

Part 7

Electronic Funds Transfer

62A-11-701 Title.

This part is known as "Electronic Funds Transfer."

Enacted by Chapter 73, 2008 General Session

62A-11-702 Definitions.

- (1) The definitions in Section 62A-11-401 apply to this section.
- (2) As used in this section, "account" is as defined in Section 62A-11-103.

Enacted by Chapter 73, 2008 General Session

62A-11-703 Alternative payment by obligor through electronic funds transfer.

- (1) The office may enter into a written alternative payment agreement with an obligor which provides for electronic payment of child support under Part 4, Income Withholding in IV-D Cases, or Part 5, Income Withholding in Non IV-D Cases. Electronic payment shall be accomplished through an automatic withdrawal from the obligor's account at a financial institution.
- (2) The alternative payment agreement shall:
 - (a) provide for electronic payment of child support in lieu of income withholding;
 - (b) specify the date on which electronic payments will be withdrawn from an obligor's account; and
 - (c) specify the amount which will be withdrawn.
- (3) The office may terminate the agreement and initiate immediate income withholding if:
 - (a) required to meet federal or state requirements or guidelines;
 - (b) funds available in the account at the scheduled time of withdrawal are insufficient to satisfy the agreement; or
 - (c) requested by the obligor.
- (4) If the payment amount requires adjusting, the office may initiate a new written agreement with the obligor. If, for any reason, the office and obligor fail to agree on the terms, the office may terminate the agreement and initiate income withholding.
- (5) If an agreement is terminated for insufficient funds, a new agreement may not be entered into between the office and obligor for a period of at least 12 months.
- (6) The office shall make rules specifying eligibility requirements for obligors to enter into alternative payment agreements.

Renumbered and Amended by Chapter 73, 2008 General Session

62A-11-704 Mandatory distribution to obligee through electronic funds transfer.

- (1) Notwithstanding any provision of this chapter to the contrary, the office shall, except as provided in Subsection (3), distribute child support payments, under Subsection 62A-11-413(2) or Section 62A-11-505, by electronic funds transfer.
- (2) Distribution of child support payments by electronic payment under this section shall be made to:
 - (a) an account of the obligee; or

(b) an account that may be accessed by the obligee through the use of an electronic access card.

(3)

(a) Subject to Subsection (3)(b), the office may make rules, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to allow exceptions to the requirement to make distributions by electronic funds transfer under Subsection (1).

(b) The rules described in Subsection (3)(a) may only allow exceptions under circumstances where:

- (i) requiring distribution by electronic funds transfer would result in an undue hardship to the office or a person; or
- (ii) it is not likely that distribution will be made to the obligee on a recurring basis.

Enacted by Chapter 73, 2008 General Session