

62A-11-307.2 Duties of obligee after assignment of support rights.

- (1) An obligee whose rights to support have been assigned under Section 35A-3-108 as a condition of eligibility for public assistance has the following duties:
 - (a) Unless a good cause or other exception applies, the obligee shall, at the request of the office:
 - (i) cooperate in good faith with the office by providing the name and other identifying information of the other parent of the obligee's child for the purpose of:
 - (A) establishing paternity; or
 - (B) establishing, modifying, or enforcing a child support order;
 - (ii) supply additional necessary information and appear at interviews, hearings, and legal proceedings; and
 - (iii) submit the obligee's child and himself to judicially or administratively ordered genetic testing.
 - (b) The obligee may not commence an action against an obligor or file a pleading to collect or modify support without the office's written consent.
 - (c) The obligee may not do anything to prejudice the rights of the office to establish paternity, enforce provisions requiring health insurance, or to establish and collect support.
 - (d) The obligee may not agree to allow the obligor to change the court or administratively ordered manner or amount of payment of past, present, or future support without the office's written consent.
- (2)
 - (a) The office shall determine and redetermine, when appropriate, whether an obligee has cooperated with the office as required by Subsection (1)(a).
 - (b) If the office determines that an obligee has not cooperated as required by Subsection (1)(a), the office shall:
 - (i) forward the determination and the basis for it to the Department of Workforce Services, which shall inform the Department of Health of the determination, for a determination of whether compliance by the obligee should be excused on the basis of good cause or other exception; and
 - (ii) send to the obligee:
 - (A) a copy of the notice; and
 - (B) information that the obligee may, within 15 days of notice being sent:
 - (I) contest the office's determination of noncooperation by filing a written request for an adjudicative proceeding with the office; or
 - (II) assert that compliance should be excused on the basis of good cause or other exception by filing a written request for a good cause exception with the Department of Workforce Services.
- (3) The office's right to recover is not reduced or terminated if an obligee agrees to allow the obligor to change the court or administratively ordered manner or amount of payment of support regardless of whether that agreement is entered into before or after public assistance is furnished on behalf of a dependent child.
- (4)
 - (a) If an obligee receives direct payment of assigned support from an obligor, the obligee shall immediately deliver that payment to the office.
 - (b)
 - (i) If an obligee agrees with an obligor to receive payment of support other than in the court or administratively ordered manner and receives payment as agreed with the obligor, the obligee shall immediately deliver the cash equivalent of the payment to the office.

- (ii) If the amount delivered to the office by the obligee under Subsection (4)(b)(i) exceeds the amount of the court or administratively ordered support due, the office shall return the excess to the obligee.
- (5) If public assistance furnished on behalf of a dependent child is terminated, the office may continue to provide paternity establishment and support collection services. Unless the obligee notifies the office to discontinue these services, the obligee is considered to have accepted and is bound by the rights, duties, and liabilities of an obligee who has applied for those services.

Amended by Chapter 174, 1997 General Session

Amended by Chapter 232, 1997 General Session