

1 **SPENDTHRIFT PROVISIONS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: V. Lowry Snow**

5 Senate Sponsor: Lyle W. Hillyard

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies application of spendthrift provisions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ modifies spendthrift exceptions;
- 14 ▶ provides an exception for victim's restitution; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **75-7-503**, as enacted by Laws of Utah 2004, Chapter 89

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

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

26 **75-7-503. Exceptions to spendthrift provision.**

27 (1) [In] As used in this section[, "child"]:

28 (a) "Child" includes any person for whom an order or judgment for child support has  
29 been entered in this or another state.

30           **(b)** "Restitution" means the same as that term is defined in Section 77-38a-102.

31           **(c)** "Victim" means the same as that term is defined in Section 77-38a-102.

32           **(2)** Even if a trust contains a spendthrift provision, the following may obtain from a  
33 court an order attaching present or future distributions to the beneficiary:

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

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

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

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