

59 desires regarding future custody or parent-time schedules, but the expressed desires are not
60 controlling and the court may determine the children's custody or parent-time otherwise. The
61 desires of a child [16] 14 years of age or older shall be given added weight, but is not ~~§~~ [f] the
62 single [f] [a] ~~§~~ controlling factor.

63 (f) If interviews with the children are conducted by the court pursuant to Subsection
64 (1)(e), they shall be conducted by the judge in camera. The prior consent of the parties may be
65 obtained but is not necessary if the court finds that an interview with the children is the only
66 method to ascertain the child's desires regarding custody.

67 (2) In awarding custody, the court shall consider, among other factors the court finds
68 relevant, which parent is most likely to act in the best interests of the child, including allowing
69 the child frequent and continuing contact with the noncustodial parent as the court finds
70 appropriate.

71 (3) If the court finds that one parent does not desire custody of the child, the court shall
72 take that evidence into consideration in determining whether to award custody to the other
73 parent.

74 (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a
75 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining
76 whether a substantial change has occurred for the purpose of modifying an award of custody.

77 (b) If a court takes a parent's disability into account in awarding custody or determining
78 whether a substantial change has occurred for the purpose of modifying an award of custody,
79 the parent with a disability may rebut any evidence, presumption, or inference arising from the
80 disability by showing that:

81 (i) the disability does not significantly or substantially inhibit the parent's ability to
82 provide for the physical and emotional needs of the child at issue; or

83 (ii) the parent with a disability has sufficient human, monetary, or other resources
84 available to supplement the parent's ability to provide for the physical and emotional needs of
85 the child at issue.

86 (c) Nothing in this section may be construed to apply to adoption proceedings under
87 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

88 (5) This section establishes neither a preference nor a presumption for or against joint
89 physical custody or sole physical custody, but allows the court and the family the widest