

PROBATE NOTICE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kelly B. Miles

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies notice provisions in a probate proceeding.

Highlighted Provisions:

This bill:

- ▶ eliminates a requirement that a petitioner or a personal representative provide notice of a probate proceeding to the Office of Recovery Services;
- ▶ requires the probate court to provide notice of a probate proceeding to the Office of Recovery Services under certain circumstances; and
- ▶ removes a provision that suspends a time limitation on the state's enforcement of a medical assistance claim or lien when the Office of Recovery Services does not receive notice of a probate proceeding.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

75-3-104.5, as enacted by Laws of Utah 2018, Chapter 443

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

Section 1. Section **75-3-104.5** is amended to read:

75-3-104.5. Notice to the Office of Recovery Services.

30 ~~[(1)]~~ Within 30 days after the day on which a ~~[petitioner or personal representative files~~
31 ~~an action]~~ person files an application or a petition for probate under this chapter for a decedent
32 who was at least 55 years old, the ~~[petitioner or personal representative shall send a copy of the~~
33 ~~pleadings, by certified mail,]~~ court shall provide notice of the application or petition to the
34 Office of Recovery Services created in Section 62A-1-105 for purposes of presentation or
35 enforcement of a lien or claim under Section 26-19-405.

36 ~~[(2) Failure to provide notice as described in Subsection (1) tolls all limitations~~
37 ~~concerning the state's presentation or enforcement of a lien or claim under Section 26-19-405.]~~