

1 **Parentage and Child Support Amendments**
 2 **2026 GENERAL SESSION**
 3 **STATE OF UTAH**
 4 **Chief Sponsor: Christine F. Watkins**
 5 **Senate Sponsor:**

6 **LONG TITLE**

7 **General Description:**

8 This bill addresses provisions regarding parentage and child support.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ addresses a child support obligation for a child placed with a relative by the juvenile court
- 12 or the Division of Child and Family Services;
- 13 ▶ addresses the presumption of parentage for a child; and
- 14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **78A-6-356**, as last amended by Laws of Utah 2025, Chapter 426

22 **81-5-607**, as renumbered and amended by Laws of Utah 2025, Chapter 426

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

24 Section 1. Section **78A-6-356** is amended to read:

25 **78A-6-356 . Child support obligation when custody of a child is vested in an**
 26 **individual or institution.**

27 (1) As used in this section:

- 28 (a) "Office" means the Office of Recovery Services.
- 29 (b) "State custody" means that a child is in the custody of a state department, division, or
- 30 agency, including secure care.

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

- 31 (a) the individual is served with notice that specifies the date and time of a hearing to
32 determine the financial support of a specified child;
- 33 (b) the individual makes a voluntary appearance; or
34 (c) the individual submits a waiver of service.
- 35 (3) Except as provided in Subsection (11), when a juvenile court places a child in state
36 custody or if the guardianship of the child has been granted to another party and an
37 agreement for a guardianship subsidy has been signed by the guardian, the juvenile court:
- 38 (a) shall order the child's parent, guardian, or other obligated individual to pay child
39 support for each month the child is in state custody or cared for under a grant of
40 guardianship;
- 41 (b) shall inform the child's parent, guardian, or other obligated individual, verbally and
42 in writing, of the requirement to pay child support in accordance with Title 81,
43 Chapter 6, Child Support, and Title 81, Chapter 7, Payment and Enforcement of
44 Spousal and Child Support; and
- 45 (c) may refer the establishment of a child support order to the office.
- 46 (4) When a juvenile court chooses to refer a case to the office to determine support
47 obligation amounts in accordance with Title 81, Chapter 6, Child Support, the juvenile
48 court shall:
- 49 (a) make the referral within three working days after the day on which the juvenile court
50 holds the hearing described in Subsection (2)(a); and
- 51 (b) inform the child's parent, guardian, or other obligated individual of:
- 52 (i) the requirement to contact the office within 30 days after the day on which the
53 juvenile court holds the hearing described in Subsection (2)(a); and
- 54 (ii) the penalty described in Subsection (6) for failure to contact the office.
- 55 (5) Liability for child support ordered under Subsection (3) shall accrue:
- 56 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which
57 the juvenile court holds the hearing described in Subsection (2)(a) if there is no
58 existing child support order for the child; or
- 59 (b) beginning on the day the child is removed from the child's home, including time
60 spent in detention or sheltered care, if the child is removed after having been returned
61 to the child's home from state custody.
- 62 (6)(a) If the child's parent, guardian, or other obligated individual contacts the office
63 within 30 days after the day on which the court holds the hearing described in
64 Subsection (2)(a), the child support order may not include a judgment for past due

- 65 support for more than two months.
- 66 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the liability
67 of support to begin to accrue from the date of the proceeding referenced in
68 Subsection (3) if:
- 69 (i) the court informs the child's parent, guardian, or other obligated individual, as
70 described in Subsection (4)(b), and the parent, guardian, or other obligated
71 individual fails to contact the office within 30 days after the day on which the
72 court holds the hearing described in Subsection (2)(a); and
- 73 (ii) the office took reasonable steps under the circumstances to contact the child's
74 parent, guardian, or other obligated individual within 30 days after the last day on
75 which the parent, guardian, or other obligated individual was required to contact
76 the office to facilitate the establishment of a child support order.
- 77 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken reasonable
78 steps if the office:
- 79 (i) has a signed, returned receipt for a certified letter mailed to the address of the
80 child's parent, guardian, or other obligated individual regarding the requirement
81 that a child support order be established; or
- 82 (ii) has had a documented conversation, whether by telephone or in person, with the
83 child's parent, guardian, or other obligated individual regarding the requirement
84 that a child support order be established.
- 85 (7) In collecting arrears, the office shall comply with Section 26B-9-219 in setting a
86 payment schedule or demanding payment in full.
- 87 (8)(a) Unless a court orders otherwise, the child's parent, guardian, or other obligated
88 individual shall pay the child support to the office.
- 89 (b) The clerk of the juvenile court, the office, or the department and the department's
90 divisions shall have authority to receive periodic payments for the care and
91 maintenance of the child, such as social security payments or railroad retirement
92 payments made in the name of or for the benefit of the child.
- 93 (9) An existing child support order payable to a parent or other individual shall be assigned
94 to the department as provided in Section 26B-9-111.
- 95 (10)(a) Subsections (4) through (9) do not apply if legal custody of a child is vested by
96 the juvenile court in an individual.
- 97 (b)(i) If legal custody of a child is vested by the juvenile court in an individual, the
98 court may order the child's parent, guardian, or other obligated individual to pay

99 child support to the individual in whom custody is vested.

100 (ii) In the same proceeding, the juvenile court shall inform the child's parent,
101 guardian, or other obligated individual, verbally and in writing, of the requirement
102 to pay child support in accordance with Title 81, Chapter 6, Child Support, and
103 Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support.

104 (11) The juvenile court may not order an individual to pay child support for a child in state
105 custody if:

106 (a) the individual's only form of income is a government-issued disability benefit;
107 (b) the benefit described in Subsection (11)(a) is issued because of the individual's
108 disability, and not the child's disability; and
109 (c) the individual provides the juvenile court and the office evidence that the individual
110 meets the requirements of Subsections (11)(a) and (b).

111 (12)(a) The child's parent or another obligated individual is not responsible for child
112 support for the period of time that the child is removed from the child's home by the
113 Division of Child and Family Services if:

114 (i) the juvenile court finds that there were insufficient grounds for the removal of the
115 child; and

116 (ii) the child is returned to the home of the child's parent or guardian based on the
117 finding described in Subsection (12)(a)(i).

118 (b) If the juvenile court finds insufficient grounds for the removal of the child under
119 Subsection (12)(a), but that the child is to remain in state custody, the juvenile court
120 shall order that the child's parent or another obligated individual is responsible for
121 child support beginning on the day on which it became improper to return the child to
122 the home of the child's parent or guardian.

123 (13) After the juvenile court or the office establishes an individual's child support obligation
124 ordered under Subsection (3), the office shall waive the obligation without further order
125 of the juvenile court if:

126 (a) the individual's child support obligation is established in accordance with a low
127 income table described in Title 81, Chapter 6, Part 3, Child Support Tables; or

128 (b) the individual's only source of income is a means-tested, income replacement
129 payment of aid, including:

130 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment
131 Program; or

132 (ii) cash benefits received under General Assistance, social security income, or social

133 security disability income.

134 (14) If there is an abuse, neglect, or dependency proceeding pending before the juvenile
 135 court and the juvenile court or the Division of Child and Family Services places the
 136 child who is the subject of the proceeding with a relative who is not the child's other
 137 parent, the office shall waive, without an order from a court, an individual's child
 138 support obligation for the child if:

139 (a) the individual's child support obligation is established in accordance with a low
 140 income table described in Title 81, Chapter 6, Part 3, Child Support Tables; or

141 (b) the individual's only source of income is a means-tested, income replacement
 142 payment of aid, including:

143 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment
 144 Program; or

145 (ii) cash benefits received under General Assistance, social security income, or social
 146 security disability income.

147 Section 2. Section **81-5-607** is amended to read:

148 **81-5-607 . Limitation -- Child having presumed father.**

149 ~~[(1)(a) Parentage of a child conceived or born during a marriage with a presumed~~
 150 ~~father, as described in Subsection 81-5-204(1)(a), (b), or (c) may be raised by the~~
 151 ~~presumed father, the birth mother, or a child support services agency at any time~~
 152 ~~before filing an action for divorce or in the pleadings at the time of the divorce of the~~
 153 ~~parents.]~~

154 ~~[(b)(i) If the issue is raised prior to the adjudication, genetic testing may be ordered~~
 155 ~~by the tribunal in accordance with Section 81-5-608.]~~

156 ~~[(ii) Failure of the birth mother of the child to appear for testing may result in an~~
 157 ~~order allowing a motherless calculation of parentage.]~~

158 ~~[(iii) Failure of the birth mother to make the child available may not result in a~~
 159 ~~determination that the presumed father is not the father, but shall allow for~~
 160 ~~appropriate proceedings to compel the cooperation of the birth mother.]~~

161 ~~[(iv) If the question of parentage has been raised in the pleadings in a divorce and the~~
 162 ~~tribunal addresses the issue and enters an order, the parties are estopped from~~
 163 ~~raising the issue again, and the order of the tribunal may not be challenged on the~~
 164 ~~basis of material mistake of fact.]~~

165 ~~[(e) If the presumed father seeks to rebut the presumption of parentage, then denial of a~~
 166 ~~motion seeking an order for genetic testing or a decision to disregard genetic test~~

- 167 results shall be based on a preponderance of the evidence.]
- 168 [(d) If the birth mother seeks to rebut the presumption of parentage, the birth mother has
169 the burden to show by a preponderance of the evidence that it would be in the best
170 interests of the child to disestablish the parent-child relationship.]
- 171 [(e)(i) If a child support services agency seeks to rebut the presumption of parentage
172 and the presumed father opposes the rebuttal, the agency's request shall be denied.]
- 173 [(ii) Otherwise, the denial of the agency's motion seeking an order for genetic testing
174 or a decision to disregard genetic test results shall be based on a preponderance of
175 the evidence, taking into account the best interests of the child.]
- 176 (1)(a) The presumed father, the birth mother, or a child support services agency may
177 raise the parentage of a child conceived or born during a marriage between the
178 presumed father and birth mother if:
- 179 (i) the presumption of the father's parentage arises from Subsection 81-5-204(1)(a),
180 (b), or (c); and
- 181 (ii) the issue is raised before the filing of an action for divorce or in the pleadings at
182 the time of the divorce.
- 183 (b) If the issue of parentage is raised before the adjudication of the divorce:
- 184 (i) subject to Subsection (1)(c), the presumed father may rebut the presumption by
185 providing genetic test results to a tribunal that exclude the presumed father as the
186 genetic father of the child; or
- 187 (ii) a tribunal may order genetic testing as described in Section 81-5-608.
- 188 (c) If the birth mother challenges the presumed father's genetic test results under
189 Subsection (1)(b)(i), the tribunal shall order genetic testing under Subsection (1)(b)(ii).
- 190 (d) If the presumed father seeks to rebut the presumption of parentage, the denial of a
191 motion seeking an order for genetic testing, or a decision to disregard genetic test
192 results, is based on a preponderance of the evidence.
- 193 (e) If the birth mother seeks to rebut the presumption of parentage, the birth mother has
194 the burden to show, by a preponderance of the evidence, that it would be in the best
195 interest of the child to disestablish the parent-child relationship.
- 196 (f) If a child support services agency seeks to rebut the presumption of parentage, and
197 the presumed father opposes the rebuttal, the tribunal shall deny the agency's request.
- 198 (g) Except for Subsection (1)(f), the denial of a child support services agency's motion
199 seeking an order for genetic testing, or a decision to disregard test results, is based on
200 a preponderance of the evidence, taking into account the best interest of the child.

- 201 (2) For the presumption outside of marriage described in Subsection 81-5-204(1)(d), the
202 presumption may be rebutted at any time if the tribunal determines that the presumed
203 father and the birth mother of the child neither cohabited nor engaged in sexual
204 intercourse with each other during the probable time of conception.
- 205 (3) The presumption may be rebutted by:
- 206 (a) genetic test results that exclude the presumed father;
- 207 (b) genetic test results that rebuttably identify another man as the father in accordance
208 with Section 81-5-505;
- 209 (c) evidence that the presumed father and the birth mother of the child neither cohabited
210 nor engaged in sexual intercourse with each other during the probable time of
211 conception; or
- 212 (d) an adjudication under this part.
- 213 (4) There is no presumption to rebut if the presumed father was properly served and there
214 has been a final adjudication of the issue.

215 **Section 3. Effective Date.**

216 This bill takes effect on May 6, 2026.