

1 **COLLECTION OF CHILD SUPPORT**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Steve Barth**

5 AN ACT RELATING TO HUMAN SERVICES; AMENDING THE DEFINITION OF CHILD
6 SUPPORT TO INCLUDE ATTORNEYS' FEES AND EXPENSES RELATED TO THE
7 COLLECTION OF ARREARAGES.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **62A-11-401**, as last amended by Chapter 232, Laws of Utah 1997

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **62A-11-401** is amended to read:

13 **62A-11-401. Definitions.**

14 As used in this part and in Part 5:

15 (1) "Business day" means a day on which state offices are open for regular business.

16 (2) "Child" is defined in Section 62A-11-303.

17 (3) "Child support" means a financial obligation ordered by a court or administrative body
18 for the support of a child, including:

19 (a) current periodic payments and all arrearages~~[- Child support includes];~~

20 (b) reasonable attorneys' fees, interest, court costs, and expenses when and to the extent
21 that they are necessarily expended to collect arrearages; and

22 (c) court ordered obligations for the support of a spouse or former spouse with whom the
23 child resides if the spousal support is collected with the child support.

24 (4) "Child support order" means a judgment, decree, or order of a court or administrative
25 body whether interlocutory or final, whether or not prospectively or retroactively modifiable,
26 whether incidental to a proceeding for divorce, judicial or legal separation, separate maintenance,
27 paternity, guardianship, civil protection, or otherwise, which:

- 1 (a) establishes or modifies child support;
- 2 (b) reduces child support arrearages to judgment; or
- 3 (c) establishes child support or confirms a child support order under Title 78, Chapter 45f,
- 4 Uniform Interstate Family Support Act.
- 5 (5) "Delinquent" or "delinquency" means that child support in an amount at least equal to
- 6 current child support payable for one month is overdue.
- 7 (6) "Immediate income withholding" means income withholding without regard to whether
- 8 a delinquency has occurred.
- 9 (7) "Income" is defined in Section 62A-11-103.
- 10 (8) "IV-D services" is defined in Section 62A-11-103.
- 11 (9) "Jurisdiction" means a state or political subdivision of the United States, a territory or
- 12 possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, an
- 13 Indian tribe or tribal organization, or any comparable foreign nation or political subdivision.
- 14 (10) "Obligee" is defined in Section 62A-11-303.
- 15 (11) "Obligor" is defined in Section 62A-11-303.
- 16 (12) "Office" is defined in Section 62A-11-103.
- 17 (13) "Payor" means an employer or any person who is a source of income to an obligor.

Legislative Review Note
as of 1-26-98 10:32 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel