	CHILD SUPPORT BOND
	2006 GENERAL SESSION
	STATE OF UTAH
	Chief Sponsor: Lorie D. Fowlke
	Senate Sponsor:
L	ONG TITLE
G	eneral Description:
	This bill allows a court to require a delinquent child support obligor to post a bond.
Hi	ighlighted Provisions:
	This bill:
	• allows a court to require a delinquent child support obligor to post a bond for an
an	nount equal to the total for 12 months of child support payments.
M	Ionies Appropriated in this Bill:
	None
01	ther Special Clauses:
	None
Ut	tah Code Sections Affected:
Al	MENDS:
	78-32-17, as last amended by Chapter 255, Laws of Utah 2001
Be	e 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
pu	ursuant to an action under Title 63, Chapter 46b, Administrative Procedures Act, makes an
ore	der requiring a parent to furnish support or necessary food, clothing, shelter, medical care, or

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 records; (ii) the parent was present in court at the t (iii) the parent entered into a written stipu was sent a copy of the order; (iv) counsel was present in court and enter the order based upon the stipulation was then sent (v) the parent was properly served and fai (3) Upon establishment of a prima facie co obligor under the child support order has the burde child support order. (4) A court may, in addition to other avail (a) withhold, suspend, or restrict the use of occupational licenses, and recreational licenses an finding that: [(a)] (<u>i</u>) an obligor has: [(i)] (<u>A</u>) made no payment for 60 days on an administrative or court order and, thereafter, has circumstances to make payment on the support ob [(ii)] (<u>B</u>) made no payment for 60 days on forth in a payment schedule, written agreement wi administrative or judicial order and, thereafter, has circumstances to make payment on the arrearage of schedule, agreement, or order; and 	
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57 $[(iii)]$ (C) not obtained a judicial order sta	obligation in accordance with the payment
58 obligation for which the obligor would be otherwi	ying enforcement of the support or arrearage
	ise delinquent;

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59	[(b)] <u>(ii)</u> 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	[(ii)] (B) not obtained a judicial order staying enforcement of the parent-time order; or
64	[(c)] (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[:]: $\hat{H} \rightarrow [and] \leftarrow \hat{H}$
66	(b) require the obligor to post a bond in an amount $\hat{H} \rightarrow [equal to the total of 12 months] up$
66a	<u>to three years</u> ←Ĥ of
67	<u>child support payments</u> Ĥ→ <u>; or</u>
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	<u>up to three years of child support payments</u> ←Ĥ <u>.</u>

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

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