

Representative Brady Brammer proposes the following substitute bill:

SHARED MEDICAL COSTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Utah Child Support Act in relation to medical costs of pregnancy.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires ~~H~~→ **[an-unmarried] a biological** ←~~H~~ father to pay 50% of a mother's:
 - insurance premiums while she is pregnant; and
 - pregnancy-related medical costs, including the hospital birth of the child, that

are not paid by another person.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-12-102, as last amended by Laws of Utah 2018, Chapter 96

ENACTS:

78B-12-105.1, Utah Code Annotated 1953



119 ~~[(25)]~~ (26) "Tribunal" means the district court, the Department of Human Services,
 120 Office of Recovery Services, or court or administrative agency of a state, territory, possession
 121 of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native
 122 American Tribe, or other comparable domestic or foreign jurisdiction.

123 ~~[(26)]~~ (27) "Work-related child care costs" means reasonable child care costs for up to
 124 a full-time work week or training schedule as necessitated by the employment or training of a
 125 parent under Section 78B-12-215.

126 ~~[(27)]~~ (28) "Worksheets" means the forms used to aid in calculating the base child
 127 support award.

128 Section 2. Section **78B-12-105.1** is enacted to read:

129 **78B-12-105.1. Duty of $\hat{H}\rightarrow$ [unmarried] biological $\leftarrow\hat{H}$ father to share pregnancy**
 129a **expenses.**

130 (1) Except as otherwise provided in this section, $\hat{H}\rightarrow$ [an-unmarried] a biological $\leftarrow\hat{H}$
 130a father of a child has a
 131 duty to pay 50% of the mother's pregnancy expenses.

132 (2) (a) If paternity is disputed, $\hat{H}\rightarrow$ [an-unmarried] a biological $\leftarrow\hat{H}$ father owes no duty
 132a under this section
 133 until the $\hat{H}\rightarrow$ [unmarried] biological $\leftarrow\hat{H}$ father's paternity is established.

134 (b) Once paternity is established, the $\hat{H}\rightarrow$ [unmarried] biological $\leftarrow\hat{H}$ father is subject to
 134a Subsection (1).

135 (3) (a) Any portion of a mother's pregnancy expenses paid by the mother or the
 136 $\hat{H}\rightarrow$ [unmarried] biological $\leftarrow\hat{H}$ father reduces that parent's 50% share under Subsection (1), not
 136a the total amount of
 137 pregnancy expenses.

138 (b) Subsection (3)(a) applies regardless of when the mother or $\hat{H}\rightarrow$ [unmarried]
 138a biological $\leftarrow\hat{H}$ father pays
 139 the pregnancy expense.

140 (4) If a mother receives an abortion, as defined in Section 76-7-301, without the
 141 $\hat{H}\rightarrow$ [unmarried] biological $\leftarrow\hat{H}$ father's consent, the $\hat{H}\rightarrow$ [unmarried] biological $\leftarrow\hat{H}$ father owes
 141a no duty under this section, unless:

142 (a) the abortion is necessary to avert the death of the mother; or

143 (b) the mother was pregnant as a result of:

144 (i) rape, as described in Section 76-5-402;

145 (ii) rape of a child, as described in Section 76-5-402.1; or ☹

- 146 ☛(iii) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102.
- 147 (5) Subsection (1) does not apply if a court apportions pregnancy expenses under
- 148 Section 30-3-5.
- 149 (6) A person may seek payment under Subsection (1) in accordance with Section

150 78B-12-113.

150a **H→ (7) Nothing in this section or Section 78B-12-212.1 requires a person to separately**
150b **bill an unmarried father for pregnancy expenses. ←H**

151 Section 3. Section **78B-12-212.1** is enacted to read:

152 **78B-12-212.1. Pregnancy expenses.**

153 If a person seeks payment under Section 78B-12-105.1 by providing documentation of
154 payments, medical expenses, and insurance premiums, the district court shall, after review,
155 order the payment of the expenses.