

UNIFORM INTERSTATE FAMILY SUPPORT ACT

AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Jack R. Draxler

LONG TITLE

General Description:

This bill makes changes to the Uniform Interstate Family Support Act.

Highlighted Provisions:

This bill:

- ▶ renames the Uniform Interstate Family Support Act to the Utah Uniform Interstate Family Support Act; and
- ▶ makes conforming amendments with the uniform act to comply with a treaty on international child support orders.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 30-3-4**, as last amended by Laws of Utah 2008, Chapter 3
- 30-3-15.3**, as last amended by Laws of Utah 2008, Chapter 3
- 62A-11-104**, as last amended by Laws of Utah 2012, Chapter 369
- 62A-11-305**, as last amended by Laws of Utah 2008, Chapter 3
- 78B-12-102**, as last amended by Laws of Utah 2009, Chapter 142



- 28 **78B-14-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 29 **78B-14-102 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 30 Laws of Utah 2013, Chapter 245
- 31 **78B-14-201 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 32 Laws of Utah 2013, Chapter 245
- 33 **78B-14-204 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 34 Laws of Utah 2013, Chapter 245
- 35 **78B-14-205**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 36 **78B-14-307 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 37 Laws of Utah 2013, Chapter 245
- 38 **78B-14-310 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 39 Laws of Utah 2013, Chapter 245
- 40 **78B-14-316 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 41 Laws of Utah 2013, Chapter 245
- 42 **78B-14-317 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 43 Laws of Utah 2013, Chapter 245
- 44 **78B-14-502**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 45 **78B-14-503**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 46 **78B-14-507 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 47 Laws of Utah 2013, Chapter 245
- 48 **78B-14-601 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 49 Laws of Utah 2013, Chapter 245
- 50 **78B-14-602 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 51 Laws of Utah 2013, Chapter 245
- 52 **78B-14-603 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 53 Laws of Utah 2013, Chapter 245
- 54 **78B-14-605 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 55 Laws of Utah 2013, Chapter 245
- 56 **78B-14-606 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
- 57 Laws of Utah 2013, Chapter 245
- 58 **78B-14-612**, as renumbered and amended by Laws of Utah 2008, Chapter 3

59 **78B-14-613**, as renumbered and amended by Laws of Utah 2008, Chapter 3
60 **78B-14-708 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
61 Laws of Utah 2013, Chapter 245
62 **78B-14-902 (Effective 07/01/15)**, as and further amended by Revisor Instructions,
63 Laws of Utah 2013, Chapter 245
64 **78B-15-610**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

67 Section 1. Section **30-3-4** is amended to read:

68 **30-3-4. Pleadings -- Decree -- Use of affidavit -- Private records.**

69 (1) (a) The complaint shall be in writing and signed by the petitioner or petitioner's
70 attorney.

71 (b) A decree of divorce may not be granted upon default or otherwise except upon legal
72 evidence taken in the cause. If the decree is to be entered upon the default of the respondent,
73 evidence to support the decree may be submitted upon the affidavit of the petitioner with the
74 approval of the court.

75 (c) If the petitioner and the respondent have a child or children, a decree of divorce
76 may not be granted until both parties have attended the mandatory course described in Section
77 **30-3-11.3**, and have presented a certificate of course completion to the court. The court may
78 waive this requirement, on its own motion or on the motion of one of the parties, if it
79 determines course attendance and completion are not necessary, appropriate, feasible, or in the
80 best interest of the parties.

81 (d) All hearings and trials for divorce shall be held before the court or the court
82 commissioner as provided by Section **78A-5-107** and rules of the Judicial Council. The court
83 or the commissioner in all divorce cases shall enter the decree upon the evidence or, in the case
84 of a decree after default of the respondent, upon the petitioner's affidavit.

85 (2) (a) A party to an action brought under this title or to an action under Title 78B,
86 Chapter 12, Utah Child Support Act, Title 78B, Chapter 13, Utah Uniform Child Custody
87 Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate Family
88 Support Act, Title 78B, Chapter 15, Utah Uniform Parentage Act, or to an action to modify or
89 enforce a judgment in the action may file a motion to have the file other than the final

90 judgment, order, or decree classified as private.

91 (b) If the court finds that there are substantial interests favoring restricting access that
92 clearly outweigh the interests favoring access, the court may classify the file, or any part
93 thereof other than the final order, judgment, or decree, as private. An order classifying part of
94 the file as private does not apply to subsequent filings.

95 (c) The record is private until the judge determines it is possible to release the record
96 without prejudice to the interests that justified the closure. Any interested person may petition
97 the court to permit access to a record classified as private under this section. The petition shall
98 be served on the parties to the closure order.

99 Section 2. Section **30-3-15.3** is amended to read:

100 **30-3-15.3. Commissioners -- Powers.**

101 Commissioners shall:

- 102 (1) secure compliance with court orders;
- 103 (2) require attendance at the mandatory course as provided in Section [30-3-11.3](#);
- 104 (3) serve as judge pro tempore, master or referee on:
 - 105 (a) assignment of the court; and
 - 106 (b) with the written consent of the parties:
 - 107 (i) orders to show cause where no contempt is alleged;
 - 108 (ii) default divorces where the parties have had marriage counseling but there has been
109 no reconciliation;
 - 110 (iii) uncontested actions under Title 78B, Chapter 15, Utah Uniform Parentage Act;
 - 111 (iv) actions under Title 78B, Chapter 12, Utah Child Support Act; and
 - 112 (v) actions under Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;
- 113 and
- 114 (4) represent the interest of children in divorce or annulment actions, and the parties in
115 appropriate cases.

116 Section 3. Section **62A-11-104** is amended to read:

117 **62A-11-104. Duties of office.**

- 118 (1) The office has the following duties:
 - 119 (a) except as provided in Subsection (2), to provide child support services if:
 - 120 (i) the office has received an application for child support services;

- 121 (ii) the state has provided public assistance; or
122 (iii) a child lives out of the home in the protective custody, temporary custody, or
123 custody or care of the state;
- 124 (b) to carry out the obligations of the department contained in this chapter and in Title
125 78B, Chapter 12, Utah Child Support Act; Chapter 14, Utah Uniform Interstate Family Support
126 Act; and Chapter 15, Utah Uniform Parentage Act, for the purpose of collecting child support;
- 127 (c) to collect money due the department which could act to offset expenditures by the
128 state;
- 129 (d) to cooperate with the federal government in programs designed to recover health
130 and social service funds;
- 131 (e) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution,
132 and reimbursable expenses owed to the state or any of its political subdivisions, if the office
133 has contracted to provide collection services;
- 134 (f) to implement income withholding for collection of child support in accordance with
135 Part 4, Income Withholding in IV-D Cases, of this chapter;
- 136 (g) to enter into agreements with financial institutions doing business in the state to
137 develop and operate, in coordination with such financial institutions, a data match system in the
138 manner provided for in Section [62A-11-304.5](#);
- 139 (h) to establish and maintain the state case registry in the manner required by the Social
140 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:
- 141 (i) the amount of monthly or other periodic support owed under the order, and other
142 amounts, including arrearages, interest, late payment penalties, or fees, due or overdue under
143 the order;
- 144 (ii) any amount described in Subsection (1)(h)(i) that has been collected;
- 145 (iii) the distribution of collected amounts;
- 146 (iv) the birth date of any child for whom the order requires the provision of support;
- 147 and
- 148 (v) the amount of any lien imposed with respect to the order pursuant to this part;
- 149 (i) to contract with the Department of Workforce Services to establish and maintain the
150 new hire registry created under Section [35A-7-103](#);
- 151 (j) to determine whether an individual who has applied for or is receiving cash

152 assistance or Medicaid is cooperating in good faith with the office as required by Section
153 62A-11-307.2;

154 (k) to finance any costs incurred from collections, fees, General Fund appropriation,
155 contracts, and federal financial participation; and

156 (l) to provide notice to a noncustodial parent in accordance with Section 62A-11-304.4
157 of the opportunity to contest the accuracy of allegations by a custodial parent of nonpayment of
158 past-due child support, prior to taking action against a noncustodial parent to collect the alleged
159 past-due support.

160 (2) The office may not provide child support services to the Division of Child and
161 Family Services for a calendar month when the child to whom the child support services relate
162 is:

163 (a) in the custody of the Division of Child and Family Services; and

164 (b) lives in the home of a custodial parent of the child for more than seven consecutive
165 days, regardless of whether:

166 (i) the greater than seven consecutive day period starts during one month and ends in
167 the next month; and

168 (ii) the child is living in the home on a trial basis.

169 (3) The Division of Child and Family Services is not entitled to child support, for a
170 child to whom the child support relates, for a calendar month when child support services may
171 not be provided under Subsection (2).

172 Section 4. Section 62A-11-305 is amended to read:

173 **62A-11-305. Support collection services requested by agency of another state.**

174 (1) In accordance with Title 78B, Chapter 14, Utah Uniform Interstate Family Support
175 Act, the office may proceed to issue or modify an order under Section 62A-11-304.2 to collect
176 under this part from an obligor who is located in or is a resident of this state regardless of the
177 presence or residence of the obligee if:

178 (a) support collection services are requested by an agency of another state that is
179 operating under Part IV-D of the Social Security Act; or

180 (b) an individual applies for services.

181 (2) The office shall use high-volume automated administrative enforcement, to the
182 same extent it is used for intrastate cases, in response to a request made by another state's IV-D

183 child support agency to enforce support orders.

184 (3) A request by another state shall constitute a certification by the requesting state:

185 (a) of the amount of support under the order of payment of which is in arrears; and

186 (b) that the requesting state has complied with procedural due process requirements

187 applicable to the case.

188 (4) The office shall give automated administrative interstate enforcement requests the
189 same priority as a two-state referral received from another state to enforce a support order.

190 (5) The office shall promptly report the results of the enforcement procedures to the
191 requesting state.

192 (6) As required by the Social Security Act, 42 U.S.C. Sec. 666(a)(14), the office shall
193 maintain records of:

194 (a) the number of requests for enforcement assistance received by the office under this
195 section;

196 (b) the number of cases for which the state collected support in response to those
197 requests; and

198 (c) the amount of support collected.

199 Section 5. Section **78B-12-102** is amended to read:

200 **78B-12-102. Definitions.**

201 As used in this chapter:

202 (1) "Adjusted gross income" means income calculated under Subsection

203 [78B-12-204\(1\)](#).

204 (2) "Administrative agency" means the Office of Recovery Services or the Department
205 of Human Services.

206 (3) "Administrative order" means an order that has been issued by the Office of
207 Recovery Services, the Department of Human Services, or an administrative agency of another
208 state or other comparable jurisdiction with similar authority to that of the office.

209 (4) "Base child support award" means the award that may be ordered and is calculated
210 using the guidelines before additions for medical expenses and work-related child care costs.

211 (5) "Base combined child support obligation table," "child support table," "base child
212 support obligation table," "low income table," or "table" means the appropriate table in Part 3,
213 Tables.

214 (6) "Cash medical support" means an obligation to equally share all reasonable and
215 necessary medical and dental expenses of children.

216 (7) "Child" means:

217 (a) a son or daughter under the age of 18 years who is not otherwise emancipated,
218 self-supporting, married, or a member of the armed forces of the United States;

219 (b) a son or daughter over the age of 18 years, while enrolled in high school during the
220 normal and expected year of graduation and not otherwise emancipated, self-supporting,
221 married, or a member of the armed forces of the United States; or

222 (c) a son or daughter of any age who is incapacitated from earning a living and, if able
223 to provide some financial resources to the family, is not able to support self by own means.

224 (8) "Child support" means a base child support award, or a monthly financial award for
225 uninsured medical expenses, ordered by a tribunal for the support of a child, including current
226 periodic payments, all arrearages which accrue under an order for current periodic payments,
227 and sum certain judgments awarded for arrearages, medical expenses, and child care costs.

228 (9) "Child support order" or "support order" means a judgment, decree, or order of a
229 tribunal whether interlocutory or final, whether or not prospectively or retroactively modifiable,
230 whether incidental to a proceeding for divorce, judicial or legal separation, separate
231 maintenance, paternity, guardianship, civil protection, or otherwise which:

232 (a) establishes or modifies child support;

233 (b) reduces child support arrearages to judgment; or

234 (c) establishes child support or registers a child support order under Chapter 14, Utah
235 Uniform Interstate Family Support Act.

236 (10) "Child support services" or "IV-D child support services" means services provided
237 pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. Section 651 et seq.

238 (11) "Court" means the district court or juvenile court.

239 (12) "Guidelines" means the directions for the calculation and application of child
240 support in Part 2, Calculation and Adjustment.

241 (13) "Income" means earnings, compensation, or other payment due to an individual,
242 regardless of source, whether denominated as wages, salary, commission, bonus, pay,
243 allowances, contract payment, or otherwise, including severance pay, sick pay, and incentive
244 pay. "Income" includes:

245 (a) all gain derived from capital assets, labor, or both, including profit gained through
246 sale or conversion of capital assets;

247 (b) interest and dividends;

248 (c) periodic payments made under pension or retirement programs or insurance policies
249 of any type;

250 (d) unemployment compensation benefits;

251 (e) workers' compensation benefits; and

252 (f) disability benefits.

253 (14) "Joint physical custody" means the child stays with each parent overnight for more
254 than 30% of the year, and both parents contribute to the expenses of the child in addition to
255 paying child support.

256 (15) "Medical expenses" means health and dental expenses and related insurance costs.

257 (16) "Obligee" means an individual, this state, another state, or another comparable
258 jurisdiction to whom child support is owed or who is entitled to reimbursement of child
259 support or public assistance.

260 (17) "Obligor" means any person owing a duty of support.

261 (18) "Office" means the Office of Recovery Services within the Department of Human
262 Services.

263 (19) "Parent" includes a natural parent, or an adoptive parent.

264 (20) "Split custody" means that each parent has physical custody of at least one of the
265 children.

266 (21) "State" includes any state, territory, possession of the United States, the District of
267 Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or other comparable
268 domestic or foreign jurisdiction.

269 (22) "Temporary" means a period of time that is projected to be less than 12 months in
270 duration.

271 (23) "Third party" means an agency or a person other than the biological or adoptive
272 parent or a child who provides care, maintenance, and support to a child.

273 (24) "Tribunal" means the district court, the Department of Human Services, Office of
274 Recovery Services, or court or administrative agency of any state, territory, possession of the
275 United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American

276 Tribe, or other comparable domestic or foreign jurisdiction.

277 (25) "Work-related child care costs" means reasonable child care costs for up to a
278 full-time work week or training schedule as necessitated by the employment or training of a
279 parent under Section 78B-12-215.

280 (26) "Worksheets" means the forms used to aid in calculating the base child support
281 award.

282 Section 6. Section 78B-14-101 is amended to read:

283 **CHAPTER 14. UTAH UNIFORM INTERSTATE FAMILY SUPPORT ACT**

284 **78B-14-101. Title.**

285 This chapter is known as the "Utah Uniform Interstate Family Support Act."

286 Section 7. Section 78B-14-102 (Effective 07/01/15) is amended to read:

287 **78B-14-102 (Effective 07/01/15). Definitions.**

288 As used in this chapter:

289 (1) "Child" means an individual, whether over or under the age of majority, who is or
290 is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be
291 the beneficiary of a support order directed to the parent.

292 (2) "Child support order" means a support order for a child, including a child who has
293 attained the age of majority under the law of the issuing state or foreign country.

294 (3) "Convention" means the convention on the International Recovery of Child Support
295 and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

296 (4) "Duty of support" means an obligation imposed or imposable by law to provide
297 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide
298 support.

299 (5) "Foreign country" means a country, including a political subdivision thereof, other
300 than the United States, that authorizes the issuance of support orders and:

301 (a) which has been declared under the law of the United States to be a foreign
302 reciprocating country;

303 (b) which has established a reciprocal arrangement for child support with this state as
304 provided in Section 78B-14-308;

305 (c) which has enacted a law or established procedures for the issuance and enforcement
306 of support orders which are substantially similar to the procedures under this chapter; or

307 (d) in which the convention is in force with respect to the United States.

308 (6) "Foreign support order" means a support order of a foreign tribunal.

309 (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of
310 a foreign country which is authorized to establish, enforce, or modify support orders or to
311 determine parentage of a child. The term includes a competent authority under the convention.

312 (8) "Home state" means the state or foreign country in which a child lived with a parent
313 or a person acting as parent for at least six consecutive months immediately preceding the time
314 of filing of a petition or comparable pleading for support and, if a child is less than six months
315 old, the state or foreign country in which the child lived from birth with any of them. A period
316 of temporary absence of any of them is counted as part of the six-month or other period.

317 (9) "Income" includes earnings or other periodic entitlements to money from any
318 source and any other property subject to withholding for support under the law of this state.

319 (10) "Income-withholding order" means an order or ~~[notice]~~ other legal process
320 directed to an obligor's employer or other source of income as defined in Section 62A-11-103,
321 to withhold support from the income of the obligor [~~in accordance with Title 62A, Chapter 11,~~
322 ~~Part 4, Income Withholding in IV-D Cases, or Part 5, Income Withholding in Non IV-D~~
323 ~~Cases~~].

324 (11) "Initiating tribunal" means the tribunal of a state or foreign country from which a
325 petition or comparable pleading is forwarded or in which a petition or comparable pleading is
326 filed for forwarding to another state or foreign country.

327 (12) "Issuing foreign country" means the foreign country in which a tribunal issues a
328 support order or a judgment determining parentage of a child.

329 (13) "Issuing state" means the state in which a tribunal issues a support order or a
330 judgment determining parentage of a child.

331 (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a
332 support order or a judgment determining parentage of a child.

333 (15) "Law" includes decisional and statutory law and rules and regulations having the
334 force of law.

335 (16) "Obligee" means:

336 (a) an individual to whom a duty of support is or is alleged to be owed or in whose
337 favor a support order or a judgment determining parentage of a child has been issued;

338 (b) a foreign country, state, or political subdivision of a state to which the rights under
339 a duty of support or support order have been assigned or which has independent claims based
340 on financial assistance provided to an individual obligee in place of child support;

341 (c) an individual seeking a judgment determining parentage of the individual's child; or

342 (d) a person who is a creditor in a proceeding under Part 7, Support Proceedings Under
343 Convention.

344 (17) "Obligor" means an individual who, or the estate of a decedent that:

345 (a) owes or is alleged to owe a duty of support;

346 (b) is alleged but has not been adjudicated to be a parent of a child;

347 (c) is liable under a support order; or

348 (d) is a debtor in a proceeding under Part 7, Support Proceedings Under Convention.

349 (18) "Outside this state" means a location in another state or a country other than the
350 United States, whether or not the country is a foreign country.

351 (19) "Person" means an individual, corporation, business trust, estate, trust,
352 partnership, limited liability company, association, joint venture, government, governmental
353 subdivision, agency, or instrumentality, public corporation, or any other legal or commercial
354 entity.

355 (20) "Record" means information that is inscribed on a tangible medium or that is
356 stored in an electronic or other medium and is retrievable in perceivable form.

357 (21) "Register" means to file in a tribunal of this state a support order or judgment
358 determining parentage of a child issued in another state or a foreign country.

359 (22) "Registering tribunal" means a tribunal in which a support order ~~[of]~~ or judgment
360 determining parentage of a child is registered.

361 (23) "Responding state" means a state in which a petition or comparable pleading for
362 support or to determine parentage of a child is filed or to which a petition or comparable
363 pleading is forwarded for filing from another state or a foreign country.

364 (24) "Responding tribunal" means the authorized tribunal in a responding state or
365 foreign country.

366 (25) "Spousal support order" means a support order for a spouse or former spouse of
367 the obligor.

368 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico,

369 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
370 of the United States. The term includes an Indian nation or tribe.

371 (27) "Support enforcement agency" means a public official, governmental entity, or
372 private agency authorized to:

373 (a) seek enforcement of support orders or laws relating to the duty of support;

374 (b) seek establishment or modification of child support;

375 (c) request determination of parentage of a child;

376 (d) attempt to locate obligors or their assets; or

377 (e) request determination of the controlling child support order.

378 (28) "Support order" means a judgment, decree, order, decision, or directive, whether
379 temporary, final, or subject to modification, issued in a state or foreign country for the benefit
380 of a child, a spouse, or a former spouse, which provides for monetary support, health care,
381 arrearages, retroactive support, or reimbursement for financial assistance provided to an
382 individual obligee in place of child support. The term may include related costs and fees,
383 interest, income withholding, automatic adjustment, reasonable attorney fees, and other relief.

384 (29) "Tribunal" means a court, administrative agency, or quasi-judicial entity
385 authorized to establish, enforce, or modify support orders or to determine parentage of a child.

386 Section 8. Section **78B-14-201 (Effective 07/01/15)** is amended to read:

387 **78B-14-201 (Effective 07/01/15). Bases for jurisdiction over nonresident.**

388 (1) In a proceeding to establish or enforce a support order or to determine parentage of
389 a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual,
390 or the individual's guardian or conservator, if:

391 (a) the individual is personally served with notice within this state;

392 (b) the individual submits to the jurisdiction of this state by consent in a record, by
393 entering a general appearance, or by filing a responsive document having the effect of waiving
394 any contest to personal jurisdiction;

395 (c) the individual resided with the child in this state;

396 (d) the individual resided in this state and provided prenatal expenses or support for the
397 child;

398 (e) the child resides in this state as a result of the acts or directives of the individual;

399 (f) the individual engaged in sexual intercourse in this state and the child may have

400 been conceived by that act of intercourse;

401 (g) the individual asserted parentage of a child in the putative father registry
402 maintained in this state by the state registrar of vital records in the Department of Health
403 pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act; or

404 (h) there is any other basis consistent with the constitutions of this state and the United
405 States for the exercise of personal jurisdiction.

406 (2) The bases of personal jurisdiction set forth in Subsection (1) or in any other law of
407 this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a
408 child support order of another state unless the requirements of Section 78B-14-611 are met, or,
409 in the case of a foreign support order, unless the requirements of Section 78B-14-615 are met.

410 Section 9. Section 78B-14-204 (Effective 07/01/15) is amended to read:

411 **78B-14-204 (Effective 07/01/15). Simultaneous proceedings in another state.**

412 (1) A tribunal of this state may exercise jurisdiction to establish a support order if the
413 petition or comparable pleading is filed after a [~~petition or comparable~~] pleading is filed in
414 another state or a foreign country only if:

415 (a) [~~if~~] the petition or comparable pleading in this state is filed before the expiration of
416 the time allowed in the other state or the foreign country for filing a responsive pleading
417 challenging the exercise of jurisdiction by the other state or the foreign country;

418 (b) [~~if~~] the contesting party timely challenges the exercise of jurisdiction in the other
419 state or the foreign country; and

420 (c) if relevant, this state is the home state of the child.

421 (2) A tribunal of this state may not exercise jurisdiction to establish a support order if
422 the petition or comparable pleading is filed before a petition or comparable pleading is filed in
423 another state or a foreign country if:

424 (a) [~~if~~] the petition or comparable pleading in the other state or foreign country is filed
425 before the expiration of the time allowed in this state [~~or foreign country~~] for filing a
426 responsive pleading challenging the exercise of jurisdiction by this state;

427 (b) [~~if~~] the contesting party timely challenges the exercise of jurisdiction in this state;
428 and

429 (c) if relevant, the other state or foreign country is the home of the child.

430 Section 10. Section 78B-14-205 is amended to read:

431 **78B-14-205. Continuing, exclusive jurisdiction to modify child support order.**

432 (1) A tribunal of this state that has issued a [~~child-support~~] child support order
433 consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to
434 modify its [~~child-support~~] child support order if the order is the controlling order, and:

435 (a) at the time of the filing of a request for modification, this state is the residence of
436 the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

437 (b) even if this state is not the residence of the obligor, the individual obligee, or the
438 child for whose benefit the support order is issued, the parties consent in a record or in open
439 court that the tribunal of this state may continue to exercise jurisdiction to modify its order.

440 (2) A tribunal of this state that has issued a [~~child-support~~] child support order
441 consistent with the law of this state may not exercise continuing, exclusive jurisdiction to
442 modify the order if:

443 (a) all of the parties who are individuals file consent in a record with the tribunal of this
444 state that a tribunal of another state that has jurisdiction over at least one of the parties who is
445 an individual or that is located in the state of residence of the child may modify the order and
446 assume continuing, exclusive jurisdiction; or

447 (b) its order is not the controlling order.

448 (3) If a tribunal of another state has issued a [~~child-support~~] child support order
449 pursuant to [~~this chapter~~] the Uniform Interstate Family Support Act or a law substantially
450 similar to [~~this chapter~~] the act, which modifies a [~~child-support~~] child support order of a
451 tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction
452 of the tribunal of the other state.

453 (4) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a
454 [~~child-support~~] child support order may serve as an initiating tribunal to request a tribunal [~~or~~]
455 of another state to modify a support order issued in that state.

456 (5) A temporary support order issued ex parte or pending resolution of a jurisdictional
457 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

458 Section 11. Section **78B-14-307 (Effective 07/01/15)** is amended to read:

459 **78B-14-307 (Effective 07/01/15). Duties of support enforcement agency.**

460 (1) A support enforcement agency of this state, upon request, shall provide services to
461 a petitioner in a proceeding under this chapter.

462 (2) A support enforcement agency of this state that is providing services to the
463 petitioner shall:

464 (a) take all steps necessary to enable an appropriate tribunal of this state, another state,
465 or a foreign country to obtain jurisdiction over the respondent;

466 (b) request an appropriate tribunal to set a date, time, and place for a hearing;

467 (c) make a reasonable effort to obtain all relevant information, including information as
468 to income and property of the parties;

469 (d) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
470 [~~a written~~] notice in a record from an initiating, responding, or registering tribunal, send a copy
471 of the notice to the petitioner;

472 (e) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
473 [~~a written~~] communication in a record from the respondent or the respondent's attorney, send a
474 copy of the communication to the petitioner; and

475 (f) notify the petitioner if jurisdiction over the respondent cannot be obtained.

476 (3) A support enforcement agency of this state that requests registration of a child
477 support order in this state for enforcement or for modification shall make reasonable efforts:

478 (a) to ensure that the order to be registered is the controlling order; or

479 (b) if two or more child support orders exist and the identity of the controlling order
480 has not been determined, to ensure that a request for such a determination is made in a tribunal
481 having jurisdiction to do so.

482 (4) A support enforcement agency of this state that requests registration and
483 enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert
484 the amounts stated in the foreign currency into the equivalent amounts in dollars under the
485 applicable official or market exchange rate as publicly reported.

486 (5) A support enforcement agency of this state shall issue or request a tribunal of this
487 state to issue a child support order and an income-withholding order that redirects payment of
488 current support, arrears, and interest if requested to do so by a support enforcement agency of
489 another state pursuant to Section [78B-14-319](#).

490 (6) This chapter does not create or negate a relationship of attorney and client or other
491 fiduciary relationship between a support enforcement agency or the attorney for the agency and
492 the individual being assisted by the agency.

493 Section 12. Section **78B-14-310 (Effective 07/01/15)** is amended to read:

494 **78B-14-310 (Effective 07/01/15). Duties of state information agency.**

495 (1) The Office of Recovery Services is the state information agency under this chapter.

496 (2) The state information agency shall:

497 (a) compile and maintain a current list, including addresses, of the tribunals in this state
498 which have jurisdiction under this chapter and any support enforcement agencies in this state
499 and transmit a copy to the state information agency of every other state;

500 (b) maintain a register of names and addresses of tribunals and support enforcement
501 agencies received from other states;

502 (c) forward to the appropriate tribunal in the county in this state in which the obligee
503 who is an individual or the obligor resides, or in which the obligor's property is believed to be
504 located, all documents concerning a proceeding under this chapter received from another state
505 or a foreign country; and

506 (d) obtain information concerning the location of the obligor and the obligor's property
507 within this state not exempt from execution, by such means as postal verification and federal or
508 state locator services, examination of telephone directories, requests for the obligor's address
509 from employers, and examination of governmental records, including, to the extent not
510 prohibited by law, those relating to real property, vital [~~records~~] statistics, law enforcement,
511 taxation, motor vehicles, [~~driver's~~] driver licenses, and [~~Social Security number~~] Social
512 Security.

513 Section 13. Section **78B-14-316 (Effective 07/01/15)** is amended to read:

514 **78B-14-316 (Effective 07/01/15). Special rules of evidence and procedure.**

515 (1) The physical presence of a nonresident party who is an individual in a tribunal of
516 this state is not required for the establishment, enforcement, or modification of a support order
517 or the rendition of a judgment determining parentage of a child.

518 (2) An affidavit, a document substantially complying with federally mandated forms,
519 or a document incorporated by reference in any of them, which would not be excluded under
520 the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury
521 by a party or witness residing outside this state.

522 (3) A copy of the record of child support payments certified as a true copy of the
523 original by the custodian of the record may be forwarded to a responding tribunal. The copy is

524 evidence of facts asserted in it and is admissible to show whether payments were made.

525 (4) Copies of bills for testing for parentage of a child, and for prenatal and postnatal
526 health care of the mother and child, furnished to the adverse party at least 10 days before trial,
527 are admissible in evidence to prove the amount of the charges billed and that the charges were
528 reasonable, necessary, and customary.

529 (5) Documentary evidence transmitted from outside this state to a tribunal of this state
530 by telephone, telecopier, or other electronic means that do not provide an original record may
531 not be excluded from evidence on an objection based on the means of transmission.

532 (6) In a proceeding under this chapter, a tribunal of this state shall permit a party or
533 witness residing outside this state to be deposed or to testify under penalty of perjury by
534 telephone, audiovisual means, or other electronic means at a designated tribunal or other
535 location. A tribunal of this state shall cooperate with other tribunals [~~of other states~~] in
536 designating an appropriate location for the deposition or testimony.

537 (7) If a party called to testify at a civil hearing refuses to answer on the ground that the
538 testimony may be self-incriminating, the trier of fact may draw an adverse inference from the
539 refusal.

540 (8) A privilege against disclosure of communications between spouses does not apply
541 in a proceeding under this chapter.

542 (9) The defense of immunity based on the relationship of husband and wife or parent
543 and child does not apply in a proceeding under this chapter.

544 (10) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to
545 establish parentage of the child.

546 Section 14. Section **78B-14-317 (Effective 07/01/15)** is amended to read:

547 **78B-14-317 (Effective 07/01/15). Communications between tribunals.**

548 A tribunal of this state may communicate with a tribunal outside this state in a record,
549 or by telephone, electronic mail, or other means, to obtain information concerning the laws, the
550 legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding. A
551 tribunal of this state may furnish similar information by similar means to a tribunal outside this
552 state [~~or foreign country or political subdivision~~].

553 Section 15. Section **78B-14-502** is amended to read:

554 **78B-14-502. Employer's compliance with income withholding order of another**

555 state.

556 (1) Upon receipt of an income-withholding order, the obligor's employer shall
557 immediately provide a copy of the order to the obligor.

558 (2) The employer shall treat an income-withholding order issued in another state which
559 appears regular on its face as if it had been issued by a tribunal of this state.

560 (3) Except as otherwise provided in Subsection (4) and Section 78B-14-503, the
561 employer shall withhold and distribute the funds as directed in the withholding order by
562 complying with terms of the order which specify:

563 (a) the duration and amount of periodic payments of current [~~child-support~~] child
564 support, stated as a sum certain;

565 (b) the person designated to receive payments and the address to which the payments
566 are to be forwarded;

567 (c) medical support, whether in the form of periodic cash payment, stated as a sum
568 certain, or ordering the obligor to provide health insurance coverage for the child under a
569 policy available through the obligor's employment;

570 (d) the amount of periodic payments of fees and costs for a support-enforcement
571 agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

572 (e) the amount of periodic payments of arrearages and interest on arrearages, stated as
573 sums certain.

574 (4) An employer shall comply with the law of the state of the obligor's principal place
575 of employment for withholding from income with respect to:

576 (a) the employer's fee for processing an income withholding order;

577 (b) the maximum amount permitted to be withheld from the obligor's income; and

578 (c) the times within which the employer must implement the withholding order and
579 forward the [~~child-support~~] child support payment.

580 Section 16. Section 78B-14-503 is amended to read:

581 **78B-14-503. Compliance with multiple income-withholding orders.**

582 If an obligor's employer receives two or more income-withholding orders with respect
583 to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the
584 employer complies with the law of the state of the obligor's principal place of employment to
585 establish the priorities for the withholding and allocating income withheld for two or more

586 child support obligees.

587 Section 17. Section **78B-14-507 (Effective 07/01/15)** is amended to read:

588 **78B-14-507 (Effective 07/01/15). Administrative enforcement of orders.**

589 (1) A party or support enforcement agency seeking to enforce a support order or an
590 income-withholding order, or both, issued in another state, or seeking to enforce a foreign
591 [~~country~~] support order, may send the documents required for registering the order to a support
592 enforcement agency of this state.

593 (2) Upon receipt of the documents, the support enforcement agency, without initially
594 seeking to register the order, shall consider and, if appropriate, use any administrative
595 procedure authorized by the law of this state to enforce a support order or an
596 income-withholding order, or both. If the obligor does not contest administrative enforcement,
597 the order need not be registered. If the obligor contests the validity or administrative
598 enforcement of the order, the support enforcement agency shall register the order pursuant to
599 this chapter.

600 Section 18. Section **78B-14-601 (Effective 07/01/15)** is amended to read:

601 **78B-14-601 (Effective 07/01/15). Registration of order for enforcement.**

602 A support order or income-withholding order issued in another state, or a foreign
603 [~~country~~] support order, may be registered in this state for enforcement.

604 Section 19. Section **78B-14-602 (Effective 07/01/15)** is amended to read:

605 **78B-14-602 (Effective 07/01/15). Procedure to register order for enforcement.**

606 (1) Except as otherwise provided in Section **78B-14-706**, a support order or
607 income-withholding order of another state, or a foreign [~~country~~] support order, may be
608 registered in this state by sending the following records to the appropriate tribunal in this state:

609 (a) a letter of transmittal to the tribunal requesting registration and enforcement;

610 (b) two copies, including one certified copy, of the order to be registered, including any
611 modification of the order;

612 (c) a sworn statement by the person requesting registration or a certified statement by
613 the custodian of the records showing the amount of any arrearage;

614 (d) the name of the obligor and, if known:

615 (i) the obligor's address and Social Security number;

616 (ii) the name and address of the obligor's employer and any other source of income of

617 the obligor; and

618 (iii) a description and the location of property of the obligor in this state not exempt
619 from execution; and

620 (e) except as otherwise provided in Section 78B-14-312, the name and address of the
621 obligee and, if applicable, the person to whom support payments are to be remitted.

622 (2) On receipt of a request for registration, the registering tribunal shall cause the order
623 to be filed as an order of a tribunal of another state, or a foreign [country] support order,
624 together with one copy of the documents and information, regardless of their form.

625 (3) A petition or comparable pleading seeking a remedy that shall be affirmatively
626 sought under law of this state may be filed at the same time as the request for registration or
627 later. The pleading shall specify the grounds for the remedy sought.

628 (4) If two or more orders are in effect, the person requesting registration shall:

629 (a) furnish to the tribunal a copy of every support order asserted to be in effect in
630 addition to the documents specified in this section;

631 (b) specify the order alleged to be the controlling order, if any; and

632 (c) specify the amount of consolidated arrears, if any.

633 (5) A request for a determination of which is the controlling order may be filed
634 separately or with a request for registration and enforcement or for registration and
635 modification. The person requesting registration shall give notice of the request to each party
636 whose rights may be affected by the determination.

637 Section 20. Section 78B-14-603 (Effective 07/01/15) is amended to read:

638 **78B-14-603 (Effective 07/01/15). Effect of registration for enforcement.**

639 (1) A support order or income-withholding order issued in another state, or a foreign
640 [country] support order, is registered when the order is filed in the registering tribunal of this
641 state.

642 (2) A registered support order issued in another state or a foreign country is enforceable
643 in the same manner and is subject to the same procedures as an order issued by a tribunal of
644 this state.

645 (3) Except as otherwise provided in this chapter, a tribunal of this state shall recognize
646 and enforce, but may not modify, a registered support order if the issuing tribunal had
647 jurisdiction.

648 Section 21. Section **78B-14-605 (Effective 07/01/15)** is amended to read:

649 **78B-14-605 (Effective 07/01/15). Notice of registration of order.**

650 (1) When a support order or income-withholding order issued in another state, or a
651 foreign ~~[country]~~ support order, is registered, the registering tribunal of this state shall notify
652 the nonregistering party. The notice shall be accompanied by a copy of the registered order and
653 the documents and relevant information accompanying the order.

654 (2) A notice shall inform the nonregistering party:

655 (a) that a registered order is enforceable as of the date of registration in the same
656 manner as an order issued by a tribunal of this state;

657 (b) that a hearing to contest the validity or enforcement of the registered order shall be
658 requested within 20 days after ~~[the date of mailing or personal service of the]~~ notice, unless the
659 registered order is under Section **78B-14-707**;

660 (c) that failure to contest the validity or enforcement of the registered order in a timely
661 manner will result in confirmation of the order and enforcement of the order and the alleged
662 arrearages ~~[and precludes further contest of that order with respect to any matter that could
663 have been asserted]~~; and

664 (d) of the amount of any alleged arrearages.

665 (3) If the registering party asserts that two or more orders are in effect, a notice shall
666 also:

667 (a) identify the two or more orders and the order alleged by the registering party to be
668 the controlling order and the consolidated arrears, if any;

669 (b) notify the nonregistering party of the right to a determination of which is the
670 controlling order;

671 (c) state that the procedures provided in Subsection (2) apply to the determination of
672 which is the controlling order; and

673 (d) state that failure to contest the validity or enforcement of the order alleged to be the
674 controlling order in a timely manner may result in confirmation that the order is the controlling
675 order.

676 (4) Upon registration of an income-withholding order for enforcement, the support
677 enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to
678 Title 62A, Chapter 11, Part 4, Income Withholding in IV-D Cases.

679 Section 22. Section **78B-14-606 (Effective 07/01/15)** is amended to read:

680 **78B-14-606 (Effective 07/01/15). Procedure to contest validity or enforcement of**
681 **registered support order.**

682 (1) A nonregistering party seeking to contest the validity or enforcement of a registered
683 support order in this state shall request a hearing within the time required by Section
684 **78B-14-605**. The nonregistering party may seek to vacate the registration, to assert any defense
685 to an allegation of noncompliance with the registered order, or to contest the remedies being
686 sought or the amount of any alleged arrearages pursuant to Section **78B-14-607**.

687 (2) If the nonregistering party fails to contest the validity or enforcement of the
688 registered support order in a timely manner, the order is confirmed by operation of law.

689 (3) If a nonregistering party requests a hearing to contest the validity or enforcement of
690 the registered support order, the registering tribunal shall schedule the matter for hearing and
691 give notice to the parties of the date, time, and place of the hearing.

692 Section 23. Section **78B-14-612** is amended to read:

693 **78B-14-612. Recognition of order modified in another state.**

694 If a [~~child-support~~] child support order issued by a tribunal of this state is modified by a
695 tribunal of another state [~~which~~] that assumed jurisdiction pursuant to [~~this chapter~~] the
696 Uniform Interstate Family Support Act, a tribunal of this state:

697 (1) may enforce its order that was modified only as to arrears and interest accruing
698 before the modification;

699 (2) may provide appropriate relief for violations of its order which occurred before the
700 effective date of the modification; and

701 (3) shall recognize the modifying order of the other state, upon registration, for the
702 purpose of enforcement.

703 Section 24. Section **78B-14-613** is amended to read:

704 **78B-14-613. Jurisdiction to modify child support order of another state when**
705 **individual parties reside in this state.**

706 (1) If all of the parties who are individuals reside in this state and the child does not
707 reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the
708 issuing state's child support order in a proceeding to register that order.

709 (2) A tribunal of this state exercising jurisdiction under this section shall apply the

710 provisions of Parts 1 and 2, this part, and the procedural and substantive law of this state to the
711 proceeding for enforcement [of] or modification. Parts 3, 4, 5, 7, and 8 do not apply.

712 Section 25. Section **78B-14-708 (Effective 07/01/15)** is amended to read:

713 **78B-14-708 (Effective 07/01/15). Recognition and enforcement of registered**
714 **convention support order.**

715 (1) Except as otherwise provided in Subsection (2), a tribunal of this state shall
716 recognize and enforce a registered convention support order.

717 (2) The following grounds are the only grounds on which a tribunal of this state may
718 refuse recognition and enforcement of a registered convention support order:

719 (a) recognition and enforcement of the order is manifestly incompatible with public
720 policy, including the failure of the issuing tribunal to observe minimum standards of due
721 process, which include notice and an opportunity to be heard;

722 (b) the issuing tribunal lacked personal jurisdiction consistent with Section
723 [78B-14-201](#);

724 (c) the order is not enforceable in the issuing country;

725 (d) the order was obtained by fraud in connection with a matter of procedure;

726 (e) a record transmitted in accordance with Section [78B-14-706](#) lacks authenticity or
727 integrity;

728 (f) a proceeding between the same parties and having the same purpose is pending
729 before a tribunal of this state and that proceeding was the first to be filed;

730 (g) the order is incompatible with a more recent support order involving the same
731 parties and having the same purpose if the more recent support order is entitled to recognition
732 and enforcement under this chapter in this state;

733 (h) payment, to the extent alleged arrears have been paid in whole or in part;

734 (i) in a case in which the respondent neither appeared nor was represented in the
735 proceeding in the issuing foreign country:

736 (i) if the law of that country provides for prior notice of proceedings, the respondent
737 did not have proper notice of the proceedings and an opportunity to be heard; or

738 (ii) if the law of that country does not provide for prior notice of the proceedings, the
739 respondent did not have proper notice of the order and an opportunity to be heard in a
740 challenge or appeal on fact or law before a tribunal; or

741 (j) the order was made in violation of Section 78B-14-711.

742 (3) If a tribunal of this state does not recognize a convention support order under
743 Subsection (2)(b), (d), ~~[(f);~~ or (i):

744 (a) the tribunal may not dismiss the proceeding without allowing a reasonable time for
745 a party to request the establishment of a new convention support order; and

746 (b) the Department of Human Services shall take all appropriate measures to request a
747 child support order for the obligee if the application for recognition and enforcement was
748 received under Section 78B-14-704.

749 Section 26. Section 78B-14-902 (Effective 07/01/15) is amended to read:

750 **78B-14-902 (Effective 07/01/15). Transitional provision.**

751 ~~[The 2011 amendments to this chapter apply]~~ This chapter applies to proceedings begun
752 on or after ~~[May 10, 2011]~~ July 1, 2015:

753 (1) to establish a support order or determine parentage of a child; or

754 (2) to register, recognize, enforce, or modify a prior support order, determination, or
755 agreement, whenever issued or entered.

756 Section 27. Section 78B-15-610 is amended to read:

757 **78B-15-610. Joinder of judicial proceedings.**

758 (1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate
759 parentage may be joined with a proceeding for adoption, termination of parental rights, child
760 custody or visitation, child support, divorce, annulment, legal separation or separate
761 maintenance, probate or administration of an estate, or other appropriate proceeding.

762 (2) A respondent may not join a proceeding described in Subsection (1) with a
763 proceeding to adjudicate parentage brought under Title 78B, Chapter 14, Utah Uniform
764 Interstate Family Support Act.

765 Section 28. **Effective date.**

766 This bill takes effect on July 1, 2015.

Legislative Review Note
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