**R527. Health and Human Services, Recovery Services.**

**R527-39. Applicant or Recipient Cooperation.**

**R527-39-1. Authority and Purpose.**

(1) The Department of Health and Human Services is authorized to create rules necessary for social services pursuant to Section 26B-1-202. The Office of Recovery Services (ORS) is authorized to adopt, amend, and enforce rules pursuant to Section 26B-9-108.

(2) The purpose of this rule is to identify cooperation requirements for IV-A assistance eligibility pursuant to Section 26B-9-213, and for non-IV-A Medicaid assistance eligibility pursuant to 42 CFR 433.147. This rule describes the review process available if the client disagrees with the assessment that the client is not cooperating as required.

**R527-39-2. Definitions.**

As used in this rule, "recipient" refers to an applicant or recipient of IV-A or non-IV-A Medicaid services.

**R527-39-3. Cooperation Requirements.**

(1) Unless a good cause determination has been made by the IV-A or Medicaid agency, a recipient of IV-A or non-IV-A Medicaid services, with some Medicaid program exceptions, must cooperate with ORS. Cooperation requirements include:

(a) identifying and locating the parent of a child for whom aid is claimed;

(b) establishing the parentage of a child born out of wedlock for whom aid is claimed;

(c) establishing an order for child support;

(d) obtaining support payments for the recipient and for a child for whom aid is claimed, unless the non-IV-A Medicaid recipient has declined child support services;

(e) obtaining any other payments or property due the recipient or the child; and

(f) obtaining and enforcing an order for medical support.

(2) The recipient must cooperate with ORS with specific actions that are necessary for the achievement of the objectives provided in Section R527-39-3(1)(a) through (f), as follows:

(a) appearing at the ORS office to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the recipient;

(b) participating at judicial or other hearings or proceedings;

(c) providing information;

(d) turning over to ORS any support payments received from the obligor after the Assignment of Collection of Support Payments has been made; and

(e) complying with a judicial or administrative order for genetic testing.

**R527-39-4. Options to Contest a Noncooperation Determination.**

(1) If the recipient fails to cooperate as listed in R527-39-3, ORS will notify the recipient and the Department of Workforce Services. The recipient may contest the noncooperation determination by:

(a) requesting ORS conduct an administrative review;

(b) requesting an adjudicative proceeding pursuant to Title 63G, Chapter 4, Utah Administrative Procedures Act (UAPA), to be conducted by an ORS presiding officer; or,

(c) petitioning the district court to review the noncooperation determination and issue a judicial order based on its findings.

(2) An administrative review shall not be subject to UAPA provisions or be considered an adjudicative proceeding pursuant to Section 63G-4-203 and Rule R527-200. The goal of the administrative review is to determine if the recipient has met the cooperation requirements or if the recipient cannot meet the requirements. A senior agent or other employee designated to conduct the administrative review shall:

(a) examine the case record;

(b) discuss the case with the assigned case worker;

(c) consult with management staff; and

(d) consider any new information the recipient provides.

(3) If the recipient disagrees with the results of an administrative review, the recipient may:

(a) request an adjudicative proceeding pursuant to UAPA; or

(b) petition the district court to review the initial noncooperation determination and the results of the administrative review.

(4) If the recipient disagrees with the decision and order issued at the close of an adjudicative proceeding, the recipient may:

(a) request reconsideration within 20 days after the date the decision and order is issued pursuant to Section 63G-4-302 and Rule R527-200; or

(b) petition the district court to review the decision and order and issue a judicial order based on its findings.

**KEY: child support**

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**Authorizing, and Implemented or Interpreted Law: 26B-1-202; 26B-9-108; 26B-9-213; 63G-4; 42 CFR 433.147; R527-200**