

1 **SHARED MEDICAL COSTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brady Brammer**

5 Senate Sponsor: Daniel McCay

6 Cosponsor:

7 Cheryl K. Acton

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9 **LONG TITLE**

10 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms; and
- 15 ▶ requires a biological father to pay 50% of a mother's:
- 16 • insurance premiums while she is pregnant; and
  - 17 • pregnancy-related medical costs, including the hospital birth of the child, that

18 are not paid by another person.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **78B-12-102**, as last amended by Laws of Utah 2018, Chapter 96

26 ENACTS:

27 **78B-12-105.1**, Utah Code Annotated 1953

28 **78B-12-212.1**, Utah Code Annotated 1953



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

31 Section 1. Section **78B-12-102** is amended to read:

32 **78B-12-102. Definitions.**

33 As used in this chapter:

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

35 **78B-12-204**(1).

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

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

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

43 (5) "Base combined child support obligation table," "child support table," "base child  
44 support obligation table," "low income table," or "table" means the appropriate table in Part 3,  
45 Tables.

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

48 (7) "Child" means:

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

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

54 (c) a son or daughter of any age who is incapacitated from earning a living and, if able

55 to provide some financial resources to the family, is not able to support self by own means.

56 (8) "Child support" means a base child support award, or a monthly financial award for  
57 uninsured medical expenses, ordered by a tribunal for the support of a child, including current  
58 periodic payments, arrearages that accrue under an order for current periodic payments, and  
59 sum certain judgments awarded for arrearages, medical expenses, and child care costs.

60 (9) "Child support order" or "support order" means a judgment, decree, or order of a  
61 tribunal whether interlocutory or final, whether or not prospectively or retroactively modifiable,  
62 whether incidental to a proceeding for divorce, judicial or legal separation, separate  
63 maintenance, paternity, guardianship, civil protection, or otherwise that:

64 (a) establishes or modifies child support;

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

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

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

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

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

73 (13) "Health care coverage" means coverage under which medical services are  
74 provided to a dependent child through:

75 (a) fee for service;

76 (b) a health maintenance organization;

77 (c) a preferred provider organization;

78 (d) any other type of private health insurance; or

79 (e) public health care coverage.

80 (14) (a) "Income" means earnings, compensation, or other payment due to an  
81 individual, regardless of source, whether denominated as wages, salary, commission, bonus,

82 pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and  
83 incentive pay.

84 (b) "Income" includes:

85 (i) all gain derived from capital assets, labor, or both, including profit gained through  
86 sale or conversion of capital assets;

87 (ii) interest and dividends;

88 (iii) periodic payments made under pension or retirement programs or insurance  
89 policies of any type;

90 (iv) unemployment compensation benefits;

91 (v) workers' compensation benefits; and

92 (vi) disability benefits.

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

96 (16) "Medical expenses" means health and dental expenses and related insurance costs.

97 (17) "Obligee" means an individual, this state, another state, or another comparable  
98 jurisdiction to whom child support is owed or who is entitled to reimbursement of child  
99 support or public assistance.

100 (18) "Obligor" means a person owing a duty of support.

101 (19) "Office" means the Office of Recovery Services within the Department of Human  
102 Services.

103 (20) "Parent" includes a natural parent, or an adoptive parent.

104 (21) "Pregnancy expenses" means an amount equal to:

105 (a) the sum of a pregnant mother's:

106 (i) health insurance premiums while pregnant that are not paid by an employer or  
107 government program; and

108 (ii) medical costs related to the pregnancy, incurred after the date of conception and

109 before the pregnancy ends; minus

110 (b) any portion of the amount described in Subsection (21)(a) that a court determines is  
111 equitable based on the totality of the circumstances, not including any amount paid by the  
112 mother or father of the child.

113 [~~21~~] (22) "Split custody" means that each parent has physical custody of at least one  
114 of the children.

115 [~~22~~] (23) "State" includes a state, territory, possession of the United States, the  
116 District of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or other  
117 comparable domestic or foreign jurisdiction.

118 [~~23~~] (24) "Temporary" means a period of time that is projected to be less than 12  
119 months in duration.

120 [~~24~~] (25) "Third party" means an agency or a person other than the biological or  
121 adoptive parent or a child who provides care, maintenance, and support to a child.

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

126 [~~26~~] (27) "Work-related child care costs" means reasonable child care costs for up to  
127 a full-time work week or training schedule as necessitated by the employment or training of a  
128 parent under Section 78B-12-215.

129 [~~27~~] (28) "Worksheets" means the forms used to aid in calculating the base child  
130 support award.

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

132 **78B-12-105.1. Duty of biological father to share pregnancy expenses.**

133 (1) Except as otherwise provided in this section, a biological father of a child has a  
134 duty to pay 50% of the mother's pregnancy expenses.

135 (2) (a) If paternity is disputed, a biological father owes no duty under this section until

136 the biological father's paternity is established.

137 (b) Once paternity is established, the biological father is subject to Subsection (1).

138 (3) (a) Any portion of a mother's pregnancy expenses paid by the mother or the  
139 biological father reduces that parent's 50% share under Subsection (1), not the total amount of  
140 pregnancy expenses.

141 (b) Subsection (3)(a) applies regardless of when the mother or biological father pays  
142 the pregnancy expense.

143 (4) If a mother receives an abortion, as defined in Section 76-7-301, without the  
144 biological father's consent, the biological father owes no duty under this section, unless:

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

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

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

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

149 (iii) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102.

150 (5) Subsection (1) does not apply if a court apportions pregnancy expenses under  
151 Section 30-3-5.

152 (6) A person may seek payment under Subsection (1) in accordance with Section  
153 78B-12-113.

154 (7) Nothing in this section or Section 78B-12-212.1 requires a person to separately bill  
155 a biological father for pregnancy expenses.

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

157 **78B-12-212.1. Pregnancy expenses.**

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