a sole member:
- 188 (a) that is not an employee of the service recipient;
- 189 (b) that contracts or provides services for compensation to a service recipient doing
190 business in this state in an amount equal or greater than \$600 in the calendar year; or
- 191 (c) that logs in as a driver to the digital network of a transportation network company
192 doing business in this state or a company operating a network in this state to facilitate
193 delivery of food, goods, or services to persons seeking those services.
- 194 (10) "Service recipient" means a person doing business in this state:
- 195 (a) who enters into a contract for services with a service provider or receives services
196 from a service provider; or
- 197 (b) as a company which maintains a digital network to facilitate services by
198 transportation network company drivers or drivers delivering food, goods, or services

199 to a person seeking those services.

200 Section 4. Section **35A-7-202** is enacted to read:

201 **Part 2. Independent Contractor Reporting**

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

203 (1) Each service recipient shall report to the registry, through a W-9 form or other format
204 acceptable to the state, the following information regarding each service provider that is
205 newly paid or contracted for services provided within the state:

206 (a) the service provider's name;

207 (b) the service provider's address;

208 (c) the service provider's social security number, if provided to the service recipient by
209 the service provider;

210 (d) the service provider's federal taxpayer identification number, if the social security
211 number is not provided to the service recipient by the service provider; and

212 (e) an indication that the service provider is being reported as a service provider and not
213 as an employee.

214 (2) The report required under Subsection (1) shall also include the service recipient's name,
215 address, and social security number or federal taxpayer identification number.

216 (3) A report required under this section shall be made no later than 20 days after the earlier
217 of the date on which the service recipient:

218 (a) pays remuneration of \$600 or more to a service provider in the calendar year; or

219 (b) contracts for services of \$600 or more from a service provider in the calendar year.

220 (4) A service recipient may report under this section if the value of the services is less than
221 \$600 or is unknown.

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

227 Section 5. Section **35A-7-203** is enacted to read:

228 **35A-7-203 . Confidentiality.**

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

232 Section 6. Section **35A-7-204** is enacted to read:

233 **35A-7-204 . Enforcement.**

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

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

238 **35A-7-205 . Immunity.**

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

241 Section 8. Section **35A-7-206** is enacted to read:

242 **35A-7-206 . Choice of law.**

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

245 Section 9. Section **80-4-105** is amended to read:

246 **80-4-105 . Effect of decree.**

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

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

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

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

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

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

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

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

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

267 placement proceedings.

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

270 Section 10. Section **81-4-406** is amended to read:

271 **81-4-406 . Decree of divorce -- When decree becomes absolute -- Remarriage --**
272 **Jurisdiction to modify a decree for a child born after the decree.**

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

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

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

280 (a) both parties have attended the mandatory courses described in Sections 81-4-105 and
281 81-4-106; and

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

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

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

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

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

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

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

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

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

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

- 301 (i) [-]an order for child support and medical expenses as described in Chapter 6,
 302 Child Support[-] ;
- 303 (ii) a provision in the child support order that requires payment of an ongoing
 304 expense for child care subject to the procedures and requirements of Section
 305 81-6-209.5; and
- 306 (iii) a statement providing notice that the Office of Recovery Services provides
 307 services to individuals who are seeking assistance in the collection or enforcement
 308 of child support orders.
- 309 (4) The court may include in the divorce decree any equitable orders relating to:
- 310 (a) the parties, including any alimony to be awarded to a party in accordance with Part 5,
 311 Spousal Support;
- 312 (b) a child of the parties; and
- 313 (c) any property, debts, or obligations.
- 314 (5) A decree of divorce becomes absolute:
- 315 (a) on the date it is signed by the court and entered by the clerk in the register of actions;
- 316 (b) at the expiration of a period of time the court may specifically designate, unless an
 317 appeal or other proceedings for review are pending;
- 318 (c) if an appeal is taken, when the decree is affirmed; or
- 319 (d) when the court, before the decree becomes absolute, for sufficient cause otherwise
 320 orders.
- 321 (6) The court, upon application or on the court's own motion for good cause shown, may
 322 waive, alter, or extend a designated period of time before the decree becomes absolute,
 323 but not to exceed six months from the signing and entry of the decree.
- 324 (7) A party to a divorce proceeding may not marry another individual other than the other
 325 party for whom the divorce was granted until the party's divorce becomes absolute.
- 326 (8) The court has jurisdiction to modify a decree of divorce to address child support,
 327 parent-time, and other matters related to a minor child born to the parties after the decree
 328 of divorce is entered.

329 Section 11. Section **81-6-101** is amended to read:

330 **81-6-101 . Definitions for chapter.**

331 As used in this chapter:

- 332 (1) "Administrative agency" means the Office of Recovery Services or the Department of
 333 Health and Human Services.
- 334 (2) "Administrative order" means the same as that term is defined in Section 26B-9-201.

- 335 (3) "Alimony" means the same as that term is defined in Section 81-4-101.
- 336 (4) "Base child support award" means the award that may be ordered and is calculated
337 using the child support guidelines before additions for medical expenses and
338 work-related child care costs.
- 339 (5) "Base combined child support obligation" means the presumed amount of child support
340 that the parents should provide for their child as described in Subsection 81-6-204(1).
- 341 (6) "Base combined child support obligation table" means the appropriate table described in
342 Sections 81-6-302 and 81-6-304.
- 343 (7) "Child" means:
- 344 (a) a son or daughter who is under 18 years old and who is not otherwise emancipated,
345 self-supporting, married, or a member of the armed forces of the United States;
- 346 (b) a son or daughter who is 18 years old or older while enrolled in high school during
347 the normal and expected year of graduation and not otherwise emancipated,
348 self-supporting, married, or a member of the armed forces of the United States; or
- 349 (c) a son or daughter of any age who is incapacitated from earning a living and, if able to
350 provide some financial resources to the family, is not able to support self by own
351 means.
- 352 (8)(a) "Child support" means a base child support award, or a monthly financial award
353 for uninsured medical expenses, ordered by a tribunal for the support of a child.
- 354 (b) "Child support" includes current periodic payments, arrearages that accrue under an
355 order for current periodic payments, and sum certain judgments awarded for
356 arrearages, medical expenses, and child care costs.
- 357 (9) "Child support guidelines" means the calculation and application of child support as
358 described in Part 2, Calculation and Adjustment of Child Support.
- 359 (10) "Child support order" means a judgment, decree, or order issued by a tribunal whether
360 temporary, final, or subject to modification, that:
- 361 (a) establishes or modifies child support;
- 362 (b) reduces child support arrearages to judgment; or
- 363 (c) establishes child support or registers a child support order under Title 78B, Chapter
364 14, Utah Uniform Interstate Family Support Act.
- 365 (11) "Child support tables" means the tables described in Part 3, Child Support Tables.
- 366 (12) "Child support services" means the same as that term is defined in Section 26B-9-101.
- 367 (13) "Gross income" means the amount of income calculated for a parent as described in
368 Section 81-6-203.

- 369 (14) "Health care coverage" means coverage under which medical services are provided to
370 a child through:
- 371 (a) fee for service;
 - 372 (b) a health maintenance organization;
 - 373 (c) a preferred provider organization;
 - 374 (d) any other type of private health insurance; or
 - 375 (e) public health care coverage.
- 376 (15)(a) "Income" means earnings, compensation, or other payment due to an individual,
377 regardless of source, whether denominated as wages, salary, commission, bonus, pay,
378 allowances, contract payment, or otherwise, including severance pay, sick pay, and
379 incentive pay.
- 380 (b) "Income" includes:
- 381 (i) all gain derived from capital assets, labor, or both, including profit gained through
382 sale or conversion of capital assets;
 - 383 (ii) interest and dividends;
 - 384 (iii) periodic payments made under pension or retirement programs or insurance
385 policies of any type;
 - 386 (iv) unemployment compensation benefits;
 - 387 (v) workers' compensation benefits; and
 - 388 (vi) disability benefits.
- 389 (16) "Joint physical custody" means the same as that term is defined in Section 81-9-101.
- 390 (17) "Low income table" means the appropriate table under Section 81-6-303 or 81-6-305.
- 391 (18) "Medical expenses" means health and dental expenses and related insurance costs.
- 392 (19) "Minor child" means a child who is younger than 18 years old.
- 393 (20) "Obligee" means an individual, this state, another state, or another comparable
394 jurisdiction to whom child support is owed or who is entitled to reimbursement of child
395 support or public assistance.
- 396 (21) "Obligor" means a person owing a duty of support.
- 397 (22) "Office" means the Office of Recovery Services within the Department of Health and
398 Human Services.
- 399 (23) "Ongoing expense for child care" means a periodic payment that an administrative
400 agency or court orders an obligor parent to pay to assist with the child care expenses of
401 the obligor parent's child.
- 402 [~~(23)~~] (24) "Pregnancy expenses" means an amount equal to:

- 403 (a) the sum of a pregnant mother's:
- 404 (i) health insurance premiums while pregnant that are not paid by an employer or
- 405 government program; and
- 406 (ii) medical costs related to the pregnancy, incurred after the date of conception and
- 407 before the pregnancy ends; and
- 408 (b) minus any portion of the amount described in Subsection [~~(23)~~(a)] (24)(a) that a court
- 409 determines is equitable based on the totality of the circumstances, not including any
- 410 amount paid by the mother or father of the child.
- 411 [~~(24)~~] (25) "Split custody" means that each parent has physical custody of at least one of the
- 412 children.
- 413 [~~(25)~~] (26) "State" means a state, territory, possession of the United States, the District of
- 414 Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other
- 415 comparable domestic or foreign jurisdiction.
- 416 [~~(26)~~] (27) "Support" means past-due, present, and future obligations to provide for the
- 417 financial support, maintenance, or medical expenses of a child.
- 418 [~~(27)~~] (28) "Support order" means:
- 419 (a) a child support order; or
- 420 (b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to
- 421 modification, for alimony.
- 422 [~~(28)~~] (29) "Temporary" means a period of time that is projected to be less than 12 months
- 423 in duration.
- 424 [~~(29)~~] (30) "Third party" means an agency or a person other than a parent or a child who
- 425 provides care, maintenance, and support to a child.
- 426 [~~(30)~~] (31) "Tribunal" means the district court, the Department of Health and Human
- 427 Services, Office of Recovery Services, or court or administrative agency of a state,
- 428 territory, possession of the United States, the District of Columbia, the Commonwealth
- 429 of Puerto Rico, Native American tribe, or other comparable domestic or foreign
- 430 jurisdiction.
- 431 [~~(31)~~] (32) "Work-related child care expenses" means reasonable child care costs for up to a
- 432 full-time work week or training schedule as necessitated by the employment or training
- 433 of a parent.
- 434 [~~(32)~~] (33) "Worksheet" means a form used to aid in calculating the base child support
- 435 award.
- 436 Section 12. Section **81-6-209** is amended to read:

437 **81-6-209 . Requirements for a child support order regarding child care costs and**
438 **expenses -- Actual expenses for child care.**

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

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

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

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

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

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

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

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

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

463 (ii) by adding the child care costs, the obligor's child support obligation would exceed
464 50% of the obligor's adjusted gross income.

465 (5)(a) The court or administrative agency may award child care costs on a case-by-case
466 basis if the child care costs are related to the career and occupational training of the
467 custodial parent or the child care costs would be in the interest of justice.

468 (b) The court or administrative agency may assign financial responsibility in a child
469 support order for all or a portion of child care expenses incurred on behalf of a child
470 due to the employment or training of the custodial parent.

471 (6)(a) The court or administrative agency may impute a monthly obligation for child
472 care costs when the court imputes income to a parent who is providing child care for
473 the child so that the parties are not incurring child care costs for the child.

474 (b) The court shall apply any monthly obligation imputed under Subsection (6)(a)
475 towards any actual child care costs incurred within the same month for the child.

476 (7) Beginning July 1, 2026, collection of child care costs shall be subject to the
477 requirements of Section 81-6-209.5.

478 Section 13. Section **81-6-209.5** is enacted to read:

479 **81-6-209.5 . Costs of child care -- Ongoing expense for child care -- Office of**
480 **Recovery Services study item and report.**

481 (1) Beginning July 1, 2026:

482 (a) a court or administrative agency shall include in a child support order a provision
483 requiring the obligor parent to pay a reasonable ongoing expense for child care to
484 assist with the child care expenses for the obligor parent's child;

485 (b) if a previous child support order does not exist, a substantial change in circumstances
486 has occurred, or a petition to modify a child support order as described in Section
487 81-6-212 is filed, the court determining the amount of the ongoing expense for child
488 care shall require each party to file a proposed award of an ongoing expense for child
489 care before the court enters or modifies a child support order;

490 (c)(i) a court or administrative agency shall use guidelines or cost tables prepared by
491 the Office of Recovery Services, or the amount of \$195 per month, whichever is
492 greater, as a rebuttable presumption in establishing or modifying the amount of
493 the ongoing expense for child care;

494 (ii) the court or administrative agency shall order that:

495 (A) the amount set for the ongoing expense for child care be payable periodically,
496 either monthly, or on a schedule determined by the court or administrative
497 agency;

498 (B) the payment for an ongoing expense for child care commence on a specific
499 date or circumstance; and

500 (C) if appropriate, the ongoing expense for child care payments cease on a
501 specified date or circumstance; and

502 (iii) the amount of an ongoing expense for child care, the frequency of ongoing
503 expense for child care payments, and the commencement and termination of
504 ongoing expense for child care payments as determined under Subsections (1)(c)(i)

- 505 and (1)(c)(ii) are rebuttable upon:
- 506 (A) an agreement of the parties that is acceptable to the court;
- 507 (B) the court's determination that the evidence presented favors a different amount
- 508 or schedule; or
- 509 (C) a showing by a preponderance of the evidence that a different amount or
- 510 schedule is in the best interest of the child;
- 511 (d) unless otherwise provided by the court, the ongoing expense for child care shall
- 512 terminate when the child turns 13 years old; and
- 513 (e) when determining an amount that a parent may owe for an ongoing expense for child
- 514 care, the court:
- 515 (i) shall give the obligor parent credit for any ongoing expense for child care
- 516 payments made during the relevant time; and
- 517 (ii) may set the amount at zero upon a showing by a preponderance of the evidence
- 518 that child care expenses will not be incurred.
- 519 (2) The Office of Recovery Services shall:
- 520 (a) study the costs, parental income considerations, and practical and procedural issues
- 521 related to establishing a requirement to provide an ongoing expense for child care for
- 522 a child who is subject to a child support order;
- 523 (b) based upon the study results:
- 524 (i) prepare guidelines or a cost table to be used for the calculation of the presumed
- 525 amount of an ongoing expense for child care in compliance with the requirements
- 526 of this section;
- 527 (ii) propose guidelines or practices to recommend how often periodic ongoing
- 528 expense for child care payments should be made;
- 529 (iii) propose guidelines or practices to recommend when ongoing expense for child
- 530 care payments should commence and when they should cease; and
- 531 (iv) propose all statutory and procedural changes that are required to change the
- 532 presumption from collecting child care costs through receipt-based reimbursement
- 533 as provided under Section 81-6-209, to a new presumption that all new and
- 534 modified child support orders shall contain a provision requiring child care costs
- 535 to be paid by means of an ongoing expense for child care; and
- 536 (c) report on the study items described in Subsections (2)(a) and (b) to the Health and
- 537 Human Services Interim Committee on or before the October 2025 interim meeting.
- 538 Section 14. **Effective Date.**

539 This bill takes effect on May 7, 2025.