

**62A-11-304.1 Expedited procedures for establishing paternity or establishing, modifying, or enforcing a support order.**

- (1) The office may, without the necessity of initiating an adjudicative proceeding or obtaining an order from any other judicial or administrative tribunal, take the following actions related to the establishment of paternity or the establishment, modification, or enforcement of a support order, and to recognize and enforce the authority of state agencies of other states to take the following actions:
  - (a) require a child, mother, and alleged father to submit to genetic testing;
  - (b) subpoena financial or other information needed to establish, modify, or enforce a support order, including:
    - (i) the name, address, and employer of a person who owes or is owed support that appears on the customer records of public utilities and cable television companies; and
    - (ii) information held by financial institutions on such things as the assets and liabilities of a person who owes or is owed support;
  - (c) require a public or private employer to promptly disclose information to the office on the name, address, date of birth, social security number, employment status, compensation, and benefits, including health insurance, of any person employed as an employee or contractor by the employer;
  - (d) require an insurance organization subject to Title 31A, Insurance Code, or an insurance administrator of a self-insured employer to promptly disclose to the office health insurance information pertaining to an insured or an insured's dependents, if known;
  - (e) obtain access to information in the records and automated databases of other state and local government agencies, including:
    - (i) marriage, birth, and divorce records;
    - (ii) state and local tax and revenue records providing information on such things as residential and mailing addresses, employers, income, and assets;
    - (iii) real and titled personal property records;
    - (iv) records concerning occupational and professional licenses and the ownership and control of corporations, partnerships, and other business entities;
    - (v) employment security records;
    - (vi) records of agencies administering public assistance programs;
    - (vii) motor vehicle department records; and
    - (viii) corrections records;
  - (f) upon providing notice to the obligor and obligee, direct an obligor or other payor to change the payee to the office if support has been assigned to the office under Section 35A-7-108 or if support is paid through the office pursuant to the Social Security Act, 42 U.S.C. Sec. 654B;
  - (g) order income withholding in accordance with Part 4, Income Withholding in IV-D Cases;
  - (h) secure assets to satisfy past-due support by:
    - (i) intercepting or seizing periodic or lump-sum payments from:
      - (A) a state or local government agency, including unemployment compensation, workers' compensation, and other benefits; and
      - (B) judgments, settlements, and lotteries;
    - (ii) attaching and seizing assets of an obligor held in financial institutions;
    - (iii) attaching public and private retirement funds, if the obligor presently:
      - (A) receives periodic payments; or
      - (B) has the authority to withdraw some or all of the funds; and
    - (iv) imposing liens against real and personal property in accordance with this section and Section 62A-11-312.5; and

- (i) increase monthly payments in accordance with Section 62A-11-320.
- (2)
  - (a) When taking action under Subsection (1), the office shall send notice under this Subsection (2)(a) to the person or entity who is required to comply with the action if not a party to a case receiving IV-D services.
  - (b) The notice described in Subsection (2)(a) shall include:
    - (i) the authority of the office to take the action;
    - (ii) the response required by the recipient;
    - (iii) the opportunity to provide clarifying information to the office under Subsection (2)(c);
    - (iv) the name and telephone number of a person in the office who can respond to inquiries; and
    - (v) the protection from criminal and civil liability extended under Subsection (7).
  - (c) The recipient of a notice sent under this Subsection (2) shall promptly comply with the terms of the notice and may, if the recipient believes the office's request is in error, send clarifying information to the office setting forth the basis for the recipient's belief.
- (3) The office shall in any case in which it requires genetic testing under Subsection (1)(a):
  - (a) consider clarifying information if submitted by the obligee and alleged father;
  - (b) proceed with testing as the office considers appropriate;
  - (c) pay the cost of the tests, subject to recoupment from the alleged father if paternity is established;
  - (d) order a second test if the original test result is challenged, and the challenger pays the cost of the second test in advance; and
  - (e) require that the genetic test is:
    - (i) of a type generally acknowledged as reliable by accreditation bodies designated by the federal Secretary of Health and Human Services; and
    - (ii) performed by a laboratory approved by such an accreditation body.
- (4) The office may impose a penalty against an entity for failing to provide information requested in a subpoena issued under Subsection (1) as follows:
  - (a) \$25 for each failure to provide requested information; or
  - (b) \$500 if the failure to provide requested information is the result of a conspiracy between the entity and the obligor to not supply the requested information or to supply false or incomplete information.
- (5)
  - (a) Unless a court or administrative agency has reduced past-due support to a sum certain judgment, the office shall provide concurrent notice to an obligor in accordance with Section 62A-11-304.4 of:
    - (i) any action taken pursuant to Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or Subsection 62A-11-304.5(1)(b) if Subsection (5)(b)(iii) does not apply; and
    - (ii) the opportunity of the obligor to contest the action and the amount claimed to be past-due by filing a written request for an adjudicative proceeding with the office within 15 days of notice being sent.
  - (b)
    - (i) Upon receipt of a notice of levy from the office for an action taken pursuant to Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or Subsection 62A-11-304.5(1)(b), a person in possession of personal property of the obligor shall:
      - (A) secure the property from unauthorized transfer or disposition as required by Section 62A-11-313; and
      - (B) surrender the property to the office after 21 days of receiving the notice unless the office has notified the person to release all or part of the property to the obligor.

- (ii) Unless released by the office, a notice of levy upon personal property shall be:
  - (A) valid for 60 days; and
  - (B) effective against any additional property which the obligor may deposit or transfer into the possession of the person up to the amount of the levy.
- (iii) If the property upon which the office imposes a levy is insufficient to satisfy the specified amount of past-due support and the obligor fails to contest that amount under Subsection (5)(a)(ii), the office may proceed under Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or Subsection 62A-11-304.5(1)(b) against additional property of the obligor until the amount specified and the reasonable costs of collection are fully paid.
- (c) Except as provided in Subsection (5)(b)(iii), the office may not disburse funds resulting from action requiring notice under Subsection (5)(a)(i) until:
  - (i) 21 days after notice was sent to the obligor; and
  - (ii) the obligor, if the obligor contests the action under Subsection (5)(a)(ii), has exhausted the obligor's administrative remedies and, if appealed to a district court, the district court has rendered a final decision.
- (d) Before intercepting or seizing any periodic or lump-sum payment under Subsection (1)(h)(i)(A), the office shall:
  - (i) comply with Subsection 59-10-529(4)(a); and
  - (ii) include in the notice required by Subsection 59-10-529(4)(a) reference to Subsection (1)(h)(i)(A).
- (e) If Subsection (5)(a) or (5)(d) does not apply, an action against the real or personal property of the obligor shall be in accordance with Section 62A-11-312.5.
- (6) All information received under this section is subject to Title 63G, Chapter 2, Government Records Access and Management Act.
- (7) No employer, financial institution, public utility, cable company, insurance organization, its agent or employee, or related entity may be civilly or criminally liable for providing information to the office or taking any other action requested by the office pursuant to this section.
- (8) The actions the office may take under Subsection (1) are in addition to the actions the office may take pursuant to Part 4, Income Withholding in IV-D Cases.

Amended by Chapter 212, 2009 General Session