

CHILD SUPPORT BOND

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: _____

LONG TITLE

General Description:

This bill allows a court to require a delinquent child support obligor to post a bond.

Highlighted Provisions:

This bill:

▶ allows a court to require a delinquent child support obligor to post a bond for an amount equal to the total for 12 months of child support payments.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-32-17, as last amended by Chapter 255, Laws of Utah 2001

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

Section 1. Section **78-32-17** is amended to read:

78-32-17. Noncompliance with child support order.

(1) When a court of competent jurisdiction, or the Office of Recovery Services pursuant to an action under Title 63, Chapter 46b, Administrative Procedures Act, makes an order requiring a parent to furnish support or necessary food, clothing, shelter, medical care, or



28 other remedial care for his child, and the parent fails to do so, proof of noncompliance shall be
29 prima facie evidence of contempt of court.

30 (2) Proof of noncompliance may be demonstrated by showing that:

31 (a) the order was made, and filed with the district court; and

32 (b) the parent knew of the order because:

33 (i) the order was mailed to the parent at his last-known address as shown on the court
34 records;

35 (ii) the parent was present in court at the time the order was pronounced;

36 (iii) the parent entered into a written stipulation and the parent or counsel for the parent
37 was sent a copy of the order;

38 (iv) counsel was present in court and entered into a stipulation which was accepted and
39 the order based upon the stipulation was then sent to counsel for the parent; or

40 (v) the parent was properly served and failed to answer.

41 (3) Upon establishment of a prima facie case of contempt under Subsection (2), the
42 obligor under the child support order has the burden of proving inability to comply with the
43 child support order.

44 (4) A court may, in addition to other available sanctions[-];

45 (a) withhold, suspend, or restrict the use of driver's licenses, professional and
46 occupational licenses, and recreational licenses and impose conditions for reinstatement upon a
47 finding that:

48 [~~(a)~~] (i) an obligor has:

49 [(+)] (A) made no payment for 60 days on a current obligation of support as set forth in
50 an administrative or court order and, thereafter, has failed to make a good faith effort under the
51 circumstances to make payment on the support obligation in accordance with the order; or

52 [(+)] (B) made no payment for 60 days on an arrearage obligation of support as set
53 forth in a payment schedule, written agreement with the Office of Recovery Services, or an
54 administrative or judicial order and, thereafter, has failed to make a good faith effort under the
55 circumstances to make payment on the arrearage obligation in accordance with the payment
56 schedule, agreement, or order; and

57 [(+)] (C) not obtained a judicial order staying enforcement of the support or arrearage
58 obligation for which the obligor would be otherwise delinquent;

59 ~~[(b)]~~ (ii) a custodial parent has:

60 ~~[(i)]~~ (A) violated a parent-time order by denying contact for 60 days between a

61 noncustodial parent and a child and, thereafter, has failed to make a good faith effort under the

62 circumstances to comply with a parent-time order; and

63 ~~[(i)]~~ (B) not obtained a judicial order staying enforcement of the parent-time order; or

64 ~~[(e)]~~ (iii) an obligor or obligee, after receiving appropriate notice, has failed to comply

65 with a subpoena or order relating to a paternity or child support proceeding[-]; ~~H→~~ [and] ~~←H~~

66 (b) require the obligor to post a bond in an amount H→ [equal to the total of 12 months] up

66a to three years ←H of

67 child support payments H→ ; or

67a (c) in a final decree of divorce, upon a showing of a history of nonpayment or sporadic

67b payment during the separation period, order the obligor parent to post a bond in an amount of

67c up to three years of child support payments ←H .

Legislative Review Note
as of 1-23-06 8:47 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0360

Child Support Bond

06-Feb-06

11:52 AM

State Impact

No fiscal impact.

Individual and Business Impact

May produce a positive fiscal impact for families that are not currently receiving child support payments.

Office of the Legislative Fiscal Analyst