

SPENDTHRIFT PROVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies application of spendthrift provisions.

Highlighted Provisions:

This bill:

▶ defines terms;

12a **Ĥ→ ▶ modifies spendthrift exceptions; ←Ĥ**

▶ provides an exception for victim's restitution; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

75-7-503, as enacted by Laws of Utah 2004, Chapter 89

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

Section 1. Section **75-7-503** is amended to read:

75-7-503. Exceptions to spendthrift provision.

(1) [H] As used in this section[-,"child"];

(a) "Child" includes any person for whom an order or judgment for child support has

H.B. 131



28 been entered in this or another state.

29 (b) "Restitution" means the same as that term is defined in Section [77-38a-102](#).

30 (c) "Victim" means the same as that term is defined in Section [77-38a-102](#).

31 (2) Even if a trust contains a spendthrift provision, the following may obtain from a
32 court an order attaching present or future distributions to ~~H→~~ ~~[or for the benefit of]~~ ~~←H~~
32a the beneficiary:

33 (a) a beneficiary's child who has a judgment or court order against the beneficiary for
34 support or maintenance~~[-or];~~

35 (b) a judgment creditor who has provided services for the protection of a beneficiary's
36 interest in the trust~~[-may obtain from a court an order attaching present or future distributions~~
37 ~~to or for the benefit of the beneficiary.]; or~~

38 (c) a victim who has a judgment requiring the beneficiary to pay restitution in
39 accordance with Title 77, Chapter 38a, Crime Victims Restitution Act, or similar provision in
40 another state.

41 (3) A spendthrift provision is unenforceable against a claim of this state or the United
42 States to the extent a statute of this state or federal law so provides.

Legislative Review Note
Office of Legislative Research and General Counsel