

1                                   **CHILD SUPPORT OBLIGATIONS - USE OF**  
2   **UTAH DATA**

3   2003 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Eric K. Hutchings**

6   **This act modifies the duties of the child support guidelines advisory committee by**  
7   **requiring that it use Utah specific data in its determinations.**

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

9   AMENDS:

10           **78-45-7.13**, as last amended by Chapter 233, Laws of Utah 1997

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

12           Section 1. Section **78-45-7.13** is amended to read:

13           **78-45-7.13. Advisory committee -- Membership and functions.**

14           (1) On or before March 1, 1995, the governor shall appoint an advisory committee  
15   consisting of:

16           (a) one representative recommended by the Office of Recovery Services;

17           (b) one representative recommended by the Judicial Council;

18           (c) two representatives recommended by the Utah State Bar Association;

19           (d) two representatives of noncustodial parents, one male and one female, appointed by  
20   the governor;

21           (e) two representatives of custodial parents, one male and one female, appointed by the  
22   governor; and

23           (f) an uneven number of additional persons, not to exceed three, who represent diverse  
24   interests related to child support issues, as the governor may consider appropriate. However,  
25   none of the individuals appointed under this Subsection (1) may be members of the Utah State  
26   Bar Association.

27           (2) (a) Except as required by Subsection (2)(b), as terms of current committee members



28 expire, the governor shall appoint each new member or reappointed member to a four-year  
29 term.

30 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
31 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
32 committee members are staggered so that approximately half of the committee is appointed  
33 every two years.

34 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
35 appointed for the unexpired term.

36 (4) (a) The advisory committee shall review the child support guidelines using Utah  
37 specific data to ensure their application results in the determination of appropriate child support  
38 award amounts.

39 (b) The committee shall report to the Legislative Judiciary Interim Committee on or  
40 before October 1 in 1989 and 1991, and then on or before October 1 of every fourth year  
41 subsequently.

42 (c) The committee's report shall include recommendations of the majority of the  
43 committee, as well as specific recommendations of individual members of the committee.

44 (5) (a) (i) Members who are not government employees shall receive no compensation  
45 or benefits for their services, but may receive per diem and expenses incurred in the  
46 performance of the member's official duties at the rates established by the Division of Finance  
47 under Sections 63A-3-106 and 63A-3-107.

48 (ii) Members may decline to receive per diem and expenses for their service.

49 (b) (i) State government officer and employee members who do not receive salary, per  
50 diem, or expenses from their agency for their service may receive per diem and expenses  
51 incurred in the performance of their official duties from the committee at the rates established  
52 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

53 (ii) State government officer and employee members may decline to receive per diem  
54 and expenses for their service.

55 (6) Staff for the committee shall be provided from the existing budgets of the  
56 Department of Human Services.

57 (7) The committee ceases to exist no later than the date the subsequent committee  
58 under this section is appointed.

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**Legislative Review Note**

as of 2-10-03 7:02 AM

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

**Office of Legislative Research and General Counsel**

**AMENDED NOTE**

**State Impact**

It is estimated that this bill would require a one-time appropriation of \$74,000 General Fund to the Department of Human Services to implement the bill in the time frame required. An ongoing increase of \$17,500 General Fund starting in FY 2005 would be required to maintain the changes.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
General Fund	\$74,000	\$17,500	\$0	\$0
<b>TOTAL</b>	<b>\$74,000</b>	<b>\$17,500</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

The provisions of this bill may affect the amount of child support received and/or paid by some individuals.

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**Office of the Legislative Fiscal Analyst**