

1                                   **CHILD SUPPORT FOR CHILDREN IN STATE**

2   **CUSTODY**

3   2000 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Eli H. Anderson**

6 AN ACT RELATING TO HUMAN SERVICES; DELAYING THE ACCRUAL OF CHILD  
7 SUPPORT FOR A CHILD IN STATE CUSTODY; REQUIRING THE JUVENILE COURT TO  
8 INFORM PARENTS OF CHILD SUPPORT; LIMITING THE AMOUNT OF ARREARS THAT  
9 MAY BE INITIALLY ASSESSED IF PARENTS COOPERATE IN ESTABLISHING CHILD  
10 SUPPORT; AND MAKING TECHNICAL AND CONFORMING AMENDMENTS.

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

12 AMENDS:

13                   **62A-4a-114**, as last amended by Chapter 1, Laws of Utah 1996

14                   **78-3a-906**, as enacted by Chapter 1, Laws of Utah 1996

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

16                   Section 1. Section **62A-4a-114** is amended to read:

17                   **62A-4a-114. Financial reimbursement by parent or legal guardian.**

18                   (1) The division shall seek reimbursement of funds it has expended on behalf of a child  
19 in the protective custody, temporary custody, or custody of the division, from the child's parents  
20 or legal guardians in accordance with [a court] an order for child support under Section 78-3a-906.

21                   (2) The parent or legal guardian [of a dependent child is financially responsible for  
22 services provided to the child by the division] is only responsible for child support with regard to  
23 a case involving allegations of abuse or neglect against the parent or legal guardian [only], if those  
24 allegations are substantiated. [Costs shall be assessed from the date the allegations are  
25 substantiated.]

26                   [~~(3) Except as provided in Subsection (2), the division may seek reimbursement for~~  
27 ~~services it has provided to any minor from his parent or legal guardian.~~]

28           ~~[(4)]~~ (3) The attorney general shall represent the division in any legal action taken to  
29 enforce this section.

30           Section 2. Section **78-3a-906** is amended to read:

31           **78-3a-906. Support and expenses of minor in custody of individual or institution --**  
32 **Order for payment by parent or other person authorized -- Payments to nongovernmental**  
33 **agency vested with legal custody.**

34           (1) When legal custody of a minor is vested by the court in an individual, a secure youth  
35 corrections facility, or any other state department, division, or agency other than his parents, the  
36 court shall, in the same ~~[or any subsequent]~~ proceeding ~~[require]~~ inform the parents, a parent, or  
37 any other person who may be obligated, ~~[to support the minor and to pay any other expenses of the~~  
38 ~~minor, including the expense of any medical, psychiatric, or psychological examination or~~  
39 ~~treatment provided under order of the court. The]~~ verbally and in writing, of the requirement of  
40 paying child support in accordance with Title 78, Chapter 45, Uniform Civil Liability for Support  
41 Act, and, if Subsection (2) applies, the requirement of meeting with the Office of Recovery  
42 Services within 30 days to establish a child support order and the penalty in Subsection (4) for  
43 failing to do so. If there is no existing child support in favor of the state for the minor, the liability  
44 for support shall accrue beginning ~~[with the date the minor is removed from the home, including~~  
45 ~~the time spent in detention or sheltered care]~~ on the 61st day following the proceeding.

46           (2) The court may refer the ~~[determination of that matter]~~ establishment of a child support  
47 order to the Office of Recovery Services [for administrative adjudication]. The referral shall be  
48 sent to the Office of Recovery Services within three working days. Support obligation amounts  
49 shall be set by the Office of Recovery Services in accordance with Title 78, Chapter 45, Uniform  
50 Civil Liability for Support Act.

51           (3) (a) At the time that a child support order is established and a specific child support  
52 amount is set, the order may not require the payment of support arrears that occurred more than  
53 two months prior to the setting of the child support amount.

54           (b) Notwithstanding Subsection (3)(a), the court may order the liability of support to begin  
55 to accrue from the date of the proceeding referenced in Subsection (1), if:

56           (i) the parents, parent, or any other person obligated fails to meet with the Office of  
57 Recovery Services within 30 days after being informed orally and in writing by the court of that  
58 requirement; and

59 (ii) the Office of Recovery Services took reasonable steps under the circumstances to  
60 contact the parents, parent, or other person obligated within the subsequent 30-day period to  
61 facilitate the establishment of the child support order.

62 (c) For purposes of Subsection (3)(b)(ii), the Office of Recovery Services shall be  
63 presumed to have taken reasonable steps if the office:

64 (i) has a signed, returned receipt for a certified letter mailed to the address of the parents,  
65 parent, or other obligated person regarding the requirement that a child support order be  
66 established; or

67 (ii) spoke, whether by telephone or in person, to the parents, parent, or other obligated  
68 person regarding the requirement that a child support order be established.

69 (4) In collecting arrears, the Office of Recovery Services shall comply with Section  
70 62A-11-320 in setting a payment schedule or demanding payment in full.

71 ~~[(3)]~~ (5) Unless otherwise ordered, the parents or other person shall pay to the Office of  
72 Recovery Services for transmission to the person or agency having legal custody of the minor or  
73 to whom compensation is due. The clerk of the court or Office of Recovery Services shall have  
74 authority to receive periodic payments for the care and maintenance of the minor, such as Social  
75 Security payments or railroad retirement payments made in the name of or for the benefit of the  
76 minor.

77 ~~[(4)]~~ (6) No court order under this section against a parent or other person shall be entered,  
78 unless summons has been served within the state, a voluntary appearance is made, or a waiver of  
79 service given. The summons shall specify that a hearing with respect to the financial support of  
80 the minor will be held.

81 ~~[(5)]~~ (7) An order entered under this section against a parent or other person may be  
82 enforced by contempt proceedings and shall also have the effect of a judgment. Upon request of  
83 the court, the county attorney shall enforce orders of the court issued under this section.

84 ~~[(6) Payment for child support may be made]~~

85 (8) An existing child support order payable to a parent or other obligated person shall be  
86 assigned to the division as provided in Section 62A-1-117.

87 (9) If the court vests legal custody of a minor to a nongovernmental agency [in whom the  
88 court vests legal custody, provided that], the agency shall make periodic reports to the court  
89 concerning the care and treatment the minor is receiving and his response to such treatment. Such

90 reports shall be made at such intervals as the court may direct and shall be made with respect to  
91 each minor at least every six months. The agency shall also afford an opportunity for a  
92 representative of the court to visit the minor as frequently as the court considers necessary.

---

---

**Legislative Review Note**

**as of 1-26-00 11:55 AM**

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

**Office of Legislative Research and General Counsel**