

## Part 1 General Provisions

### **78B-14-101 Title.**

This chapter is known as the "Utah Uniform Interstate Family Support Act."

Amended by Chapter 45, 2015 General Session

### **78B-14-102 Definitions.**

As used in this chapter:

- (1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.
- (2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.
- (3) "Convention" means the convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.
- (4) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.
- (5) "Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:
  - (a) which has been declared under the law of the United States to be a foreign reciprocating country;
  - (b) which has established a reciprocal arrangement for child support with this state as provided in Section 78B-14-308;
  - (c) which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter; or
  - (d) in which the convention is in force with respect to the United States.
- (6) "Foreign support order" means a support order of a foreign tribunal.
- (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the convention.
- (8) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.
- (9) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.
- (10) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other source of income as defined in Section 62A-11-103, to withhold support from the income of the obligor.
- (11) "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.
- (12) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

- (13) "Issuing state" means the state in which a tribunal issues a support order or a judgment determining parentage of a child.
- (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child.
- (15) "Law" includes decisional and statutory law and rules and regulations having the force of law.
- (16) "Obligee" means:
- (a) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;
  - (b) a foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support;
  - (c) an individual seeking a judgment determining parentage of the individual's child; or
  - (d) a person who is a creditor in a proceeding under Part 7, Support Proceedings Under Convention.
- (17) "Obligor" means an individual who, or the estate of a decedent that:
- (a) owes or is alleged to owe a duty of support;
  - (b) is alleged but has not been adjudicated to be a parent of a child;
  - (c) is liable under a support order; or
  - (d) is a debtor in a proceeding under Part 7, Support Proceedings Under Convention.
- (18) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.
- (19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.
- (20) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (21) "Register" means to file in a tribunal of this state a support order or judgment determining parentage of a child issued in another state or a foreign country.
- (22) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.
- (23) "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.
- (24) "Responding tribunal" means the authorized tribunal in a responding state or foreign country.
- (25) "Spousal support order" means a support order for a spouse or former spouse of the obligor.
- (26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian nation or tribe.
- (27) "Support enforcement agency" means a public official, governmental entity, or private agency authorized to:
- (a) seek enforcement of support orders or laws relating to the duty of support;
  - (b) seek establishment or modification of child support;
  - (c) request determination of parentage of a child;
  - (d) attempt to locate obligors or their assets; or
  - (e) request determination of the controlling child support order.
- (28) "Support order" means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages,

retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney fees, and other relief.

(29) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

Amended by Chapter 45, 2015 General Session

**78B-14-103 State tribunal and support enforcement agency.**

- (1) The district court and the Utah Department of Human Services are the tribunals of this state.
- (2) The Utah Department of Human Services is the state support enforcement agency.

Revisor instructions Chapter 245, 2013 General Session

Amended by Chapter 412, 2011 General Session

**78B-14-104 Remedies cumulative.**

- (1) Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.
- (2) This chapter does not:
  - (a) provide the exclusive method of establishing or enforcing a support order under the law of this state; or
  - (b) grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or parent-time in a proceeding under this chapter.

Revisor instructions Chapter 245, 2013 General Session

Amended by Chapter 412, 2011 General Session

**78B-14-105 Application of chapter to residents of foreign countries and foreign support proceedings.**

- (1) A tribunal of this state shall apply Part 1, General Provisions, Part 2, Jurisdiction, Part 3, Proceedings, Part 4, Support Order, Part 5, Income Withholding Orders, and Part 6, Registration, Enforcement, and Modification of Support Order and, as applicable, Part 7, Support Proceedings Under Convention, to a support proceeding involving:
  - (a) a foreign support order;
  - (b) a foreign tribunal; or
  - (c) an obligee, obligor, or child residing in a foreign country.
- (2) A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Part 1, General Provisions, Part 2, Jurisdiction, Part 3, Proceedings, Part 4, Support Order, Part 5, Income Withholding Orders, and Part 6, Registration, Enforcement, and Modification of Support Order.
- (3) Part 7, Support Proceedings Under Convention, applies only to a support proceeding under the convention. In a proceeding, if a provision of Part 7, Support Proceedings Under Convention is inconsistent with Part 1, General Provisions, Part 2, Jurisdiction, Part 3, Proceedings, Part 4, Support Order, Part 5, Income Withholding Orders, and Part 6, Registration, Enforcement, and Modification of Support Order, Part 7, Support Proceedings Under Convention, controls.

Revisor instructions Chapter 245, 2013 General Session

Enacted by Chapter 412, 2011 General Session

