

Effective 9/1/2024

Chapter 7

Payment and Enforcement of Spousal and Child Support

81-7-101 Definitions for chapter.

As used in this chapter:

- (1) "Alimony" means the same as that term is defined in Section 81-4-101.
- (2) "Child support" means the same as that term is defined in Section 81-6-101.
- (3) "Child support services" means the same as that term is defined in Section 26B-9-101.
- (4) "Obligee" means the same as that term is defined in Section 81-6-101.
- (5) "Obligor" means the same as that term is defined in Section 81-6-101.
- (6) "Support order" means the same as that term is defined in Section 81-6-101.
- (7) "Tribunal" means the same as that term is defined in Section 81-6-101.

Enacted by Chapter 366, 2024 General Session

81-7-102 Payment under child support or alimony order -- Judgment.

- (1) All monthly payments of child support and alimony are due on the 1st day of each month in accordance with Title 26B, Chapter 9, Recovery Services and Administration of Child Support.
- (2) For purposes of child support services and income withholding described in Title 26B, Chapter 9, Part 2, Child Support Services, and Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases, child support is not considered past due until the 1st day of the following month.
- (3) For purposes other than those specified in Subsection (1), child support is payable 1/2 by the 5th day of each month and 1/2 by the 20th day of that month, unless the order or decree provides for a different time for payment.
- (4) Each payment or installment of child support or alimony under any support order is, on and after the date the payment or installment is due:
 - (a) a judgment with the same attributes and effect of any judgment of a district court, except as provided in Subsection (5);
 - (b) entitled, as a judgment, to full faith and credit in this and in any other jurisdiction; and
 - (c) not subject to retroactive modification by this or any other jurisdiction, except as provided in Subsection (5).
- (5)
 - (a) A child support or alimony payment under a support order may be modified with respect to any period during which a modification is pending, but only from the date of service of the pleading on:
 - (i) the obligee if the obligor is the petitioner; or
 - (ii) the obligor if the obligee is the petitioner.
 - (b) If the tribunal orders that the support order should be modified, the effective date of the modification shall be the month following service on the party whose support is affected.
 - (c) Once the tribunal determines that a modification is appropriate, the tribunal shall order a judgment to be entered for any difference in the original order and the modified amount for the period from the service of the pleading until the final order of modification is entered.
- (6) The judgment provided for in Subsection (4)(a), to be effective and enforceable as a lien against the real property interest of any third party relying on the public record, shall be docketed in the district court in accordance with Sections 78B-5-202 and 26B-9-214.

Renumbered and Amended by Chapter 366, 2024 General Session

81-7-103 Collection fee for past due child support or alimony.

- (1) As used in this section:
 - (a) "Debtor" means a person obligated or allegedly obligated to pay a domestic relations debt.
 - (b) "Domestic relations debt" means an obligation or alleged obligation to pay past due child support or alimony.
- (2)
 - (a) A court shall order the amounts described in Subsection (2)(b) be paid, if:
 - (i) the court issues a judgment requiring the payment of a domestic relations debt by the debtor;
 - (ii) imposing a collection fee on the debtor or in relation to the domestic relations debt is not prohibited or otherwise restricted by another federal or state law; and
 - (iii) the person owed the domestic relations debt has a contingency arrangement with an attorney to collect the domestic relations debt.
 - (b) If the conditions of Subsection (2)(a) are met, a court shall order payment of:
 - (i) the principal amount due;
 - (ii) applicable interest;
 - (iii) a collection fee equal to the amount provided in the contingency agreement, except that the collection fee may not exceed the lesser of:
 - (A) the actual amount the person owed the domestic relations debt is required to pay for collection costs, regardless of whether that amount is a specific dollar amount or a percentage of the principal amount owed for the domestic relations debt; or
 - (B) 40% of the principal amount owed to the person for the domestic relations debt;
 - (iv) reasonable attorney fees; and
 - (v) costs, if any, related to obtaining the judgment described in Subsection (2)(a)(i).
- (3) The obligation to pay a collection fee described in Subsection (2)(b)(iii) is incurred at the time the person owed a domestic relations debt enters into an agreement with an attorney to collect the domestic relations debt.
- (4) An obligation to pay a collection fee imposed under this section is in addition to any obligation to pay reasonable attorney fees that may exist.
- (5) The Office of Recovery Services may not collect an order issued pursuant to Subsection (2).

Renumbered and Amended by Chapter 366, 2024 General Session