

**Representative Brady Brammer** proposes the following substitute bill:

**SHARED MEDICAL COSTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

Senate Sponsor: \_\_\_\_\_

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**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 an unmarried 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



26 [78B-12-212.1](#), Utah Code Annotated 1953

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

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

30 **78B-12-102. Definitions.**

31 As used in this chapter:

32 (1) "Adjusted gross income" means income calculated under Subsection  
33 [78B-12-204](#)(1).

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

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

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

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

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

46 (7) "Child" means:

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

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

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

54 (8) "Child support" means a base child support award, or a monthly financial award for  
55 uninsured medical expenses, ordered by a tribunal for the support of a child, including current  
56 periodic payments, arrearages that accrue under an order for current periodic payments, and

57 sum certain judgments awarded for arrearages, medical expenses, and child care costs.

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

- 62 (a) establishes or modifies child support;
- 63 (b) reduces child support arrearages to judgment; or
- 64 (c) establishes child support or registers a child support order under Chapter 14, Utah  
65 Uniform Interstate Family Support Act.

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

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

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

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

- 73 (a) fee for service;
- 74 (b) a health maintenance organization;
- 75 (c) a preferred provider organization;
- 76 (d) any other type of private health insurance; or
- 77 (e) public health care coverage.

78 (14) (a) "Income" means earnings, compensation, or other payment due to an  
79 individual, regardless of source, whether denominated as wages, salary, commission, bonus,  
80 pay, allowances, contract payment, or otherwise, including severance pay, sick pay, and  
81 incentive pay.

82 (b) "Income" includes:

- 83 (i) all gain derived from capital assets, labor, or both, including profit gained through  
84 sale or conversion of capital assets;
- 85 (ii) interest and dividends;
- 86 (iii) periodic payments made under pension or retirement programs or insurance  
87 policies of any type;

88 (iv) unemployment compensation benefits;

89 (v) workers' compensation benefits; and

90 (vi) disability benefits.

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

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

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

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

99 (19) "Office" means the Office of Recovery Services within the Department of Human  
100 Services.

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

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

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

104 (i) health insurance premiums while pregnant; and

105 (ii) medical costs related to the pregnancy, incurred after the date of conception and  
106 before the pregnancy ends; minus

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

110 [~~21~~] (22) "Split custody" means that each parent has physical custody of at least one  
111 of the children.

112 [~~22~~] (23) "State" includes a state, territory, possession of the United States, the  
113 District of Columbia, the Commonwealth of Puerto Rico, Native American Tribe, or other  
114 comparable domestic or foreign jurisdiction.

115 [~~23~~] (24) "Temporary" means a period of time that is projected to be less than 12  
116 months in duration.

117 [~~24~~] (25) "Third party" means an agency or a person other than the biological or  
118 adoptive parent or a child who provides care, maintenance, and support to a child.

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 unmarried father to share pregnancy expenses.**

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

132           (2) (a) If paternity is disputed, an unmarried father owes no duty under this section  
133 until the unmarried father's paternity is established.

134           (b) Once paternity is established, the unmarried father is subject to Subsection (1).

135           (3) (a) Any portion of a mother's pregnancy expenses paid by the mother or the  
136 unmarried father reduces that parent's 50% share under Subsection (1), not the total amount of  
137 pregnancy expenses.

138           (b) Subsection (3)(a) applies regardless of when the mother or unmarried father pays  
139 the pregnancy expense.

140           (4) If a mother receives an abortion, as defined in Section [76-7-301](#), without the  
141 unmarried father's consent, the unmarried father owes 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.](#)

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.