

**Effective 5/3/2023**

**26B-9-407 Notice to payor.**

- (1) A notice mailed or delivered to a payor under this part shall state in writing:
- (a) the amount of child support to be withheld from income;
  - (b) that the child support must be withheld from the obligor's income each time the obligor is paid, but that the amount withheld may not exceed the maximum amount permitted under Section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. Sec. 1673(b);
  - (c) that the payor must mail or deliver the withheld income to the office within seven business days of the date the amount would have been paid or credited to the employee but for this section;
  - (d) that the payor may deduct from the obligor's income an additional amount which is equal to the amount payable to a garnishee under Rule 64D of the Utah Rules of Civil Procedure, as the payor's fee for administrative costs, but the total amount withheld may not exceed the maximum amount permitted under Section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. Sec. 1673(b);
  - (e) that the notice to withhold is binding on the payor and on any future payor until further notice by the office or a court;
  - (f)
    - (i) that if the payor fails to mail or deliver withheld income to the office within the time period set in Subsection (1)(c), the payor is liable to the obligee for a late fee of \$50 or 10% of the withheld income, whichever is greater, for each payment that is late; and
    - (ii) that if the payor willfully fails to withhold income in accordance with the notice, the payor is liable to the obligee for \$1,000 or the accumulated amount the payor should have withheld, whichever is greater, plus interest on that amount;
  - (g) that the notice to withhold is prior to any other legal process under state law;
  - (h) that the payor must begin to withhold income no later than the first time the obligor's earnings are normally paid after five working days from the date the payor receives the notice;
  - (i) that the payor must notify the office within five days after the obligor terminates employment or the periodic income payment is terminated, and provide the obligor's last-known address and the name and address of any new payor, if known;
  - (j) that if the payor discharges, refuses to employ, or takes disciplinary action against an obligor because of the notice to withhold, the payor is liable to the obligor as provided in Section 26B-9-217 and the obligee for the greater of \$1,000 or the amount of child support accumulated to the date of discharge which the payor should have withheld plus interest on that amount; and
  - (k) that, in addition to any other remedy provided in this section, the payor is liable to the obligee or obligor for costs and reasonable attorney fees incurred in enforcing a provision in a notice to withhold mailed or delivered under Section 26B-9-403 or 26B-9-405.
- (2) If the obligor's employment with a payor is terminated, the office shall, if known and if contacted by the obligee, inform the obligee of:
- (a) the obligor's last-known address; and
  - (b) the name and address of any new payor.

Renumbered and Amended by Chapter 305, 2023 General Session