

1 **Domestic Relations Recodification**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Anthony E. Loubet

3 **LONG TITLE**

4 **General Description:**

5 This bill recodifies and amends statutes related to domestic relations.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ clarifies the jurisdiction of the juvenile and district courts with regard to adoptions;
- 9 ▶ clarifies and coordinates definitions related to domestic relations, including the terms,

10 "parent" and "child";

- 11 ▶ recodifies and amends Title 78B, Chapter 15, Utah Uniform Parentage Act, to Title 81,

12 Chapter 5, Uniform Parentage Act, including:

- 13 • changing the term, "support-enforcement agency" to "child support services agency,"

14 in Title 81, Chapter 5, Uniform Parentage Act;

- 15 • revising gender-specific terminology to be gender neutral; and

- 16 • clarifying the establishment of a parent-child relationship;

17 ▶ recodifies and amends Title 78B, Chapter 14, Utah Uniform Interstate Family Support
18 Act, to Title 81, Chapter 8, Uniform Interstate Family Support Act, including:

- 19 • defining terms to coordinate with changes to Title 81, Chapter 5, Uniform Parentage

20 Act; and

- 21 • changing the term, "support-enforcement agency" to "child support services agency,"

22 in Title 81, Chapter 8, Uniform Interstate Family Support Act;

- 23 ▶ recodifies Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and

24 Visitation Act, to Title 81, Chapter 10, Uniform Deployed Parents Custody, Parent-time,

25 and Visitation Act;

- 26 ▶ recodifies Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and

27 Enforcement Act, to Title 81, Chapter 11, Uniform Child Custody Jurisdiction and

28 Enforcement Act;

- 29 ▶ recodifies Title 78B, Chapter 6, Part 1, Utah Adoption Act, to Title 81, Chapter 13,

30 Adoption;

- 31 ▶ clarifies provisions regarding adoption, including:
- 32 • the definitions for adoption, adoptee, birth mother, birth parent, and pre-existing
- 33 parent;
- 34 • access to adoption records by a potential birth father that is allowed to intervene in an
- 35 adoption proceeding;
- 36 • that a petitioner's home includes a temporary place of abode in regards to the
- 37 requirement that a child-placing agency may delegate the responsibility for the care,
- 38 maintenance, and support of a minor child once the petitioner has received the minor
- 39 child into the petitioner's home for the purpose of adoption;
- 40 • clarifying the time periods associated with adoption; and
- 41 • the requirements for adopting an adult;
- 42 ▶ allows an adoption proceeding to be brought in a judicial district rather than a county;
- 43 ▶ repeals a requirement requiring a petition for adoption of a minor child to be filed within
- 44 30 days of the minor child being placed in the home of the prospective adoptive parents;
- 45 ▶ repeals a statute requiring a person filing a petition for the adoption of an alien child to
- 46 include written evidence of lawful admission of the alien child;
- 47 ▶ recodifies Title 78B, Chapter 24, Uniform Unregulated Child Custody Transfer Act, to
- 48 Title 81, Chapter 14, Uniform Unregulated Child Custody Transfer Act; and
- 49 ▶ makes technical and conforming changes.

50 **Money Appropriated in this Bill:**

51 None

52 **Other Special Clauses:**

53 None

54 **Utah Code Sections Affected:**

55 AMENDS:

56 **10-3-1103**, as last amended by Laws of Utah 2022, Chapters 166, 177

57 **17-33-5**, as last amended by Laws of Utah 2022, Chapters 166, 177

58 **26B-1-202**, as last amended by Laws of Utah 2024, Chapter 506

59 **26B-2-104**, as last amended by Laws of Utah 2024, Chapters 240, 307

60 **26B-2-127**, as last amended by Laws of Utah 2023, Chapter 466 and renumbered and

61 amended by Laws of Utah 2023, Chapter 305

62 **26B-3-108**, as last amended by Laws of Utah 2024, Chapter 284

63 **26B-5-316**, as last amended by Laws of Utah 2024, Chapter 366

64 **26B-6-411**, as last amended by Laws of Utah 2024, Chapter 366

- 65 **26B-8-101**, as last amended by Laws of Utah 2024, Chapter 366
- 66 **26B-8-102**, as renumbered and amended by Laws of Utah 2023, Chapter 306
- 67 **26B-8-104**, as last amended by Laws of Utah 2024, Chapter 295
- 68 **26B-8-110**, as renumbered and amended by Laws of Utah 2023, Chapter 306
- 69 **26B-8-119**, as renumbered and amended by Laws of Utah 2023, Chapter 306
- 70 **26B-8-125**, as renumbered and amended by Laws of Utah 2023, Chapter 306
- 71 **26B-8-128**, as last amended by Laws of Utah 2023, Chapter 289 and renumbered and
- 72 amended by Laws of Utah 2023, Chapter 306
- 73 **26B-8-131**, as renumbered and amended by Laws of Utah 2023, Chapter 306
- 74 **26B-9-101**, as last amended by Laws of Utah 2024, Chapter 366
- 75 **26B-9-104**, as last amended by Laws of Utah 2024, Chapter 366
- 76 **26B-9-108**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 77 **26B-9-205**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 78 **26B-9-206**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 79 **26B-9-207**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 80 **26B-9-209**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 81 **26B-9-212**, as last amended by Laws of Utah 2024, Chapter 366
- 82 **26B-9-213**, as last amended by Laws of Utah 2024, Chapter 366
- 83 **26B-9-230**, as last amended by Laws of Utah 2024, Chapter 366
- 84 **35A-3-308**, as last amended by Laws of Utah 2023, Chapter 328
- 85 **53-10-108**, as last amended by Laws of Utah 2023, Chapter 328
- 86 **53B-1-119**, as enacted by Laws of Utah 2024, Chapter 378
- 87 **53G-11-209**, as enacted by Laws of Utah 2024, Chapter 48
- 88 **58-60-112**, as last amended by Laws of Utah 2024, Chapter 366
- 89 **63A-17-106**, as last amended by Laws of Utah 2024, Chapter 397
- 90 **63J-1-602.1**, as last amended by Laws of Utah 2024, Chapters 88, 501
- 91 **63J-1-602.2**, as last amended by Laws of Utah 2024, Chapters 241, 285, 425, and 467
- 92 **75-2-114**, as last amended by Laws of Utah 2014, Chapter 142
- 93 **75-5-209**, as last amended by Laws of Utah 2021, Chapter 262
- 94 **76-5-301.2**, as enacted by Laws of Utah 2023, Chapter 125
- 95 **76-7-102**, as last amended by Laws of Utah 2022, Chapter 217
- 96 **77-38b-102**, as last amended by Laws of Utah 2024, Chapter 330
- 97 **78A-5-102**, as last amended by Laws of Utah 2024, Chapter 158
- 98 **78A-5a-103**, as last amended by Laws of Utah 2024, Chapters 158, 366

99 **78A-6-103**, as last amended by Laws of Utah 2024, Chapter 366
100 **78A-6-104**, as last amended by Laws of Utah 2024, Chapter 366
101 **78A-6-356**, as last amended by Laws of Utah 2024, Chapter 366
102 **78A-6-358**, as last amended by Laws of Utah 2023, Chapter 115
103 **78A-6-359**, as last amended by Laws of Utah 2022, Chapter 442
104 **78B-3-205**, as renumbered and amended by Laws of Utah 2008, Chapter 3
105 **78B-3-416**, as last amended by Laws of Utah 2024, Chapter 366
106 **78B-22-201**, as last amended by Laws of Utah 2022, Chapter 281
107 **78B-22-901**, as last amended by Laws of Utah 2023, Chapter 229
108 **78B-22-903**, as last amended by Laws of Utah 2023, Chapter 229
109 **80-1-102**, as last amended by Laws of Utah 2024, Chapter 256
110 **80-2-503.5**, as last amended by Laws of Utah 2024, Chapter 276
111 **80-2-702**, as last amended by Laws of Utah 2022, Chapter 308 and renumbered and
112 amended by Laws of Utah 2022, Chapter 334 and last amended by Coordination Clause, Laws
113 of Utah 2022, Chapter 334
114 **80-2-802**, as last amended by Laws of Utah 2023, Chapter 330
115 **80-2-803**, as last amended by Laws of Utah 2023, Chapter 330
116 **80-2-906**, as last amended by Laws of Utah 2024, Chapter 366
117 **80-2-909**, as last amended by Laws of Utah 2024, Chapter 267
118 **80-2-1005**, as last amended by Laws of Utah 2023, Chapter 330
119 **80-2a-101**, as enacted by Laws of Utah 2022, Chapter 334 and last amended by
120 Coordination Clause, Laws of Utah 2022, Chapter 334
121 **80-2a-201**, as last amended by Laws of Utah 2023, Chapter 320
122 **80-2a-304**, as last amended by Laws of Utah 2022, Chapter 287 and renumbered and
123 amended by Laws of Utah 2022, Chapter 334
124 **80-3-102**, as last amended by Laws of Utah 2022, Chapters 287, 334
125 **80-3-107**, as last amended by Laws of Utah 2022, Chapter 335
126 **80-3-204**, as last amended by Laws of Utah 2023, Chapter 330
127 **80-3-301**, as last amended by Laws of Utah 2023, Chapter 309
128 **80-3-302**, as last amended by Laws of Utah 2023, Chapters 309, 330
129 **80-3-307**, as last amended by Laws of Utah 2023, Chapters 309, 320
130 **80-3-405**, as last amended by Laws of Utah 2023, Chapters 309, 320 and 330
131 **80-3-409**, as last amended by Laws of Utah 2024, Chapter 240
132 **80-3-502**, as renumbered and amended by Laws of Utah 2021, Chapter 261

- 133 **80-4-104**, as last amended by Laws of Utah 2024, Chapter 293
134 **80-4-106**, as last amended by Laws of Utah 2022, Chapter 334
135 **80-4-203**, as last amended by Laws of Utah 2022, Chapter 335
136 **80-4-302**, as last amended by Laws of Utah 2023, Chapter 330
137 **80-4-307**, as last amended by Laws of Utah 2024, Chapter 98
138 **80-4-502**, as last amended by Laws of Utah 2023, Chapter 139
139 **80-7-102**, as renumbered and amended by Laws of Utah 2021, Chapter 261
140 **81-1-101**, as enacted by Laws of Utah 2024, Chapter 366
141 **81-1-202**, as enacted by Laws of Utah 2024, Chapter 366
142 **81-4-404**, as renumbered and amended by Laws of Utah 2024, Chapter 366
143 **81-9-202**, as renumbered and amended by Laws of Utah 2024, Chapter 366
144 **81-9-203**, as renumbered and amended by Laws of Utah 2024, Chapter 366
145 **81-9-204**, as renumbered and amended by Laws of Utah 2024, Chapter 366
146 **81-9-208**, as renumbered and amended by Laws of Utah 2024, Chapter 366
147 **81-9-303**, as renumbered and amended by Laws of Utah 2024, Chapter 366
148 **81-9-305**, as renumbered and amended by Laws of Utah 2024, Chapter 366
149 **81-9-402**, as renumbered and amended by Laws of Utah 2024, Chapter 366

150 ENACTS:

- 151 **81-5-105**, Utah Code Annotated 1953
152 **81-13-201**, Utah Code Annotated 1953
153 **81-13-204**, Utah Code Annotated 1953
154 **81-13-301**, Utah Code Annotated 1953
155 **81-13-304**, Utah Code Annotated 1953
156 **81-13-305**, Utah Code Annotated 1953
157 **81-13-306**, Utah Code Annotated 1953
158 **81-13-401**, Utah Code Annotated 1953
159 **81-13-501**, Utah Code Annotated 1953

160 RENUMBERS AND AMENDS:

- 161 **81-5-102**, (Renumbered from 78B-15-102, as last amended by Laws of Utah 2024,
162 Chapter 366)
163 **81-5-103**, (Renumbered from 78B-15-103, as renumbered and amended by Laws
164 of Utah 2008, Chapter 3)
165 **81-5-104**, (Renumbered from 78B-15-104, as last amended by Laws of Utah 2023,
166 Chapter 330)

167 **81-5-201**, (Renumbered from 78B-15-201, as last amended by Laws of Utah 2017,
168 Chapter 156)
169 **81-5-202**, (Renumbered from 78B-15-202, as renumbered and amended by Laws
170 of Utah 2008, Chapter 3)
171 **81-5-203**, (Renumbered from 78B-15-203, as renumbered and amended by Laws
172 of Utah 2008, Chapter 3)
173 **81-5-204**, (Renumbered from 78B-15-204, as renumbered and amended by Laws
174 of Utah 2008, Chapter 3)
175 **81-5-301**, (Renumbered from 78B-15-301, as renumbered and amended by Laws
176 of Utah 2008, Chapter 3)
177 **81-5-302**, (Renumbered from 78B-15-302, as renumbered and amended by Laws
178 of Utah 2008, Chapter 3)
179 **81-5-303**, (Renumbered from 78B-15-303, as renumbered and amended by Laws
180 of Utah 2008, Chapter 3)
181 **81-5-304**, (Renumbered from 78B-15-304, as renumbered and amended by Laws
182 of Utah 2008, Chapter 3)
183 **81-5-305**, (Renumbered from 78B-15-305, as renumbered and amended by Laws
184 of Utah 2008, Chapter 3)
185 **81-5-306**, (Renumbered from 78B-15-306, as renumbered and amended by Laws
186 of Utah 2008, Chapter 3)
187 **81-5-307**, (Renumbered from 78B-15-307, as renumbered and amended by Laws
188 of Utah 2008, Chapter 3)
189 **81-5-308**, (Renumbered from 78B-15-308, as renumbered and amended by Laws
190 of Utah 2008, Chapter 3)
191 **81-5-309**, (Renumbered from 78B-15-309, as renumbered and amended by Laws
192 of Utah 2008, Chapter 3)
193 **81-5-310**, (Renumbered from 78B-15-310, as renumbered and amended by Laws
194 of Utah 2008, Chapter 3)
195 **81-5-311**, (Renumbered from 78B-15-311, as renumbered and amended by Laws
196 of Utah 2008, Chapter 3)
197 **81-5-312**, (Renumbered from 78B-15-312, as renumbered and amended by Laws
198 of Utah 2008, Chapter 3)
199 **81-5-313**, (Renumbered from 78B-15-313, as renumbered and amended by Laws
200 of Utah 2008, Chapter 3)

201 **81-5-401**, (Renumbered from 78B-15-401, as renumbered and amended by Laws
202 of Utah 2008, Chapter 3)
203 **81-5-402**, (Renumbered from 78B-15-402, as renumbered and amended by Laws
204 of Utah 2008, Chapter 3)
205 **81-5-403**, (Renumbered from 78B-15-403, as renumbered and amended by Laws
206 of Utah 2008, Chapter 3)
207 **81-5-404**, (Renumbered from 78B-15-404, as renumbered and amended by Laws
208 of Utah 2008, Chapter 3)
209 **81-5-405**, (Renumbered from 78B-15-405, as renumbered and amended by Laws
210 of Utah 2008, Chapter 3)
211 **81-5-406**, (Renumbered from 78B-15-406, as renumbered and amended by Laws
212 of Utah 2008, Chapter 3)
213 **81-5-407**, (Renumbered from 78B-15-407, as renumbered and amended by Laws
214 of Utah 2008, Chapter 3)
215 **81-5-408**, (Renumbered from 78B-15-408, as renumbered and amended by Laws
216 of Utah 2008, Chapter 3)
217 **81-5-409**, (Renumbered from 78B-15-409, as renumbered and amended by Laws
218 of Utah 2008, Chapter 3)
219 **81-5-410**, (Renumbered from 78B-15-410, as renumbered and amended by Laws
220 of Utah 2008, Chapter 3)
221 **81-5-501**, (Renumbered from 78B-15-501, as renumbered and amended by Laws
222 of Utah 2008, Chapter 3)
223 **81-5-502**, (Renumbered from 78B-15-502, as renumbered and amended by Laws
224 of Utah 2008, Chapter 3)
225 **81-5-503**, (Renumbered from 78B-15-503, as renumbered and amended by Laws
226 of Utah 2008, Chapter 3)
227 **81-5-504**, (Renumbered from 78B-15-504, as renumbered and amended by Laws
228 of Utah 2008, Chapter 3)
229 **81-5-505**, (Renumbered from 78B-15-505, as renumbered and amended by Laws
230 of Utah 2008, Chapter 3)
231 **81-5-506**, (Renumbered from 78B-15-506, as renumbered and amended by Laws
232 of Utah 2008, Chapter 3)
233 **81-5-507**, (Renumbered from 78B-15-507, as renumbered and amended by Laws
234 of Utah 2008, Chapter 3)

235 **81-5-508**, (Renumbered from 78B-15-508, as renumbered and amended by Laws
236 of Utah 2008, Chapter 3)
237 **81-5-509**, (Renumbered from 78B-15-509, as renumbered and amended by Laws
238 of Utah 2008, Chapter 3)
239 **81-5-510**, (Renumbered from 78B-15-510, as renumbered and amended by Laws
240 of Utah 2008, Chapter 3)
241 **81-5-511**, (Renumbered from 78B-15-511, as renumbered and amended by Laws
242 of Utah 2008, Chapter 3)
243 **81-5-601**, (Renumbered from 78B-15-601, as renumbered and amended by Laws
244 of Utah 2008, Chapter 3)
245 **81-5-602**, (Renumbered from 78B-15-602, as renumbered and amended by Laws
246 of Utah 2008, Chapter 3)
247 **81-5-603**, (Renumbered from 78B-15-603, as last amended by Laws of Utah 2024,
248 Chapter 366)
249 **81-5-604**, (Renumbered from 78B-15-604, as renumbered and amended by Laws
250 of Utah 2008, Chapter 3)
251 **81-5-605**, (Renumbered from 78B-15-605, as renumbered and amended by Laws
252 of Utah 2008, Chapter 3)
253 **81-5-606**, (Renumbered from 78B-15-606, as renumbered and amended by Laws
254 of Utah 2008, Chapter 3)
255 **81-5-607**, (Renumbered from 78B-15-607, as last amended by Laws of Utah 2017,
256 Chapter 156)
257 **81-5-608**, (Renumbered from 78B-15-608, as renumbered and amended by Laws
258 of Utah 2008, Chapter 3)
259 **81-5-609**, (Renumbered from 78B-15-609, as renumbered and amended by Laws
260 of Utah 2008, Chapter 3)
261 **81-5-610**, (Renumbered from 78B-15-610, as last amended by Laws of Utah 2024,
262 Chapter 366)
263 **81-5-611**, (Renumbered from 78B-15-611, as renumbered and amended by Laws
264 of Utah 2008, Chapter 3)
265 **81-5-612**, (Renumbered from 78B-15-612, as last amended by Laws of Utah 2021,
266 Chapter 262)
267 **81-5-613**, (Renumbered from 78B-15-613, as renumbered and amended by Laws
268 of Utah 2008, Chapter 3)

269 **81-5-614**, (Renumbered from 78B-15-614, as renumbered and amended by Laws
270 of Utah 2008, Chapter 3)
271 **81-5-615**, (Renumbered from 78B-15-615, as renumbered and amended by Laws
272 of Utah 2008, Chapter 3)
273 **81-5-616**, (Renumbered from 78B-15-616, as renumbered and amended by Laws
274 of Utah 2008, Chapter 3)
275 **81-5-617**, (Renumbered from 78B-15-617, as renumbered and amended by Laws
276 of Utah 2008, Chapter 3)
277 **81-5-618**, (Renumbered from 78B-15-618, as renumbered and amended by Laws
278 of Utah 2008, Chapter 3)
279 **81-5-619**, (Renumbered from 78B-15-619, as renumbered and amended by Laws
280 of Utah 2008, Chapter 3)
281 **81-5-620**, (Renumbered from 78B-15-620, as renumbered and amended by Laws
282 of Utah 2008, Chapter 3)
283 **81-5-621**, (Renumbered from 78B-15-621, as renumbered and amended by Laws
284 of Utah 2008, Chapter 3)
285 **81-5-622**, (Renumbered from 78B-15-622, as renumbered and amended by Laws
286 of Utah 2008, Chapter 3)
287 **81-5-623**, (Renumbered from 78B-15-623, as last amended by Laws of Utah 2024,
288 Chapter 366)
289 **81-5-701**, (Renumbered from 78B-15-701, as renumbered and amended by Laws
290 of Utah 2008, Chapter 3)
291 **81-5-702**, (Renumbered from 78B-15-702, as renumbered and amended by Laws
292 of Utah 2008, Chapter 3)
293 **81-5-703**, (Renumbered from 78B-15-703, as renumbered and amended by Laws
294 of Utah 2008, Chapter 3)
295 **81-5-704**, (Renumbered from 78B-15-704, as renumbered and amended by Laws
296 of Utah 2008, Chapter 3)
297 **81-5-705**, (Renumbered from 78B-15-705, as renumbered and amended by Laws
298 of Utah 2008, Chapter 3)
299 **81-5-706**, (Renumbered from 78B-15-706, as renumbered and amended by Laws
300 of Utah 2008, Chapter 3)
301 **81-5-707**, (Renumbered from 78B-15-707, as renumbered and amended by Laws
302 of Utah 2008, Chapter 3)

303 **81-5-708**, (Renumbered from 78B-15-708, as enacted by Laws of Utah 2015,
304 Chapter 159)
305 **81-5-801**, (Renumbered from 78B-15-801, as last amended by Laws of Utah 2024,
306 Chapter 367)
307 **81-5-802**, (Renumbered from 78B-15-802, as last amended by Laws of Utah 2024,
308 Chapter 367)
309 **81-5-803**, (Renumbered from 78B-15-803, as last amended by Laws of Utah 2024,
310 Chapter 367)
311 **81-5-804**, (Renumbered from 78B-15-804, as renumbered and amended by Laws
312 of Utah 2008, Chapter 3)
313 **81-5-805**, (Renumbered from 78B-15-805, as renumbered and amended by Laws
314 of Utah 2008, Chapter 3)
315 **81-5-806**, (Renumbered from 78B-15-806, as last amended by Laws of Utah 2024,
316 Chapter 367)
317 **81-5-807**, (Renumbered from 78B-15-807, as renumbered and amended by Laws
318 of Utah 2008, Chapter 3)
319 **81-5-808**, (Renumbered from 78B-15-808, as last amended by Laws of Utah 2024,
320 Chapter 367)
321 **81-5-809**, (Renumbered from 78B-15-809, as renumbered and amended by Laws
322 of Utah 2008, Chapter 3)
323 **81-5-901**, (Renumbered from 78B-15-901, as renumbered and amended by Laws
324 of Utah 2008, Chapter 3)
325 **81-5-902**, (Renumbered from 78B-15-902, as renumbered and amended by Laws
326 of Utah 2008, Chapter 3)
327 **81-8-102**, (Renumbered from 78B-14-102, as last amended by Laws of Utah 2024,
328 Chapter 381)
329 **81-8-103**, (Renumbered from 78B-14-103, as last amended by Laws of Utah 2023,
330 Chapter 330)
331 **81-8-104**, (Renumbered from 78B-14-104, as and further amended by Revisor
332 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
333 Chapter 412)
334 **81-8-105**, (Renumbered from 78B-14-105, as and further amended by Revisor
335 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
336 **81-8-201**, (Renumbered from 78B-14-201, as last amended by Laws of Utah 2015,

337 Chapter 45)
338 **81-8-202**, (Renumbered from 78B-14-202, as renumbered and amended by Laws
339 of Utah 2008, Chapter 3)
340 **81-8-203**, (Renumbered from 78B-14-203, as and further amended by Revisor
341 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
342 Chapter 412)
343 **81-8-204**, (Renumbered from 78B-14-204, as last amended by Laws of Utah 2015,
344 Chapter 45)
345 **81-8-205**, (Renumbered from 78B-14-205, as last amended by Laws of Utah 2015,
346 Chapter 45)
347 **81-8-206**, (Renumbered from 78B-14-206, as and further amended by Revisor
348 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
349 Chapter 412)
350 **81-8-207**, (Renumbered from 78B-14-207, as and further amended by Revisor
351 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
352 Chapter 412)
353 **81-8-208**, (Renumbered from 78B-14-208, as and further amended by Revisor
354 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
355 Chapter 412)
356 **81-8-209**, (Renumbered from 78B-14-209, as and further amended by Revisor
357 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
358 Chapter 412)
359 **81-8-210**, (Renumbered from 78B-14-210, as and further amended by Revisor
360 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
361 Chapter 412)
362 **81-8-211**, (Renumbered from 78B-14-211, as and further amended by Revisor
363 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
364 Chapter 412)
365 **81-8-301**, (Renumbered from 78B-14-301, as and further amended by Revisor
366 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
367 Chapter 412)
368 **81-8-302**, (Renumbered from 78B-14-302, as renumbered and amended by Laws
369 of Utah 2008, Chapter 3)
370 **81-8-303**, (Renumbered from 78B-14-303, as renumbered and amended by Laws

371 of Utah 2008, Chapter 3)
372 **81-8-304**, (Renumbered from 78B-14-304, as and further amended by Revisor
373 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
374 Chapter 412)
375 **81-8-305**, (Renumbered from 78B-14-305, as and further amended by Revisor
376 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
377 Chapter 412)
378 **81-8-306**, (Renumbered from 78B-14-306, as renumbered and amended by Laws
379 of Utah 2008, Chapter 3)
380 **81-8-307**, (Renumbered from 78B-14-307, as last amended by Laws of Utah 2015,
381 Chapter 45)
382 **81-8-308**, (Renumbered from 78B-14-308, as and further amended by Revisor
383 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
384 Chapter 412)
385 **81-8-309**, (Renumbered from 78B-14-309, as renumbered and amended by Laws
386 of Utah 2008, Chapter 3)
387 **81-8-310**, (Renumbered from 78B-14-310, as last amended by Laws of Utah 2015,
388 Chapter 45)
389 **81-8-311**, (Renumbered from 78B-14-311, as and further amended by Revisor
390 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
391 Chapter 412)
392 **81-8-312**, (Renumbered from 78B-14-312, as renumbered and amended by Laws
393 of Utah 2008, Chapter 3)
394 **81-8-313**, (Renumbered from 78B-14-313, as and further amended by Revisor
395 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
396 Chapter 412)
397 **81-8-314**, (Renumbered from 78B-14-314, as renumbered and amended by Laws
398 of Utah 2008, Chapter 3)
399 **81-8-315**, (Renumbered from 78B-14-315, as renumbered and amended by Laws
400 of Utah 2008, Chapter 3)
401 **81-8-316**, (Renumbered from 78B-14-316, as last amended by Laws of Utah 2015,
402 Chapter 45)
403 **81-8-317**, (Renumbered from 78B-14-317, as last amended by Laws of Utah 2015,
404 Chapter 45)

405 **81-8-318**, (Renumbered from 78B-14-318, as and further amended by Revisor
406 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
407 Chapter 412)
408 **81-8-319**, (Renumbered from 78B-14-319, as and further amended by Revisor
409 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
410 Chapter 412)
411 **81-8-401**, (Renumbered from 78B-14-401, as and further amended by Revisor
412 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
413 Chapter 412)
414 **81-8-402**, (Renumbered from 78B-14-402, as and further amended by Revisor
415 Instructions, Laws of Utah 2013, Chapter 245 and renumbered and amended by Laws of Utah
416 2011, Chapter 412)
417 **81-8-501**, (Renumbered from 78B-14-501, as last amended by Laws of Utah 2023,
418 Chapter 330)
419 **81-8-502**, (Renumbered from 78B-14-502, as last amended by Laws of Utah 2015,
420 Chapter 45)
421 **81-8-503**, (Renumbered from 78B-14-503, as last amended by Laws of Utah 2015,
422 Chapter 45)
423 **81-8-504**, (Renumbered from 78B-14-504, as and further amended by Revisor
424 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
425 Chapter 412)
426 **81-8-505**, (Renumbered from 78B-14-505, as and further amended by Revisor
427 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
428 Chapter 412)
429 **81-8-506**, (Renumbered from 78B-14-506, as renumbered and amended by Laws
430 of Utah 2008, Chapter 3)
431 **81-8-507**, (Renumbered from 78B-14-507, as last amended by Laws of Utah 2015,
432 Chapter 45)
433 **81-8-601**, (Renumbered from 78B-14-601, as last amended by Laws of Utah 2015,
434 Chapter 45)
435 **81-8-602**, (Renumbered from 78B-14-602, as last amended by Laws of Utah 2015,
436 Chapter 45)
437 **81-8-603**, (Renumbered from 78B-14-603, as last amended by Laws of Utah 2015,
438 Chapter 45)

439 **81-8-604**, (Renumbered from 78B-14-604, as and further amended by Revisor
440 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
441 Chapter 412)
442 **81-8-605**, (Renumbered from 78B-14-605, as last amended by Laws of Utah 2023,
443 Chapter 330)
444 **81-8-606**, (Renumbered from 78B-14-606, as last amended by Laws of Utah 2015,
445 Chapter 45)
446 **81-8-607**, (Renumbered from 78B-14-607, as and further amended by Revisor
447 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
448 Chapter 412)
449 **81-8-608**, (Renumbered from 78B-14-608, as and further amended by Revisor
450 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
451 Chapter 412)
452 **81-8-609**, (Renumbered from 78B-14-609, as and further amended by Revisor
453 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
454 Chapter 412)
455 **81-8-610**, (Renumbered from 78B-14-610, as and further amended by Revisor
456 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
457 Chapter 412)
458 **81-8-611**, (Renumbered from 78B-14-611, as and further amended by Revisor
459 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
460 Chapter 412)
461 **81-8-612**, (Renumbered from 78B-14-612, as last amended by Laws of Utah 2015,
462 Chapter 45)
463 **81-8-613**, (Renumbered from 78B-14-613, as last amended by Laws of Utah 2016,
464 Chapter 348)
465 **81-8-614**, (Renumbered from 78B-14-614, as renumbered and amended by Laws
466 of Utah 2008, Chapter 3)
467 **81-8-615**, (Renumbered from 78B-14-615, as and further amended by Revisor
468 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
469 Chapter 412)
470 **81-8-616**, (Renumbered from 78B-14-616, as and further amended by Revisor
471 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
472 **81-8-701**, (Renumbered from 78B-14-701.5, as and further amended by Revisor

473 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
474 **81-8-702**, (Renumbered from 78B-14-702, as and further amended by Revisor
475 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
476 **81-8-703**, (Renumbered from 78B-14-703, as last amended by Laws of Utah 2023,
477 Chapter 330)
478 **81-8-704**, (Renumbered from 78B-14-704, as last amended by Laws of Utah 2023,
479 Chapter 330)
480 **81-8-705**, (Renumbered from 78B-14-705, as and further amended by Revisor
481 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
482 **81-8-706**, (Renumbered from 78B-14-706, as and further amended by Revisor
483 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
484 **81-8-707**, (Renumbered from 78B-14-707, as and further amended by Revisor
485 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
486 **81-8-708**, (Renumbered from 78B-14-708, as last amended by Laws of Utah 2015,
487 Chapter 45)
488 **81-8-709**, (Renumbered from 78B-14-709, as and further amended by Revisor
489 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
490 **81-8-710**, (Renumbered from 78B-14-710, as and further amended by Revisor
491 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
492 **81-8-711**, (Renumbered from 78B-14-711, as and further amended by Revisor
493 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
494 **81-8-712**, (Renumbered from 78B-14-712, as and further amended by Revisor
495 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
496 **81-8-713**, (Renumbered from 78B-14-713, as and further amended by Revisor
497 Instructions, Laws of Utah 2013, Chapter 245 and enacted by Laws of Utah 2011, Chapter 412)
498 **81-8-801**, (Renumbered from 78B-14-801, as renumbered and amended by Laws
499 of Utah 2008, Chapter 3)
500 **81-8-802**, (Renumbered from 78B-14-802, as renumbered and amended by Laws
501 of Utah 2008, Chapter 3)
502 **81-8-901**, (Renumbered from 78B-14-901, as and further amended by Revisor
503 Instructions, Laws of Utah 2013, Chapter 245 and last amended by Laws of Utah 2011,
504 Chapter 412)
505 **81-8-902**, (Renumbered from 78B-14-902, as last amended by Laws of Utah 2015,
506 Chapter 45)

507 **81-10-101**, (Renumbered from 78B-20-102, as last amended by Laws of Utah 2023,
508 Chapter 44)
509 **81-10-102**, (Renumbered from 78B-20-103, as enacted by Laws of Utah 2016,
510 Chapter 292)
511 **81-10-103**, (Renumbered from 78B-20-104, as enacted by Laws of Utah 2016,
512 Chapter 292)
513 **81-10-104**, (Renumbered from 78B-20-105, as enacted by Laws of Utah 2016,
514 Chapter 292)
515 **81-10-105**, (Renumbered from 78B-20-106, as enacted by Laws of Utah 2016,
516 Chapter 292)
517 **81-10-106**, (Renumbered from 78B-20-107, as last amended by Laws of Utah 2023,
518 Chapter 44)
519 **81-10-201**, (Renumbered from 78B-20-201, as last amended by Laws of Utah 2017,
520 Chapter 224)
521 **81-10-202**, (Renumbered from 78B-20-202, as enacted by Laws of Utah 2016,
522 Chapter 292)
523 **81-10-203**, (Renumbered from 78B-20-203, as enacted by Laws of Utah 2016,
524 Chapter 292)
525 **81-10-204**, (Renumbered from 78B-20-204, as enacted by Laws of Utah 2016,
526 Chapter 292)
527 **81-10-205**, (Renumbered from 78B-20-205, as last amended by Laws of Utah 2017,
528 Chapter 224)
529 **81-10-301**, (Renumbered from 78B-20-301, as enacted by Laws of Utah 2016,
530 Chapter 292)
531 **81-10-302**, (Renumbered from 78B-20-302, as last amended by Laws of Utah 2022,
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533 **81-10-303**, (Renumbered from 78B-20-303, as enacted by Laws of Utah 2016,
534 Chapter 292)
535 **81-10-304**, (Renumbered from 78B-20-304, as enacted by Laws of Utah 2016,
536 Chapter 292)
537 **81-10-305**, (Renumbered from 78B-20-305, as enacted by Laws of Utah 2016,
538 Chapter 292)
539 **81-10-306**, (Renumbered from 78B-20-306, as enacted by Laws of Utah 2016,
540 Chapter 292)

541 **81-10-307**, (Renumbered from 78B-20-307, as enacted by Laws of Utah 2016,
542 Chapter 292)
543 **81-10-308**, (Renumbered from 78B-20-308, as enacted by Laws of Utah 2016,
544 Chapter 292)
545 **81-10-309**, (Renumbered from 78B-20-309, as enacted by Laws of Utah 2016,
546 Chapter 292)
547 **81-10-310**, (Renumbered from 78B-20-310, as enacted by Laws of Utah 2016,
548 Chapter 292)
549 **81-10-311**, (Renumbered from 78B-20-311, as last amended by Laws of Utah 2022,
550 Chapter 373)
551 **81-10-401**, (Renumbered from 78B-20-401, as last amended by Laws of Utah 2017,
552 Chapter 224)
553 **81-10-402**, (Renumbered from 78B-20-402, as enacted by Laws of Utah 2016,
554 Chapter 292)
555 **81-10-403**, (Renumbered from 78B-20-403, as last amended by Laws of Utah 2024,
556 Chapter 366)
557 **81-10-404**, (Renumbered from 78B-20-404, as last amended by Laws of Utah 2024,
558 Chapter 366)
559 **81-10-501**, (Renumbered from 78B-20-501, as enacted by Laws of Utah 2016,
560 Chapter 292)
561 **81-10-502**, (Renumbered from 78B-20-502, as enacted by Laws of Utah 2016,
562 Chapter 292)
563 **81-10-503**, (Renumbered from 78B-20-503, as enacted by Laws of Utah 2016,
564 Chapter 292)
565 **81-11-101**, (Renumbered from 78B-13-102, as renumbered and amended by Laws
566 of Utah 2008, Chapter 3)
567 **81-11-102**, (Renumbered from 78B-13-103, as renumbered and amended by Laws
568 of Utah 2008, Chapter 3)
569 **81-11-103**, (Renumbered from 78B-13-104, as renumbered and amended by Laws
570 of Utah 2008, Chapter 3)
571 **81-11-104**, (Renumbered from 78B-13-105, as renumbered and amended by Laws
572 of Utah 2008, Chapter 3)
573 **81-11-105**, (Renumbered from 78B-13-106, as renumbered and amended by Laws
574 of Utah 2008, Chapter 3)

575 **81-11-106**, (Renumbered from 78B-13-107, as renumbered and amended by Laws
576 of Utah 2008, Chapter 3)
577 **81-11-107**, (Renumbered from 78B-13-108, as renumbered and amended by Laws
578 of Utah 2008, Chapter 3)
579 **81-11-108**, (Renumbered from 78B-13-109, as renumbered and amended by Laws
580 of Utah 2008, Chapter 3)
581 **81-11-109**, (Renumbered from 78B-13-110, as renumbered and amended by Laws
582 of Utah 2008, Chapter 3)
583 **81-11-110**, (Renumbered from 78B-13-111, as renumbered and amended by Laws
584 of Utah 2008, Chapter 3)
585 **81-11-111**, (Renumbered from 78B-13-112, as renumbered and amended by Laws
586 of Utah 2008, Chapter 3)
587 **81-11-201**, (Renumbered from 78B-13-201, as renumbered and amended by Laws
588 of Utah 2008, Chapter 3)
589 **81-11-202**, (Renumbered from 78B-13-202, as renumbered and amended by Laws
590 of Utah 2008, Chapter 3)
591 **81-11-203**, (Renumbered from 78B-13-203, as renumbered and amended by Laws
592 of Utah 2008, Chapter 3)
593 **81-11-204**, (Renumbered from 78B-13-204, as renumbered and amended by Laws
594 of Utah 2008, Chapter 3)
595 **81-11-205**, (Renumbered from 78B-13-205, as renumbered and amended by Laws
596 of Utah 2008, Chapter 3)
597 **81-11-206**, (Renumbered from 78B-13-206, as renumbered and amended by Laws
598 of Utah 2008, Chapter 3)
599 **81-11-207**, (Renumbered from 78B-13-207, as renumbered and amended by Laws
600 of Utah 2008, Chapter 3)
601 **81-11-208**, (Renumbered from 78B-13-208, as renumbered and amended by Laws
602 of Utah 2008, Chapter 3)
603 **81-11-209**, (Renumbered from 78B-13-209, as renumbered and amended by Laws
604 of Utah 2008, Chapter 3)
605 **81-11-210**, (Renumbered from 78B-13-210, as renumbered and amended by Laws
606 of Utah 2008, Chapter 3)
607 **81-11-301**, (Renumbered from 78B-13-301, as renumbered and amended by Laws
608 of Utah 2008, Chapter 3)

609 **81-11-302**, (Renumbered from 78B-13-302, as renumbered and amended by Laws
610 of Utah 2008, Chapter 3)
611 **81-11-303**, (Renumbered from 78B-13-303, as renumbered and amended by Laws
612 of Utah 2008, Chapter 3)
613 **81-11-304**, (Renumbered from 78B-13-304, as renumbered and amended by Laws
614 of Utah 2008, Chapter 3)
615 **81-11-305**, (Renumbered from 78B-13-305, as renumbered and amended by Laws
616 of Utah 2008, Chapter 3)
617 **81-11-306**, (Renumbered from 78B-13-306, as renumbered and amended by Laws
618 of Utah 2008, Chapter 3)
619 **81-11-307**, (Renumbered from 78B-13-307, as renumbered and amended by Laws
620 of Utah 2008, Chapter 3)
621 **81-11-308**, (Renumbered from 78B-13-308, as renumbered and amended by Laws
622 of Utah 2008, Chapter 3)
623 **81-11-309**, (Renumbered from 78B-13-309, as renumbered and amended by Laws
624 of Utah 2008, Chapter 3)
625 **81-11-310**, (Renumbered from 78B-13-310, as renumbered and amended by Laws
626 of Utah 2008, Chapter 3)
627 **81-11-311**, (Renumbered from 78B-13-311, as renumbered and amended by Laws
628 of Utah 2008, Chapter 3)
629 **81-11-312**, (Renumbered from 78B-13-312, as renumbered and amended by Laws
630 of Utah 2008, Chapter 3)
631 **81-11-313**, (Renumbered from 78B-13-313, as renumbered and amended by Laws
632 of Utah 2008, Chapter 3)
633 **81-11-314**, (Renumbered from 78B-13-314, as renumbered and amended by Laws
634 of Utah 2008, Chapter 3)
635 **81-11-315**, (Renumbered from 78B-13-315, as renumbered and amended by Laws
636 of Utah 2008, Chapter 3)
637 **81-11-316**, (Renumbered from 78B-13-316, as renumbered and amended by Laws
638 of Utah 2008, Chapter 3)
639 **81-11-317**, (Renumbered from 78B-13-317, as renumbered and amended by Laws
640 of Utah 2008, Chapter 3)
641 **81-11-318**, (Renumbered from 78B-13-318, as renumbered and amended by Laws
642 of Utah 2008, Chapter 3)

643 **81-12-101**, (Renumbered from 78B-16-102, as renumbered and amended by Laws
644 of Utah 2008, Chapter 3)
645 **81-12-102**, (Renumbered from 78B-16-103, as renumbered and amended by Laws
646 of Utah 2008, Chapter 3)
647 **81-12-103**, (Renumbered from 78B-16-104, as renumbered and amended by Laws
648 of Utah 2008, Chapter 3)
649 **81-12-104**, (Renumbered from 78B-16-105, as renumbered and amended by Laws
650 of Utah 2008, Chapter 3)
651 **81-12-105**, (Renumbered from 78B-16-106, as renumbered and amended by Laws
652 of Utah 2008, Chapter 3)
653 **81-12-106**, (Renumbered from 78B-16-107, as renumbered and amended by Laws
654 of Utah 2008, Chapter 3)
655 **81-12-107**, (Renumbered from 78B-16-108, as renumbered and amended by Laws
656 of Utah 2008, Chapter 3)
657 **81-12-108**, (Renumbered from 78B-16-109, as renumbered and amended by Laws
658 of Utah 2008, Chapter 3)
659 **81-12-109**, (Renumbered from 78B-16-110, as renumbered and amended by Laws
660 of Utah 2008, Chapter 3)
661 **81-12-110**, (Renumbered from 78B-16-111, as renumbered and amended by Laws
662 of Utah 2008, Chapter 3)
663 **81-12-111**, (Renumbered from 78B-16-112, as renumbered and amended by Laws
664 of Utah 2008, Chapter 3)
665 **81-13-101**, (Renumbered from 78B-6-103, as last amended by Laws of Utah 2024,
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667 **81-13-102**, (Renumbered from 78B-6-105, as last amended by Laws of Utah 2024,
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669 **81-13-103**, (Renumbered from 78B-6-141, as last amended by Laws of Utah 2021,
670 Chapter 262)
671 **81-13-104**, (Renumbered from 78B-6-106, as last amended by Laws of Utah 2017,
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673 **81-13-105**, (Renumbered from 78B-6-142, as last amended by Laws of Utah 2023,
674 Chapter 330)
675 **81-13-106**, (Renumbered from 78B-6-121.5, as enacted by Laws of Utah 2015,
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677 **81-13-202**, (Renumbered from 78B-6-102, as last amended by Laws of Utah 2019,
678 Chapter 335)
679 **81-13-203**, (Renumbered from 78B-6-117, as last amended by Laws of Utah 2022,
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681 **81-13-205**, (Renumbered from 78B-6-112, as last amended by Laws of Utah 2024,
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683 **81-13-206**, (Renumbered from 78B-6-109, as last amended by Laws of Utah 2010,
684 Chapter 237)
685 **81-13-207**, (Renumbered from 78B-6-110, as last amended by Laws of Utah 2023,
686 Chapter 401)
687 **81-13-208**, (Renumbered from 78B-6-110.1, as last amended by Laws of Utah
688 2017, Chapter 148)
689 **81-13-209**, (Renumbered from 78B-6-110.5, as last amended by Laws of Utah
690 2019, Chapter 491)
691 **81-13-210**, (Renumbered from 78B-6-134, as last amended by Laws of Utah 2017,
692 Chapter 148)
693 **81-13-211**, (Renumbered from 78B-6-119, as last amended by Laws of Utah 2024,
694 Chapter 261)
695 **81-13-212**, (Renumbered from 78B-6-120, as last amended by Laws of Utah 2024,
696 Chapter 261)
697 **81-13-213**, (Renumbered from 78B-6-121, as last amended by Laws of Utah 2024,
698 Chapter 261)
699 **81-13-214**, (Renumbered from 78B-6-124, as last amended by Laws of Utah 2023,
700 Chapter 330)
701 **81-13-215**, (Renumbered from 78B-6-133, as last amended by Laws of Utah 2024,
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703 **81-13-216**, (Renumbered from 78B-6-146, as enacted by Laws of Utah 2013,
704 Chapter 438)
705 **81-13-217**, (Renumbered from 78B-6-140, as last amended by Laws of Utah 2024,
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707 **81-13-218**, (Renumbered from 78B-6-136, as last amended by Laws of Utah 2012,
708 Chapter 340)
709 **81-13-219**, (Renumbered from 78B-6-136.5, as last amended by Laws of Utah
710 2024, Chapter 261)

711 **81-13-220**, (Renumbered from 78B-6-138, as last amended by Laws of Utah 2021,
712 Chapter 262)
713 **81-13-302**, (Renumbered from 78B-6-115, as last amended by Laws of Utah 2021,
714 Chapter 65)
715 **81-13-303**, (Renumbered from 78B-6-116, as last amended by Laws of Utah 2015,
716 Chapter 137)
717 **81-13-402**, (Renumbered from 78B-6-131, as last amended by Laws of Utah 2023,
718 Chapter 330)
719 **81-13-403**, (Renumbered from 78B-6-128, as last amended by Laws of Utah 2024,
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721 **81-13-404**, (Renumbered from 78B-6-129, as last amended by Laws of Utah 2012,
722 Chapter 340)
723 **81-13-405**, (Renumbered from 78B-6-130, as last amended by Laws of Utah 2017,
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725 **81-13-502**, (Renumbered from 78B-6-104, as last amended by Laws of Utah 2010,
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727 **81-13-503**, (Renumbered from 78B-6-143, as last amended by Laws of Utah 2017,
728 Chapter 417)
729 **81-13-504**, (Renumbered from 78B-6-144, as last amended by Laws of Utah 2015,
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731 **81-13-505**, (Renumbered from 78B-6-144.5, as enacted by Laws of Utah 2015,
732 Chapter 137)
733 **81-14-101**, (Renumbered from 78B-24-101, as enacted by Laws of Utah 2022,
734 Chapter 326)
735 **81-14-102**, (Renumbered from 78B-24-102, as enacted by Laws of Utah 2022,
736 Chapter 326)
737 **81-14-201**, (Renumbered from 78B-24-201, as enacted by Laws of Utah 2022,
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739 **81-14-202**, (Renumbered from 78B-24-202, as enacted by Laws of Utah 2022,
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741 **81-14-203**, (Renumbered from 78B-24-203, as last amended by Laws of Utah 2023,
742 Chapter 330)
743 **81-14-204**, (Renumbered from 78B-24-204, as enacted by Laws of Utah 2022,
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- 745 **81-14-205**, (Renumbered from 78B-24-205, as enacted by Laws of Utah 2022,
746 Chapter 326)
- 747 **81-14-301**, (Renumbered from 78B-24-301, as enacted by Laws of Utah 2022,
748 Chapter 326)
- 749 **81-14-302**, (Renumbered from 78B-24-302, as enacted by Laws of Utah 2022,
750 Chapter 326)
- 751 **81-14-303**, (Renumbered from 78B-24-303, as enacted by Laws of Utah 2022,
752 Chapter 326)
- 753 **81-14-304**, (Renumbered from 78B-24-304, as enacted by Laws of Utah 2022,
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- 755 **81-14-305**, (Renumbered from 78B-24-305, as enacted by Laws of Utah 2022,
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- 757 **81-14-306**, (Renumbered from 78B-24-306, as enacted by Laws of Utah 2022,
758 Chapter 326)
- 759 **81-14-307**, (Renumbered from 78B-24-307, as last amended by Laws of Utah 2024,
760 Chapter 240)
- 761 **81-14-308**, (Renumbered from 78B-24-308, as last amended by Laws of Utah 2024,
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- 763 **81-14-401**, (Renumbered from 78B-24-401, as enacted by Laws of Utah 2022,
764 Chapter 326)
- 765 **81-14-402**, (Renumbered from 78B-24-402, as enacted by Laws of Utah 2022,
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- 767 **81-14-403**, (Renumbered from 78B-24-403, as enacted by Laws of Utah 2022,
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- 769 **81-14-404**, (Renumbered from 78B-24-404, as enacted by Laws of Utah 2022,
770 Chapter 326)
- 771 REPEALS:
- 772 **78B-6-101**, as enacted by Laws of Utah 2008, Chapter 3
- 773 **78B-6-107**, as last amended by Laws of Utah 2022, Chapter 335
- 774 **78B-6-108**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 775 **78B-6-111**, as last amended by Laws of Utah 2015, Chapter 194
- 776 **78B-6-113**, as last amended by Laws of Utah 2023, Chapter 330
- 777 **78B-6-114**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 778 **78B-6-118**, as renumbered and amended by Laws of Utah 2008, Chapter 3

779 **78B-6-120.1**, as last amended by Laws of Utah 2021, Chapter 65
 780 **78B-6-122**, as last amended by Laws of Utah 2024, Chapter 261
 781 **78B-6-122.5**, as enacted by Laws of Utah 2010, Chapter 237
 782 **78B-6-123**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 783 **78B-6-125**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 784 **78B-6-126**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 785 **78B-6-127**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 786 **78B-6-137**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 787 **78B-6-139**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 788 **78B-6-145**, as last amended by Laws of Utah 2012, Chapter 340
 789 **78B-7-101**, as last amended by Laws of Utah 2020, Chapter 142
 790 **78B-13-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 791 **78B-14-101**, as last amended by Laws of Utah 2015, Chapter 45
 792 **78B-15-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 793 **78B-15-105**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 794 **78B-15-106**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 795 **78B-15-107**, as last amended by Laws of Utah 2023, Chapter 330
 796 **78B-15-108**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 797 **78B-15-109**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 798 **78B-15-110**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 799 **78B-15-111**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 800 **78B-15-112**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 801 **78B-15-113**, as last amended by Laws of Utah 2024, Chapter 366
 802 **78B-15-114**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 803 **78B-15-115**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 804 **78B-16-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 805 **78B-20-101**, as enacted by Laws of Utah 2016, Chapter 292

806

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

808 Section 1. Section **10-3-1103** is amended to read:

809 **10-3-1103 . Sickness, disability, and death benefits.**

810 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a
 811 fetus, regardless of the gestational age or the duration of the pregnancy.

812 (2) The governing body of each municipality may maintain as to all elective or appointive

- 813 officers and employees, including heads of departments, a system for the payment of
 814 health, dental, hospital, medical, disability and death benefits to be financed and
 815 administered in a manner and payable upon the terms and conditions as the governing
 816 body of the municipality may by ordinance or resolution prescribe.
- 817 (3) The governing bodies of the municipalities may create and administer personnel benefit
 818 programs separately or jointly with other municipalities or other political subdivisions of
 819 the State of Utah or associations thereof.
- 820 (4) The governing body of each municipality shall, by ordinance or resolution, provide for
 821 at least three work days of paid bereavement leave for an employee:
- 822 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or
 823 (b) following the end of another individual's pregnancy by way of a miscarriage or
 824 stillbirth, if:
- 825 (i) the employee is the individual's spouse or partner;
 826 (ii)(A) the employee is the individual's former spouse or partner; and
 827 (B) the employee would have been a biological parent of a child born as a result of
 828 the pregnancy;
- 829 (iii) the employee provides documentation to show that the individual intended for
 830 the employee to be an adoptive parent, as that term is defined in Section [
 831 ~~78B-6-103~~] 81-13-101, of a child born as a result of the pregnancy; or
 832 (iv) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15,~~
 833 ~~Part 8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement,
 834 the employee would have been a parent of a child born as a result of the
 835 pregnancy.

836 Section 2. Section **17-33-5** is amended to read:

837 **17-33-5 . Office of personnel management -- Director -- Appointment and**
 838 **responsibilities -- Personnel rules.**

- 839 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a
 840 fetus, regardless of gestational age or the duration of the pregnancy.
- 841 (2)(a)(i) Each county executive shall:
- 842 (A) create an office of personnel management, administered by a director of
 843 personnel management; and
 844 (B) ensure that the director is a person with proven experience in personnel
 845 management.
- 846 (ii) Except as provided in Subsection (2)(b), the position of director of personnel

- 847 management shall be:
- 848 (A) a merit position; and
- 849 (B) filled as provided in Subsection (2)(a)(iii).
- 850 (iii) Except as provided in Subsection (2)(b), the career service council shall:
- 851 (A) advertise and recruit for the director position in the same manner as for merit
- 852 positions;
- 853 (B) select three names from a register; and
- 854 (C) submit those names as recommendations to the county legislative body.
- 855 (iv) Except as provided in Subsection (2)(b), the county legislative body shall select a
- 856 person to serve as director of the office of personnel management from the names
- 857 submitted to it by the career service council.
- 858 (b)(i) Effective for appointments made after May 1, 2006, and as an alternative to the
- 859 procedure under Subsections (2)(a)(ii), (iii), and (iv) and at the county executive's
- 860 discretion, the county executive may appoint a director of personnel management
- 861 with the advice and consent of the county legislative body.
- 862 (ii) The position of each director of personnel management appointed under this
- 863 Subsection (2)(b) shall be a merit exempt position.
- 864 (iii) A director of personnel management appointed under this Subsection (2)(b) may
- 865 be terminated by the county executive with the consent of the county legislative
- 866 body.
- 867 (3) The director of personnel management shall:
- 868 (a) encourage and exercise leadership in the development of expertise in personnel
- 869 administration within the several departments, offices, and agencies in the county
- 870 service and make available the facilities of the office of personnel management to
- 871 this end;
- 872 (b) advise the county legislative and executive bodies on the use of human resources;
- 873 (c) develop and implement programs for the improvement of employee effectiveness,
- 874 such as training, safety, health, counseling, and welfare;
- 875 (d) investigate periodically the operation and effect of this law and of the policies made
- 876 under it and report findings and recommendations to the county legislative body;
- 877 (e) establish and maintain records of all employees in the county service, setting forth as
- 878 to each employee class, title, pay or status, and other relevant data;
- 879 (f) make an annual report to the county legislative body and county executive regarding
- 880 the work of the department; and

- 881 (g) apply and carry out this law and the policies under it and perform any other lawful
882 acts that are necessary to carry out the provisions of this law.
- 883 (4)(a)(i) The director shall recommend personnel rules for the county.
- 884 (ii) The county legislative body may:
- 885 (A) recommend personnel rules for the county; and
- 886 (B) approve, amend, or reject personnel rules before they are adopted.
- 887 (b) The rules shall provide for:
- 888 (i) recruiting efforts to be planned and carried out in a manner that assures open
889 competition, with special emphasis to be placed on recruiting efforts to attract
890 minorities, women, persons with a disability as defined by and covered under the
891 Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or other groups that
892 are substantially underrepresented in the county work force to help assure they
893 will be among the candidates from whom appointments are made;
- 894 (ii) the establishment of job related minimum requirements wherever practical, that
895 all successful candidates shall be required to meet in order to be eligible for
896 consideration for appointment or promotion;
- 897 (iii) selection procedures that include consideration of the relative merit of each
898 applicant for employment, a job related method of determining the eligibility or
899 ineligibility of each applicant, and a valid, reliable, and objective system of
900 ranking eligible applicants according to their qualifications and merit;
- 901 (iv) certification procedures that insure equitable consideration of an appropriate
902 number of the most qualified eligible applicants based on the ranking system;
- 903 (v) appointments to positions in the career service by selection from the most
904 qualified eligible applicants certified on eligible lists established in accordance
905 with Subsections (4)(b)(iii) and (iv);
- 906 (vi) noncompetitive appointments in the occasional instance where there is evidence
907 that open or limited competition is not practical, such as for unskilled positions
908 that have no minimum job requirements;
- 909 (vii) limitation of competitions at the discretion of the director for appropriate
910 positions to facilitate employment of qualified applicants with a substantial
911 physical or mental impairment, or other groups protected by Title VII of the Civil
912 Rights Act;
- 913 (viii) permanent appointment for entry to the career service that shall be contingent
914 upon satisfactory performance by the employee during a period of six months,

- 915 with the probationary period extendable for a period not to exceed six months for
916 good cause, but with the condition that the probationary employee may appeal
917 directly to the council any undue prolongation of the period designed to thwart
918 merit principles;
- 919 (ix) temporary, provisional, or other noncareer service appointments, which may not
920 be used as a way of defeating the purpose of the career service and may not
921 exceed 270 days;
- 922 (x) lists of eligible applicants normally to be used, if available, for filling temporary
923 positions, and short term emergency appointments to be made without regard to
924 the other provisions of law to provide for maintenance of essential services in an
925 emergency situation where normal procedures are not practical, these emergency
926 appointments not to exceed 270 days;
- 927 (xi) promotion and career ladder advancement of employees to higher level positions
928 and assurance that all persons promoted are qualified for the position;
- 929 (xii) recognition of the equivalency of other merit processes by waiving, at the
930 discretion of the director, the open competitive examination for placement in the
931 career service positions of those who were originally selected through a
932 competitive examination process in another governmental entity, the individual in
933 those cases, to serve a probationary period;
- 934 (xiii) preparation, maintenance, and revision of a position classification plan for all
935 positions in the career service, based upon similarity of duties performed and
936 responsibilities assumed, so that the same qualifications may reasonably be
937 required for, and the same schedule of pay may be equitably applied to, all
938 positions in the same class, the compensation plan, in order to maintain a high
939 quality public work force, to take into account the responsibility and difficulty of
940 the work, the comparative pay and benefits needed to compete in the labor market
941 and to stay in proper alignment with other similar governmental units, and other
942 factors;
- 943 (xiv) keeping records of performance on all employees in the career service and
944 requiring consideration of performance records in determining salary increases,
945 any benefits for meritorious service, promotions, the order of layoffs and
946 reinstatements, demotions, discharges, and transfers;
- 947 (xv) establishment of a plan governing layoffs resulting from lack of funds or work,
948 abolition of positions, or material changes in duties or organization, and governing

- 949 reemployment of persons so laid off, taking into account with regard to layoffs
 950 and reemployment the relative ability, seniority, and merit of each employee;
- 951 (xvi) establishment of a plan for resolving employee grievances and complaints with
 952 final and binding decisions;
- 953 (xvii) establishment of disciplinary measures such as suspension, demotion in rank or
 954 grade, or discharge, measures to provide for presentation of charges, hearing
 955 rights, and appeals for all permanent employees in the career service to the career
 956 service council;
- 957 (xviii) establishment of a procedure for employee development and improvement of
 958 poor performance;
- 959 (xix) establishment of hours of work, holidays, and attendance requirements in
 960 various classes of positions in the career service;
- 961 (xx) establishment and publicizing of fringe benefits such as insurance, retirement,
 962 and leave programs; and
- 963 (xxi) any other requirements not inconsistent with this law that are proper for its
 964 enforcement.
- 965 (5) Rules adopted pursuant to Subsection (4)(b)(xx) shall provide for at least three work
 966 days of paid bereavement leave for an employee:
- 967 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or
 968 (b) following the end of another individual's pregnancy by way of a miscarriage or
 969 stillbirth, if:
- 970 (i) the employee is the individual's spouse or partner;
- 971 (ii)(A) the employee is the individual's former spouse or partner; and
 972 (B) the employee would have been a biological parent of a child born as a result of
 973 the pregnancy;
- 974 (iii) the employee provides documentation to show that the individual intended for
 975 the employee to be an adoptive parent, as that term is defined in Section [
 976 78B-6-103] 81-13-101, of a child born as a result of the pregnancy; or
- 977 (iv) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15,~~
 978 ~~Part 8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement,
 979 the employee would have been a parent of a child born as a result of the
 980 pregnancy.

981 Section 3. Section **26B-1-202** is amended to read:
 982 **26B-1-202 . Department authority and duties.**

983 The department may, subject to applicable restrictions in state law and in addition to all
984 other authority and responsibility granted to the department by law:

- 985 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
986 Act, and not inconsistent with law, as the department may consider necessary or
987 desirable for providing health and social services to the people of this state;
- 988 (2) establish and manage client trust accounts in the department's institutions and
989 community programs, at the request of the client or the client's legal guardian or
990 representative, or in accordance with federal law;
- 991 (3) purchase, as authorized or required by law, services that the department is responsible to
992 provide for legally eligible persons;
- 993 (4) conduct adjudicative proceedings for clients and providers in accordance with the
994 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 995 (5) establish eligibility standards for the department's programs, not inconsistent with state
996 or federal law or regulations;
- 997 (6) take necessary steps, including legal action, to recover money or the monetary value of
998 services provided to a recipient who was not eligible;
- 999 (7) set and collect fees for the department's services;
- 1000 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
1001 limited by law;
- 1002 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
1003 department, not inconsistent with state law;
- 1004 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
1005 proceeds thereof, may be credited to the program designated by the donor, and may be
1006 used for the purposes requested by the donor, as long as the request conforms to state
1007 and federal policy; all donated funds shall be considered private, nonlapsing funds and
1008 may be invested under guidelines established by the state treasurer;
- 1009 (11) accept and employ volunteer labor or services; the department is authorized to
1010 reimburse volunteers for necessary expenses, when the department considers that
1011 reimbursement to be appropriate;
- 1012 (12) carry out the responsibility assigned in the workforce services plan by the State
1013 Workforce Development Board;
- 1014 (13) carry out the responsibility assigned by Section 26B-1-430 with respect to
1015 coordination of services for students with a disability;
- 1016 (14) provide training and educational opportunities for the department's staff;

- 1017 (15) collect child support payments and any other money due to the department;
- 1018 (16) apply the provisions of Title 81, Chapter 6, Child Support, and Title 81, Chapter 7,
1019 Payment and Enforcement of Spousal and Child Support, to parents whose child lives
1020 out of the home in a department licensed or certified setting;
- 1021 (17) establish policy and procedures, within appropriations authorized by the Legislature, in
1022 cases where the Division of Child and Family Services or the Division of Juvenile
1023 Justice and Youth Services is given custody of a minor by the juvenile court under Title
1024 80, Utah Juvenile Code, or the department is ordered to prepare an attainment plan for a
1025 minor found not competent to proceed under Section 80-6-403, including:
- 1026 (a) designation of interagency teams for each juvenile court district in the state;
- 1027 (b) delineation of assessment criteria and procedures;
- 1028 (c) minimum requirements, and timeframes, for the development and implementation of
1029 a collaborative service plan for each minor placed in department custody; and
- 1030 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 1031 (18) carry out the responsibilities assigned to the department by statute;
- 1032 (19) examine and audit the expenditures of any public funds provided to a local substance
1033 abuse authority, a local mental health authority, a local area agency on aging, and any
1034 person, agency, or organization that contracts with or receives funds from those
1035 authorities or agencies. Those local authorities, area agencies, and any person or entity
1036 that contracts with or receives funds from those authorities or area agencies, shall
1037 provide the department with any information the department considers necessary. The
1038 department is further authorized to issue directives resulting from any examination or
1039 audit to a local authority, an area agency, and persons or entities that contract with or
1040 receive funds from those authorities with regard to any public funds. If the department
1041 determines that it is necessary to withhold funds from a local mental health authority or
1042 local substance abuse authority based on failure to comply with state or federal law,
1043 policy, or contract provisions, the department may take steps necessary to ensure
1044 continuity of services. For purposes of this Subsection (19) "public funds" means the
1045 same as that term is defined in Section 26B-5-101;
- 1046 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and
1047 persons to provide intercountry adoption services;
- 1048 (21) within legislative appropriations, promote and develop a system of care and
1049 stabilization services:
- 1050 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

- 1051 (b) that encompasses the department, department contractors, and the divisions, offices,
1052 or institutions within the department, to:
- 1053 (i) navigate services, funding resources, and relationships to the benefit of the
1054 children and families whom the department serves;
 - 1055 (ii) centralize department operations, including procurement and contracting;
 - 1056 (iii) develop policies that govern business operations and that facilitate a system of
1057 care approach to service delivery;
 - 1058 (iv) allocate resources that may be used for the children and families served by the
1059 department or the divisions, offices, or institutions within the department, subject
1060 to the restrictions in Section 63J-1-206;
 - 1061 (v) create performance-based measures for the provision of services; and
 - 1062 (vi) centralize other business operations, including data matching and sharing among
1063 the department's divisions, offices, and institutions;
- 1064 (22) ensure that any training or certification required of a public official or public
1065 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
1066 Chapter 22, State Training and Certification Requirements, if the training or certification
1067 is required:
- 1068 (a) under this title;
 - 1069 (b) by the department; or
 - 1070 (c) by an agency or division within the department;
- 1071 (23) enter into cooperative agreements with the Department of Environmental Quality to
1072 delineate specific responsibilities to assure that assessment and management of risk to
1073 human health from the environment are properly administered;
- 1074 (24) consult with the Department of Environmental Quality and enter into cooperative
1075 agreements, as needed, to ensure efficient use of resources and effective response to
1076 potential health and safety threats from the environment, and to prevent gaps in
1077 protection from potential risks from the environment to specific individuals or
1078 population groups;
- 1079 (25) to the extent authorized under state law or required by federal law, promote and protect
1080 the health and wellness of the people within the state;
- 1081 (26) establish, maintain, and enforce rules authorized under state law or required by federal
1082 law to promote and protect the public health or to prevent disease and illness;
- 1083 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
1084 affecting the public health;

- 1085 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or
1086 any other disease or health hazard which the department considers to be dangerous,
1087 important, or likely to affect the public health;
- 1088 (29) collect and report information on causes of injury, sickness, death, and disability and
1089 the risk factors that contribute to the causes of injury, sickness, death, and disability
1090 within the state;
- 1091 (30) collect, prepare, publish, and disseminate information to inform the public concerning
1092 the health and wellness of the population, specific hazards, and risks that may affect the
1093 health and wellness of the population and specific activities which may promote and
1094 protect the health and wellness of the population;
- 1095 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
1096 communicable diseases affecting the public health;
- 1097 (32) make necessary sanitary and health investigations and inspections in cooperation with
1098 local health departments as to any matters affecting the public health;
- 1099 (33) establish laboratory services necessary to support public health programs and medical
1100 services in the state;
- 1101 (34) establish and enforce standards for laboratory services which are provided by any
1102 laboratory in the state when the purpose of the services is to protect the public health;
- 1103 (35) cooperate with the Labor Commission to conduct studies of occupational health
1104 hazards and occupational diseases arising in and out of employment in industry, and
1105 make recommendations for elimination or reduction of the hazards;
- 1106 (36) cooperate with the local health departments, the Department of Corrections, the
1107 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
1108 Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection
1109 of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual
1110 offense;
- 1111 (37) investigate the causes of maternal and infant mortality;
- 1112 (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
1113 and drivers of motor vehicles killed in highway accidents be examined for the presence
1114 and concentration of alcohol, and provide the Commissioner of Public Safety with
1115 monthly statistics reflecting the results of these examinations, with necessary safeguards
1116 so that information derived from the examinations is not used for a purpose other than
1117 the compilation of these statistics;
- 1118 (39) establish qualifications for individuals permitted to draw blood under Subsection

- 1119 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi),
1120 and to issue permits to individuals the department finds qualified, which permits may be
1121 terminated or revoked by the department;
- 1122 (40) establish a uniform public health program throughout the state which includes
1123 continuous service, employment of qualified employees, and a basic program of disease
1124 control, vital and health statistics, sanitation, public health nursing, and other preventive
1125 health programs necessary or desirable for the protection of public health;
- 1126 (41) conduct health planning for the state;
- 1127 (42) monitor the costs of health care in the state and foster price competition in the health
1128 care delivery system;
- 1129 (43) establish methods or measures for health care providers, public health entities, and
1130 health care insurers to coordinate among themselves to verify the identity of the
1131 individuals the providers serve;
- 1132 (44) designate Alzheimer's disease and related dementia as a public health issue and, within
1133 budgetary limitations, implement a state plan for Alzheimer's disease and related
1134 dementia by incorporating the plan into the department's strategic planning and
1135 budgetary process;
- 1136 (45) coordinate with other state agencies and other organizations to implement the state
1137 plan for Alzheimer's disease and related dementia;
- 1138 (46) ensure that any training or certification required of a public official or public
1139 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
1140 Chapter 22, State Training and Certification Requirements, if the training or certification
1141 is required by the agency or under this Title 26B, Utah Health and Human Services
1142 Code;
- 1143 (47) oversee public education vision screening as described in Section 53G-9-404;
- 1144 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
1145 Alert; and
- 1146 (49) as allowed by state and federal law, share data with the Office of Families that is
1147 relevant to the duties described in Subsection 26B-1-243(4), which may include, to the
1148 extent available:
- 1149 (a) demographic data concerning family structures in the state; and
1150 (b) data regarding the family structure associated with:
- 1151 (i) suicide, depression, or anxiety; and
1152 (ii) various health outcomes.

1153 Section 4. Section **26B-2-104** is amended to read:

1154 **26B-2-104 . Division responsibilities.**

1155 (1) Subject to the requirements of federal and state law, the office shall:

1156 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1157 Rulemaking Act, to establish:

1158 (i) except as provided in Subsection (1)(a)(ii), basic health and safety standards for
1159 licensees, that shall be limited to:

1160 (A) fire safety;

1161 (B) food safety;

1162 (C) sanitation;

1163 (D) infectious disease control;

1164 (E) safety of the:

1165 (I) physical facility and grounds; and

1166 (II) area and community surrounding the physical facility;

1167 (F) transportation safety;

1168 (G) emergency preparedness and response;

1169 (H) the administration of medical standards and procedures, consistent with the
1170 related provisions of this title;

1171 (I) staff and client safety and protection;

1172 (J) the administration and maintenance of client and service records;

1173 (K) staff qualifications and training, including standards for permitting experience
1174 to be substituted for education, unless prohibited by law;

1175 (L) staff to client ratios;

1176 (M) access to firearms; and

1177 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;

1178 (ii) basic health and safety standards for therapeutic schools, that shall be limited to:

1179 (A) fire safety, except that the standards are limited to those required by law or
1180 rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;

1181 (B) food safety;

1182 (C) sanitation;

1183 (D) infectious disease control, except that the standards are limited to:

1184 (I) those required by law or rule under this title, or Title 26A, Local Health
1185 Authorities; and

1186 (II) requiring a separate room for clients who are sick;

- 1187 (E) safety of the physical facility and grounds, except that the standards are
 1188 limited to those required by law or rule under Title 53, Chapter 7, Part 2, Fire
 1189 Prevention and Fireworks Act;
- 1190 (F) transportation safety;
- 1191 (G) emergency preparedness and response;
- 1192 (H) access to appropriate medical care, including:
- 1193 (I) subject to the requirements of law, designation of a person who is
 1194 authorized to dispense medication; and
- 1195 (II) storing, tracking, and securing medication;
- 1196 (I) staff and client safety and protection that permits the school to provide for the
 1197 direct supervision of clients at all times;
- 1198 (J) the administration and maintenance of client and service records;
- 1199 (K) staff qualifications and training, including standards for permitting experience
 1200 to be substituted for education, unless prohibited by law;
- 1201 (L) staff to client ratios;
- 1202 (M) access to firearms; and
- 1203 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- 1204 (iii) procedures and standards for permitting a licensee to:
- 1205 (A) provide in the same facility and under the same conditions as children,
 1206 residential treatment services to a person 18 years old or older who:
- 1207 (I) begins to reside at the licensee's residential treatment facility before the
 1208 person's 18th birthday;
- 1209 (II) has resided at the licensee's residential treatment facility continuously since
 1210 the time described in Subsection (1)(a)(iii)(A)(I);
- 1211 (III) has not completed the course of treatment for which the person began
 1212 residing at the licensee's residential treatment facility; and
- 1213 (IV) voluntarily consents to complete the course of treatment described in
 1214 Subsection (1)(a)(iii)(A)(III); or
- 1215 (B)(I) provide residential treatment services to a child who is:
- 1216 (Aa) at least 12 years old or, as approved by the office, younger than 12
 1217 years old; and
- 1218 (Bb) under the custody of the department, or one of its divisions; and
- 1219 (II) provide, in the same facility as a child described in Subsection
 1220 (1)(a)(iii)(B)(I), residential treatment services to a person who is:

- 1221 (Aa) at least 18 years old, but younger than 21 years old; and
1222 (Bb) under the custody of the department, or one of its divisions;
- 1223 (iv) minimum administration and financial requirements for licensees;
1224 (v) guidelines for variances from rules established under this Subsection (1);
1225 (vi) ethical standards, as described in Subsection [~~78B-6-106(3)~~] 81-13-104(3), and
1226 minimum responsibilities of a child-placing agency that provides adoption
1227 services and that is licensed under this part;
- 1228 (vii) what constitutes an "outpatient treatment program" for purposes of this part;
1229 (viii) a procedure requiring a licensee to provide an insurer the licensee's records
1230 related to any services or supplies billed to the insurer, and a procedure allowing
1231 the licensee and the insurer to contact the Insurance Department to resolve any
1232 disputes;
- 1233 (ix) a protocol for the office to investigate and process complaints about licensees;
1234 (x) a procedure for a licensee to:
1235 (A) report the use of a restraint or seclusion within one business day after the day
1236 on which the use of the restraint or seclusion occurs; and
1237 (B) report a critical incident within one business day after the day on which the
1238 incident occurs;
- 1239 (xi) guidelines for the policies and procedures described in Sections 26B-2-109 and
1240 26B-2-123;
- 1241 (xii) a procedure for the office to review and approve the policies and procedures
1242 described in Sections 26B-2-109 and 26B-2-123; and
1243 (xiii) a requirement that each human services program publicly post information that
1244 informs an individual how to submit a complaint about a human services program
1245 to the office;
- 1246 (b) enforce rules relating to the office;
1247 (c) issue licenses in accordance with this part;
1248 (d) if the United States Department of State executes an agreement with the office that
1249 designates the office to act as an accrediting entity in accordance with the
1250 Intercountry Adoption Act of 2000, Pub. L. No. 106-279, accredit one or more
1251 agencies and persons to provide intercountry adoption services pursuant to:
1252 (i) the Intercountry Adoption Act of 2000, Pub. L. No. 106-279; and
1253 (ii) the implementing regulations for the Intercountry Adoption Act of 2000, Pub. L.
1254 No. 106-279;

- 1255 (e) make rules to implement the provisions of Subsection (1)(d);
- 1256 (f) conduct surveys and inspections of licensees and facilities in accordance with Section
1257 26B-2-107;
- 1258 (g) collect licensure fees;
- 1259 (h) notify licensees of the name of a person within the department to contact when filing
1260 a complaint;
- 1261 (i) investigate complaints regarding any licensee or human services program;
- 1262 (j) have access to all records, correspondence, and financial data required to be
1263 maintained by a licensee;
- 1264 (k) have authority to interview any client, family member of a client, employee, or
1265 officer of a licensee;
- 1266 (l) have authority to deny, condition, revoke, suspend, or extend any license issued by
1267 the department under this part by following the procedures and requirements of Title
1268 63G, Chapter 4, Administrative Procedures Act;
- 1269 (m) cooperate with the Division of Child and Family Services to condition, revoke, or
1270 suspend the license of a foster home when a child welfare caseworker from the
1271 Division of Child and Family Services identifies a safety concern with the foster
1272 home;
- 1273 (n) electronically post notices of agency action issued to a human services program, with
1274 the exception of a foster home, on the office's website, in accordance with Title 63G,
1275 Chapter 2, Government Records Access and Management Act; and
- 1276 (o) upon receiving a local government's request under Section 26B-2-118, notify the
1277 local government of new human services program license applications, except for
1278 foster homes, for human services programs located within the local government's
1279 jurisdiction.
- 1280 (2) In establishing rules under Subsection (1)(a)(ii)(G), the office shall require a licensee to
1281 establish and comply with an emergency response plan that requires clients and staff to:
- 1282 (a) immediately report to law enforcement any significant criminal activity, as defined
1283 by rule, committed:
- 1284 (i) on the premises where the licensee operates its human services program;
- 1285 (ii) by or against its clients; or
- 1286 (iii) by or against a staff member while the staff member is on duty;
- 1287 (b) immediately report to emergency medical services any medical emergency, as
1288 defined by rule;

- 1289 (i) on the premises where the licensee operates its human services program;
 1290 (ii) involving its clients; or
 1291 (iii) involving a staff member while the staff member is on duty; and
 1292 (c) immediately report other emergencies that occur on the premises where the licensee
 1293 operates its human services program to the appropriate emergency services agency.

1294 Section 5. Section **26B-2-127** is amended to read:

1295 **26B-2-127 . Child placing licensure requirements -- Prohibited acts --**

1296 **Consortium.**

1297 (1) As used in this section:

- 1298 (a)(i) "Advertisement" means any written, oral, or graphic statement or
 1299 representation made in connection with a solicitation of business.
 1300 (ii) "Advertisement" includes a statement or representation described in Subsection
 1301 (1)(a)(i) by a noncable television system, radio, printed brochure, newspaper,
 1302 leaflet, flyer, circular, billboard, banner, Internet website, social media, or sign.
 1303 (b) "Birth parent" means the same as that term is defined in Section [~~78B-6-103~~]
 1304 81-13-101.
 1305 (c) "Clearly and conspicuously disclose" means the same as that term is defined in
 1306 Section 13-11a-2.
 1307 (d)(i) "Matching advertisement" means any written, oral, or graphic statement or
 1308 representation made in connection with a solicitation of business to provide the
 1309 assistance described in Subsection (3)(a)(i), regardless of whether there is or will
 1310 be an exchange described in Subsection (3)(a)(ii).
 1311 (ii) "Matching advertisement" includes a statement or representation described in
 1312 Subsection (1)(d)(i) by a noncable television system, radio, printed brochure,
 1313 newspaper, leaflet, flyer, circular, billboard, banner, Internet website, social
 1314 media, or sign.
 1315 (2)(a) Subject to Section [~~78B-24-205~~] 81-14-205, a person may not engage in child
 1316 placing, or solicit money or other assistance for child placing, without a valid license
 1317 issued by the office in accordance with this part.
 1318 (b) If a child-placing agency's license is suspended or revoked in accordance with this
 1319 part, the care, control, or custody of any child who is in the care, control, or custody
 1320 of the child-placing agency shall be transferred to the Division of Child and Family
 1321 Services.
 1322 (3)(a)(i) An attorney, physician, or other person may assist:

- 1323 (A) a birth parent to identify or locate a prospective adoptive parent who is
1324 interested in adopting the birth parent's child; or
- 1325 (B) a prospective adoptive parent to identify or locate a child to be adopted.
- 1326 (ii) A payment, charge, fee, reimbursement of expense, or exchange of value of any
1327 kind, or promise or agreement to make the same, may not be made for the
1328 assistance described in Subsection (3)(a)(i).
- 1329 (b) An attorney, physician, or other person may not:
- 1330 (i) issue or cause to be issued to any person a card, sign, or device indicating that the
1331 attorney, physician, or other person is available to provide the assistance described
1332 in Subsection (3)(a)(i);
- 1333 (ii) cause, permit, or allow any sign or marking indicating that the attorney,
1334 physician, or other person is available to provide the assistance described in
1335 Subsection (3)(a)(i), on or in any building or structure;
- 1336 (iii) announce, cause, permit, or allow an announcement indicating that the attorney,
1337 physician, or other person is available to provide the assistance described in
1338 Subsection (3)(a)(i), to appear in any newspaper, magazine, directory, on radio or
1339 television, or an Internet website relating to a business;
- 1340 (iv) announce, cause, permit, or allow a matching advertisement; or
- 1341 (v) announce, cause, permit, or allow an advertisement that indicates or implies the
1342 attorney, physician, or other person is available to provide the assistance described
1343 in Subsection (3)(a)(i) as part of, or related to, other adoption-related services by
1344 using any of the following terms:
- 1345 (A) "comprehensive";
- 1346 (B) "complete";
- 1347 (C) "one-stop";
- 1348 (D) "all-inclusive"; or
- 1349 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A)
1350 through (D).
- 1351 (c) An attorney, physician, or other person who is not licensed by the office shall clearly
1352 and conspicuously disclose in any print media advertisement or written contract
1353 regarding adoption services or adoption-related services that the attorney, physician,
1354 or other person is not licensed to provide adoption services by the office.
- 1355 (4) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of a
1356 third degree felony.

- 1357 (5) This section does not preclude payment of fees for medical, legal, or other lawful
 1358 services rendered in connection with the care of a mother, delivery and care of a child,
 1359 or lawful adoption proceedings, except that a child-placing agency may not:
 1360 (a) charge or accept payment for services that were not actually rendered; or
 1361 (b) charge or accept payment from a prospective adoptive parent for medical or hospital
 1362 expenses that were paid for by public funds.
- 1363 (6) In accordance with federal law, only an agent or employee of the Division of Child and
 1364 Family Services or of a licensed child-placing agency may certify to United States
 1365 Citizenship and Immigration Services that a family meets the preadoption requirements
 1366 of the Division of Child and Family Services.
- 1367 (7) A licensed child-placing agency or an attorney practicing in this state may not place a
 1368 child for adoption, either temporarily or permanently, with an individual who would not
 1369 be qualified for adoptive placement under Sections [~~78B-6-102, 78B-6-117, and~~
 1370 ~~78B-6-137~~] 81-13-202, 81-13-203, and 81-13-402.
- 1371 (8)(a) A child-placing agency, as that term is defined in Section 63G-20-102, that serves
 1372 a resident of the state who is a birth mother or a prospective adoptive parent must be
 1373 a member of a statewide consortium of licensed child-placing agencies that, together,
 1374 serve all birth mothers lawfully seeking to place a child for adoption and all qualified
 1375 prospective adoptive parents.
- 1376 (b) The department shall receive and investigate any complaint against a consortium of
 1377 licensed child-placing agencies.
- 1378 Section 6. Section **26B-3-108** is amended to read:
- 1379 **26B-3-108 . Administration of Medicaid program by department -- Reporting to**
 1380 **the Legislature -- Disciplinary measures and sanctions -- Funds collected -- Eligibility**
 1381 **standards -- Optional dental services costs and delivery -- Internal audits -- Health**
 1382 **opportunity accounts.**
- 1383 (1) The department shall be the single state agency responsible for the administration of the
 1384 Medicaid program in connection with the United States Department of Health and
 1385 Human Services pursuant to Title XIX of the Social Security Act.
- 1386 (2)(a) The department shall implement the Medicaid program through administrative
 1387 rules in conformity with this chapter, Title 63G, Chapter 3, Utah Administrative
 1388 Rulemaking Act, the requirements of Title XIX, and applicable federal regulations.
- 1389 (b) The rules adopted under Subsection (2)(a) shall include, in addition to other rules
 1390 necessary to implement the program:

- 1391 (i) the standards used by the department for determining eligibility for Medicaid
1392 services;
- 1393 (ii) the services and benefits to be covered by the Medicaid program;
- 1394 (iii) reimbursement methodologies for providers under the Medicaid program; and
1395 (iv) a requirement that:
- 1396 (A) a person receiving Medicaid services shall participate in the electronic
1397 exchange of clinical health records established in accordance with Section
1398 26B-8-411 unless the individual opts out of participation;
- 1399 (B) prior to enrollment in the electronic exchange of clinical health records the
1400 enrollee shall receive notice of enrollment in the electronic exchange of clinical
1401 health records and the right to opt out of participation at any time; and
- 1402 (C) when the program sends enrollment or renewal information to the enrollee and
1403 when the enrollee logs onto the program's website, the enrollee shall receive
1404 notice of the right to opt out of the electronic exchange of clinical health
1405 records.
- 1406 (3)(a) The department shall, in accordance with Subsection (3)(b), report to the Social
1407 Services Appropriations Subcommittee when the department:
- 1408 (i) implements a change in the Medicaid State Plan;
- 1409 (ii) initiates a new Medicaid waiver;
- 1410 (iii) initiates an amendment to an existing Medicaid waiver;
- 1411 (iv) applies for an extension of an application for a waiver or an existing Medicaid
1412 waiver;
- 1413 (v) applies for or receives approval for a change in any capitation rate within the
1414 Medicaid program; or
- 1415 (vi) initiates a rate change that requires public notice under state or federal law.
- 1416 (b) The report required by Subsection (3)(a) shall:
- 1417 (i) be submitted to the Social Services Appropriations Subcommittee prior to the
1418 department implementing the proposed change; and
- 1419 (ii) include:
- 1420 (A) a description of the department's current practice or policy that the department
1421 is proposing to change;
- 1422 (B) an explanation of why the department is proposing the change;
- 1423 (C) the proposed change in services or reimbursement, including a description of
1424 the effect of the change;

- 1425 (D) the effect of an increase or decrease in services or benefits on individuals and
1426 families;
- 1427 (E) the degree to which any proposed cut may result in cost-shifting to more
1428 expensive services in health or human service programs; and
- 1429 (F) the fiscal impact of the proposed change, including:
- 1430 (I) the effect of the proposed change on current or future appropriations from
1431 the Legislature to the department;
- 1432 (II) the effect the proposed change may have on federal matching dollars
1433 received by the state Medicaid program;
- 1434 (III) any cost shifting or cost savings within the department's budget that may
1435 result from the proposed change; and
- 1436 (IV) identification of the funds that will be used for the proposed change,
1437 including any transfer of funds within the department's budget.
- 1438 (4) Any rules adopted by the department under Subsection (2) are subject to review and
1439 reauthorization by the Legislature in accordance with Section 63G-3-502.
- 1440 (5) The department may, in its discretion, contract with other qualified agencies for services
1441 in connection with the administration of the Medicaid program, including:
- 1442 (a) the determination of the eligibility of individuals for the program;
- 1443 (b) recovery of overpayments; and
- 1444 (c) consistent with Section 26B-3-1113, and to the extent permitted by law and quality
1445 control services, enforcement of fraud and abuse laws.
- 1446 (6) The department shall provide, by rule, disciplinary measures and sanctions for Medicaid
1447 providers who fail to comply with the rules and procedures of the program, provided
1448 that sanctions imposed administratively may not extend beyond:
- 1449 (a) termination from the program;
- 1450 (b) recovery of claim reimbursements incorrectly paid; and
- 1451 (c) those specified in Section 1919 of Title XIX of the federal Social Security Act.
- 1452 (7)(a) Funds collected as a result of a sanction imposed under Section 1919 of Title XIX
1453 of the federal Social Security Act shall be deposited into the General Fund as
1454 dedicated credits to be used by the division in accordance with the requirements of
1455 Section 1919 of Title XIX of the federal Social Security Act.
- 1456 (b) In accordance with Section 63J-1-602.2, sanctions collected under this Subsection
1457 (7) are nonlapsing.
- 1458 (8)(a) In determining whether an applicant or recipient is eligible for a service or benefit

- 1459 under this part or Part 9, Utah Children's Health Insurance Program, the department
1460 shall, if Subsection (8)(b) is satisfied, exclude from consideration one passenger
1461 vehicle designated by the applicant or recipient.
- 1462 (b) Before Subsection (8)(a) may be applied:
- 1463 (i) the federal government shall:
- 1464 (A) determine that Subsection (8)(a) may be implemented within the state's
1465 existing public assistance-related waivers as of January 1, 1999;
- 1466 (B) extend a waiver to the state permitting the implementation of Subsection
1467 (8)(a); or
- 1468 (C) determine that the state's waivers that permit dual eligibility determinations
1469 for cash assistance and Medicaid are no longer valid; and
- 1470 (ii) the department shall determine that Subsection (8)(a) can be implemented within
1471 existing funding.
- 1472 (9)(a) As used in this Subsection (9):
- 1473 (i) "aged, blind, or has a disability" means an aged, blind, or disabled individual, as
1474 defined in 42 U.S.C. Sec. 1382c(a)(1); and
- 1475 (ii) "spend down" means an amount of income in excess of the allowable income
1476 standard that shall be paid in cash to the department or incurred through the
1477 medical services not paid by Medicaid.
- 1478 (b) In determining whether an applicant or recipient who is aged, blind, or has a
1479 disability is eligible for a service or benefit under this chapter, the department shall
1480 use 100% of the federal poverty level as:
- 1481 (i) the allowable income standard for eligibility for services or benefits; and
1482 (ii) the allowable income standard for eligibility as a result of spend down.
- 1483 (10) The department shall conduct internal audits of the Medicaid program.
- 1484 (11)(a)(i) The department shall apply for, and if approved, implement an
1485 amendment to the state plan under this Subsection (11) for benefits for:
- 1486 (A) medically needy pregnant women;
1487 (B) medically needy children; and
1488 (C) medically needy parents and caretaker relatives.
- 1489 (ii) The department may implement the eligibility standards of Subsection (11)(b) for
1490 eligibility determinations made on or after the date of the approval of the
1491 amendment to the state plan.
- 1492 (b) In determining whether an applicant is eligible for benefits described in Subsection

- 1493 (11)(a)(i), the department shall:
- 1494 (i) disregard resources held in an account in a savings plan created under Title 53B,
- 1495 Chapter 8a, Utah Educational Savings Plan, if the beneficiary of the account is:
- 1496 (A) under the age of 26; and
- 1497 (B) living with the account owner, as that term is defined in Section 53B-8a-102,
- 1498 or temporarily absent from the residence of the account owner; and
- 1499 (ii) include withdrawals from an account in the Utah Educational Savings Plan as
- 1500 resources for a benefit determination, if the withdrawals were not used for
- 1501 qualified higher education costs as that term is defined in Section 53B-8a-102.5.
- 1502 (12)(a) The department may not deny or terminate eligibility for Medicaid solely
- 1503 because an individual is:
- 1504 (i) incarcerated; and
- 1505 (ii) not an inmate as defined in Section 64-13-1.
- 1506 (b) Subsection (12)(a) does not require the Medicaid program to provide coverage for
- 1507 any services for an individual while the individual is incarcerated.
- 1508 (13) The department is a party to, and may intervene at any time in, any judicial or
- 1509 administrative action:
- 1510 (a) to which the Department of Workforce Services is a party; and
- 1511 (b) that involves medical assistance under this chapter.
- 1512 (14)(a) The department may not deny or terminate eligibility for Medicaid solely
- 1513 because a birth mother, as that term is defined in Section ~~[78B-6-103]~~ 81-13-101,
- 1514 considers an adoptive placement for the child or proceeds with an adoptive placement
- 1515 of the child.
- 1516 (b) A health care provider, as that term is defined in Section 26B-3-126, may not decline
- 1517 payment by Medicaid for covered health and medical services provided to a birth
- 1518 mother, as that term is defined in Section ~~[78B-6-103]~~ 81-13-101, who is enrolled in
- 1519 Utah's Medicaid program and who considers an adoptive placement for the child or
- 1520 proceeds with an adoptive placement of the child.
- 1521 Section 7. Section **26B-5-316** is amended to read:
- 1522 **26B-5-316 . Responsibility for cost of care.**
- 1523 (1) The division shall estimate and determine, as nearly as possible, the actual expense per
- 1524 annum of caring for and maintaining a patient in the state hospital, and that amount or
- 1525 portion of that amount shall be assessed to and paid by the applicant, patient, spouse,
- 1526 parents, child or children who are of sufficient financial ability to do so, or by the

1527 guardian of the patient who has funds of the patient that may be used for that purpose.

1528 (2) In addition to the expenses described in Subsection (1), parents are responsible for the
 1529 support of their child while the child is in the care of the state hospital in accordance
 1530 with [~~Title 26B,~~]Chapter 9, Recovery Services and Administration of Child Support, [
 1531 ~~and~~]Title 81, Chapter 6, Child Support, and Title 81, Chapter 7, Payment and
 1532 Enforcement of Spousal and Child Support.

1533 Section 8. Section **26B-6-411** is amended to read:

1534 **26B-6-411 . Parent liable for cost and support of minor -- Guardian liable for**
 1535 **costs.**

1536 (1) Parents of a person who receives services or support from the division, who are
 1537 financially responsible, are liable for the cost of the actual care and maintenance of that
 1538 person and for the support of the child in accordance with [~~Title 81, Chapter 6, Child~~
 1539 ~~Support, and~~]Chapter 9, Part 1, Office of Recovery Services, Title 81, Chapter 6, Child
 1540 Support, and Title 81, Chapter 7, Payment and Enforcement of Spousal and Child
 1541 Support, until the person reaches 18 years old.

1542 (2) A guardian of a person who receives services or support from the division is liable for
 1543 the cost of actual care and maintenance of that person, regardless of his age, where funds
 1544 are available in the guardianship estate established on his behalf for that purpose.
 1545 However, if the person who receives services is a beneficiary of a trust created in
 1546 accordance with Section 26B-6-412, or if the guardianship estate meets the requirements
 1547 of a trust described in that section, the trust income prior to distribution to the
 1548 beneficiary, and the trust principal are not subject to payment for services or support for
 1549 that person.

1550 (3) If, at the time a person who receives services or support from the division is discharged
 1551 from a facility or program owned or operated by or under contract with the division, or
 1552 after the death and burial of a resident of the developmental center, there remains in the
 1553 custody of the division or the superintendent any money paid by a parent or guardian for
 1554 the support or maintenance of that person, it shall be repaid upon demand.

1555 Section 9. Section **26B-8-101** is amended to read:

1556 **26B-8-101 . Definitions.**

1557 As used in this part:

1558 (1) "Adoption document" means [~~an adoption-related document filed with the office, a~~
 1559 ~~petition for adoption, a decree of adoption, an original birth certificate, or evidence~~
 1560 ~~submitted in support of a supplementary birth certificate] the same as that term is defined~~

- 1561 in Section 81-13-101.
- 1562 (2) "Alien child" means an individual:
- 1563 (a) who is younger than 16 years old; and
- 1564 (b) who is not considered a citizen or national of the United States by the United States
- 1565 Citizenship and Immigration Services.
- 1566 [(2)] (3) "Biological sex at birth" means an individual's sex, as being male or female,
- 1567 according to distinct reproductive roles as manifested by sex and reproductive organ
- 1568 anatomy, chromosomal makeup, and endogenous hormone profiles.
- 1569 [(3)] (4) "Certified nurse midwife" means an individual who:
- 1570 (a) is licensed to practice as a certified nurse midwife under Title 58, Chapter 44a, Nurse
- 1571 Midwife Practice Act; and
- 1572 (b) has completed an education program regarding the completion of a certificate of
- 1573 death developed by the department by rule made in accordance with Title 63G,
- 1574 Chapter 3, Utah Administrative Rulemaking Act.
- 1575 [(4)] (5) "Custodial funeral service director" means a funeral service director who:
- 1576 (a) is employed by a licensed funeral establishment; and
- 1577 (b) has custody of a dead body.
- 1578 [(5)] (6) "Dead body" means a human body or parts of a human body from the condition of
- 1579 which it reasonably may be concluded that death occurred.
- 1580 [(6)] (7) "Decedent" means the same as a dead body.
- 1581 [(7)] (8) "Dead fetus" means a product of human conception, other than those circumstances
- 1582 described in Subsection 76-7-301(1):
- 1583 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual
- 1584 period began to the date of delivery; and
- 1585 (b) that was not born alive.
- 1586 [(8) "~~Declarant father" means a male who claims to be the genetic father of a child, and,~~
- 1587 ~~along with the biological mother, signs a voluntary declaration of paternity to establish~~
- 1588 ~~the child's paternity.]~~
- 1589 (9) "Declarant father" means the same as that term is defined in Section 81-5-102.
- 1590 [(9)] (10) "Dispositioner" means:
- 1591 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as having
- 1592 the right and duty to control the disposition of the decedent, if the person voluntarily
- 1593 acts as the dispositioner; or
- 1594 (b) the next of kin of the decedent, if:

- 1595 (i)(A) a person has not been designated as described in Subsection ~~[(9)(a)]~~ (10)(a);
- 1596 or
- 1597 (B) the person described in Subsection ~~[(9)(a)]~~ (10)(a) is unable or unwilling to
- 1598 exercise the right and duty described in Subsection ~~[(9)(a)]~~ (10)(a); and
- 1599 (ii) the next of kin voluntarily acts as the dispositioner.
- 1600 ~~[(10)]~~ (11) "Fetal remains" means:
- 1601 (a) an aborted fetus as that term is defined in Section 26B-2-232; or
- 1602 (b) a miscarried fetus as that term is defined in Section 26B-2-233.
- 1603 ~~[(11)]~~ (12) "File" means the submission of a completed certificate or other similar
- 1604 document, record, or report as provided under this part for registration by the state
- 1605 registrar or a local registrar.
- 1606 ~~[(12)]~~ (13) "Funeral service director" means the same as that term is defined in Section
- 1607 58-9-102.
- 1608 ~~[(13)]~~ (14) "Health care facility" means the same as that term is defined in Section
- 1609 26B-2-201.
- 1610 ~~[(14)]~~ (15) "Health care professional" means a physician, physician assistant, nurse
- 1611 practitioner, or certified nurse midwife.
- 1612 ~~[(15)]~~ (16) "Intersex individual" means an individual who:
- 1613 (a) is born with external biological sex characteristics that are irresolvably ambiguous;
- 1614 (b) is born with 46, XX chromosomes with virilization;
- 1615 (c) is born with 46, XY chromosomes with undervirilization;
- 1616 (d) has both ovarian and testicular tissue; or
- 1617 (e) has been diagnosed by a physician, based on genetic or biochemical testing, with
- 1618 abnormal:
- 1619 (i) sex chromosome structure;
- 1620 (ii) sex steroid hormone production; or
- 1621 (iii) sex steroid hormone action for a male or female.
- 1622 ~~[(16)]~~ (17) "Licensed funeral establishment" means:
- 1623 (a) if located in Utah, a funeral service establishment, as that term is defined in Section
- 1624 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act;
- 1625 or
- 1626 (b) if located in a state, district, or territory of the United States other than Utah, a
- 1627 funeral service establishment that complies with the licensing laws of the jurisdiction
- 1628 where the establishment is located.

- 1629 [(17)] (18) "Live birth" means the birth of a child who shows evidence of life after the child
1630 is entirely outside of the mother.
- 1631 [(18)] (19) "Local registrar" means a person appointed under Subsection 26B-8-102(3)(b).
- 1632 [(19)] (20) "Nurse practitioner" means an individual who:
- 1633 (a) is licensed to practice as an advanced practice registered nurse under Title 58,
1634 Chapter 31b, Nurse Practice Act; and
- 1635 (b) has completed an education program regarding the completion of a certificate of
1636 death developed by the department by administrative rule made in accordance with
1637 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1638 [(20)] (21) "Office" means the Office of Vital Records and Statistics within the department.
- 1639 [(21)] (22) "Physician" means a person licensed to practice as a physician or osteopath in
1640 this state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68,
1641 Utah Osteopathic Medical Practice Act.
- 1642 [(22)] (23) "Physician assistant" means an individual who:
- 1643 (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah
1644 Physician Assistant Act; and
- 1645 (b) has completed an education program regarding the completion of a certificate of
1646 death developed by the department by administrative rule made in accordance with
1647 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1648 [(23)] (24) "Presumed [father] parent" means the same as that term is defined in Section [
1649 78B-15-102] 81-5-102.
- 1650 [(24)] (25) "Registration" or "register" means acceptance by the local or state registrar of a
1651 certificate and incorporation of the certificate into the permanent records of the state.
- 1652 [(25)] (26) "State registrar" means the state registrar of vital records appointed under Section
1653 26B-8-102.
- 1654 [(26)] (27) "Vital records" means:
- 1655 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
1656 dissolution of marriage, or annulment;
- 1657 (b) amendments to any of the registered certificates or reports described in Subsection [
1658 (26)(a)] (27)(a);
- 1659 (c) an adoption document; and
- 1660 (d) other similar documents.
- 1661 [(27)] (28) "Vital statistics" means the data derived from registered certificates and reports
1662 of birth, death, fetal death, induced termination of pregnancy, marriage, divorce,

1663 dissolution of marriage, or annulment.

1664 Section 10. Section **26B-8-102** is amended to read:

1665 **26B-8-102 . Department duties and authority.**

1666 (1) As used in this section:

1667 (a) "Compact" means the Compact for Interstate Sharing of Putative Father Registry
1668 Information created in Section [~~78B-6-121.5~~] 81-13-106, effective on May 10, 2016.

1669 (b) "Putative father":

1670 (i) means the same as that term is as defined in Section [~~78B-6-121.5~~] 81-13-106; and

1671 (ii) includes an unmarried biological father.

1672 (c) "State registrar" means the state registrar of vital records appointed under Subsection
1673 (2)(e).

1674 (d) "Unmarried biological father" means the same as that term is defined in Section [
1675 ~~78B-6-103~~] 81-13-101.

1676 (2) The department shall:

1677 (a) provide offices properly equipped for the preservation of vital records made or
1678 received under this part;

1679 (b) establish a statewide vital records system for the registration, collection,
1680 preservation, amendment, and certification of vital records and other similar
1681 documents required by this part and activities related to them, including the
1682 tabulation, analysis, and publication of vital statistics;

1683 (c) prescribe forms for certificates, certification, reports, and other documents and
1684 records necessary to establish and maintain a statewide system of vital records;

1685 (d) prepare an annual compilation, analysis, and publication of statistics derived from
1686 vital records; and

1687 (e) appoint a state registrar to direct the statewide system of vital records.

1688 (3) The department may:

1689 (a) divide the state from time to time into registration districts; and

1690 (b) appoint local registrars for registration districts who under the direction and
1691 supervision of the state registrar shall perform all duties required of them by this part
1692 and department rules.

1693 (4) The state registrar appointed under Subsection (2)(e) shall, with the input of Utah
1694 stakeholders and the Uniform Law Commission, study the following items for the state's
1695 implementation of the compact:

1696 (a) the feasibility of using systems developed by the National Association for Public

- 1697 Health Statistics and Information Systems, including the State and Territorial
 1698 Exchange of Vital Events (STEVE) system and the Electronic Verification of Vital
 1699 Events (EVVE) system, or similar systems, to exchange putative father registry
 1700 information with states that are parties to the compact;
- 1701 (b) procedures necessary to share putative father information, located in the confidential
 1702 registry maintained by the state registrar, upon request from the state registrar of
 1703 another state that is a party to the compact;
- 1704 (c) procedures necessary for the state registrar to access putative father information
 1705 located in a state that is a party to the compact, and share that information with
 1706 persons who request a certificate from the state registrar;
- 1707 (d) procedures necessary to ensure that the name of the mother of the child who is the
 1708 subject of a putative father's notice of commencement, filed pursuant to Section [
 1709 ~~78B-6-121~~] 81-13-213, is kept confidential when a state that is a party to the compact
 1710 accesses this state's confidential registry through the state registrar; and
- 1711 (e) procedures necessary to ensure that a putative father's registration with a state that is
 1712 a party to the compact is given the same effect as a putative father's notice of
 1713 commencement filed pursuant to Section [~~78B-6-121~~] 81-13-213.

1714 Section 11. Section **26B-8-104** is amended to read:

1715 **26B-8-104 . Birth registrations -- Execution and registration requirements.**

- 1716 (1) As used in this section:
- 1717 (a) "Birthing facility" means a:
- 1718 (i) general acute hospital as defined in Section 26B-2-201; or
- 1719 (ii) birthing center as defined in Section 26B-2-201.
- 1720 (b) "Designated administrator" means an individual who has been designated by a
 1721 birthing facility to submit a birth registration on behalf of the birthing facility.
- 1722 (2)(a) The office shall register a birth if a birth registration is completed and filed in
 1723 accordance with this section.
- 1724 (b) Once a birth is registered, the office shall provide a birth certificate upon request in
 1725 accordance with all state laws.
- 1726 (3)(a) For each live birth that occurs in a birthing facility, the designated administrator,
 1727 attending physician, or nurse midwife shall:
- 1728 (i) obtain and enter the information required under this part in the electronic birth
 1729 registration system no later than 10 days from the day on which the birth occurred;
- 1730 (ii) provide the parent the opportunity to review the information to ensure accuracy;

- 1731 and
- 1732 (iii) submit the birth registration.
- 1733 (b)(i) The date, time, place of birth, and required medical information shall be
- 1734 certified by the designated administrator.
- 1735 (ii) The designated administrator shall enter the attending physician's, physician
- 1736 assistant's, or nurse midwife's name and transmit the birth registration to the local
- 1737 registrar for each birth that occurs in a birth facility.
- 1738 (iii) The information contained in the birth registration about the parents shall be
- 1739 provided and certified by the mother or father or, in their incapacity or absence, by
- 1740 a person with knowledge of the facts.
- 1741 (4)(a)(i) For a live birth that occurs outside a birthing facility, the birth registration
- 1742 shall be completed and filed by the physician, physician assistant, nurse, nurse
- 1743 practitioner, certified nurse midwife, or other person primarily responsible for
- 1744 providing assistance to the mother at the birth no later than 10 days from the day
- 1745 on which the birth occurred.
- 1746 (ii) If the birth occurred without assistance from an individual described in
- 1747 Subsection (4)(a)(i), the presumed parent or declarant father or the mother of the
- 1748 child shall complete and file the birth registration.
- 1749 (b) The birth registration shall be completed as fully as possible and shall include the
- 1750 date, time, and place of birth, and the mother's name.
- 1751 (5)(a) For each live birth to an unmarried mother that occurs in a birthing facility, the
- 1752 designated administrator shall:
- 1753 (i) provide the birth mother and declarant father, if present, with:
- 1754 (A) a voluntary declaration of paternity form published by the state registrar;
- 1755 (B) oral and written notice to the birth mother and declarant father of the
- 1756 alternatives to, the legal consequences of, and the rights and responsibilities
- 1757 that arise from signing the declaration; and
- 1758 (C) the opportunity to sign the declaration;
- 1759 (ii) witness the signature of a birth mother or declarant father in accordance with
- 1760 Section [78B-15-302] 81-5-302 if the signature occurs at the facility;
- 1761 (iii) enter the declarant father's information on the original birth certificate, but only
- 1762 if the mother and declarant father have signed a voluntary declaration of paternity
- 1763 or a court or administrative agency has issued an adjudication of paternity; and
- 1764 (iv) file the completed declaration with the original birth certificate.

- 1765 (b) If there is a presumed [father] parent, the voluntary declaration will only be valid if
1766 the presumed [father] parent also signs the voluntary declaration.
- 1767 (c) The state registrar shall file the information provided on the voluntary declaration of
1768 paternity form with the original birth certificate and may provide certified copies of
1769 the declaration of paternity as otherwise provided under [~~Title 78B, Chapter 15, Utah~~
1770 ~~Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act.
- 1771 (6)(a) The state registrar shall publish a form for the voluntary declaration of paternity,
1772 a description of the process for filing a voluntary declaration of paternity, and of the
1773 rights and responsibilities established or effected by that filing, in accordance with [
1774 ~~Title 78B, Chapter 15, Utah Uniform Parentage Act~~] Title 81, Chapter 5, Uniform
1775 Parentage Act.
- 1776 (b) Information regarding the form and services related to voluntary paternity
1777 establishment shall be made available to birthing facilities and to any other entity or
1778 individual upon request.
- 1779 (7) The name of a declarant father may only be included on the birth certificate of a child of
1780 unmarried parents if:
- 1781 (a) the mother and declarant father have signed a voluntary declaration of paternity; or
1782 (b) a court or administrative agency has issued an adjudication of paternity.
- 1783 (8) Voluntary declarations of paternity, adjudications of paternity by judicial or
1784 administrative agencies, and voluntary rescissions of paternity shall be filed with and
1785 maintained by the state registrar for the purpose of comparing information with the state
1786 case registry maintained by the Office of Recovery Services pursuant to Section
1787 26B-9-104.
- 1788 (9) The department may notify the Division of Professional Licensing that an individual
1789 who is required to complete a birth registration under Subsection (4)(a)(i) has failed to
1790 register a birth if:
- 1791 (a) the department has notified the individual that the individual is required by state law
1792 to complete the birth registration; and
1793 (b) the individual is a physician, physician assistant, nurse, nurse practitioner, or
1794 certified nurse midwife.
- 1795 Section 12. Section **26B-8-110** is amended to read:
- 1796 **26B-8-110 . Supplementary certificate of birth.**
- 1797 (1) An individual born in this state may request the state registrar to register a
1798 supplementary birth certificate for the individual if:

- 1799 (a) the individual is legally recognized as a child of the individual's [~~natural~~]parents
1800 when the individual's [~~natural~~]parents are subsequently married;
- 1801 (b) the individual's parentage has been determined by a state court of the United States
1802 or a Canadian provincial court with jurisdiction; or
- 1803 (c) the individual has been legally adopted, as a child or as an adult, under the law of this
1804 state, any other state, or any province of Canada.
- 1805 (2) The application for registration of a supplementary birth certificate may be made by:
- 1806 (a) the individual requesting registration under Subsection (1) if the individual is of legal
1807 age;
- 1808 (b) a legal representative; or
- 1809 (c) any agency authorized to receive children for placement or adoption under the laws
1810 of this or any other state.
- 1811 (3)(a) The state registrar shall require that an applicant submit identification and proof
1812 according to department rules.
- 1813 (b) In the case of an adopted individual, that proof may be established by order of the
1814 court in which the adoption proceedings were held.
- 1815 (4)(a) After the supplementary birth certificate is registered, any information disclosed
1816 from the record shall be from the supplementary birth certificate.
- 1817 (b) Access to the original birth certificate and to the evidence submitted in support of the
1818 supplementary birth certificate are not open to inspection except upon the order of a
1819 Utah district court or as described in Section [~~78B-6-141 or Section 78B-6-144]~~
1820 81-13-103 or 81-13-504.
- 1821 Section 13. Section **26B-8-119** is amended to read:
- 1822 **26B-8-119 . Petition for establishment of unregistered birth or death -- Court**
1823 **procedure.**
- 1824 (1) A person holding a direct, tangible, and legitimate interest as described in Subsection
1825 26B-8-125(3)(a) or (b) may petition for a court order establishing the fact, time, and
1826 place of a birth or death that is not registered or for which a certified copy of the
1827 registered birth or death certificate is not obtainable. The person shall verify the petition
1828 and file the petition in the Utah court for the county where:
- 1829 (a) the birth or death is alleged to have occurred;
- 1830 (b) the person resides whose birth is to be established; or
- 1831 (c) the decedent named in the petition resided at the date of death.
- 1832 (2) In order for the court to have jurisdiction, the petition shall:

- 1833 (a) allege the date, time, and place of the birth or death; and
- 1834 (b) state either that no certificate of birth or death has been registered or that a copy of
- 1835 the registered certificate cannot be obtained.
- 1836 (3) The court shall set a hearing for five to 10 days after the day on which the petition is
- 1837 filed.
- 1838 (4)(a) If the time and place of birth or death are in question, the court shall hear
- 1839 available evidence and determine the time and place of the birth or death.
- 1840 (b) If the time and place of birth or death are not in question, the court shall determine
- 1841 the time and place of birth or death to be those alleged in the petition.
- 1842 (5) A court order under this section shall be made on a form prescribed and furnished by the
- 1843 department and is effective upon the filing of a certified copy of the order with the state
- 1844 registrar.
- 1845 (6)(a) For purposes of this section, the birth certificate of an adopted alien child~~[-as~~
- 1846 ~~defined in Section 78B-6-108,]~~ is considered to be unobtainable if the alien child was
- 1847 born in a country that is not recognized by department rule as having an established
- 1848 vital records registration system.
- 1849 (b) If the adopted alien child was born in a country recognized by department rule, but a
- 1850 person described in Subsection (1) is unable to obtain a certified copy of the birth
- 1851 certificate, the state registrar shall authorize the preparation of a birth certificate if the
- 1852 state registrar receives a written statement signed by the registrar of the alien child's
- 1853 birth country stating a certified copy of the birth certificate is not available.
- 1854 Section 14. Section **26B-8-125** is amended to read:
- 1855 **26B-8-125 . Inspection of vital records.**
- 1856 (1) As used in this section:
- 1857 (a) "Designated legal representative" means an attorney, physician, funeral service
- 1858 director, genealogist, or other agent of the subject, or an immediate family member of
- 1859 the subject, who has been delegated the authority to access vital records.
- 1860 (b) "Drug use intervention or suicide prevention effort" means a program that studies or
- 1861 promotes the prevention of drug overdose deaths or suicides in the state.
- 1862 (c) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or
- 1863 grandchild.
- 1864 (d) "Pre-existing parent" means the same as that term is defined in Section 81-13-101.
- 1865 (2)(a) The vital records shall be open to inspection, but only in compliance with the
- 1866 provisions of this part, department rules, and Sections ~~[78B-6-141 and 78B-6-144]~~

- 1867 81-13-103 and 81-13-504.
- 1868 (b) It is unlawful for any state or local officer or employee to disclose data contained in
 1869 vital records contrary to this part, department rule, [~~Section 78B-6-141, or Section~~
 1870 ~~78B-6-144~~] Section 81-13-103, or Section 81-13-504.
- 1871 (c)[~~(i)~~] An adoption document is open to inspection as provided in Section [
 1872 ~~78B-6-141 or Section 78B-6-144~~] 81-13-103 or 81-13-504.
- 1873 [~~(ii) A birth parent may not access an adoption document under Subsection~~
 1874 ~~78B-6-141(3).~~]
- 1875 (d) A custodian of vital records may permit inspection of a vital record or issue a
 1876 certified copy of a record or a part of a record when the custodian is satisfied that the
 1877 applicant has demonstrated a direct, tangible, and legitimate interest.
- 1878 (3) Except as provided in Subsection (4), a direct, tangible, and legitimate interest in a vital
 1879 record is present only if:
- 1880 (a) the request is from:
- 1881 (i) the subject;
- 1882 (ii) an immediate family member of the subject;
- 1883 (iii) the guardian of the subject;
- 1884 (iv) a designated legal representative of the subject; or
- 1885 (v) a person, including a child-placing agency as defined in Section [~~78B-6-103~~]
 1886 81-13-101, with whom a child has been placed pending finalization of an adoption
 1887 of the child;
- 1888 (b) the request involves a personal or property right of the subject of the record;
- 1889 (c) the request is for official purposes of a public health authority or a state, local, or
 1890 federal governmental agency;
- 1891 (d) the request is for a drug use intervention or suicide prevention effort or a statistical or
 1892 medical research program and prior consent has been obtained from the state
 1893 registrar; or
- 1894 (e) the request is a certified copy of an order of a court of record specifying the record to
 1895 be examined or copied.
- 1896 (4)(a) Except as provided in [~~Title 78B, Chapter 6, Part 1, Utah Adoption Act~~] Title 81,
 1897 Chapter 13, Adoption, a parent, or an immediate family member of a parent[~~, who~~]
 1898 may not be considered as having a direct, tangible, and legitimate interest under this
 1899 section in a vital record for which the subject is a child if the parent or family member
 1900 does not have legal or physical custody of, or visitation or parent-time rights for[-a] ,

- 1901 the child:
- 1902 (i) because of the termination of parental rights under Title 80, Chapter 4,
- 1903 Termination and Restoration of Parental Rights~~[-or-]~~ ; or
- 1904 (ii) by virtue of consenting to or relinquishing a child for adoption [~~pursuant to Title~~
- 1905 ~~78B, Chapter 6, Part 1, Utah Adoption Act, may not be considered as having a~~
- 1906 ~~direct, tangible, and legitimate interest under this section]~~ as described in Title 81,
- 1907 Chapter 13, Adoption.
- 1908 (b) Except as provided in Subsection (2)(d), a commercial firm or agency requesting
- 1909 names, addresses, or similar information may not be considered as having a direct,
- 1910 tangible, and legitimate interest under this section.
- 1911 (5) Upon payment of a fee established in accordance with Section 63J-1-504, the office
- 1912 shall make the following records available to the public:
- 1913 (a) except as provided in Subsection 26B-8-110(4)(b), a birth record, excluding
- 1914 confidential information collected for medical and health use, if 100 years or more
- 1915 have passed since the date of birth;
- 1916 (b) a death record if 50 years or more have passed since the date of death; and
- 1917 (c) a vital record not subject to Subsection (5)(a) or (b) if 75 years or more have passed
- 1918 since the date of the event upon which the record is based.
- 1919 (6) Upon payment of a fee established in accordance with Section 63J-1-504, the office
- 1920 shall make an adoption document available as provided in Sections [~~78B-6-141 and~~
- 1921 ~~78B-6-144]~~ 81-13-103 and 81-13-504.
- 1922 (7) The office shall make rules in accordance with Title 63G, Chapter 3, Utah
- 1923 Administrative Rulemaking Act, establishing procedures and the content of forms as
- 1924 follows:
- 1925 (a) for the inspection of adoption documents under Subsection [~~78B-6-141(4)]~~
- 1926 81-13-103(6);
- 1927 (b) for a [~~birth]~~ pre-existing parent's election to permit identifying information about the [~~birth]~~
- 1928 pre-existing parent to be made available~~[-, under Section 78B-6-141]~~ as
- 1929 described in Section 81-13-103;
- 1930 (c) for the release of information by the mutual-consent, voluntary adoption registry~~[-,~~
- 1931 ~~under Section 78B-6-144]~~ as described in Section 81-13-504;
- 1932 (d) for collecting fees and donations under Section [~~78B-6-144.5]~~ 81-13-505; and
- 1933 (e) for the review and approval of a request described in Subsection (3)(d).
- 1934 Section 15. Section **26B-8-128** is amended to read:

- 1935 **26B-8-128 . Divorce or adoption -- Duty of court clerk to file certificates or**
1936 **reports.**
- 1937 (1) For each adoption, annulment of adoption, divorce, and annulment of marriage ordered
1938 or decreed in this state, the clerk of the court shall prepare a divorce certificate or report
1939 of adoption on a form furnished by the state registrar or, for a report of adoption, the
1940 state of the child's birth.
- 1941 (2) The petitioner shall provide the clerk of the court with the information necessary to
1942 prepare the certificate or report under Subsection (1), including the form furnished by
1943 the child's state of birth if the child was born in another state.
- 1944 (3) The clerk shall:
- 1945 (a) prepare the certificate or report under Subsection (1); and
1946 (b) complete the remaining entries for the certificate or report immediately after the
1947 decree or order becomes final.
- 1948 (4) On or before the 15th day of each month, the clerk shall forward the divorce certificates
1949 and reports of adoption under Subsection (1) completed by the clerk during the
1950 preceding month to the state registrar, except for reports of adoption provided to an
1951 attorney or child-placing agency under Subsection (5)(b).
- 1952 (5)(a) In addition to the report of adoption that the clerk forwards to the state registrar
1953 under Subsection (4), the clerk shall also provide an original report of adoption under
1954 Subsection (1), upon request, to the attorney who is providing representation of a
1955 party to the adoption, or the child-placing agency, as defined in Section [78B-6-103]
1956 81-13-101, that is placing the child.
- 1957 (b) If the child was born in another state, the clerk of court shall prepare and provide one
1958 original report of adoption, upon request, to the attorney who is providing
1959 representation of a party to the adoption, or the child-placing agency that is placing
1960 the child, and the attorney or child-placing agency shall be responsible for submitting
1961 the report to the state of the child's birth.
- 1962 (c) If the attorney or child-placing agency does not request an original report of adoption
1963 under Subsection (5)(a) or (b), the clerk shall forward the report of adoption to the
1964 state registrar pursuant to Subsection (4).
- 1965 (d) If, pursuant to Subsection (5)(a), an original report of adoption is provided to the
1966 attorney or the child-placing agency, as defined in Section [78B-6-103] 81-13-101,
1967 the attorney or the child-placing agency shall immediately provide the report of
1968 adoption to the state registrar.

1969 Section 16. Section **26B-8-131** is amended to read:

1970 **26B-8-131 . Birth certificate for foreign adoptees.**

1971 Upon presentation of a court order of adoption and an order establishing the fact, time,
1972 and place of birth under Section 26B-8-119, the department shall prepare a birth certificate for
1973 an individual who:

1974 (1) was adopted under the laws of this state; and

1975 (2) was at the time of adoption, as a child or as an adult, considered an alien child or [adult
1976 for whom the court received documentary evidence of lawful admission under Section
1977 78B-6-108] an adult born in another country.

1978 Section 17. Section **26B-9-101** is amended to read:

1979 **26B-9-101 . Definitions.**

1980 As used in this part:

1981 (1) "Account" means a demand deposit account, checking or negotiable withdrawal order
1982 account, savings account, time deposit account, or money-market mutual fund account.

1983 (2) "Alleged genetic parent" means the same as that term is defined in Section 81-5-102.

1984 [~~(2)~~] (3) "Assistance" means public assistance.

1985 (4) "Birth mother" means the same as that term is defined in Section 81-5-102.

1986 [~~(3)~~] (5) "Child" means the same as that term is defined in Section 81-6-101.

1987 [~~(4)~~] (6)(a) "Child support" means a base child support award as defined in Section
1988 81-6-101, or a financial award for uninsured monthly medical expenses, ordered by a
1989 tribunal for the support of a child, including current periodic payments, all arrearages
1990 that accrue under an order for current periodic payments, and sum certain judgments
1991 awarded for arrearages, medical expenses, and child care costs.

1992 (b) "Child support" includes obligations ordered by a tribunal for the support of a spouse
1993 or former spouse with whom the child resides if the spousal support is collected with
1994 the child support.

1995 [~~(5)~~] (7) "Child support services" means services provided pursuant to Part D of Title IV of
1996 the Social Security Act, 42 U.S.C. Sec. 651, et seq.

1997 [~~(6)~~] (8) "Director" means the director of the Office of Recovery Services.

1998 [~~(7)~~] (9) "Financial institution" means:

1999 (a) a depository institution as defined in Section 7-1-103 or the Federal Deposit
2000 Insurance Act, 12 U.S.C. Sec. 1813(c);

2001 (b) an institution-affiliated party as defined in the Federal Deposit Insurance Act, 12
2002 U.S.C. Sec. 1813(u);

- 2003 (c) any federal credit union or state credit union as defined in the Federal Credit Union
2004 Act, 12 U.S.C. Sec. 1752, including an institution-affiliated party of such a credit
2005 union as defined in 12 U.S.C. Sec. 1786(r);
- 2006 (d) a broker-dealer as defined in Section 61-1-13; or
- 2007 (e) any benefit association, insurance company, safe deposit company, money-market
2008 mutual fund, or similar entity authorized to do business in the state.
- 2009 ~~[(8)]~~ (10) "Financial record" means the same as that term is defined in the Right to Financial
2010 Privacy Act of 1978, 12 U.S.C. Sec. 3401.
- 2011 ~~[(9)]~~ (11)(a) "Income" means earnings, compensation, or other payment due to an
2012 individual, regardless of source, whether denominated as wages, salary, commission,
2013 bonus, pay, or contract payment, or denominated as advances on future wages, salary,
2014 commission, bonus, pay, allowances, contract payment, or otherwise, including
2015 severance pay, sick pay, and incentive pay.
- 2016 (b) "Income" includes:
- 2017 (i) all gain derived from capital assets, labor, or both, including profit gained through
2018 sale or conversion of capital assets;
- 2019 (ii) interest and dividends;
- 2020 (iii) periodic payments made under pension or retirement programs or insurance
2021 policies of any type;
- 2022 (iv) unemployment compensation benefits;
- 2023 (v) workers' compensation benefits; and
- 2024 (vi) disability benefits.
- 2025 ~~[(10)]~~ (12) "IV-D" means Part D of Title IV of the Social Security Act, 42 U.S.C. Sec. 651
2026 et seq.
- 2027 ~~[(11)]~~ (13) "IV-D child support services" means child support services.
- 2028 ~~[(12)]~~ (14) "New hire registry" means the centralized new hire registry created in Section
2029 35A-7-103.
- 2030 ~~[(13)]~~ (15) "Obligee" means an individual, this state, another state, or other comparable
2031 jurisdiction to whom a debt is owed or who is entitled to reimbursement of child support
2032 or public assistance.
- 2033 ~~[(14)]~~ (16) "Obligor" means a person, firm, corporation, or the estate of a decedent owing
2034 money to this state, to an individual, to another state, or other comparable jurisdiction in
2035 whose behalf this state is acting.
- 2036 ~~[(15)]~~ (17) "Office" means the Office of Recovery Services.

- 2037 (18) "Parentage" means the same as that term is defined in Section 81-5-102.
- 2038 ~~[(16)]~~ (19) "Public assistance" means:
- 2039 (a) services or benefits provided under Title 35A, Chapter 3, Employment Support Act;
- 2040 (b) medical assistance provided under Chapter 3, Part 1, Health Care Assistance;
- 2041 (c) foster care maintenance payments under Part E of Title IV of the Social Security Act,
- 2042 42 U.S.C. Sec. 670, et seq.;
- 2043 (d) SNAP benefits as defined in Section 35A-1-102; or
- 2044 (e) any other public funds expended for the benefit of a person in need of financial,
- 2045 medical, food, housing, or related assistance.
- 2046 ~~[(17)]~~ (20) "State case registry" means the central, automated record system maintained by
- 2047 the office and the central, automated district court record system maintained by the
- 2048 Administrative Office of the Courts, that contains records which use standardized data
- 2049 elements, such as names, Social Security numbers and other uniform identification
- 2050 numbers, dates of birth, and case identification numbers, with respect to:
- 2051 (a) each case in which services are being provided by the office under the state IV-D
- 2052 child support services plan; and
- 2053 (b) each support order established or modified in the state on or after October 1, 1998.
- 2054 Section 18. Section **26B-9-104** is amended to read:
- 2055 **26B-9-104 . Duties of the Office of Recovery Services.**
- 2056 (1) The office has the following duties:
- 2057 (a) except as provided in Subsection (2), to provide child support services if:
- 2058 (i) the office has received an application for child support services;
- 2059 (ii) the state has provided public assistance; or
- 2060 (iii) a child lives out of the home in the protective custody, temporary custody, or
- 2061 custody or care of the state;
- 2062 (b) for the purpose of collecting child support, to carry out the obligations of the
- 2063 department contained in:
- 2064 (i) this chapter;
- 2065 ~~[(ii) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;]~~
- 2066 ~~[(iii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and]~~
- 2067 (ii) Title 81, Chapter 5, Uniform Parentage Act;
- 2068 ~~[(iv)]~~ (iii) Title 81, Chapter 6, Child Support;
- 2069 (iv) Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support; and
- 2070 (v) Title 81, Chapter 8, Uniform Interstate Family Support Act;

- 2071 (c) to collect money due the department which could act to offset expenditures by the
2072 state;
- 2073 (d) to cooperate with the federal government in programs designed to recover health and
2074 social service funds;
- 2075 (e) to collect civil or criminal assessments, fines, fees, amounts awarded as restitution,
2076 and reimbursable expenses owed to the state or any of its political subdivisions, if the
2077 office has contracted to provide collection services;
- 2078 (f) to implement income withholding for collection of child support in accordance with
2079 Part 3, Income Withholding in IV-D Cases;
- 2080 (g) to enter into agreements with financial institutions doing business in the state to
2081 develop and operate, in coordination with such financial institutions, a data match
2082 system in the manner provided for in Section 26B-9-208;
- 2083 (h) to establish and maintain the state case registry in the manner required by the Social
2084 Security Act, 42 U.S.C. Sec. 654a, which shall include a record in each case of:
- 2085 (i) the amount of monthly or other periodic support owed under the order, and other
2086 amounts, including arrearages, interest, late payment penalties, or fees, due or
2087 overdue under the order;
- 2088 (ii) any amount described in Subsection (1)(h)(i) that has been collected;
- 2089 (iii) the distribution of collected amounts;
- 2090 (iv) the birth date of any child for whom the order requires the provision of support;
2091 and
- 2092 (v) the amount of any lien imposed with respect to the order pursuant to this part;
- 2093 (i) to contract with the Department of Workforce Services to establish and maintain the
2094 new hire registry created under Section 35A-7-103;
- 2095 (j) to determine whether an individual who has applied for or is receiving cash assistance
2096 or Medicaid is cooperating in good faith with the office as required by Section
2097 26B-9-213;
- 2098 (k) to finance any costs incurred from collections, fees, General Fund appropriation,
2099 contracts, and federal financial participation; and
- 2100 (l) to provide notice to a noncustodial parent in accordance with Section 26B-9-207 of
2101 the opportunity to contest the accuracy of allegations by a custodial parent of
2102 nonpayment of past-due child support, prior to taking action against a noncustodial
2103 parent to collect the alleged past-due support.
- 2104 (2) The office may not provide child support services to the Division of Child and Family

- 2105 Services for a calendar month when the child to whom the child support services relate
 2106 is:
- 2107 (a) in the custody of the Division of Child and Family Services; and
 2108 (b) lives in the home of a custodial parent of the child for more than seven consecutive
 2109 days, regardless of whether:
- 2110 (i) the greater than seven consecutive day period starts during one month and ends in
 2111 the next month; and
 2112 (ii) the child is living in the home on a trial basis.
- 2113 (3) The Division of Child and Family Services is not entitled to child support, for a child to
 2114 whom the child support relates, for a calendar month when child support services may
 2115 not be provided under Subsection (2).
- 2116 Section 19. Section **26B-9-108** is amended to read:
- 2117 **26B-9-108 . Director -- Powers of office -- Representation by county attorney or**
 2118 **attorney general -- Receipt of grants -- Rulemaking and enforcement.**
- 2119 (1) The director of the office shall be appointed by the executive director.
- 2120 (2) The office has power to administer oaths, certify to official acts, issue subpoenas, and to
 2121 compel witnesses and the production of books, accounts, documents, and evidence.
- 2122 (3) The office has the power to seek administrative and judicial orders to require an obligor
 2123 who owes past-due support and is obligated to support a child receiving public
 2124 assistance to participate in appropriate work activities if the obligor is unemployed and
 2125 is not otherwise incapacitated.
- 2126 (4) The office has the power to enter into reciprocal child support enforcement agreements
 2127 with foreign countries consistent with federal law and cooperative enforcement
 2128 agreements with Indian Tribes.
- 2129 (5) The office has the power to pursue through court action the withholding, suspension,
 2130 and revocation of driver's licenses, professional and occupational licenses, and
 2131 recreational licenses of individuals owing overdue support or failing, after receiving
 2132 appropriate notice, to comply with subpoenas or orders relating to [paternity] parentage
 2133 or child support proceedings pursuant to Section 78B-6-315.
- 2134 (6)(a) It is the duty of the attorney general or the county attorney of any county in which
 2135 a cause of action can be filed, to represent the office.
- 2136 (b) Neither the attorney general nor the county attorney represents or has an
 2137 attorney-client relationship with the obligee or the obligor in carrying out the duties
 2138 arising under this chapter.

2139 (7) The office, with department approval, is authorized to receive any grants or stipends
2140 from the federal government or other public or private source designed to aid the
2141 efficient and effective operation of the recovery program.

2142 (8) The office may adopt, amend, and enforce rules as may be necessary to carry out the
2143 provisions of this chapter.

2144 Section 20. Section **26B-9-205** is amended to read:

2145 **26B-9-205 . Expedited procedures for establishing parentage or establishing,**
2146 **modifying, or enforcing a support order.**

2147 (1) The office may, without the necessity of initiating an adjudicative proceeding or
2148 obtaining an order from any other judicial or administrative tribunal, take the following
2149 actions related to the establishment of [~~paternity~~] parentage or the establishment,
2150 modification, or enforcement of a support order, and to recognize and enforce the
2151 authority of state agencies of other states to take the following actions:

2152 (a) require a child, a birth mother, and an alleged [~~father~~] genetic parent to submit to
2153 genetic testing;

2154 (b) subpoena financial or other information needed to establish, modify, or enforce a
2155 support order, including:

2156 (i) the name, address, and employer of a person who owes or is owed support that
2157 appears on the customer records of public utilities and cable television companies;
2158 and

2159 (ii) information held by financial institutions on such things as the assets and
2160 liabilities of a person who owes or is owed support;

2161 (c) require a public or private employer to promptly disclose information to the office on
2162 the name, address, date of birth, social security number, employment status,
2163 compensation, and benefits, including health insurance, of any person employed as
2164 an employee or contractor by the employer;

2165 (d) require an insurance organization subject to Title 31A, Insurance Code, or an
2166 insurance administrator of a self-insured employer to promptly disclose to the office
2167 health insurance information pertaining to an insured or an insured's dependents, if
2168 known;

2169 (e) obtain access to information in the records and automated databases of other state
2170 and local government agencies, including:

2171 (i) marriage, birth, and divorce records;

2172 (ii) state and local tax and revenue records providing information on such things as

- 2173 residential and mailing addresses, employers, income, and assets;
- 2174 (iii) real and titled personal property records;
- 2175 (iv) records concerning occupational and professional licenses and the ownership and
- 2176 control of corporations, partnerships, and other business entities;
- 2177 (v) employment security records;
- 2178 (vi) records of agencies administering public assistance programs;
- 2179 (vii) motor vehicle department records; and
- 2180 (viii) corrections records;
- 2181 (f) upon providing notice to the obligor and obligee, direct an obligor or other payor to
- 2182 change the payee to the office if support has been assigned to the office under Section
- 2183 35A-7-108 or if support is paid through the office pursuant to the Social Security Act,
- 2184 42 U.S.C. Sec. 654B;
- 2185 (g) order income withholding in accordance with Part 3, Income Withholding in IV-D
- 2186 Cases;
- 2187 (h) secure assets to satisfy past-due support by:
- 2188 (i) intercepting or seizing periodic or lump-sum payments from:
- 2189 (A) a state or local government agency, including unemployment compensation,
- 2190 workers' compensation, and other benefits; and
- 2191 (B) judgments, settlements, and lotteries;
- 2192 (ii) attaching and seizing assets of an obligor held in financial institutions;
- 2193 (iii) attaching public and private retirement funds, if the obligor presently:
- 2194 (A) receives periodic payments; or
- 2195 (B) has the authority to withdraw some or all of the funds; and
- 2196 (iv) imposing liens against real and personal property in accordance with this section
- 2197 and Section 26B-9-214; and
- 2198 (i) increase monthly payments in accordance with Section 26B-9-219.
- 2199 (2)(a) When taking action under Subsection (1), the office shall send notice under this
- 2200 Subsection (2)(a) to the person or entity who is required to comply with the action if
- 2201 not a party to a case receiving IV-D services.
- 2202 (b) The notice described in Subsection (2)(a) shall include:
- 2203 (i) the authority of the office to take the action;
- 2204 (ii) the response required by the recipient;
- 2205 (iii) the opportunity to provide clarifying information to the office under Subsection
- 2206 (2)(c);

- 2207 (iv) the name and telephone number of a person in the office who can respond to
2208 inquiries; and
- 2209 (v) the protection from criminal and civil liability extended under Subsection (7).
- 2210 (c) The recipient of a notice sent under this Subsection (2) shall promptly comply with
2211 the terms of the notice and may, if the recipient believes the office's request is in
2212 error, send clarifying information to the office setting forth the basis for the
2213 recipient's belief.
- 2214 (3) The office shall in any case in which it requires genetic testing under Subsection (1)(a):
- 2215 (a) consider clarifying information if submitted by the obligee and alleged father;
- 2216 (b) proceed with testing as the office considers appropriate;
- 2217 (c) pay the cost of the tests, subject to recoupment from the alleged father if [~~paternity~~]
2218 parentage is established;
- 2219 (d) order a second test if the original test result is challenged, and the challenger pays the
2220 cost of the second test in advance; and
- 2221 (e) require that the genetic test is:
- 2222 (i) of a type generally acknowledged as reliable by accreditation bodies designated by
2223 the Secretary of the United States Department of Health and Human Services; and
- 2224 (ii) performed by a laboratory approved by such an accreditation body.
- 2225 (4) The office may impose a penalty against an entity for failing to provide information
2226 requested in a subpoena issued under Subsection (1) as follows:
- 2227 (a) \$25 for each failure to provide requested information; or
- 2228 (b) \$500 if the failure to provide requested information is the result of a conspiracy
2229 between the entity and the obligor to not supply the requested information or to
2230 supply false or incomplete information.
- 2231 (5)(a) Unless a court or administrative agency has reduced past-due support to a sum
2232 certain judgment, the office shall provide concurrent notice to an obligor in
2233 accordance with Section 26B-9-207 of:
- 2234 (i) any action taken pursuant to Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or
2235 Subsection 26B-9-208(1)(b) if Subsection (5)(b)(iii) does not apply; and
- 2236 (ii) the opportunity of the obligor to contest the action and the amount claimed to be
2237 past-due by filing a written request for an adjudicative proceeding with the office
2238 within 15 days of notice being sent.
- 2239 (b)(i) Upon receipt of a notice of levy from the office for an action taken pursuant to
2240 Subsections (1)(h)(i)(B), (1)(h)(ii), (1)(h)(iii), or Subsection 26B-9-208(1)(b), a

- 2241 person in possession of personal property of the obligor shall:
- 2242 (A) secure the property from unauthorized transfer or disposition as required by
- 2243 Section 26B-9-215; and
- 2244 (B) surrender the property to the office after 21 days of receiving the notice unless
- 2245 the office has notified the person to release all or part of the property to the
- 2246 obligor.
- 2247 (ii) Unless released by the office, a notice of levy upon personal property shall be:
- 2248 (A) valid for 60 days; and
- 2249 (B) effective against any additional property which the obligor may deposit or
- 2250 transfer into the possession of the person up to the amount of the levy.
- 2251 (iii) If the property upon which the office imposes a levy is insufficient to satisfy the
- 2252 specified amount of past-due support and the obligor fails to contest that amount
- 2253 under Subsection (5)(a)(ii), the office may proceed under Subsections (1)(h)(i)(B),
- 2254 (1)(h)(ii), (1)(h)(iii), or Subsection 26B-9-208(1)(b) against additional property of
- 2255 the obligor until the amount specified and the reasonable costs of collection are
- 2256 fully paid.
- 2257 (c) Except as provided in Subsection (5)(b)(iii), the office may not disburse funds
- 2258 resulting from action requiring notice under Subsection (5)(a)(i) until:
- 2259 (i) 21 days after notice was sent to the obligor; and
- 2260 (ii) the obligor, if the obligor contests the action under Subsection (5)(a)(ii), has
- 2261 exhausted the obligor's administrative remedies and, if appealed to a district court,
- 2262 the district court has rendered a final decision.
- 2263 (d) Before intercepting or seizing any periodic or lump-sum payment under Subsection
- 2264 (1)(h)(i)(A), the office shall:
- 2265 (i) comply with Subsection 59-10-529(4)(a); and
- 2266 (ii) include in the notice required by Subsection 59-10-529(4)(a) reference to
- 2267 Subsection (1)(h)(i)(A).
- 2268 (e) If Subsection (5)(a) or (5)(d) does not apply, an action against the real or personal
- 2269 property of the obligor shall be in accordance with Section 26B-9-214.
- 2270 (6) All information received under this section is subject to Title 63G, Chapter 2,
- 2271 Government Records Access and Management Act.
- 2272 (7) No employer, financial institution, public utility, cable company, insurance
- 2273 organization, its agent or employee, or related entity may be civilly or criminally liable
- 2274 for providing information to the office or taking any other action requested by the office

2275 pursuant to this section.

2276 (8) The actions the office may take under Subsection (1) are in addition to the actions the
2277 office may take pursuant to Part 3, Income Withholding in IV-D Cases.

2278 Section 21. Section **26B-9-206** is amended to read:

2279 **26B-9-206 . Issuance or modification of administrative order -- Compliance with**
2280 **court order -- Authority of office -- Stipulated agreements -- Notification requirements.**

2281 (1) Through an adjudicative proceeding the office may issue or modify an administrative
2282 order that:

2283 (a) determines [~~paternity~~] parentage;

2284 (b) determines whether an obligor owes support;

2285 (c) determines temporary orders of child support upon clear and convincing evidence of [
2286 ~~paternity~~] parentage in the form of genetic test results or other evidence;

2287 (d) requires an obligor to pay a specific or determinable amount of present and future
2288 support;

2289 (e) determines the amount of past-due support;

2290 (f) orders an obligor who owes past-due support and is obligated to support a child
2291 receiving public assistance to participate in appropriate work activities if the obligor
2292 is unemployed and is not otherwise incapacitated;

2293 (g) imposes a penalty authorized under this chapter;

2294 (h) determines an issue that may be specifically contested under this chapter by a party
2295 who timely files a written request for an adjudicative proceeding with the office; and

2296 (i) renews an administrative judgment.

2297 (2)(a) An abstract of a final administrative order issued under this section or a notice of
2298 judgment-lien under Section 26B-9-214 may be filed with the clerk of any district
2299 court.

2300 (b) Upon a filing under Subsection (2)(a), the clerk of the court shall:

2301 (i) docket the abstract or notice in the judgment docket of the court and note the time
2302 of receipt on the abstract or notice and in the judgment docket; and

2303 (ii) at the request of the office, place a copy of the abstract or notice in the file of a
2304 child support action involving the same parties.

2305 (3) If a judicial order has been issued, the office may not issue an order under Subsection (1)
2306 that is not based on the judicial order, except:

2307 (a) the office may establish a new obligation in those cases in which the juvenile court
2308 has ordered the parties to meet with the office to determine the support pursuant to

- 2309 Section 78A-6-356; or
- 2310 (b) the office may issue an order of current support in accordance with the child support
- 2311 guidelines if the conditions of Subsection [~~78B-14-207(2)(e)~~] 81-8-207(2)(c) are met.
- 2312 (4) The office may proceed under this section in the name of this state, another state under
- 2313 Section 26B-9-209, any department of this state, the office, or the obligee.
- 2314 (5) The office may accept voluntary acknowledgment of a support obligation and enter into
- 2315 stipulated agreements providing for the issuance of an administrative order under this
- 2316 part.
- 2317 (6) The office may act in the name of the obligee in endorsing and cashing any drafts,
- 2318 checks, money orders, or other negotiable instruments received by the office for support.
- 2319 (7) The obligor shall, after a notice of agency action has been served on the obligor in
- 2320 accordance with Section 63G-4-201, keep the office informed of:
- 2321 (a) the obligor's current address;
- 2322 (b) the name and address of current payors of income;
- 2323 (c) availability of or access to health insurance coverage; and
- 2324 (d) applicable health insurance policy information.
- 2325 Section 22. Section **26B-9-207** is amended to read:
- 2326 **26B-9-207 . Filing of location information -- Service of process.**
- 2327 (1)(a) Upon the entry of an order in a proceeding to establish [~~paternity~~] parentage or to
- 2328 establish, modify, or enforce a support order, each party shall file identifying
- 2329 information and shall update that information as changes occur:
- 2330 (i) with the court or administrative agency that conducted the proceeding; and
- 2331 (ii) after October 1, 1998, with the state case registry.
- 2332 (b) The identifying information required under Subsection (1)(a) shall include the
- 2333 person's Social Security number, driver's license number, residential and mailing
- 2334 addresses, telephone numbers, the name, address, and telephone number of
- 2335 employers, and any other data required by the Secretary of the United States
- 2336 Department of Health and Human Services.
- 2337 (c) In any subsequent child support action involving the office or between the parties,
- 2338 state due process requirements for notice and service of process shall be satisfied as
- 2339 to a party upon:
- 2340 (i) a sufficient showing that diligent effort has been made to ascertain the location of
- 2341 the party; and
- 2342 (ii) delivery of notice to the most recent residential or employer address filed with the

- 2343 court, administrative agency, or state case registry under Subsection (1)(a).
- 2344 (2)(a) The office shall provide individuals who are applying for or receiving services
2345 under this chapter or who are parties to cases in which services are being provided
2346 under this chapter:
- 2347 (i) with notice of all proceedings in which support obligations might be established or
2348 modified; and
- 2349 (ii) with a copy of any order establishing or modifying a child support obligation, or
2350 in the case of a petition for modification, a notice of determination that there
2351 should be no change in the amount of the child support award, within 14 days
2352 after issuance of such order or determination.
- 2353 (b) Notwithstanding Subsection (2)(a)(ii), notice in the case of an interstate order shall
2354 be provided in accordance with Section [~~78B-14-614~~] 81-8-614.
- 2355 (3) Service of all notices and orders under this part shall be made in accordance with Title
2356 63G, Chapter 4, Administrative Procedures Act, the Utah Rules of Civil Procedure, or
2357 this section.
- 2358 (4) Consistent with Title 63G, Chapter 2, Government Records Access and Management
2359 Act, the office shall adopt procedures to classify records to prohibit the unauthorized use
2360 or disclosure of information relating to a proceeding to:
- 2361 (a) establish [~~paternity~~] parentage; or
2362 (b) establish or enforce support.
- 2363 (5)(a) The office shall, upon written request, provide location information available in
2364 its files on a custodial or noncustodial parent to the other party or the other party's
2365 legal counsel provided that:
- 2366 (i) the party seeking the information produces a copy of the parent-time order signed
2367 by the court;
- 2368 (ii) the information has not been safeguarded in accordance with Section 454 of the
2369 Social Security Act;
- 2370 (iii) the party whose location is being sought has been afforded notice in accordance
2371 with this section of the opportunity to contest release of the information;
- 2372 (iv) the party whose location is being sought has not provided the office with a copy
2373 of a protective order, a current court order prohibiting disclosure, a current court
2374 order limiting or prohibiting the requesting person's contact with the party or child
2375 whose location is being sought, a criminal order, an administrative order pursuant
2376 to Section 80-2-707, or documentation of a pending proceeding for any of the

- 2377 above; and
- 2378 (v) there is no other state or federal law that would prohibit disclosure.
- 2379 (b) "Location information" shall consist of the current residential address of the
- 2380 custodial or noncustodial parent and, if different and known to the office, the current
- 2381 residence of any children who are the subject of the parent-time order. If there is no
- 2382 current residential address available, the person's place of employment and any other
- 2383 location information shall be disclosed.
- 2384 (c) For the purposes of this section, "reason to believe" under Section 454 of the Social
- 2385 Security Act means that the person seeking to safeguard information has provided to
- 2386 the office a copy of a protective order, current court order prohibiting disclosure,
- 2387 current court order prohibiting or limiting the requesting person's contact with the
- 2388 party or child whose location is being sought, criminal order signed by a court of
- 2389 competent jurisdiction, an administrative order pursuant to Section 80-2-707, or
- 2390 documentation of a pending proceeding for any of the above.
- 2391 (d) Neither the state, the department, the office nor its employees shall be liable for any
- 2392 information released in accordance with this section.
- 2393 (6) Custodial or noncustodial parents or their legal representatives who are denied location
- 2394 information in accordance with Subsection (5) may serve the Office of Recovery
- 2395 Services to initiate an action to obtain the information.
- 2396 Section 23. Section **26B-9-209** is amended to read:
- 2397 **26B-9-209 . Support collection services requested by agency of another state.**
- 2398 (1) In accordance with [~~Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act~~]
- 2399 Title 81, Chapter 8, Uniform Interstate Family Support Act, the office may proceed to
- 2400 issue or modify an order under Section 26B-9-206 to collect under this part from an
- 2401 obligor who is located in or is a resident of this state regardless of the presence or
- 2402 residence of the obligee if:
- 2403 (a) support collection services are requested by an agency of another state that is
- 2404 operating under Part IV-D of the Social Security Act; or
- 2405 (b) an individual applies for services.
- 2406 (2) The office shall use high-volume automated administrative enforcement, to the same
- 2407 extent it is used for intrastate cases, in response to a request made by another state's
- 2408 IV-D child support agency to enforce support orders.
- 2409 (3) A request by another state shall constitute a certification by the requesting state:
- 2410 (a) of the amount of support under the order of payment of which is in arrears; and

- 2411 (b) that the requesting state has complied with procedural due process requirements
2412 applicable to the case.
- 2413 (4) The office shall give automated administrative interstate enforcement requests the same
2414 priority as a two-state referral received from another state to enforce a support order.
- 2415 (5) The office shall promptly report the results of the enforcement procedures to the
2416 requesting state.
- 2417 (6) As required by the Social Security Act, 42 U.S.C. Sec. 666(a)(14), the office shall
2418 maintain records of:
- 2419 (a) the number of requests for enforcement assistance received by the office under this
2420 section;
- 2421 (b) the number of cases for which the state collected support in response to those
2422 requests; and
- 2423 (c) the amount of support collected.

2424 Section 24. Section **26B-9-212** is amended to read:

2425 **26B-9-212 . Collection directly from responsible parent.**

- 2426 (1)(a) The office may issue or modify an order under Section 26B-9-206 and collect
2427 under this part directly from a responsible parent if the procedural requirements of
2428 applicable law have been met and if public assistance is provided on behalf of that
2429 parent's child.
- 2430 (b) The direct right to issue an order under this Subsection (1) is independent of and in
2431 addition to the right derived from that assigned under Section 35A-3-108.
- 2432 (2) An order issuing or modifying a support obligation under Subsection (1), issued while
2433 public assistance was being provided for a child, remains in effect and may be enforced
2434 by the office under Section 26B-9-210 after provision of public assistance ceases.
- 2435 (3)(a) The office may issue or modify an administrative order, subject to the procedural
2436 requirements of applicable law, that requires that obligee to pay to the office assigned
2437 support that an obligee receives and retains in violation of Subsection 26B-9-213(4)
2438 and may reduce to judgment any unpaid balance due.
- 2439 (b) The office may collect the judgment debt in the same manner as it collects any
2440 judgment for past-due support owed by an obligor.
- 2441 (4) Notwithstanding any other provision of law, the Office of Recovery Services shall have
2442 full standing and authority to establish and enforce child support obligations against an
2443 alleged genetic parent currently or formerly in a same-sex marriage on the same terms as
2444 the Office of Recovery Services' authority against other [~~mothers and fathers~~] parents.

2445 Section 25. Section **26B-9-213** is amended to read:

2446 **26B-9-213 . Duties of obligee after assignment of support rights.**

2447 (1) An obligee whose rights to support have been assigned under Section 35A-3-108 as a
2448 condition of eligibility for public assistance has the following duties:

2449 (a) Unless a good cause or other exception applies, the obligee shall, at the request of the
2450 office:

2451 (i) cooperate in good faith with the office by providing the name and other
2452 identifying information of the other parent of the obligee's child for the purpose of:

2453 (A) establishing [~~paternity~~] parentage; or

2454 (B) establishing, modifying, or enforcing a child support order;

2455 (ii) supply additional necessary information and appear at interviews, hearings, and
2456 legal proceedings; and

2457 (iii) submit the obligee's child and [~~himself~~] the obligee to judicially or
2458 administratively ordered genetic testing.

2459 (b) The obligee may not commence an action against an obligor or file a pleading to
2460 collect or modify support without the office's written consent.

2461 (c) The obligee may not do anything to prejudice the rights of the office to establish [
2462 ~~paternity~~] parentage, enforce provisions requiring health insurance, or to establish and
2463 collect support.

2464 (d) The obligee may not agree to allow the obligor to change the court or
2465 administratively ordered manner or amount of payment of past, present, or future
2466 support without the office's written consent.

2467 (2)(a) The office shall determine and redetermine, when appropriate, whether an obligee
2468 has cooperated with the office as required by Subsection (1)(a).

2469 (b) If the office determines that an obligee has not cooperated as required by Subsection
2470 (1)(a), the office shall:

2471 (i) forward the determination and the basis for it to the Department of Workforce
2472 Services, which shall inform the department of the determination, for a
2473 determination of whether compliance by the obligee should be excused on the
2474 basis of good cause or other exception; and

2475 (ii) send to the obligee:

2476 (A) a copy of the notice; and

2477 (B) information that the obligee may, within 15 days of notice being sent:

2478 (I) contest the office's determination of noncooperation by filing a written

- 2479 request for an adjudicative proceeding with the office; or
- 2480 (II) assert that compliance should be excused on the basis of good cause or
- 2481 other exception by filing a written request for a good cause exception with
- 2482 the Department of Workforce Services.
- 2483 (3) The office's right to recover is not reduced or terminated if an obligee agrees to allow
- 2484 the obligor to change the court or administratively ordered manner or amount of
- 2485 payment of support regardless of whether that agreement is entered into before or after
- 2486 public assistance is furnished on behalf of a child.
- 2487 (4)(a) If an obligee receives direct payment of assigned support from an obligor, the
- 2488 obligee shall immediately deliver that payment to the office.
- 2489 (b)(i) If an obligee agrees with an obligor to receive payment of support other than in
- 2490 the court or administratively ordered manner and receives payment as agreed with
- 2491 the obligor, the obligee shall immediately deliver the cash equivalent of the
- 2492 payment to the office.
- 2493 (ii) If the amount delivered to the office by the obligee under Subsection (4)(b)(i)
- 2494 exceeds the amount of the court or administratively ordered support due, the
- 2495 office shall return the excess to the obligee.
- 2496 (5)(a) If public assistance furnished on behalf of a child is terminated, the office may
- 2497 continue to provide [~~paternity~~] parentage establishment and support collection
- 2498 services.
- 2499 (b) Unless the obligee notifies the office to discontinue these services, the obligee is
- 2500 considered to have accepted and is bound by the rights, duties, and liabilities of an
- 2501 obligee who has applied for those services.
- 2502 Section 26. Section **26B-9-230** is amended to read:
- 2503 **26B-9-230 . Right to judicial review.**
- 2504 (1)(a) Within 30 days of notice of any administrative action on the part of the office to
- 2505 establish [~~paternity~~] parentage or establish, modify or enforce a child support order,
- 2506 the obligor may file a petition for de novo review with the district court.
- 2507 (b) For purposes of Subsection (1)(a), notice includes:
- 2508 (i) notice actually received by the obligor in accordance with Section 26B-9-207;
- 2509 (ii) participation by the obligor in the proceedings related to the establishment of the [
- 2510 paternity] parentage or the modification or enforcement of child support; or
- 2511 (iii) receiving a paycheck in which a reduction has been made for child support.
- 2512 (2) The petition shall name the office and all other appropriate parties as respondents and

- 2513 meet the form requirements specified in Section 63G-4-402.
- 2514 (3) A copy of the petition shall be served upon the Child and Family Support Division of
2515 the Office of Attorney General.
- 2516 (4)(a) If the petition is regarding the amount of the child support obligation established
2517 in accordance with Title 81, Chapter 6, Child Support, the court may issue a
2518 temporary order for child support until a final order is issued.
- 2519 (b) The petitioner may file an affidavit stating the amount of child support reasonably
2520 believed to be due and the court may issue a temporary order for that amount. The
2521 temporary order shall be valid for 60 days, unless extended by the court while the
2522 action is being pursued.
- 2523 (c) If the court upholds the amount of support established in Subsection (4)(a), the
2524 petitioner shall be ordered to make up the difference between the amount originally
2525 ordered in Subsection (4)(a) and the amount temporarily ordered under Subsection
2526 (4)(b).
- 2527 (d) This Subsection (4) does not apply to an action for the court-ordered modification of
2528 a judicial child support order.
- 2529 (5)(a) The court may, on its own initiative and based on the evidence before it,
2530 determine whether the petitioner violated Rule 11 of the Utah Rules of Civil
2531 Procedure by filing the action.
- 2532 (b) If the court determines that Rule 11 of the Utah Rules of Civil Procedure was
2533 violated, it shall, at a minimum, award to the office attorney fees and costs for the
2534 action.
- 2535 (6) Nothing in this section precludes the obligor from seeking administrative remedies as
2536 provided in this chapter.
- 2537 Section 27. Section **35A-3-308** is amended to read:
- 2538 **35A-3-308 . Adoption services -- Printed information -- Supports provided.**
- 2539 (1) The department may provide assistance under this section to an applicant who is
2540 pregnant and is not receiving cash assistance at the beginning of the third trimester of
2541 pregnancy.
- 2542 (2) For a pregnant applicant, the department shall:
- 2543 (a) refer the applicant for appropriate prenatal medical care, including maternal health
2544 services provided under Title 26B, Chapter 7, Part 1, Health Promotion and Risk
2545 Reduction;
- 2546 (b) inform the applicant of free counseling about adoption from licensed child placement

- 2547 agencies and licensed attorneys; and
- 2548 (c) offer the applicant the adoption information packet described in Subsection (3).
- 2549 (3) The department shall publish an adoption information packet that:
- 2550 (a) is easy to understand;
- 2551 (b) contains geographically indexed materials on the public and private organizations
- 2552 that provide adoption assistance;
- 2553 (c) lists the names, addresses, and telephone numbers of licensed child placement
- 2554 agencies and licensed attorneys who place children for adoption;
- 2555 (d) explains that private adoption is legal and that the law permits adoptive parents to
- 2556 reimburse the costs of prenatal care, childbirth, neonatal care, and other expenses
- 2557 related to pregnancy; and
- 2558 (e) describes the services available to the applicant under this section.
- 2559 (4)(a) A recipient remains eligible for assistance under this section, even though the
- 2560 recipient relinquishes a child for adoption, if the adoption is in accordance with
- 2561 Sections [~~78B-6-120 through 78B-6-122~~] 81-13-212 and 81-13-213.
- 2562 (b) The assistance provided under this section may include:
- 2563 (i) reimbursement for expenses associated with care and confinement during
- 2564 pregnancy as provided in Subsection (5); and
- 2565 (ii) for a maximum of 12 months from the date of relinquishment, coordination of
- 2566 services to assist the recipient in:
- 2567 (A) receiving appropriate educational and occupational assessment and planning;
- 2568 (B) enrolling in appropriate education or training programs, including high school
- 2569 completion and adult education programs;
- 2570 (C) enrolling in programs that provide assistance with job readiness, employment
- 2571 counseling, finding employment, and work skills;
- 2572 (D) finding suitable housing;
- 2573 (E) receiving medical assistance, under Title 26B, Chapter 3, Health Care -
- 2574 Administration and Assistance, if the recipient is otherwise eligible; and
- 2575 (F) receiving counseling and other mental health services.
- 2576 (5)(a) Except as provided in Subsection (5)(b), a recipient under this section is eligible
- 2577 to receive an amount equal to the maximum monthly amount of cash assistance paid
- 2578 under this part to one person for up to 12 consecutive months from the date of
- 2579 relinquishment.
- 2580 (b) If a recipient is otherwise eligible to receive cash assistance under this part, the

2581 recipient is eligible to receive an amount equal to the increase in cash assistance the
 2582 recipient would have received but for the relinquishment for up to 12 consecutive
 2583 months from the date of relinquishment.

2584 (6)(a) To remain eligible for assistance under this section, a recipient shall:

2585 (i) with the cooperation of the department, develop and implement an employment
 2586 plan that includes goals for achieving self-sufficiency and that describes the action
 2587 the recipient will take concerning education and training to achieve full-time
 2588 employment;

2589 (ii) if the recipient does not have a high school diploma, enroll in high school or an
 2590 alternative to high school and demonstrate progress toward graduation; and

2591 (iii) make a good faith effort to meet the goals of the employment plan as described
 2592 in Section 35A-3-304.

2593 (b) Cash assistance provided to a recipient before the recipient relinquishes a child for
 2594 adoption is part of the state plan.

2595 (c) Assistance provided under Subsection (5):

2596 (i) shall be provided for with state funds; and

2597 (ii) may not be counted when determining subsequent eligibility for cash assistance
 2598 under this chapter.

2599 (d) The time limit provisions of Section 35A-3-306 apply to cash assistance provided
 2600 under the state plan.

2601 (e) The department shall monitor a recipient's compliance with this section.

2602 (f) Except for Subsection (6)(b), Subsections (2) through (6) are excluded from the state
 2603 plan.

2604 Section 28. Section **53-10-108** is amended to read:

2605 **53-10-108 . Restrictions on access, use, and contents of division records --**

2606 **Limited use of records for employment purposes -- Challenging accuracy of records --**

2607 **Usage fees -- Missing children records -- Penalty for misuse of records.**

2608 (1) As used in this section:

2609 (a) "Clone" means to copy a subscription or subscription data from a rap back system,
 2610 including associated criminal history record information, from a qualified entity to
 2611 another qualified entity.

2612 (b) "FBI Rap Back System" means the rap back system maintained by the Federal
 2613 Bureau of Investigation.

2614 (c) "Rap back system" means a system that enables authorized entities to receive

- 2615 ongoing status notifications of any criminal history reported on individuals whose
2616 fingerprints are registered in the system.
- 2617 (d) "Volunteer Employee Criminal History System" or "VECHS" means a system that
2618 allows the bureau and the Federal Bureau of Investigation to provide criminal history
2619 record information to a qualifying entity, including a non-governmental qualifying
2620 entity.
- 2621 (e) "WIN Database" means the Western Identification Network Database that consists of
2622 eight western states sharing one electronic fingerprint database.
- 2623 (2) Except as provided in Subsection (17), dissemination of information from a criminal
2624 history record, including information obtained from a fingerprint background check,
2625 name check, warrant of arrest information, or information from division files, is limited
2626 to:
- 2627 (a) criminal justice agencies for purposes of administration of criminal justice and for
2628 employment screening by criminal justice agencies;
- 2629 (b)(i) agencies or individuals pursuant to a specific agreement with a criminal justice
2630 agency to provide services required for the administration of criminal justice; and
2631 (ii) the agreement shall specifically authorize access to data, limit the use of the data
2632 to purposes for which given, and ensure the security and confidentiality of the
2633 data;
- 2634 (c) a qualifying entity for employment background checks for the qualifying entity's own
2635 employees or volunteers and individuals who have applied for employment with or to
2636 serve as a volunteer for the qualifying entity;
- 2637 (d) noncriminal justice agencies or individuals for any purpose authorized by statute,
2638 executive order, court rule, court order, or local ordinance;
- 2639 (e) agencies or individuals for the purpose of obtaining required clearances connected
2640 with foreign travel or obtaining citizenship;
- 2641 (f) agencies or individuals for the purpose of a preplacement adoptive study, in
2642 accordance with the requirements of Sections [~~78B-6-128 and 78B-6-130~~] 81-13-403
2643 and 81-13-405;
- 2644 (g) private security agencies through guidelines established by the commissioner for
2645 employment background checks for their own employees and prospective employees;
- 2646 (h) state agencies for the purpose of conducting a background check for the following
2647 individuals:
- 2648 (i) employees;

- 2649 (ii) applicants for employment;
- 2650 (iii) volunteers; and
- 2651 (iv) contract employees;
- 2652 (i) governor's office for the purpose of conducting a background check on the following
- 2653 individuals:
- 2654 (i) cabinet members;
- 2655 (ii) judicial applicants; and
- 2656 (iii) members of boards, committees, and commissions appointed by the governor;
- 2657 (j) the office of the lieutenant governor for the purpose of conducting a background
- 2658 check on an individual applying to be a notary public under Section 46-1-3;
- 2659 (k) agencies and individuals as the commissioner authorizes for the express purpose of
- 2660 research, evaluative, or statistical activities pursuant to an agreement with a criminal
- 2661 justice agency; and
- 2662 (l) other agencies and individuals as the commissioner authorizes and finds necessary for
- 2663 protection of life and property and for offender identification, apprehension, and
- 2664 prosecution pursuant to an agreement.
- 2665 (3) An agreement under Subsection (2)(k) shall specifically authorize access to data, limit
- 2666 the use of data to research, evaluative, or statistical purposes, preserve the anonymity of
- 2667 individuals to whom the information relates, and ensure the confidentiality and security
- 2668 of the data.
- 2669 (4)(a) Before requesting information, a qualifying entity under Subsection (2)(c), state
- 2670 agency, or other agency or individual described in Subsections (2)(d) through (j) shall
- 2671 obtain a signed waiver from the person whose information is requested.
- 2672 (b) The waiver shall notify the signee:
- 2673 (i) that a criminal history background check will be conducted;
- 2674 (ii) who will see the information; and
- 2675 (iii) how the information will be used.
- 2676 (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or
- 2677 individual described in Subsections (2)(d) through (g) that submits a request for a
- 2678 noncriminal justice name based background check of local databases to the bureau
- 2679 shall provide to the bureau:
- 2680 (i) personal identifying information for the subject of the background check; and
- 2681 (ii) the fee required by Subsection (15).
- 2682 (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or

- 2683 individual described in Subsections (2)(d) through (g) that submits a request for a
2684 WIN database check and a nationwide background check shall provide to the bureau:
- 2685 (i) personal identifying information for the subject of the background check;
 - 2686 (ii) a fingerprint card for the subject of the background check; and
 - 2687 (iii) the fee required by Subsection (15).
- 2688 (e) Information received by a qualifying entity under Subsection (2)(c), state agency, or
2689 other agency or individual described in Subsections (2)(d) through (j) may only be:
- 2690 (i) available to individuals involved in the hiring or background investigation of the
2691 job applicant, employee, notary applicant, or as authorized under federal or state
2692 law;
 - 2693 (ii) used for the purpose of assisting in making an employment appointment,
2694 selection, or promotion decision or for considering a notary applicant under
2695 Section 46-1-3; and
 - 2696 (iii) used for the purposes disclosed in the waiver signed in accordance with
2697 Subsection (4)(b).
- 2698 (f) An individual who disseminates or uses information obtained from the division under
2699 Subsections (2)(c) through (j) for purposes other than those specified under
2700 Subsection (4)(e), in addition to any penalties provided under this section, is subject
2701 to civil liability.
- 2702 (g)(i) A qualifying entity under Subsection (2)(c), state agency, or other agency or
2703 individual described in Subsections (2)(d) through (j) that obtains background
2704 check information shall provide the subject of the background check an
2705 opportunity to:
- 2706 (A) request a copy of the information received; and
 - 2707 (B) respond to and challenge the accuracy of any information received.
- 2708 (ii) An individual who is the subject of a background check and who receives a copy
2709 of the information described in Subsection (4)(g)(i) may use the information only
2710 for the purpose of reviewing, responding to, or challenging the accuracy of the
2711 information.
- 2712 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2713 division may make rules to implement this Subsection (4).
- 2714 (i) The division or the division's employees are not liable for defamation, invasion of
2715 privacy, negligence, or any other claim in connection with the contents of
2716 information disseminated under Subsections (2)(c) through (j).

- 2717 (5)(a) Except as provided in Subsection (5)(b), (c), (d), or (e), or as otherwise
2718 authorized under state law, criminal history record information obtained from
2719 division files may be used only for the purposes for which the information was
2720 provided.
- 2721 (b) A criminal history provided to an agency under Subsection (2)(f) may be provided
2722 by the agency to the individual who is the subject of the history, another licensed
2723 child-placing agency, or the attorney for the adoptive parents for the purpose of
2724 facilitating an adoption.
- 2725 (c) A criminal history of a defendant provided to a criminal justice agency under
2726 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense
2727 counsel, upon request during the discovery process, for the purpose of establishing a
2728 defense in a criminal case.
- 2729 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public Transit
2730 District Act, that is under contract with a state agency to provide services may, for
2731 the purposes of complying with Subsection 26B-6-410(5), provide a criminal history
2732 record to the state agency or the agency's designee.
- 2733 (e) Criminal history record information obtained from a national source may be
2734 disseminated if the dissemination is authorized by a policy issued by the Criminal
2735 Justice Information Services Division or other federal law.
- 2736 (6)(a) A qualifying entity under Subsection (2)(c) may submit fingerprints to the bureau
2737 and the Federal Bureau of Investigation for a local and national background check
2738 under the provisions of the National Child Protection Act of 1993, 42 U.S.C. Sec.
2739 5119 et seq.
- 2740 (b) A qualifying entity under Subsection (2)(c) that submits fingerprints under
2741 Subsection (6)(a):
- 2742 (i) shall meet all VECHS requirements for using VECHS; and
2743 (ii) may only submit fingerprints for an employee, volunteer, or applicant who has
2744 resided in Utah for the seven years before the day on which the qualifying entity
2745 submits the employee's, volunteer's, or applicant's fingerprints.
- 2746 (7)(a) This section does not preclude the use of the division's central computing
2747 facilities for the storage and retrieval of criminal history record information.
- 2748 (b) This information shall be stored so the information cannot be modified, destroyed, or
2749 accessed by unauthorized agencies or individuals.
- 2750 (8) Direct access through remote computer terminals to criminal history record information

- 2751 in the division's files is limited to those agencies authorized by the commissioner under
2752 procedures designed to prevent unauthorized access to this information.
- 2753 (9)(a) The commissioner shall establish procedures to allow an individual right of
2754 access to review and receive a copy of the individual's criminal history report.
- 2755 (b) A processing fee for the right of access service, including obtaining a copy of the
2756 individual's criminal history report under Subsection (9)(a) shall be set in accordance
2757 with Section 63J-1-504.
- 2758 (c)(i) The commissioner shall establish procedures for an individual to challenge the
2759 completeness and accuracy of criminal history record information contained in the
2760 division's computerized criminal history files regarding that individual.
- 2761 (ii) These procedures shall include provisions for amending any information found to
2762 be inaccurate or incomplete.
- 2763 (10) The private security agencies as provided in Subsection (2)(g):
- 2764 (a) shall be charged for access; and
- 2765 (b) shall be registered with the division according to rules made by the division under
2766 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2767 (11) Before providing information requested under this section, the division shall give
2768 priority to a criminal justice agency's needs.
- 2769 (12)(a) It is a class B misdemeanor for a person to knowingly or intentionally access,
2770 use, disclose, or disseminate a record created, maintained, or to which access is
2771 granted by the division or any information contained in a record created, maintained,
2772 or to which access is granted by the division for a purpose prohibited or not permitted
2773 by statute, rule, regulation, or policy of a governmental entity.
- 2774 (b) A person who discovers or becomes aware of any unauthorized use of records
2775 created or maintained, or to which access is granted by the division shall inform the
2776 commissioner and the director of the bureau of the unauthorized use.
- 2777 (13)(a) Subject to Subsection (13)(b), a qualifying entity or an entity described in
2778 Subsection (2) may request that the division register fingerprints taken for the
2779 purpose of conducting current and future criminal background checks under this
2780 section with:
- 2781 (i) the WIN Database rap back system, or any successor system;
- 2782 (ii) the FBI Rap Back System; or
- 2783 (iii) a system maintained by the division.
- 2784 (b) A qualifying entity or an entity described in Subsection (2) may only make a request

- 2785 under Subsection (13)(a) if the entity:
- 2786 (i) has the authority through state or federal statute or federal executive order;
- 2787 (ii) obtains a signed waiver from the individual whose fingerprints are being
- 2788 registered; and
- 2789 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only
- 2790 receives notifications for individuals with whom the entity maintains an
- 2791 authorizing relationship.
- 2792 (14) The division is authorized to submit fingerprints to the FBI Rap Back System to be
- 2793 retained in the FBI Rap Back System for the purpose of being searched by future
- 2794 submissions to the FBI Rap Back System, including latent fingerprint searches.
- 2795 (15)(a) The division shall impose fees set in accordance with Section 63J-1-504 for the
- 2796 applicant fingerprint card, name check, and to register fingerprints under Subsection
- 2797 (13)(a).
- 2798 (b) Funds generated under this Subsection (15) shall be deposited into the General Fund
- 2799 as a dedicated credit by the department to cover the costs incurred in providing the
- 2800 information.
- 2801 (c) The division may collect fees charged by an outside agency for services required
- 2802 under this section.
- 2803 (16) For the purposes of conducting a criminal background check authorized under
- 2804 Subsection (2)(h), (i), or (j), the Division of Human Resource Management, in
- 2805 accordance with Title 63A, Chapter 17, Utah State Personnel Management Act, and the
- 2806 governor's office shall have direct access to criminal background information maintained
- 2807 under Chapter 10, Part 2, Bureau of Criminal Identification.
- 2808 (17)(a) Except as provided in Subsection (18), if an individual has an active FBI Rap
- 2809 Back System subscription with a qualifying entity, the division may, upon request
- 2810 from another qualifying entity, clone the subscription to the requesting qualifying
- 2811 entity if:
- 2812 (i) the requesting qualifying entity requests the clone:
- 2813 (A) for the purpose of evaluating whether the individual should be permitted to
- 2814 obtain or retain a license for, or serve as an employee or volunteer in a position
- 2815 in which the individual is responsible for, the care, treatment, training,
- 2816 instruction, supervision, or recreation of children, the elderly, or individuals
- 2817 with disabilities; or
- 2818 (B) for the same purpose as the purpose for which the original qualifying entity

- 2819 requested the criminal history record information;
- 2820 (ii) the requesting qualifying entity is expressly authorized by statute to obtain
- 2821 criminal history record information for the individual who is the subject of the
- 2822 request;
- 2823 (iii) before requesting the clone, the requesting qualifying entity obtains a signed
- 2824 waiver, containing the information described in Subsection (4)(b), from the
- 2825 individual who is the subject of the request;
- 2826 (iv) the requesting qualifying entity or the individual pays any applicable fees set by
- 2827 the division in accordance with Section 63J-1-504; and
- 2828 (v) the requesting qualifying entity complies with the requirements described in
- 2829 Subsection (4)(g).
- 2830 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 2831 division may make rules regulating the process described in this Subsection (17).
- 2832 (18)(a) Subsection (17) does not apply unless the Federal Bureau of Investigation
- 2833 approves the use of the FBI Rap Back System for the purpose described in
- 2834 Subsection (17)(a)(i) under the conditions described in Subsection (17).
- 2835 (b) Subsection (17) does not apply to the extent that implementation of the provisions of
- 2836 Subsection (17) are contrary to the requirements of the Child Care and Development
- 2837 Block Grant, 42 U.S.C. Secs. 9857-9858r or any other federal grant.
- 2838 (19)(a) Information received by a qualifying entity under Subsection (17) may only be
- 2839 disclosed and used as described in Subsection (4)(e).
- 2840 (b) A person who disseminates or uses information received under Subsection (17) for a
- 2841 purpose other than those described in Subsection (4)(e) is subject to the penalties
- 2842 described in this section and is also subject to civil liability.
- 2843 (c) A qualifying entity is not liable for defamation, invasion of privacy, negligence, or
- 2844 any other claim in connection with the contents of information disseminated under
- 2845 Subsection (17).
- 2846 Section 29. Section **53B-1-119** is amended to read:
- 2847 **53B-1-119 . Bereavement leave for miscarriage and stillbirth.**
- 2848 (1) As used in this section "miscarriage" means the spontaneous or accidental loss of a
- 2849 fetus, regardless of gestational age or the duration of the pregnancy.
- 2850 (2) An institution shall adopt policies providing at least three work days of paid
- 2851 bereavement leave for an employee following the end of the employee's pregnancy by
- 2852 way of miscarriage or stillbirth or following the end of another individual's pregnancy

- 2853 by way of a miscarriage or stillbirth, if:
- 2854 (a) the employee is the individual's spouse or partner;
- 2855 (b) the employee is the individual's former spouse or partner and the employee would
- 2856 have been a biological parent of a child born as a result of the pregnancy;
- 2857 (c) the employee provides documentation to show that the individual intended for the
- 2858 employee to be an adoptive parent, as that term is defined in Section ~~[78B-6-103]~~
- 2859 81-13-101, of a child born as a result of the pregnancy; or
- 2860 (d) under a valid gestational agreement in accordance with ~~[Title 78B, Chapter 15, Part~~
- 2861 ~~8, Gestational Agreement]~~ Title 81, Chapter 5, Part 8, Gestational Agreement, the
- 2862 employee would have been a parent of a child born as a result of the pregnancy.

2863 Section 30. Section **53G-11-209** is amended to read:

2864 **53G-11-209 . Paid leave -- Parental leave -- Postpartum recovery leave -- Leave**

2865 **sharing -- Rulemaking.**

2866 (1) As used in this section:

- 2867 (a)(i) "Paid leave hours" means leave hours an LEA provides to an LEA employee
- 2868 who accrues paid leave benefits in accordance with the LEA's leave policies.
- 2869 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type
- 2870 of leave an employee may take while still receiving compensation.
- 2871 (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.
- 2872 (b) "Parental leave" means leave hours an LEA provides to a parental leave eligible
- 2873 employee.
- 2874 (c) "Parental leave eligible employee" means an LEA employee who accrues paid leave
- 2875 benefits in accordance with the LEA's leave policies and is:
- 2876 (i) a birth parent as defined in Section ~~[73B-6-103]~~ 81-13-101;
- 2877 (ii) legally adopting a minor child, unless the individual is the spouse of the
- 2878 pre-existing parent;
- 2879 (iii) the intended parent of a child born under a validated gestational agreement in
- 2880 accordance with ~~[Title 78B, Chapter 15, Part 8, Gestational Agreement]~~ Title 81,
- 2881 Chapter 5, Part 8, Gestational Agreement; or
- 2882 (iv) appointed the legal guardian of a minor child or incapacitated adult.
- 2883 (d) "Postpartum recovery leave" means leave hours a state employer provides to a
- 2884 postpartum recovery leave eligible employee to recover from childbirth.
- 2885 (e) "Postpartum recovery leave eligible employee" means an employee:
- 2886 (i) who accrues paid leave benefits in accordance with the LEA's leave policies; and

- 2887 (ii) who gives birth to a child.
- 2888 (f) "Qualified employee" means:
- 2889 (i) a parental leave eligible employee; or
- 2890 (ii) a postpartum recovery leave eligible employee.
- 2891 (g) "Retaliatory action" means to do any of the following regarding an employee:
- 2892 (i) dismiss the employee;
- 2893 (ii) reduce the employee's compensation;
- 2894 (iii) fail to increase the employee's compensation by an amount to which the
- 2895 employee is otherwise entitled to or was promised;
- 2896 (iv) fail to promote the employee if the employee would have otherwise been
- 2897 promoted; or
- 2898 (v) threaten to take an action described in Subsections [~~(f)(i)~~] (1)(g)(i) through (iv).
- 2899 (2) Beginning July 1, 2025, an LEA:
- 2900 (a) shall develop leave policies that provide for the use and administration of parental
- 2901 leave and postpartum recovery leave by a qualified employee under this section in a
- 2902 manner that is not more restrictive than the parental and postpartum recovery leave
- 2903 available to state employees under Section 63A-17-511; [~~and~~]
- 2904 (b) may develop leave policies that provide a mechanism for leave sharing between
- 2905 employees of the same LEA or school for all types of leave including, sick leave,
- 2906 annual leave, parental leave, and postpartum recovery leave;
- 2907 (c) shall allow a parental leave eligible employee and a postpartum recovery leave
- 2908 eligible employee who is part-time or who works in excess of a 40-hour work week
- 2909 or the equivalent of a 40-hour work week to use the amount of postpartum recovery
- 2910 leave available under this section on a pro rata basis; and
- 2911 (d) shall provide each employee written information regarding:
- 2912 (i) a qualified employee's right to use parental leave or postpartum recovery leave
- 2913 under this section; and
- 2914 (ii) the availability of and process for using or contributing to the leave sharing
- 2915 mechanism described in Subsection (2)(b).
- 2916 (3) An LEA may not take retaliatory action against a qualified employee for using parental
- 2917 leave or postpartum recovery leave in accordance with this section.
- 2918 (4) An LEA may not charge parental leave or postpartum recovery leave against paid leave
- 2919 hours to which a qualified employee is entitled as described in Subsection (6).
- 2920 (5) An LEA or school may use leave bank sharing and other efforts to mitigate incurred

2921 costs of compliance with this section including coordinating with other LEAs or schools
 2922 to share approaches or policies designed to fulfill the requirements of this section in a
 2923 cost effective manner.

2924 (6) An LEA may provide leave that exceeds the benefits of the state leave policies
 2925 described in this section.

2926 Section 31. Section **58-60-112** is amended to read:

2927 **58-60-112 . Reporting of unprofessional or unlawful conduct -- Immunity from**
 2928 **liability -- Reporting conduct of court-appointed therapist.**

2929 (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section
 2930 58-60-102 by a person licensed under this chapter or an individual not licensed under
 2931 this chapter and engaged in acts or practices regulated under this chapter, that results in
 2932 disciplinary action by a licensed health care facility, professional practice group, or
 2933 professional society, or that results in a significant adverse impact upon the public
 2934 health, safety, or welfare, the following shall report the conduct in writing to the division
 2935 within 10 days after learning of the disciplinary action or the conduct unless the
 2936 individual or person knows it has been reported:

2937 (a) a licensed health care facility or organization in which an individual licensed under
 2938 this chapter engages in practice;

2939 (b) an individual licensed under this chapter; and

2940 (c) a professional society or organization whose membership is individuals licensed
 2941 under this chapter and which has the authority to discipline or expel a member for
 2942 acts of unprofessional or unlawful conduct.

2943 (2) Any individual reporting acts of unprofessional or unlawful conduct by an individual
 2944 licensed under this chapter is immune from liability arising out of the disclosure to the
 2945 extent the individual furnishes the information in good faith and without malice.

2946 (3)(a) As used in this Subsection (3):

2947 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
 2948 provide psychotherapeutic treatment to an individual, a couple, or a family in a
 2949 domestic case.

2950 (ii) "Domestic case" means a proceeding under:

2951 (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

2952 [~~(B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
 2953 ~~Enforcement Act;~~]

2954 [~~(C) Title 78B, Chapter 15, Utah Uniform Parentage Act;~~]

2955 ~~[(D)]~~ (B) Title 81, Chapter 4, Dissolution of Marriage; ~~[or]~~
 2956 (C) Title 81, Chapter 5, Uniform Parentage Act;
 2957 ~~[(E)]~~ (D) Title 81, Chapter 9, Custody, Parent-time, and Visitation~~[-]~~ ; or
 2958 (E) Title 81, Chapter 11, Uniform Child Custody Jurisdiction and Enforcement
 2959 Act.

- 2960 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
 2961 domestic case may not file a report against the court-appointed therapist for unlawful
 2962 or unprofessional conduct during the pendency of the domestic case, unless:
 2963 (i) the party has requested that the court release the court-appointed therapist from the
 2964 appointment; and
 2965 (ii) the court finds good cause to release the court-appointed therapist from the
 2966 appointment.

2967 Section 32. Section **63A-17-106** is amended to read:

2968 **63A-17-106 . Responsibilities of the director.**

- 2969 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a
 2970 fetus, regardless of gestational age or the duration of the pregnancy.
 2971 (2) The director shall have full responsibility and accountability for the administration of
 2972 the statewide human resource management system.
 2973 (3) Except as provided in Section 63A-17-201, an agency may not perform human resource
 2974 functions without the consent of the director.
 2975 (4) Statewide human resource management rules made by the division in accordance with
 2976 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall take precedence if
 2977 there is a conflict with agency rules, policies, or practices.
 2978 (5) The division may operate as an internal service fund agency in accordance with Section
 2979 63J-1-410 for the human resource functions the division provides.
 2980 (6) The director shall:
 2981 (a) develop, implement, and administer a statewide program of human resource
 2982 management that will:
 2983 (i) aid in the efficient execution of public policy;
 2984 (ii) foster careers in public service for qualified employees; and
 2985 (iii) render assistance to state agencies in performing their missions;
 2986 (b) design and administer the state pay plan;
 2987 (c) design and administer the state classification system and procedures for determining
 2988 schedule assignments;

- 2989 (d) design and administer the state recruitment and selection system;
- 2990 (e) administer agency human resource practices and ensure compliance with federal law,
2991 state law, and state human resource rules, including equal employment opportunity;
- 2992 (f) consult with agencies on decisions concerning employee corrective action and
2993 discipline;
- 2994 (g) maintain central personnel records;
- 2995 (h) perform those functions necessary to implement this chapter unless otherwise
2996 assigned or prohibited;
- 2997 (i) perform duties assigned by the governor, executive director, or statute;
- 2998 (j) make rules for human resource management, in accordance with Title 63G, Chapter
2999 3, Utah Administrative Rulemaking Act;
- 3000 (k) establish and maintain a management information system that will furnish the
3001 governor, the Legislature, and agencies with current information on authorized
3002 positions, payroll, and related matters concerning state human resources;
- 3003 (l) conduct research and planning activities to:
- 3004 (i) determine and prepare for future state human resource needs;
- 3005 (ii) develop methods for improving public human resource management; and
- 3006 (iii) propose needed policy changes to the governor;
- 3007 (m) study the character, causes, and extent of discrimination in state employment and
3008 develop plans for its elimination through programs consistent with federal and state
3009 laws governing equal employment opportunity in employment;
- 3010 (n) establish compensation policies and procedures for early voluntary retirement;
- 3011 (o) confer with the heads of other agencies about human resource policies and
3012 procedures;
- 3013 (p) submit an annual report to the executive director, the governor, and the Legislature;
3014 and
- 3015 (q) assist with the development of a vacant position report required under Subsection
3016 63J-1-201(2)(b)(vi).
- 3017 (7)(a) After consultation with the executive director, the governor, and the heads of
3018 other agencies, the director shall establish and coordinate statewide training
3019 programs, including training described in Subsection (7)(e).
- 3020 (b) The programs developed under this Subsection (7) shall have application to more
3021 than one agency.
- 3022 (c) The division may not establish training programs that train employees to perform

- 3023 highly specialized or technical jobs and tasks.
- 3024 (d) The division shall ensure that any training program described in this Subsection (7)
- 3025 complies with Title 63G, Chapter 22, State Training and Certification Requirements.
- 3026 (e)(i) As used in this Subsection (7)(e):
- 3027 (A) "Employee" means the same as that term is defined in Section 63A-17-112.
- 3028 (B) "Supervisor" means an individual in a position at an agency, as defined in
- 3029 Section 63A-17-112, that requires the regular supervision and performance
- 3030 evaluation of an employee.
- 3031 (ii) A supervisor shall attend the training:
- 3032 (A) within six months of being promoted or hired to the position of supervisor; and
- 3033 (B) at least annually.
- 3034 (iii) A supervisor's completion of training and effective use of training information
- 3035 and principles shall be considered in an evaluation of the supervisor's job
- 3036 performance.
- 3037 (iv) The training shall include:
- 3038 (A) effective employee management and evaluation methods based on the pay for
- 3039 performance management system described in Section 63A-17-112;
- 3040 (B) instruction to improve supervisor and employee communications;
- 3041 (C) best practices for recognizing and retaining high-performing employees;
- 3042 (D) best practices for addressing poor-performing employees; and
- 3043 (E) any other information and principles identified by the division to improve
- 3044 management or organizational effectiveness.
- 3045 (8)(a)(i) The division may collect fees for training as authorized by this Subsection
- 3046 (8).
- 3047 (ii) Training funded from General Fund appropriations shall be treated as a separate
- 3048 program within the department budget.
- 3049 (iii) All money received from fees under this section will be accounted for by the
- 3050 department as a separate user driven training program.
- 3051 (iv) The user training program includes the costs of developing, procuring, and
- 3052 presenting training and development programs, and other associated costs for
- 3053 these programs.
- 3054 (b)(i) Funds remaining at the end of the fiscal year in the user training program are
- 3055 nonlapsing.
- 3056 (ii) Each year, as part of the appropriations process, the Legislature shall review the

- 3057 amount of nonlapsing funds remaining at the end of the fiscal year and may, by
 3058 statute, require the department to lapse a portion of the funds.
- 3059 (9) Rules described in Subsection (6)(j) shall provide for at least three work days of paid
 3060 bereavement leave for an employee:
- 3061 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or
 3062 (b) following the end of another individual's pregnancy by way of a miscarriage or
 3063 stillbirth, if:
- 3064 (i) the employee is the individual's spouse or partner;
 3065 (ii)(A) the employee is the individual's former spouse or partner; and
 3066 (B) the employee would have been a biological parent of a child born as a result of
 3067 the pregnancy;
- 3068 (iii) the employee provides documentation to show that the individual intended for
 3069 the employee to be an adoptive parent, as that term is defined in Section [
 3070 ~~78B-6-103~~ 81-13-101, of a child born as a result of the pregnancy; or
 3071 (iv) under a valid gestational agreement in accordance with [~~Title 78B, Chapter 15,~~
 3072 ~~Part 8, Gestational Agreement~~] Title 81, Chapter 5, Part 8, Gestational Agreement,
 3073 the employee would have been a parent of a child born as a result of the
 3074 pregnancy.

3075 Section 33. Section **63J-1-602.1** is amended to read:

3076 **63J-1-602.1 . List of nonlapsing appropriations from accounts and funds.**

3077 Appropriations made from the following accounts or funds are nonlapsing:

- 3078 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
 3079 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as
 3080 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
 3081 (3) Funds collected for directing and administering the C-PACE district created in Section
 3082 11-42a-106.
 3083 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
 3084 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
 3085 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section
 3086 19-2a-106.
 3087 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
 3088 Section 19-5-126.
 3089 (8) State funds for matching federal funds in the Children's Health Insurance Program as
 3090 provided in Section 26B-3-906.

- 3091 (9) Funds collected from the program fund for local health department expenses incurred in
3092 responding to a local health emergency under Section 26B-7-111.
- 3093 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 3094 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 3095 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the
3096 extent that Section 31A-3-304 makes the money received under that section free revenue.
- 3097 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 3098 (14) The Health Insurance Actuarial Review Restricted Account created in Section
3099 31A-30-115.
- 3100 (15) The State Mandated Insurer Payments Restricted Account created in Section
3101 31A-30-118.
- 3102 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 3103 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
3104 Account created in Section 32B-2-306.
- 3105 [~~(18)~~ ~~The Drinking While Pregnant Prevention Media and Education Campaign Restricted~~
3106 ~~Account created in Section 32B-2-308.~~]
- 3107 [~~(19)~~] (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 3108 [~~(20)~~] (19) Money received by the Utah State Office of Rehabilitation for the sale of certain
3109 products or services, as provided in Section 35A-13-202.
- 3110 [~~(21)~~] (20) The Homeless Shelter Cities Mitigation Restricted Account created in Section
3111 35A-16-402.
- 3112 [~~(22)~~] (21) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 3113 [~~(23)~~] (22) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 3114 [~~(24)~~] (23) The Division of Oil, Gas, and Mining Restricted account created in Section
3115 40-6-23.
- 3116 [~~(25)~~] (24) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
3117 the Motor Vehicle Division.
- 3118 [~~(26)~~] (25) The License Plate Restricted Account created by Section 41-1a-122.
- 3119 [~~(27)~~] (26) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
3120 created by Section 41-3-110 to the State Tax Commission.
- 3121 [~~(28)~~] (27) The State Disaster Recovery Restricted Account to the Division of Emergency
3122 Management, as provided in Section 53-2a-603.
- 3123 [~~(29)~~] (28) The Response, Recovery, and Post-disaster Mitigation Restricted Account
3124 created in Section 53-2a-1302.

- 3125 [~~(30)~~] (29) The Department of Public Safety Restricted Account to the Department of Public
3126 Safety, as provided in Section 53-3-106.
- 3127 [~~(31)~~] (30) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
3128 53-8-303.
- 3129 [~~(32)~~] (31) The DNA Specimen Restricted Account created in Section 53-10-407.
- 3130 [~~(33)~~] (32) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
- 3131 [~~(34)~~] (33) The Higher Education Capital Projects Fund created in Section 53B-22-202.
- 3132 [~~(35)~~] (34) A certain portion of money collected for administrative costs under the School
3133 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 3134 [~~(36)~~] (35) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
3135 subject to Subsection 54-5-1.5(4)(d).
- 3136 [~~(37)~~] (36) Funds collected from a surcharge fee to provide certain licensees with access to
3137 an electronic reference library, as provided in Section 58-3a-105.
- 3138 [~~(38)~~] (37) Certain fines collected by the Division of Professional Licensing for violation of
3139 unlawful or unprofessional conduct that are used for education and enforcement
3140 purposes, as provided in Section 58-17b-505.
- 3141 [~~(39)~~] (38) Funds collected from a surcharge fee to provide certain licensees with access to
3142 an electronic reference library, as provided in Section 58-22-104.
- 3143 [~~(40)~~] (39) Funds collected from a surcharge fee to provide certain licensees with access to
3144 an electronic reference library, as provided in Section 58-55-106.
- 3145 [~~(41)~~] (40) Funds collected from a surcharge fee to provide certain licensees with access to
3146 an electronic reference library, as provided in Section 58-56-3.5.
- 3147 [~~(42)~~] (41) Certain fines collected by the Division of Professional Licensing for use in
3148 education and enforcement of the Security Personnel Licensing Act, as provided in
3149 Section 58-63-103.
- 3150 [~~(43)~~] (42) The Relative Value Study Restricted Account created in Section 59-9-105.
- 3151 [~~(44)~~] (43) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 3152 [~~(45)~~] (44) Funds paid to the Division of Real Estate for the cost of a criminal background
3153 check for a mortgage loan license, as provided in Section 61-2c-202.
- 3154 [~~(46)~~] (45) Funds paid to the Division of Real Estate for the cost of a criminal background
3155 check for principal broker, associate broker, and sales agent licenses, as provided in
3156 Section 61-2f-204.
- 3157 [~~(47)~~] (46) Certain funds donated to the Department of Health and Human Services, as
3158 provided in Section 26B-1-202.

3159 [~~(48)~~] (47) Certain funds donated to the Division of Child and Family Services, as provided
3160 in Section 80-2-404.

3161 [~~(49)~~] (48) Funds collected by the Office of Administrative Rules for publishing, as
3162 provided in Section 63G-3-402.

3163 [~~(50)~~] (49) The Immigration Act Restricted Account created in Section 63G-12-103.

3164 [~~(51)~~] (50) Money received by the military installation development authority, as provided
3165 in Section 63H-1-504.

3166 [~~(52)~~] (51) The Unified Statewide 911 Emergency Service Account created in Section
3167 63H-7a-304.

3168 [~~(53)~~] (52) The Utah Statewide Radio System Restricted Account created in Section
3169 63H-7a-403.

3170 [~~(54)~~] (53) The Utah Capital Investment Restricted Account created in Section 63N-6-204.

3171 [~~(55)~~] (54) The Motion Picture Incentive Account created in Section 63N-8-103.

3172 [~~(56)~~] (55) Funds collected by the housing of state probationary inmates or state parole
3173 inmates, as provided in Subsection 64-13e-104(2).

3174 [~~(57)~~] (56) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
3175 and State Lands, as provided in Section 65A-8-103.

3176 [~~(58)~~] (57) The following funds or accounts created in Section 72-2-124:

3177 (a) Transportation Investment Fund of 2005;

3178 (b) Transit Transportation Investment Fund;

3179 (c) Cottonwood Canyons Transportation Investment Fund;

3180 (d) Active Transportation Investment Fund; and

3181 (e) Commuter Rail Subaccount.

3182 [~~(59)~~] (58) The Amusement Ride Safety Restricted Account, as provided in Section
3183 72-16-204.

3184 [~~(60)~~] (59) Certain funds received by the Office of the State Engineer for well drilling fines
3185 or bonds, as provided in Section 73-3-25.

3186 [~~(61)~~] (60) The Water Resources Conservation and Development Fund, as provided in
3187 Section 73-23-2.

3188 [~~(62)~~] (61) Award money under the State Asset Forfeiture Grant Program, as provided under
3189 Section 77-11b-403.

3190 [~~(63)~~] (62) Funds donated or paid to a juvenile court by private sources, as provided in
3191 Subsection 78A-6-203(1)(c).

3192 [~~(64)~~] (63) Fees for certificate of admission created under Section 78A-9-102.

- 3193 [(65)] (64) Funds collected for adoption document access as provided in Sections [
 3194 ~~78B-6-141, 78B-6-144, and 78B-6-144.5~~] 81-13-103, 81-13-504, and 81-13-505.
- 3195 [(66)] (65) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
 3196 Utah Indigent Defense Commission.
- 3197 [(67)] (66) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 3198 [(68)] (67) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
 3199 Park, and Green River State Park, as provided under Section 79-4-403.
- 3200 [(69)] (68) Certain funds received by the Division of State Parks from the sale or disposal of
 3201 buffalo, as provided under Section 79-4-1001.
- 3202 Section 34. Section **63J-1-602.2** is amended to read:
- 3203 **63J-1-602.2 . List of nonlapsing appropriations to programs.**
- 3204 Appropriations made to the following programs are nonlapsing:
- 3205 (1) The Legislature and the Legislature's committees.
- 3206 (2) The State Board of Education, including all appropriations to agencies, line items, and
 3207 programs under the jurisdiction of the State Board of Education, in accordance with
 3208 Section 53F-9-103.
- 3209 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 3210 (4) The Percent-for-Art Program created in Section 9-6-404.
- 3211 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.
- 3212 (6) The Utah Lake Authority created in Section 11-65-201.
- 3213 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
 3214 Subsection 17-16-21(2)(d)(ii).
- 3215 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 3216 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
 3217 26B-3-108(7).
- 3218 (10) The primary care grant program created in Section 26B-4-310.
- 3219 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 3220 (12) The Utah Health Care Workforce Financial Assistance Program created in Section
 3221 26B-4-702.
- 3222 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 3223 (14) The Utah Medical Education Council for the:
- 3224 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
 3225 (b) provision of medical residency grants described in Section 26B-4-711; and
 3226 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.

- 3227 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 3228 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program
3229 created in Section 26B-7-122.
- 3230 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with
3231 Subsection 32B-2-301(8)(a) or (b).
- 3232 (18) The General Assistance program administered by the Department of Workforce
3233 Services, as provided in Section 35A-3-401.
- 3234 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 3235 (20) The Search and Rescue Financial Assistance Program, as provided in Section
3236 53-2a-1102.
- 3237 (21) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 3238 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 3239 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in
3240 Section 53B-6-104.
- 3241 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection [
3242 53G-10-608(6)] 53G-10-608(3).
- 3243 (25) The Division of Fleet Operations for the purpose of upgrading underground storage
3244 tanks under Section 63A-9-401.
- 3245 (26) The Division of Technology Services for technology innovation as provided under
3246 Section 63A-16-903.
- 3247 (27) The State Capitol Preservation Board created by Section 63O-2-201.
- 3248 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 3249 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado
3250 River Authority of Utah Act.
- 3251 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as
3252 provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 3253 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
3254 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion
3255 Program.
- 3256 (32) County correctional facility contracting program for state inmates as described in
3257 Section 64-13e-103.
- 3258 (33) County correctional facility reimbursement program for state probationary inmates and
3259 state parole inmates as described in Section 64-13e-104.
- 3260 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.

- 3261 (35) The Division of Human Resource Management user training program, as provided in
3262 Section 63A-17-106.
- 3263 (36) A public safety answering point's emergency telecommunications service fund, as
3264 provided in Section 69-2-301.
- 3265 (37) The Traffic Noise Abatement Program created in Section 72-6-112.
- 3266 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the
3267 Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
3268 settlement of federal reserved water right claims.
- 3269 (39) The Judicial Council for compensation for special prosecutors, as provided in Section
3270 77-10a-19.
- 3271 (40) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 3272 (41) The Utah Geological Survey, as provided in Section 79-3-401.
- 3273 (42) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 3274 (43) Adoption document access as provided in Sections [~~78B-6-141, 78B-6-144, and~~
3275 ~~78B-6-144.5~~] 81-13-103, 81-13-504, and 81-13-505.
- 3276 (44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense
3277 Commission.
- 3278 (45) The program established by the Division of Facilities Construction and Management
3279 under Section 63A-5b-703 under which state agencies receive an appropriation and pay
3280 lease payments for the use and occupancy of buildings owned by the Division of
3281 Facilities Construction and Management.
- 3282 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with
3283 Section 59-2-1802.5.
- 3284 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
3285 Section 35. Section **75-2-114** is amended to read:
3286 **75-2-114 . Parent and child relationship.**
- 3287 (1)(a) Except as provided in Subsections (2) and (3), for purposes of intestate
3288 succession by, through, or from a person, an individual is the child of the individual's
3289 natural parents, regardless of their marital status.
- 3290 (b) The parent and child relationship may be established as provided in [~~Title 78B,~~
3291 ~~Chapter 15, Utah Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act.
- 3292 (2) An adopted individual is the child of the adopting parent or parents and not of the
3293 natural parents, but adoption of a child by the spouse of either natural parent has no
3294 effect on the relationship between the child and that natural parent.

3295 (3) Inheritance from or through a child by either natural parent or the child's kindred is
 3296 precluded unless that natural parent has openly treated the child as the natural parent's,
 3297 and has not refused to support the child.

3298 Section 36. Section **75-5-209** is amended to read:

3299 **75-5-209 . Powers and duties of guardian of minor -- Residual parental rights**
 3300 **and duties -- Adoption of a ward.**

3301 (1) For purposes of this section, "residual parental rights and duties" is as defined in Section
 3302 80-1-102.

3303 (2) Except as provided in Subsection (4)(a), a guardian of a minor has the powers and
 3304 responsibilities of a parent who has not been deprived of custody of the parent's
 3305 unemancipated minor, including the powers and responsibilities described in Subsection
 3306 (3).

3307 (3) A guardian of a minor:

3308 (a) must take reasonable care of the personal effects of the guardian's ward;

3309 (b) must commence protective proceedings if necessary to protect other property of the
 3310 guardian's ward;

3311 (c) subject to Subsection (4)(b), may receive money payable for the support of the ward
 3312 to the ward's parent, guardian, or custodian under the terms of a:

3313 (i) statutory benefit or insurance system;

3314 (ii) private contract;

3315 (iii) devise;

3316 (iv) trust;

3317 (v) conservatorship; or

3318 (vi) custodianship;

3319 (d) subject to Subsection (4)(b), may receive money or property of the ward paid or
 3320 delivered by virtue of Section 75-5-102;

3321 (e) except as provided in Subsection (4)(c), must exercise due care to conserve any
 3322 excess money or property described in Subsection (3)(d) for the ward's future needs;

3323 (f) unless otherwise provided by statute, may institute proceedings to compel the
 3324 performance by any person of a duty to:

3325 (i) support the ward; or

3326 (ii) pay sums for the welfare of the ward;

3327 (g) is empowered to:

3328 (i) facilitate the ward's education, social, or other activities; and

- 3329 (ii) subject to Subsection (4)(d), authorize medical or other professional care,
 3330 treatment, or advice;
- 3331 (h) may consent to the:
- 3332 (i) marriage of the guardian's ward, if specifically authorized by a court to give this
 3333 consent; or
- 3334 (ii) adoption of the guardian's ward if the:
- 3335 (A) guardian of the ward is specifically authorized by a court to give this consent;
 3336 and
- 3337 (B) parental rights of the ward's parents have been terminated; and
- 3338 (i) must report the condition of the minor and of the minor's estate that has been subject
 3339 to the guardian's possession or control:
- 3340 (i) as ordered by court on petition of any person interested in the minor's welfare; or
 3341 (ii) as required by court rule.
- 3342 (4)(a) Notwithstanding Subsection (2), a guardian of a minor is not:
- 3343 (i) legally obligated to provide from the guardian's own funds for the ward; and
 3344 (ii) liable to third persons by reason of the guardian's relationship for acts of the ward.
- 3345 (b) Sums received under Subsection (3)(c) or (d):
- 3346 (i) may not be used for compensation for the services of a guardian, except as:
 3347 (A) approved by court order; or
 3348 (B) determined by a duly appointed conservator other than the guardian; and
 3349 (ii) shall be applied to the ward's current needs for support, care, and education.
- 3350 (c) Notwithstanding Subsection (3)(e), if a conservator is appointed for the estate of the
 3351 ward, the excess shall be paid over at least annually to the conservator.
- 3352 (d) A guardian of a minor is not, by reason of giving the authorization described in
 3353 Subsection (3)(g)(ii), liable for injury to the minor resulting from the negligence or
 3354 acts of third persons, unless it would have been illegal for a parent to have given the
 3355 authorization.
- 3356 (5) A parent of a minor for whom a guardian is appointed retains residual parental rights
 3357 and duties.
- 3358 (6) If a parent of a minor for whom a guardian is appointed consents to the adoption of the
 3359 minor, the guardian is entitled to:
- 3360 (a) receive notice of the adoption proceeding pursuant to Section ~~[78B-6-110]~~ 81-13-207;
 3361 (b) intervene in the adoption; and
 3362 (c) present evidence to the court relevant to the best interest of the ~~child~~ pursuant to

- 3363 ~~Subsection 78B-6-110(11)]~~ minor as described in Subsection 81-13-207(11).
- 3364 (7) If a minor for whom a guardian is appointed is adopted subsequent to the appointment,
3365 the guardianship shall terminate when the adoption is finalized.
- 3366 Section 37. Section **76-5-301.2** is amended to read:
- 3367 **76-5-301.2 . Parental kidnapping.**
- 3368 (1)(a) As used in this section:
- 3369 (i) "Child" means an individual under 18 years old.
- 3370 (ii) "Custody" means court-ordered physical custody of a child entered by a court.
- 3371 (iii) "Parent" means an individual:
- 3372 (A) recognized as a biological parent or adoptive parent; or
- 3373 (B) that has established a parent-child relationship under Section [~~78B-15-201]~~
3374 81-5-201.
- 3375 (iv) "Parent-time" means court-ordered parent-time or visitation entered by a court.
- 3376 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 3377 (2) A parent commits parental kidnapping of the parent's child if the parent:
- 3378 (a) takes, entices, conceals, detains, or withholds the child from an individual entitled to
3379 custody of the child;
- 3380 (b) intends to interfere with the custody of the child; and
- 3381 (c)(i) has never had a right to physical custody of the child;
- 3382 (ii) has never been granted parent-time with the child;
- 3383 (iii) has had all rights to physical custody of the child terminated by a court; or
- 3384 (iv) at the time of the parent's action under Subsection (2)(a), had parent-time with
3385 the child terminated or suspended by a court.
- 3386 (3)(a) A violation of Subsection (2) is a third degree felony.
- 3387 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree
3388 felony if, during the course of parental kidnapping, the parent removes, causes the
3389 removal, or directs the removal of the child from the state.
- 3390 (4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative
3391 defense to the crime of parental kidnapping that:
- 3392 (a) the parent acted under a reasonable belief that the action described in Subsection
3393 (2)(a) was:
- 3394 (i) necessary to protect the child from imminent serious bodily injury, or death;
- 3395 (ii) authorized by law; or
- 3396 (iii) taken with the consent of:

- 3397 (A) the individual entitled to custody of the child; or
 3398 (B) a custodian, guardian, caretaker, or other individual lawfully acting in place of
 3399 the individual entitled to custody of the child; or
 3400 (b)(i) the parent acted under a reasonable belief that the action described in
 3401 Subsection (2)(a) was necessary to protect the child from abuse, including sexual
 3402 abuse; and
 3403 (ii) before taking the action described in Subsection (2)(a), the parent reports to law
 3404 enforcement the parent's intention to engage in the action and the basis for the
 3405 parent's belief described in Subsection (4)(b)(i).

3406 Section 38. Section **76-7-102** is amended to read:

3407 **76-7-102 . Incest -- Definitions -- Penalty.**

3408 (1) As used in this section:

- 3409 (a) "Provider" means a person who provides or makes available his seminal fluid or her
 3410 human egg.
 3411 (b) "Related person" means a person related to the provider or actor as an ancestor,
 3412 descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, and includes:
 3413 (i) blood relationships of the whole or half blood, regardless of whether the
 3414 relationship is legally recognized;
 3415 (ii) the relationship of parent and child by adoption; and
 3416 (iii) the relationship of stepparent and stepchild while the marriage creating the
 3417 relationship of a stepparent and stepchild exists.

3418 (2)(a) An actor is guilty of incest when, under circumstances not amounting to rape,
 3419 rape of a child, or aggravated sexual assault, the actor knowingly and intentionally:

- 3420 (i) engages in conduct under Subsection (2)(b)(i), (ii), (iii), or (iv); or
 3421 (ii) provides a human egg or seminal fluid under Subsection (2)(b)(v).
 3422 (b) Conduct referred to under Subsection (2)(a) is:
 3423 (i) sexual intercourse between the actor and a person the actor knows has kinship to
 3424 the actor as a related person;
 3425 (ii) the insertion or placement of the provider's seminal fluid into the vagina, cervix,
 3426 or uterus of a related person by means other than sexual intercourse;
 3427 (iii) providing or making available his seminal fluid for the purpose of insertion or
 3428 placement of the fluid into the vagina, cervix, or uterus of a related person by
 3429 means other than sexual intercourse;
 3430 (iv) a woman 18 years of age or older who:

- 3431 (A) knowingly allows the insertion of the seminal fluid of a provider into her
 3432 vagina, cervix, or uterus by means other than sexual intercourse; and
 3433 (B) knows that the seminal fluid is that of a person with whom she has kinship as
 3434 a related person; or
 3435 (v) providing the actor's sperm or human egg that is used to conduct in vitro
 3436 fertilization, or any other means of fertilization, with the human egg or sperm of a
 3437 person who is a related person.
- 3438 (c) This Subsection (2) does not prohibit providing a fertilized human egg if the provider
 3439 of the fertilizing sperm is not a related person regarding the person providing the egg.
- 3440 (3) Incest is a third degree felony.
- 3441 (4) A provider under this section is not a donor under Section [~~78B-15-702~~] 81-5-702.
- 3442 Section 39. Section **77-38b-102** is amended to read:
- 3443 **77-38b-102 . Definitions.**
- 3444 As used in this chapter:
- 3445 (1) "Civil accounts receivable" means the same as that term is defined in Section
 3446 77-32b-102.
- 3447 (2) "Civil judgment of restitution" means the same as that term is defined in Section
 3448 77-32b-102.
- 3449 (3)(a) "Conviction" means:
- 3450 (i) a plea of:
- 3451 (A) guilty;
- 3452 (B) guilty with a mental condition; or
- 3453 (C) no contest; or
- 3454 (ii) a judgment of:
- 3455 (A) guilty; or
- 3456 (B) guilty with a mental condition.
- 3457 (b) "Conviction" does not include:
- 3458 (i) a plea in abeyance until a conviction is entered for the plea in abeyance;
- 3459 (ii) a diversion agreement; or
- 3460 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 3461 (4) "Criminal accounts receivable" means the same as that term is defined in Section
 3462 77-32b-102.
- 3463 (5) "Criminal conduct" means:
- 3464 (a) any misdemeanor or felony offense of which the defendant is convicted; or

- 3465 (b) any other criminal behavior for which the defendant admits responsibility to the
3466 court with or without an admission of committing the criminal behavior.
- 3467 (6) "Deceased victim" means an individual whose death is proximately caused by the
3468 criminal conduct of the defendant.
- 3469 (7)(a) "Defendant" means an individual who has been convicted of, or entered into a
3470 plea disposition for, criminal conduct.
- 3471 (b) "Defendant" does not include a minor, as defined in Section 80-1-102, who is
3472 adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 80,
3473 Chapter 6, Juvenile Justice.
- 3474 (8) "Department" means the Department of Corrections.
- 3475 (9)(a) "Dependent" means an individual for whom a deceased victim, or a permanently
3476 impaired victim, had a legal obligation to provide dependent support at the time of
3477 the criminal conduct by the defendant.
- 3478 (b) "Dependent" includes:
- 3479 (i) a child:
- 3480 (A) who is younger than 18 years old; and
- 3481 (B) for whom a deceased victim, or a permanently impaired victim, is the [
3482 ~~adoptive or biological parent or legal~~] legal parent or guardian;
- 3483 (ii) an unborn child who has a parent-child relationship with a deceased victim, or a
3484 permanently impaired victim, in accordance with [~~Title 78B, Chapter 15, Utah~~
3485 ~~Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act; or
- 3486 (iii) an incapacitated individual for whom a deceased victim, or a permanently
3487 impaired victim, is the [~~adoptive or biological parent or the legal~~] legal parent or
3488 guardian.
- 3489 (10) "Dependent support" means the financial obligation of an individual to provide for the
3490 routine needs of a dependent, including food, clothing, health care, safety, or shelter.
- 3491 (11) "Diversion agreement" means an agreement entered into by the prosecuting attorney
3492 and the defendant that suspends criminal proceedings before conviction on the condition
3493 that a defendant agree to participate in a rehabilitation program, pay restitution to the
3494 victim, or fulfill some other condition.
- 3495 (12) "Incapacitated" or "incapacitation" means the individual is:
- 3496 (a) mentally or physically impaired to the extent that the individual is permanently
3497 unable to gain employment and provide basic necessities, including food, clothing,
3498 health care, safety, or shelter; and

- 3499 (b) reliant on a parent, legal guardian, or other relative or person to provide basic
3500 necessities for the individual.
- 3501 (13) "Incapacitated individual" means an individual who is incapacitated.
- 3502 (14) "Legal guardian" means an individual appointed by a court to make decisions
3503 regarding a child or an incapacitated individual.
- 3504 (15) "Life expectancy" means the number of months an individual is or was expected to
3505 live considering medical records and experiential data for the individual.
- 3506 (16) "Office" means the Office of State Debt Collection created in Section 63A-3-502.
- 3507 (17) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
- 3508 (18)(a) "Pecuniary damages" means all demonstrable economic injury, losses, and
3509 expenses regardless of whether the economic injury, losses, and expenses have yet
3510 been incurred.
- 3511 (b) "Pecuniary damages" does not include punitive damages or pain and suffering
3512 damages.
- 3513 (19) "Permanently impaired victim" means an incapacitated individual whose
3514 incapacitation is proximately caused by the criminal conduct of the defendant.
- 3515 (20) "Plea agreement" means an agreement entered between the prosecuting attorney and
3516 the defendant setting forth the special terms and conditions and criminal charges upon
3517 which the defendant will enter a plea of guilty or no contest.
- 3518 (21) "Plea disposition" means an agreement entered into between the prosecuting attorney
3519 and the defendant including a diversion agreement, a plea agreement, a plea in abeyance
3520 agreement, or any agreement by which the defendant may enter a plea in any other
3521 jurisdiction or where charges are dismissed without a plea.
- 3522 (22) "Plea in abeyance" means an order by a court, upon motion of the prosecuting attorney
3523 and the defendant, accepting a plea of guilty or of no contest from the defendant but not,
3524 at that time, entering judgment of conviction against the defendant nor imposing
3525 sentence upon the defendant on condition that the defendant comply with specific
3526 conditions as set forth in a plea in abeyance agreement.
- 3527 (23) "Plea in abeyance agreement" means an agreement entered into between the
3528 prosecuting attorney and the defendant setting forth the specific terms and conditions
3529 upon which, following acceptance of the agreement by the court, a plea may be held in
3530 abeyance.
- 3531 (24) "Restitution" means the payment of pecuniary damages to a victim.
- 3532 (25) "Unborn child" means a human fetus or embryo in any stage of gestation from

3533 fertilization until birth.

3534 (26)(a) "Victim" means any person who has suffered pecuniary damages that are
3535 proximately caused by the criminal conduct of the defendant.

3536 (b) "Victim" includes:

3537 (i) the Utah Office for Victims of Crime if the Utah Office for Victims of Crime
3538 makes a payment to, or on behalf of, a victim under Section 63M-7-519;

3539 (ii) the estate of a deceased victim;

3540 (iii) a dependent; or

3541 (iv) a parent, spouse, intimate partner as defined in 18 U.S.C. Sec. 921, child, or
3542 sibling of a victim.

3543 (c) "Victim" does not include a codefendant or accomplice.

3544 Section 40. Section **78A-5-102** is amended to read:

3545 **78A-5-102 . Jurisdiction of the district court -- Appeals.**

3546 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court
3547 has original jurisdiction in all matters civil and criminal.

3548 (2) A district court judge may:

3549 (a) issue all extraordinary writs and other writs necessary to carry into effect the district
3550 court judge's orders, judgments, and decrees; and

3551 (b) preside over an action for which the Business and Chancery Court has jurisdiction if:

3552 (i) the district court judge is designated by the presiding officer of the Judicial

3553 Council to preside over an action in the Business and Chancery Court as described
3554 in Section 78A-1-103.5; and

3555 (ii) a Business and Chancery Court judge is unable to preside over the action due to
3556 recusal or disqualification.

3557 (3) The district court has jurisdiction:

3558 (a) [-]over matters of lawyer discipline consistent with the rules of the Supreme Court;

3559 (b) over all matters properly filed in the circuit court prior to July 1, 1996;

3560 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);

3561 (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;

3562 (e) over a petition seeking to terminate parental rights as described in Section [~~78B-6-112~~]
3563 81-13-205;

3564 (f) except as provided in Subsection [~~78A-6-103(2)(a)(xiv)] 78A-6-103(2)(a)(xvi) or (xv),
3565 an adoption proceeding; and~~

3566 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4,

- 3567 Declaratory Judgments.
- 3568 (4) The district court has appellate jurisdiction over judgments and orders of the justice
3569 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
3570 with Section 78A-8-106.
- 3571 (5) The district court has jurisdiction to review:
- 3572 (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 3573 (b) a decision resulting from a formal adjudicative proceeding by the State Tax
3574 Commission as described in Section 59-1-601;
- 3575 (c) except as provided in Section 63G-4-402, a final agency action resulting from an
3576 informal adjudicative proceeding as described in Title 63G, Chapter 4,
3577 Administrative Procedures Act; and
- 3578 (d) by trial de novo, a final order of the Department of Transportation resulting from
3579 formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,
3580 Junkyard Control Act.
- 3581 (6) The district court has original and exclusive jurisdiction over an action brought under
3582 Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 3583 (7) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a
3584 class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
3585 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 3586 (a) there is no justice court with territorial jurisdiction;
- 3587 (b) the offense occurred within the boundaries of the municipality in which the district
3588 courthouse is located and that municipality has not formed, or has formed and
3589 dissolved, a justice court; or
- 3590 (c) the offense is included in an indictment or information covering a single criminal
3591 episode alleging the commission of a felony or a class A misdemeanor by an
3592 individual who is 18 years old or older.
- 3593 (8) If a district court has jurisdiction in accordance with Subsection (4), (7)(a), or (7)(b), the
3594 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if
3595 the offense is committed by an individual who is 16 or 17 years old.
- 3596 (9) The district court has subject matter jurisdiction over an action under Title 78B, Chapter
3597 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the district
3598 court.
- 3599 (10)(a) The district court has subject matter jurisdiction over a criminal action that the
3600 justice court transfers to the district court.

3601 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction
 3602 over any refiled case of a criminal action transferred to the district court if the district
 3603 court dismissed the transferred case without prejudice.

3604 (11) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)
 3605 over a parentage action filed in the district court, the district court may transfer
 3606 jurisdiction over the parentage action to the juvenile court.

3607 [~~(11)~~] (12) The Supreme Court and Court of Appeals have jurisdiction over an appeal from
 3608 a final order, judgment, and decree of the district court as described in Sections
 3609 78A-3-102 and 78A-4-103.

3610 Section 41. Section **78A-5a-103** is amended to read:

3611 **78A-5a-103 . Concurrent jurisdiction of the Business and Chancery Court --**
 3612 **Exceptions.**

3613 (1) The Business and Chancery Court has jurisdiction, concurrent with the district court,
 3614 over an action:

3615 (a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief; and

3616 (b)(i) with a claim arising from:

3617 (A) a breach of a contract;

3618 (B) a breach of a fiduciary duty;

3619 (C) a dispute over the internal affairs or governance of a business organization;

3620 (D) the sale, merger, or dissolution of a business organization;

3621 (E) the sale of substantially all of the assets of a business organization;

3622 (F) the receivership or liquidation of a business organization;

3623 (G) a dispute over liability or indemnity between or among owners of the same
 3624 business organization;

3625 (H) a dispute over liability or indemnity of an officer or owner of a business
 3626 organization;

3627 (I) a tortious or unlawful act committed against a business organization, including
 3628 an act of unfair competition, tortious interference, or misrepresentation or fraud;

3629 (J) a dispute between a business organization and an insurer regarding a
 3630 commercial insurance policy;

3631 (K) a contract or transaction governed by Title 70A, Uniform Commercial Code;

3632 (L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform
 3633 Trade Secrets Act;

3634 (M) the misappropriation of intellectual property;

- 3635 (N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or
 3636 confidentiality agreement, regardless of whether the agreement is oral or
 3637 written;
- 3638 (O) a relationship between a franchisor and a franchisee;
- 3639 (P) the purchase or sale of a security or an allegation of security fraud;
- 3640 (Q) a dispute over a blockchain, blockchain technology, or a decentralized
 3641 autonomous organization;
- 3642 (R) a violation of Title 76, Chapter 10, Part 31, Utah Antitrust Act; or
- 3643 (S) a contract with a forum selection clause for a chancery, business, or
 3644 commercial court of this state or any other state;
- 3645 (ii) with a malpractice claim concerning services that a professional provided to a
 3646 business organization;
- 3647 (iii) that is a shareholder derivative action; or
- 3648 (iv) seeking a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
 3649 Declaratory Judgments.
- 3650 (2) Except as provided in Subsection (3), the Business and Chancery Court may exercise
 3651 supplemental jurisdiction over any claim in an action that is within the jurisdiction of the
 3652 Business and Chancery Court under Subsection (1) if the claim arises from the same set
 3653 of facts or circumstances as the action.
- 3654 (3) The Business and Chancery Court may not exercise supplemental jurisdiction over:
- 3655 (a) any claim arising from:
- 3656 (i) a consumer contract;
- 3657 (ii) a personal injury, including a personal injury relating to or arising out of health
 3658 care rendered or which should have been rendered by the health care provider;
- 3659 (iii) a violation of Title 13, Chapter 7, Civil Rights;
- 3660 (iv) Title 20A, Election Code;
- 3661 (v) Title 63G, Chapter 4, Administrative Procedures Act;
- 3662 [~~(vi)~~ Title 78B, Chapter 6, Part 1, Utah Adoption Act;]
- 3663 [~~(vii)~~ (vi) Title 78B, Chapter 6, Part 5, Eminent Domain;
- 3664 [~~(viii)~~ (vii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, unless the claim
 3665 is brought against a commercial tenant;
- 3666 [~~(ix)~~ (viii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions; and
- 3667 [~~(x)~~ Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
 3668 Enforcement Act;]

- 3669 [~~(xi) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;~~]
- 3670 [~~(xii) Title 78B, Chapter 15, Utah Uniform Parentage Act;~~]
- 3671 [~~(xiii) Title 78B, Chapter 16, Utah Uniform Child Abduction Prevention Act;~~]
- 3672 [~~(xiv) Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and~~
- 3673 ~~Visitation Act;~~]
- 3674 [~~(xv)] (ix) Title 81, Utah Domestic Relations Code; [or]~~
- 3675 (b) any action in which a governmental entity is a party; or
- 3676 (c) any criminal matter, unless the criminal matter is an act or omission of contempt that
- 3677 occurs in an action before the Business and Chancery Court.
- 3678 (4) Notwithstanding Subsection (3), the Business and Chancery Court may exercise
- 3679 supplemental jurisdiction over a claim that is barred under Subsection (3):
- 3680 (a) if the claim is a compulsory counterclaim;
- 3681 (b) if there would be a material risk of inconsistent outcomes if the claim were tried in a
- 3682 separate action; or
- 3683 (c) solely to resolve a request for a provisional remedy related to the claim before the
- 3684 Business and Chancery Court transfers the claim as described in Subsection (5).
- 3685 (5) If an action contains a claim for which the Business and Chancery Court may not
- 3686 exercise supplemental jurisdiction under this section, the Business and Chancery Court
- 3687 shall bifurcate the action and transfer any claim for which the Business and Chancery
- 3688 Court does not have jurisdiction to a court with jurisdiction under Title 78A, Judiciary
- 3689 and Judicial Administration.
- 3690 (6) Before the Business and Chancery Court transfers a claim as described in Subsection
- 3691 (5), the Business and Chancery Court may resolve:
- 3692 (a) all claims for which the Business and Chancery Court has jurisdiction; and
- 3693 (b) any request for a provisional remedy related to a claim that is being transferred.
- 3694 Section 42. Section **78A-6-103** is amended to read:
- 3695 **78A-6-103 . Original jurisdiction of the juvenile court -- Magistrate functions --**
- 3696 **Findings -- Transfer of a case from another court.**
- 3697 (1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:
- 3698 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
- 3699 state, or federal law, that was committed by a child;
- 3700 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
- 3701 state, or federal law, that was committed by an individual:
- 3702 (i) who is under 21 years old at the time of all court proceedings; and

- 3703 (ii) who was under 18 years old at the time the offense was committed; and
3704 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law,
3705 that was committed:
3706 (i) by an individual:
3707 (A) who was 18 years old and enrolled in high school at the time of the offense;
3708 and
3709 (B) who is under 21 years old at the time of all court proceedings; and
3710 (ii) on school property where the individual was enrolled:
3711 (A) when school was in session; or
3712 (B) during a school-sponsored activity, as defined in Section 53G-8-211.
- 3713 (2) The juvenile court has original jurisdiction over:
3714 (a) any proceeding concerning:
3715 (i) a child who is an abused child, neglected child, or dependent child;
3716 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
3717 Child Protective Orders;
3718 (iii) the appointment of a guardian of the individual or other guardian of a minor who
3719 comes within the court's jurisdiction under other provisions of this section;
3720 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
3721 Emancipation;
3722 (v) the termination of parental rights in accordance with Title 80, Chapter 4,
3723 Termination and Restoration of Parental Rights, including termination of residual
3724 parental rights and duties;
3725 (vi) the treatment or commitment of a minor who has an intellectual disability;
3726 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
3727 accordance with Section 81-2-304;
3728 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
3729 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
3730 (x) the treatment or commitment of a child with a mental illness;
3731 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
3732 Section 26B-5-204;
3733 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
3734 Part 4, Competency;
3735 (xiii) de novo review of final agency actions resulting from an informal adjudicative
3736 proceeding as provided in Section 63G-4-402;

- 3737 (xiv) [~~adoptions conducted in accordance with the procedures described in Title 78B;~~
 3738 ~~Chapter 6, Part 1, Utah Adoption Act,~~] an adoption of a child under Title 81,
 3739 Chapter 13, Adoption, if the juvenile court has previously entered an order
 3740 terminating the rights of a parent and finds that adoption is in the best interest of
 3741 the child;
- 3742 (xv) an adoption of an adult if the adoption arises from a case where the juvenile
 3743 court has continuing jurisdiction over the adult;
- 3744 [~~(xv)~~] (xvi) an ungovernable or runaway child who is referred to the juvenile court by
 3745 the Division of Juvenile Justice and Youth Services if, despite earnest and
 3746 persistent efforts by the Division of Juvenile Justice and Youth Services, the child
 3747 has demonstrated that the child:
- 3748 (A) is beyond the control of the child's parent, guardian, or custodian to the extent
 3749 that the child's behavior or condition endangers the child's own welfare or the
 3750 welfare of others; or
- 3751 (B) has run away from home; and
- 3752 [~~(xvi)~~] (xvii) a criminal information filed under Part 4a, Adult Criminal Proceedings,
 3753 for an adult alleged to have committed an offense under Subsection 78A-6-352
 3754 (4)(b) for failure to comply with a promise to appear and bring a child to the
 3755 juvenile court;
- 3756 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
 3757 Expungement;
- 3758 (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- 3759 (d) a petition for special findings under Section 80-3-305; and
- 3760 (e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211.
- 3761 (3) The juvenile court does not have original jurisdiction over an offense committed by a
 3762 minor as described in Subsection (1) if:
- 3763 (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;
- 3764 (b) the district court has original jurisdiction over the offense under Subsection
 3765 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense
 3766 under Section 78A-6-103.5; or
- 3767 (c) the justice court has original jurisdiction over the offense under Subsection
 3768 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense
 3769 under Section 78A-6-103.5.
- 3770 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law

3771 under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection [
3772 ~~(2)(a)(xvi)~~] (2)(a)(xvii), (b), or (c).

3773 (5) This section does not restrict the right of access to the juvenile court by private agencies
3774 or other persons.

3775 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising
3776 under [~~Title 80, Chapter 6, Part 5, Transfer to District Court~~] Title 80, Chapter 6, Part 5,
3777 Minor Tried as an Adult.

3778 (7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated,
3779 or without merit, in accordance with Section 80-3-404.

3780 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by
3781 another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.

3782 (9) The juvenile court has jurisdiction to enforce foreign protection orders as described in
3783 Subsection 78B-7-303(8).

3784 Section 43. Section **78A-6-104** is amended to read:

3785 **78A-6-104 . Concurrent jurisdiction of the juvenile court -- Transfer of a**
3786 **protective order.**

3787 (1)(a) The juvenile court has jurisdiction, concurrent with the district court:

3788 (i) to establish [~~paternity~~] parentage, or to order testing for purposes of establishing [
3789 ~~paternity~~] parentage, for a child in accordance with [~~Title 78B, Chapter 15, Utah~~
3790 ~~Uniform Parentage Act~~] Title 81, Chapter 5, Uniform Parentage Act, when a
3791 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency
3792 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental
3793 Rights, that involves the child;

3794 (ii) over a petition to modify a minor's birth certificate if the juvenile court has
3795 jurisdiction over the minor's case under Section 78A-6-103; and

3796 (iii) over questions of custody, support, and parent-time of a minor if the juvenile
3797 court has jurisdiction over the minor's case under Section 78A-6-103.

3798 (b) If the juvenile court obtains jurisdiction over a [~~paternity~~] parentage action under
3799 Subsection (1)(a)(i), the juvenile court may:

3800 (i) retain jurisdiction over the [~~paternity~~] parentage action until [~~paternity~~] parentage of
3801 the child is adjudicated; or

3802 (ii) transfer jurisdiction over the [~~paternity~~] parentage action to the district court.

3803 (2)(a) The juvenile court has jurisdiction, concurrent with the district court or the justice
3804 court otherwise having jurisdiction, over a criminal information filed under Part 4a,

- 3805 Adult Criminal Proceedings, for an adult alleged to have committed:
- 3806 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to
3807 a minor;
- 3808 (ii) an offense under Section 53G-6-202, failure to comply with compulsory
3809 education requirements;
- 3810 (iii) an offense under Section 80-2-609, failure to report;
- 3811 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;
- 3812 (v) an offense under Section 76-4-206, contributing to the delinquency of a minor; or
3813 (vi) an offense under Section 80-5-601, harboring a runaway.
- 3814 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the law
3815 under Section 80-6-701 for the juvenile court to exercise jurisdiction under
3816 Subsection (2)(a).
- 3817 (3)(a) When a support, custody, or parent-time award has been made by a district court
3818 in a divorce action or other proceeding, and the jurisdiction of the district court in the
3819 case is continuing, the juvenile court may acquire jurisdiction in a case involving the
3820 same child if the child comes within the jurisdiction of the juvenile court under
3821 Section 78A-6-103.
- 3822 (b)(i) The juvenile court may, by order, change the custody subject to Subsection [
3823 ~~81-9-204(5)~~] 81-9-204(4), support, parent-time, and visitation rights previously
3824 ordered in the district court as necessary to implement the order of the juvenile
3825 court for the safety and welfare of the child.
- 3826 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so
3827 long as the juvenile court continues to exercise jurisdiction.
- 3828 (c) If a copy of the findings and order of the juvenile court under this Subsection (3) are
3829 filed with the district court, the findings and order of the juvenile court are binding on
3830 the parties to the divorce action as though entered in the district court.
- 3831 (4) This section does not deprive the district court of jurisdiction to:
- 3832 (a) appoint a guardian for a child;
- 3833 (b) determine the support, custody, and parent-time of a child upon writ of habeas
3834 corpus; or
- 3835 (c) determine a question of support, custody, and parent-time that is incidental to the
3836 determination of an action in the district court.
- 3837 (5) A juvenile court may transfer a petition for a protective order for a child to the district
3838 court if the juvenile court has entered an ex parte protective order and finds that:

- 3839 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step
 3840 parent of the child who is the object of the petition;
- 3841 (b) the district court has a petition pending or an order related to custody or parent-time
 3842 entered under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, [
 3843 ~~Title 78B, Chapter 15, Utah Uniform Parentage Act, or~~] Title 81, Chapter 4, Part 4,
 3844 Divorce, or Title 81, Chapter 5, Uniform Parentage Act, in which the petitioner and
 3845 the respondent are parties; and
- 3846 (c) the best interests of the child will be better served in the district court.

3847 Section 44. Section **78A-6-356** is amended to read:

3848 **78A-6-356 . Child support obligation when custody of a child is vested in an**
 3849 **individual or institution.**

3850 (1) As used in this section:

- 3851 (a) "Office" means the Office of Recovery Services.
- 3852 (b) "State custody" means that a child is in the custody of a state department, division, or
 3853 agency, including secure care.

3854 (2) Under this section, a juvenile court may not issue a child support order against an
 3855 individual unless:

- 3856 (a) the individual is served with notice that specifies the date and time of a hearing to
 3857 determine the financial support of a specified child;
- 3858 (b) the individual makes a voluntary appearance; or
- 3859 (c) the individual submits a waiver of service.

3860 (3) Except as provided in Subsection (11), when a juvenile court places a child in state
 3861 custody or if the guardianship of the child has been granted to another party and an
 3862 agreement for a guardianship subsidy has been signed by the guardian, the juvenile court:

- 3863 (a) shall order the child's parent, guardian, or other obligated individual to pay child
 3864 support for each month the child is in state custody or cared for under a grant of
 3865 guardianship;
- 3866 (b) shall inform the child's parent, guardian, or other obligated individual, verbally and
 3867 in writing, of the requirement to pay child support in accordance with Title 81,
 3868 Chapter 6, Child Support, and Title 81, Chapter 7, Payment and Enforcement of
 3869 Spousal and Child Support; and
- 3870 (c) may refer the establishment of a child support order to the office.

3871 (4) When a juvenile court chooses to refer a case to the office to determine support
 3872 obligation amounts in accordance with Title 81, Chapter 6, Child Support, the juvenile

- 3873 court shall:
- 3874 (a) make the referral within three working days after the day on which the juvenile court
3875 holds the hearing described in Subsection (2)(a); and
- 3876 (b) inform the child's parent, guardian, or other obligated individual of:
- 3877 (i) the requirement to contact the office within 30 days after the day on which the
3878 juvenile court holds the hearing described in Subsection (2)(a); and
- 3879 (ii) the penalty described in Subsection (6) for failure to contact the office.
- 3880 (5) Liability for child support ordered under Subsection (3) shall accrue:
- 3881 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which
3882 the juvenile court holds the hearing described in Subsection (2)(a) if there is no
3883 existing child support order for the child; or
- 3884 (b) beginning on the day the child is removed from the child's home, including time
3885 spent in detention or sheltered care, if the child is removed after having been returned
3886 to the child's home from state custody.
- 3887 (6)(a) If the child's parent, guardian, or other obligated individual contacts the office
3888 within 30 days after the day on which the court holds the hearing described in
3889 Subsection (2)(a), the child support order may not include a judgment for past due
3890 support for more than two months.
- 3891 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the liability
3892 of support to begin to accrue from the date of the proceeding referenced in
3893 Subsection (3) if:
- 3894 (i) the court informs the child's parent, guardian, or other obligated individual, as
3895 described in Subsection (4)(b), and the parent, guardian, or other obligated
3896 individual fails to contact the office within 30 days after the day on which the
3897 court holds the hearing described in Subsection (2)(a); and
- 3898 (ii) the office took reasonable steps under the circumstances to contact the child's
3899 parent, guardian, or other obligated individual within 30 days after the last day on
3900 which the parent, guardian, or other obligated individual was required to contact
3901 the office to facilitate the establishment of a child support order.
- 3902 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken reasonable
3903 steps if the office:
- 3904 (i) has a signed, returned receipt for a certified letter mailed to the address of the
3905 child's parent, guardian, or other obligated individual regarding the requirement
3906 that a child support order be established; or

- 3907 (ii) has had a documented conversation, whether by telephone or in person, with the
3908 child's parent, guardian, or other obligated individual regarding the requirement
3909 that a child support order be established.
- 3910 (7) In collecting arrears, the office shall comply with Section 26B-9-219 in setting a
3911 payment schedule or demanding payment in full.
- 3912 (8)(a) Unless a court orders otherwise, the child's parent, guardian, or other obligated
3913 individual shall pay the child support to the office.
- 3914 (b) The clerk of the juvenile court, the office, or the department and the department's
3915 divisions shall have authority to receive periodic payments for the care and
3916 maintenance of the child, such as social security payments or railroad retirement
3917 payments made in the name of or for the benefit of the child.
- 3918 (9) An existing child support order payable to a parent or other individual shall be assigned
3919 to the department as provided in Section 26B-9-111.
- 3920 (10)(a) Subsections (4) through (9) do not apply if legal custody of a child is vested by
3921 the juvenile court in an individual.
- 3922 (b)(i) If legal custody of a child is vested by the juvenile court in an individual, the
3923 court may order the child's parent, guardian, or other obligated individual to pay
3924 child support to the individual in whom custody is vested.
- 3925 (ii) In the same proceeding, the juvenile court shall inform the child's parent,
3926 guardian, or other obligated individual, verbally and in writing, of the requirement
3927 to pay child support in accordance with Title 81, Chapter 6, Child Support, and
3928 Title 81, Chapter 7, Payment and Enforcement of Spousal and Child Support.
- 3929 (11) The juvenile court may not order an individual to pay child support for a child in state
3930 custody if:
- 3931 (a) the individual's only form of income is a government-issued disability benefit;
3932 (b) the benefit described in Subsection (11)(a) is issued because of the individual's
3933 disability, and not the child's disability; and
3934 (c) the individual provides the juvenile court and the office evidence that the individual
3935 meets the requirements of Subsections (11)(a) and (b).
- 3936 (12)(a) The child's parent or another obligated individual is not responsible for child
3937 support for the period of time that the child is removed from the child's home by the
3938 Division of Child and Family Services if:
- 3939 (i) the juvenile court finds that there were insufficient grounds for the removal of the
3940 child; and

- 3941 (ii) the child is returned to the home of the child's parent or guardian based on the
 3942 finding described in Subsection (12)(a)(i).
- 3943 (b) If the juvenile court finds insufficient grounds for the removal of the child under
 3944 Subsection (12)(a), but that the child is to remain in state custody, the juvenile court
 3945 shall order that the child's parent or another obligated individual is responsible for
 3946 child support beginning on the day on which it became improper to return the child to
 3947 the home of the child's parent or guardian.
- 3948 (13) After the juvenile court or the office establishes an individual's child support obligation
 3949 ordered under Subsection (3), the office shall waive the obligation without further order
 3950 of the juvenile court if:
- 3951 (a) the individual's child support obligation is established in accordance with a low
 3952 income table described in Title 81, Chapter 6, Part 3, Child Support Tables; or
 3953 (b) the individual's only source of income is a means-tested, income replacement
 3954 payment of aid, including:
- 3955 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment
 3956 Program; or
 3957 (ii) cash benefits received under General Assistance, social security income, or social
 3958 security disability income.

3959 Section 45. Section **78A-6-358** is amended to read:

3960 **78A-6-358 . Period of effect for a judgment, decree, or order by a juvenile court.**

- 3961 (1) A judgment, order, or decree of the juvenile court is no longer in effect after a minor is
 3962 21 years old, except:
- 3963 (a) for an order of commitment to the Utah State Developmental Center or to the
 3964 custody of the Division of Substance Abuse and Mental Health;
- 3965 (b) for an adoption under Subsection 78A-6-103(2)(a)(xiv) or (xv);
- 3966 (c) for an order permanently terminating the rights of a parent, guardian, or custodian
 3967 under Title 80, Chapter 4, Termination and Restoration of Parental Rights;
- 3968 (d) for a permanent order of custody and guardianship under Subsection 80-3-405(2)(d);
- 3969 (e) an order establishing [~~paternity~~] parentage under Subsection 78A-6-104(1)(a)(i); and
- 3970 (f) as provided in Subsection (2).
- 3971 (2) If the juvenile court enters a judgment or order for a minor for whom the juvenile court
 3972 has extended continuing jurisdiction over the minor's case until the minor is 25 years old
 3973 under Section 80-6-605, the juvenile court's judgment or order is no longer in effect after
 3974 the minor is 25 years old.

3975 Section 46. Section **78A-6-359** is amended to read:

3976 **78A-6-359 . Appeals.**

3977 (1) An appeal to the Court of Appeals may be taken from any order, decree, or judgment of
3978 the juvenile court.

3979 (2)(a) An appeal of right from an order, decree, or judgment by a juvenile court related
3980 to a proceeding under [~~Title 78B, Chapter 6, Part 1, Utah Adoption Act,~~] Title 80,
3981 Chapter 3, Abuse, Neglect, and Dependency Proceedings, [~~and~~] Title 80, Chapter 4,
3982 Termination and Restoration of Parental Rights, and Title 81, Chapter 13, Adoption,
3983 shall be filed within 15 days after the day on which the juvenile court enters the
3984 order, decree, or judgment.

3985 (b) A notice of appeal must be signed by appellant's counsel, if any, and by appellant,
3986 unless the appellant is a child or state agency.

3987 (c) If an appellant fails to timely sign a notice of appeal, the appeal shall be dismissed.

3988 (3) An order for a disposition from the juvenile court shall include the following
3989 information:

3990 (a) notice that the right to appeal described in Subsection (2)(a) is time sensitive and
3991 must be taken within 15 days after the day on which the juvenile court enters the
3992 order, decree, or judgment appealed from;

3993 (b) the right to appeal within the specified time limits;

3994 (c) the need for the signature of the parties on a notice of appeal in an appeal described
3995 in Subsection (2)(a); and

3996 (d) the need for each party to maintain regular contact with the [~~the~~] party's counsel and
3997 to keep the party's counsel informed of the party's whereabouts.

3998 (4) If a party is not present in the courtroom, the juvenile court shall provide a statement
3999 containing the information provided in Subsection (3) to the party at the party's last
4000 known address.

4001 (5) The juvenile court shall inform each party's counsel at the conclusion of the proceedings
4002 that, if an appeal is filed, appellate counsel must represent the party throughout the
4003 appellate process unless appellate counsel is not appointed under the Utah Rules of
4004 Appellate Procedure, Rule 55.

4005 (6) During the pendency of an appeal under Subsection (2)(a), a party shall maintain regular
4006 contact with the party's appellate counsel, if any, and keep the party's appellate counsel
4007 informed of the party's whereabouts.

4008 (7)(a) In all other appeals of right, the appeal shall be taken within 30 days after the day

- 4009 on which the juvenile court enters the order, decree, or judgment.
- 4010 (b) A notice of appeal under Subsection (7)(a) must be signed by appellant's counsel, if
- 4011 any, or by appellant.
- 4012 (8) The attorney general shall represent the state in all appeals under this chapter and Title
- 4013 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Title 80, Chapter 4,
- 4014 Termination and Restoration of Parental Rights, and Title 80, Chapter 6, Juvenile Justice.
- 4015 (9) Unless the juvenile court stays the juvenile court's order, the pendency of an appeal does
- 4016 not stay the order or decree appealed from in a minor's case, unless otherwise ordered by
- 4017 the Court of Appeals, if suitable provision for the care and custody of the minor
- 4018 involved is made pending the appeal.
- 4019 (10) Access to the record on appeal is governed by Title 63G, Chapter 2, Government
- 4020 Records Access and Management Act.
- 4021 Section 47. Section **78B-3-205** is amended to read:
- 4022 **78B-3-205 . Acts submitting person to jurisdiction.**
- 4023 Notwithstanding Section 16-10a-1501, any person or personal representative of the
- 4024 person, whether or not a citizen or resident of this state, who, in person or through an agent,
- 4025 does any of the following enumerated acts is subject to the jurisdiction of the courts of this
- 4026 state as to any claim arising out of or related to:
- 4027 (1) the transaction of any business within this state;
- 4028 (2) contracting to supply services or goods in this state;
- 4029 (3) the causing of any injury within this state whether tortious or by breach of warranty;
- 4030 (4) the ownership, use, or possession of any real estate situated in this state;
- 4031 (5) contracting to insure any person, property, or risk located within this state at the time of
- 4032 contracting;
- 4033 (6) with respect to actions of divorce, separate maintenance, or child support, having
- 4034 resided, in the marital relationship, within this state notwithstanding subsequent
- 4035 departure from the state; or the commission in this state of the act giving rise to the
- 4036 claim, so long as that act is not a mere omission, failure to act, or occurrence over which
- 4037 the defendant had no control; or
- 4038 (7) the commission of sexual intercourse within this state which gives rise to a [paternity
- 4039 suit under Title 78B, Chapter 15, Utah Uniform Parentage Act] parentage action under
- 4040 Title 81, Chapter 5, Uniform Parentage Act, to determine [paternity] parentage for the
- 4041 purpose of establishing responsibility for child support.
- 4042 Section 48. Section **78B-3-416** is amended to read:

4043 **78B-3-416 . Division to provide panel -- Exemption -- Procedures -- Statute of**
 4044 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**
 4045 **fees.**

- 4046 (1)(a) The division shall provide a hearing panel in alleged medical liability cases
 4047 against health care providers as defined in Section 78B-3-403, except dentists or
 4048 dental care providers.
- 4049 (b)(i) The division shall establish procedures for prelitigation consideration of
 4050 medical liability claims for damages arising out of the provision of or alleged
 4051 failure to provide health care.
- 4052 (ii) The division may establish rules necessary to administer the process and
 4053 procedures related to prelitigation hearings and the conduct of prelitigation
 4054 hearings in accordance with Sections 78B-3-416 through 78B-3-420.
- 4055 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter
 4056 4, Administrative Procedures Act, but are compulsory as a condition precedent to
 4057 commencing litigation.
- 4058 (d) Proceedings conducted under authority of this section are confidential, privileged,
 4059 and immune from civil process.
- 4060 (e) The division may not provide more than one hearing panel for each alleged medical
 4061 liability case against a health care provider.
- 4062 (2)(a) The party initiating a medical liability action shall file a request for prelitigation
 4063 panel review with the division within 60 days after the service of a statutory notice of
 4064 intent to commence action under Section 78B-3-412.
- 4065 (b) The request shall include a copy of the notice of intent to commence action. The
 4066 request shall be mailed to all health care providers named in the notice and request.
- 4067 (3)(a) As used in this Subsection (3):
- 4068 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
 4069 provide psychotherapeutic treatment to an individual, a couple, or a family in a
 4070 domestic case.
- 4071 (ii) "Domestic case" means a proceeding under:
- 4072 (A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
 4073 [~~(B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
 4074 ~~Enforcement Act;~~]
 4075 [~~(C) Title 78B, Chapter 15, Utah Uniform Parentage Act;~~
 4076 [~~(D)~~] (B) Title 81, Chapter 4, Dissolution of Marriage; [or]

- 4077 (C) Title 81, Chapter 5, Uniform Parentage Act;
 4078 ~~[(E)]~~ (D) Title 81, Chapter 9, Custody, Parent-time, and Visitation[-] ; or
 4079 (E) Title 81, Chapter 11, Uniform Child Custody Jurisdiction and Enforcement
 4080 Act.
- 4081 (iii) "Mental health therapist" means the same as that term is defined in Section
 4082 58-60-102.
- 4083 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
 4084 domestic case may not file a request for a prelitigation panel review for a malpractice
 4085 action against the court-appointed therapist during the pendency of the domestic case,
 4086 unless:
- 4087 (i) the party has requested that the court release the court-appointed therapist from
 4088 appointment; and
- 4089 (ii) the court finds good cause to release the court-appointed therapist from the
 4090 appointment.
- 4091 (c) If a party is prohibited from filing a request for a prelitigation panel review under
 4092 Subsection (3)(b), the applicable statute of limitations tolls until the earlier of:
- 4093 (i) the court releasing the court-appointed therapist from appointment as described in
 4094 Subsection (3)(b); or
- 4095 (ii) the court entering a final order in the domestic case.
- 4096 (4)(a) The filing of a request for prelitigation panel review under this section tolls the
 4097 applicable statute of limitations until the later of:
- 4098 (i) 60 days following the division's issuance of:
- 4099 (A) an opinion by the prelitigation panel; or
- 4100 (B) a certificate of compliance under Section 78B-3-418; or
- 4101 (ii) the expiration of the time for holding a hearing under Subsection (4)(b)(ii).
- 4102 (b) The division shall:
- 4103 (i) send any opinion issued by the panel to all parties by regular mail; and
- 4104 (ii) complete a prelitigation hearing under this section within:
- 4105 (A) 180 days after the filing of the request for prelitigation panel review; or
- 4106 (B) any longer period as agreed upon in writing by all parties to the review.
- 4107 (c) If the prelitigation hearing has not been completed within the time limits established
 4108 in Subsection (4)(b)(ii), the claimant shall:
- 4109 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or
- 4110 (ii) file an affidavit with the division within 180 days of the request for pre-litigation

- 4111 review, in accordance with Subsection (4)(d), alleging that the respondent has
4112 failed to reasonably cooperate in scheduling the hearing.
- 4113 (d) If the claimant files an affidavit under Subsection (4)(c)(ii):
- 4114 (i) within 15 days of the filing of the affidavit under Subsection (4)(c)(ii), the division
4115 shall determine whether either the respondent or the claimant failed to reasonably
4116 cooperate in the scheduling of a pre-litigation hearing; and
- 4117 (ii)(A) if the determination is that the respondent failed to reasonably cooperate in
4118 the scheduling of a hearing, and the claimant did not fail to reasonably
4119 cooperate, the division shall, issue a certificate of compliance for the claimant
4120 in accordance with Section 78B-3-418; or
- 4121 (B) if the division makes a determination other than the determination in
4122 Subsection (4)(d)(ii)(A), the claimant shall file an affidavit of merit in
4123 accordance with Section 78B-3-423, within 30 days of the determination of the
4124 division under this Subsection (4).
- 4125 (e)(i) The claimant and any respondent may agree by written stipulation that no
4126 useful purpose would be served by convening a prelitigation panel under this
4127 section.
- 4128 (ii) When the stipulation is filed with the division, the division shall within 10 days
4129 after receipt issue a certificate of compliance under Section 78B-3-418, as it
4130 concerns the stipulating respondent, and stating that the claimant has complied
4131 with all conditions precedent to the commencement of litigation regarding the
4132 claim.
- 4133 (5) The division shall provide for and appoint an appropriate panel or panels to hear
4134 complaints of medical liability and damages, made by or on behalf of any patient who is
4135 an alleged victim of medical liability. The panels are composed of:
- 4136 (a) one member who is a resident lawyer currently licensed and in good standing to
4137 practice law in this state and who shall serve as chairman of the panel, who is
4138 appointed by the division from among qualified individuals who have registered with
4139 the division indicating a willingness to serve as panel members, and a willingness to
4140 comply with the rules of professional conduct governing lawyers in the state, and
4141 who has completed division training regarding conduct of panel hearings;
- 4142 (b)(i) one or more members who are licensed health care providers listed under
4143 Section 78B-3-403, who are practicing and knowledgeable in the same specialty
4144 as the proposed defendant, and who are appointed by the division in accordance

- 4145 with Subsection (6); or
- 4146 (ii) in claims against only a health care facility or the facility's employees, one
- 4147 member who is an individual currently serving in a health care facility
- 4148 administration position directly related to health care facility operations or
- 4149 conduct that includes responsibility for the area of practice that is the subject of
- 4150 the liability claim, and who is appointed by the division; and
- 4151 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care
- 4152 provider, and who is a responsible citizen of the state, selected and appointed by the
- 4153 division from among individuals who have completed division training with respect
- 4154 to panel hearings.
- 4155 (6)(a) Each person listed as a health care provider in Section 78B-3-403 and practicing
- 4156 under a license issued by the state, is obligated as a condition of holding that license
- 4157 to participate as a member of a medical liability prelitigation panel at reasonable
- 4158 times, places, and intervals, upon issuance, with advance notice given in a reasonable
- 4159 time frame, by the division of an Order to Participate as a Medical Liability
- 4160 Prelitigation Panel Member.
- 4161 (b) A licensee may be excused from appearance and participation as a panel member
- 4162 upon the division finding participation by the licensee will create an unreasonable
- 4163 burden or hardship upon the licensee.
- 4164 (c) A licensee whom the division finds failed to appear and participate as a panel
- 4165 member when so ordered, without adequate explanation or justification and without
- 4166 being excused for cause by the division, may be assessed an administrative fine not to
- 4167 exceed \$5,000.
- 4168 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and
- 4169 participate as a panel member when so ordered, without adequate explanation or
- 4170 justification and without being excused for cause by the division, may be assessed an
- 4171 administrative fine not to exceed \$5,000, and is guilty of unprofessional conduct.
- 4172 (e) All fines collected under Subsections (6)(c) and (d) shall be deposited into the
- 4173 Physicians Education Fund created in Section 58-67a-1.
- 4174 (f) The director of the division may collect a fine that is not paid by:
- 4175 (i) referring the matter to a collection agency; or
- 4176 (ii) bringing an action in the district court of the county where the person against
- 4177 whom the penalty is imposed resides or in the county where the office of the
- 4178 director is located.

- 4179 (g) A county attorney or the attorney general of the state shall provide legal assistance
4180 and advice to the director in an action to collect a fine.
- 4181 (h) A court shall award reasonable attorney fees and costs to the prevailing party in an
4182 action brought by the division to collect a fine.
- 4183 (7) Each person selected as a panel member shall certify, under oath, that [he] person has no
4184 bias or conflict of interest with respect to any matter under consideration.
- 4185 (8) A member of the prelitigation hearing panel may not receive compensation or benefits
4186 for the member's service, but may receive per diem and travel expenses in accordance
4187 with:
- 4188 (a) Section 63A-3-106;
4189 (b) Section 63A-3-107; and
4190 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4191 63A-3-107.
- 4192 (9)(a) In addition to the actual cost of administering the licensure of health care
4193 providers, the division may set license fees of health care providers within the limits
4194 established by law equal to their proportionate costs of administering prelitigation
4195 panels.
- 4196 (b) The claimant bears none of the costs of administering the prelitigation panel except
4197 under Section 78B-3-420.
- 4198 Section 49. Section **78B-22-201** is amended to read:
4199 **78B-22-201 . Right to counsel.**
- 4200 (1) A court shall advise the following of the individual's right to counsel no later than the
4201 individual's first court appearance:
- 4202 (a) an adult charged with a criminal offense the penalty for which includes the
4203 possibility of incarceration regardless of whether actually imposed;
- 4204 (b) a parent or legal guardian facing an action initiated by the state under:
- 4205 (i) Title 78A, Chapter 6, Part 4a, Adult Criminal Proceedings;
- 4206 (ii) Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings; or
4207 (iii) Title 80, Chapter 4, Termination and Restoration of Parental Rights;
- 4208 (c) a parent or legal guardian facing an action initiated by any party under:
- 4209 (i) Section [~~78B-6-112~~] 81-13-205; or
4210 (ii) Title 80, Chapter 4, Termination and Restoration of Parental Rights; or
4211 (d) an individual described in this Subsection (1), who is appealing a conviction or other
4212 final court action.

4213 (2) If an individual described in Subsection (1) does not knowingly and voluntarily waive
 4214 the right to counsel, the court shall determine whether the individual is indigent under
 4215 Section 78B-22-202.

4216 Section 50. Section **78B-22-901** is amended to read:

4217 **78B-22-901 . Definitions.**

4218 As used in this part:

4219 (1)(a) "Appellate defense services" means the representation of an indigent individual:

4220 (i) described in Subsection 78B-22-201(1)(d) or who is party to an appeal under
 4221 Section 77-18a-1;

4222 (ii) in an action or on appeal for postconviction relief under Chapter 9,
 4223 Postconviction Remedies Act; or

4224 (iii) in an appeal of right from an action for the termination or restoration of parental
 4225 rights under [~~Chapter 6, Part 1, Utah Adoption Act,~~]Title 80, Chapter 3, Abuse,
 4226 Neglect, and Dependency Proceedings, [~~or~~]Title 80, Chapter 4, Termination and
 4227 Restoration of Parental Rights, or Title 81, Chapter 13, Adoption.

4228 (b) "Appellate defense services" does not include the representation of an indigent
 4229 individual:

4230 (i) facing an appeal in a case where the indigent individual was prosecuted for
 4231 aggravated murder; or

4232 (ii) in an action or appeal for postconviction relief under Chapter 9, Postconviction
 4233 Remedies Act, if the indigent individual has been sentenced to death.

4234 (2) "Division" means the Indigent Appellate Defense Division created in Section
 4235 78B-22-902.

4236 Section 51. Section **78B-22-903** is amended to read:

4237 **78B-22-903 . Powers and duties of the division.**

4238 (1) The division shall:

4239 (a) provide appellate defense services:

4240 (i) for an appeal under Section 77-18a-1, in counties of the third, fourth, fifth, and
 4241 sixth class;

4242 (ii) for an action or an appeal for postconviction relief under Chapter 9,
 4243 Postconviction Remedies Act, if the court appoints the division to represent the
 4244 indigent individual; and

4245 (iii) for an appeal of right from an action for the termination or restoration of parental
 4246 rights under [~~Chapter 6, Part 1, Utah Adoption Act,~~]Title 80, Chapter 3, Abuse,

- 4247 Neglect, and Dependency Proceedings, ~~[or]~~Title 80, Chapter 4, Termination and
 4248 Restoration of Parental Rights, or Title 81, Chapter 13, Adoption; and
- 4249 (b) provide appellate defense services in accordance with the core principles adopted by
 4250 the commission under Section 78B-22-404 and any other state and federal standards
 4251 for appellate defense services.
- 4252 (2) Upon consultation with the executive director and the commission, the division shall:
- 4253 (a) adopt a budget for the division;
- 4254 (b) adopt and publish on the commission's website:
- 4255 (i) appellate performance standards;
- 4256 (ii) case weighting standards; and
- 4257 (iii) any other relevant measures or information to assist with appellate defense
 4258 services; and
- 4259 (c) if requested by the commission, provide a report to the commission on:
- 4260 (i) the provision of appellate defense services by the division;
- 4261 (ii) the caseloads of appellate attorneys; and
- 4262 (iii) any other information relevant to appellate defense services in the state.
- 4263 (3) If the division provides appellate defense services to an indigent individual in an
 4264 indigent defense system, the division shall provide notice to the district court and the
 4265 indigent defense system that the division intends to be appointed as counsel for the
 4266 indigent individual.
- 4267 (4) The office shall assist with providing training and continual legal education on appellate
 4268 defense to indigent defense service providers in counties of the third, fourth, fifth, and
 4269 sixth class.

4270 Section 52. Section **80-1-102** is amended to read:

4271 **80-1-102 . Juvenile Code definitions.**

4272 Except as provided in Section 80-6-1103, as used in this title:

- 4273 (1)(a) "Abuse" means:
- 4274 (i)(A) nonaccidental harm of a child;
- 4275 (B) threatened harm of a child;
- 4276 (C) sexual exploitation;
- 4277 (D) sexual abuse; or
- 4278 (E) human trafficking of a child in violation of Section 76-5-308.5; or
- 4279 (ii) that a child's ~~[natural]~~parent:
- 4280 (A) intentionally, knowingly, or recklessly causes the death of another parent of

- 4281 the child;
- 4282 (B) is identified by a law enforcement agency as the primary suspect in an
4283 investigation for intentionally, knowingly, or recklessly causing the death of
4284 another parent of the child; or
- 4285 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
4286 recklessly causing the death of another parent of the child.
- 4287 (b) "Abuse" does not include:
- 4288 (i) reasonable discipline or management of a child, including withholding privileges;
4289 (ii) conduct described in Section 76-2-401; or
4290 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 4291 (A) in self-defense;
4292 (B) in defense of others;
4293 (C) to protect the child; or
4294 (D) to remove a weapon in the possession of a child for any of the reasons
4295 described in Subsections (1)(b)(iii)(A) through (C).
- 4296 (2) "Abused child" means a child who has been subjected to abuse.
- 4297 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):
- 4298 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
4299 Justice:
- 4300 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
4301 or criminal information alleging that a minor committed an offense have been
4302 proved;
4303 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
4304 or
4305 (C) a plea of no contest by minor in the juvenile court; or
- 4306 (ii) for all other proceedings under this title, a finding by the juvenile court that the
4307 facts alleged in the petition have been proved.
- 4308 (b) "Adjudication" does not include:
- 4309 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
4310 enters the minor's admission; or
4311 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 4312 (4)(a) "Adult" means an individual who is 18 years old or older.
- 4313 (b) "Adult" does not include an individual:
- 4314 (i) who is 18 years old or older; and

- 4315 (ii) who is a minor.
- 4316 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
4317 78A-2-801.
- 4318 (6) "Board" means the Board of Juvenile Court Judges.
- 4319 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
4320 years old.
- 4321 (8) "Child and family plan" means a written agreement between a child's parents or
4322 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 4323 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 4324 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 4325 (11) "Child protection team" means a team consisting of:
- 4326 (a) the child welfare caseworker assigned to the case;
- 4327 (b) if applicable, the child welfare caseworker who made the decision to remove the
4328 child;
- 4329 (c) a representative of the school or school district where the child attends school;
- 4330 (d) if applicable, the law enforcement officer who removed the child from the home;
- 4331 (e) a representative of the appropriate Children's Justice Center, if one is established
4332 within the county where the child resides;
- 4333 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
4334 with the child's circumstances;
- 4335 (g) if appropriate, a representative of law enforcement selected by the chief of police or
4336 sheriff in the city or county where the child resides; and
- 4337 (h) any other individuals determined appropriate and necessary by the team coordinator
4338 and chair.
- 4339 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 4340 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 4341 (13)(a) "Chronic neglect" means repeated or patterned neglect.
- 4342 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 4343 (14) "Clandestine laboratory operation" means the same as that term is defined in Section
4344 58-37d-3.
- 4345 (15) "Commit" or "committed" means, unless specified otherwise:
- 4346 (a) with respect to a child, to transfer legal custody; and
- 4347 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 4348 (16) "Community-based program" means a nonsecure residential or nonresidential program,

- 4349 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
4350 restrictive setting, consistent with public safety, and operated by or under contract with
4351 the Division of Juvenile Justice and Youth Services.
- 4352 (17) "Community placement" means placement of a minor in a community-based program
4353 described in Section 80-5-402.
- 4354 (18) "Correctional facility" means:
- 4355 (a) a county jail; or
4356 (b) a secure correctional facility as defined in Section 64-13-1.
- 4357 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
4358 minor's likelihood of reoffending.
- 4359 (20) "Department" means the Department of Health and Human Services created in Section
4360 26B-1-201.
- 4361 (21) "Dependent child" or "dependency" means a child who is without proper care through
4362 no fault of the child's parent, guardian, or custodian.
- 4363 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
4364 parent or a previous custodian to another person, agency, or institution.
- 4365 (23) "Detention" means home detention or secure detention.
- 4366 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
4367 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 4368 (25) "Detention risk assessment tool" means an evidence-based tool established under
4369 Section 80-5-203 that:
- 4370 (a) assesses a minor's risk of failing to appear in court or reoffending before
4371 adjudication; and
4372 (b) is designed to assist in making a determination of whether a minor shall be held in
4373 detention.
- 4374 (26) "Developmental immaturity" means incomplete development in one or more domains
4375 that manifests as a functional limitation in the minor's present ability to:
- 4376 (a) consult with counsel with a reasonable degree of rational understanding; and
4377 (b) have a rational as well as factual understanding of the proceedings.
- 4378 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,
4379 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 4380 (28) "Educational neglect" means that, after receiving a notice of compulsory education
4381 violation under Section 53G-6-202, the parent or guardian fails to make a good faith
4382 effort to ensure that the child receives an appropriate education.

- 4383 (29) "Educational series" means an evidence-based instructional series:
- 4384 (a) obtained at a substance abuse program that is approved by the Division of Integrated
4385 Healthcare in accordance with Section 26B-5-104; and
- 4386 (b) designed to prevent substance use or the onset of a mental health disorder.
- 4387 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 4388 (31) "Evidence-based" means a program or practice that has had multiple randomized
4389 control studies or a meta-analysis demonstrating that the program or practice is effective
4390 for a specific population or has been rated as effective by a standardized program
4391 evaluation tool.
- 4392 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 4393 (33) "Formal probation" means a minor is:
- 4394 (a) supervised in the community by, and reports to, a juvenile probation officer or an
4395 agency designated by the juvenile court; and
- 4396 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 4397 (34) "Group rehabilitation therapy" means psychological and social counseling of one or
4398 more individuals in the group, depending upon the recommendation of the therapist.
- 4399 (35) "Guardian" means a person appointed by a court to make decisions regarding a minor,
4400 including the authority to consent to:
- 4401 (a) marriage;
- 4402 (b) enlistment in the armed forces;
- 4403 (c) major medical, surgical, or psychiatric treatment; or
- 4404 (d) legal custody, if legal custody is not vested in another individual, agency, or
4405 institution.
- 4406 (36) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 4407 (37) "Harm" means:
- 4408 (a) physical or developmental injury or damage;
- 4409 (b) emotional damage that results in a serious impairment in the child's growth,
4410 development, behavior, or psychological functioning;
- 4411 (c) sexual abuse; or
- 4412 (d) sexual exploitation.
- 4413 (38) "Home detention" means placement of a minor:
- 4414 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent
4415 of the minor's parent, guardian, or custodian, under terms and conditions established
4416 by the Division of Juvenile Justice and Youth Services or the juvenile court; or

- 4417 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
4418 minor's home, or in a surrogate home with the consent of the minor's parent,
4419 guardian, or custodian, under terms and conditions established by the Division of
4420 Juvenile Justice and Youth Services or the juvenile court.
- 4421 (39)(a) "Incest" means engaging in sexual intercourse with an individual whom the
4422 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
4423 aunt, nephew, niece, or first cousin.
- 4424 (b) "Incest" includes:
- 4425 (i) blood relationships of the whole or half blood, regardless of whether the
4426 relationship is legally recognized;
- 4427 (ii) relationships of parent and child by adoption; and
- 4428 (iii) relationships of stepparent and stepchild while the marriage creating the
4429 relationship of a stepparent and stepchild exists.
- 4430 (40) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 4431 (41) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 4432 (42) "Indigent defense service provider" means the same as that term is defined in Section
4433 78B-22-102.
- 4434 (43) "Indigent defense services" means the same as that term is defined in Section
4435 78B-22-102.
- 4436 (44) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 4437 (45)(a) "Intake probation" means a minor is:
- 4438 (i) monitored by a juvenile probation officer; and
- 4439 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 4440 (b) "Intake probation" does not include formal probation.
- 4441 (46) "Intellectual disability" means a significant subaverage general intellectual functioning
4442 existing concurrently with deficits in adaptive behavior that constitutes a substantial
4443 limitation to the individual's ability to function in society.
- 4444 (47) "Juvenile offender" means:
- 4445 (a) a serious youth offender; or
- 4446 (b) a youth offender.
- 4447 (48) "Juvenile probation officer" means a probation officer appointed under Section
4448 78A-6-205.
- 4449 (49) "Juvenile receiving center" means a nonsecure, nonresidential program established by
4450 the Division of Juvenile Justice and Youth Services, or under contract with the Division

- 4451 of Juvenile Justice and Youth Services, that is responsible for minors taken into
4452 temporary custody under Section 80-6-201.
- 4453 (50) "Legal custody" means a relationship embodying:
- 4454 (a) the right to physical custody of the minor;
 - 4455 (b) the right and duty to protect, train, and discipline the minor;
 - 4456 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
4457 medical care;
 - 4458 (d) the right to determine where and with whom the minor shall live; and
 - 4459 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
- 4460 (51) "Licensing Information System" means the Licensing Information System maintained
4461 by the Division of Child and Family Services under Section 80-2-1002.
- 4462 (52) "Management Information System" means the Management Information System
4463 developed by the Division of Child and Family Services under Section 80-2-1001.
- 4464 (53) "Mental illness" means:
- 4465 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
4466 behavioral, or related functioning; or
 - 4467 (b) the same as that term is defined in:
 - 4468 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
4469 published by the American Psychiatric Association; or
 - 4470 (ii) the current edition of the International Statistical Classification of Diseases and
4471 Related Health Problems.
- 4472 (54) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 4473 (a) a child; or
 - 4474 (b) an individual:
 - 4475 (i)(A) who is at least 18 years old and younger than 21 years old; and
4476 (B) for whom the Division of Child and Family Services has been specifically
4477 ordered by the juvenile court to provide services because the individual was an
4478 abused, neglected, or dependent child or because the individual was
4479 adjudicated for an offense;
 - 4480 (ii)(A) who is at least 18 years old and younger than 25 years old; and
4481 (B) whose case is under the jurisdiction of the juvenile court in accordance with
4482 Subsection 78A-6-103(1)(b); or
 - 4483 (iii)(A) who is at least 18 years old and younger than 21 years old; and
4484 (B) whose case is under the jurisdiction of the juvenile court in accordance with

- 4485 Subsection 78A-6-103(1)(c).
- 4486 (55) "Mobile crisis outreach team" means the same as that term is defined in Section
4487 26B-5-101.
- 4488 (56) "Molestation" means that an individual, with the intent to arouse or gratify the sexual
4489 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
4490 or the breast of a female child, or takes indecent liberties with a child as defined in
4491 Section 76-5-401.1.
- 4492 [~~(57)(a) "Natural parent" means, except as provided in Section 80-3-302, a minor's~~
4493 ~~biological or adoptive parent.]~~
- 4494 [~~(b) "Natural parent" includes the minor's noncustodial parent.]~~
- 4495 [~~(58)~~ (57)(a) "Neglect" means action or inaction causing:
- 4496 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe
4497 Relinquishment of a Newborn Child;
- 4498 (ii) lack of proper parental care of a child by reason of the fault or habits of the
4499 parent, guardian, or custodian;
- 4500 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
4501 necessary subsistence or medical care, or any other care necessary for the child's
4502 health, safety, morals, or well-being;
- 4503 (iv) a child to be at risk of being neglected or abused because another child in the
4504 same home is neglected or abused;
- 4505 (v) abandonment of a child through an unregulated child custody transfer under
4506 Section [~~78B-24-203~~] 81-14-203; or
- 4507 (vi) educational neglect.
- 4508 (b) "Neglect" does not include:
- 4509 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
4510 reason, does not provide specified medical treatment for a child;
- 4511 (ii) a health care decision made for a child by the child's parent or guardian, unless
4512 the state or other party to a proceeding shows, by clear and convincing evidence,
4513 that the health care decision is not reasonable and informed;
- 4514 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 4515 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
4516 maturity to avoid harm or unreasonable risk of harm, to engage in independent
4517 activities, including:
- 4518 (A) traveling to and from school, including by walking, running, or bicycling;

- 4519 (B) traveling to and from nearby commercial or recreational facilities;
4520 (C) engaging in outdoor play;
4521 (D) remaining in a vehicle unattended, except under the conditions described in
4522 Subsection 76-10-2202(2);
4523 (E) remaining at home unattended; or
4524 (F) engaging in a similar independent activity.
- 4525 [(59)] (58) "Neglected child" means a child who has been subjected to neglect.
4526 [(60)] (59) "Nonjudicial adjustment" means closure of the case by the assigned juvenile
4527 probation officer, without an adjudication of the minor's case under Section 80-6-701,
4528 upon the consent in writing of:
4529 (a) the assigned juvenile probation officer; and
4530 (b)(i) the minor; or
4531 (ii) the minor and the minor's parent, guardian, or custodian.
- 4532 [(61)] (60) "Not competent to proceed" means that a minor, due to a mental illness,
4533 intellectual disability or related condition, or developmental immaturity, lacks the ability
4534 to:
4535 (a) understand the nature of the proceedings against the minor or of the potential
4536 disposition for the offense charged; or
4537 (b) consult with counsel and participate in the proceedings against the minor with a
4538 reasonable degree of rational understanding.
- 4539 (61)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a
4540 parent-child relationship to a minor under Section 81-5-201.
4541 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 4542 (62) "Parole" means a conditional release of a juvenile offender from residency in secure
4543 care to live outside of secure care under the supervision of the Division of Juvenile
4544 Justice and Youth Services, or another person designated by the Division of Juvenile
4545 Justice and Youth Services.
- 4546 (63) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 4547 (64)(a) "Probation" means a legal status created by court order, following an
4548 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
4549 minor's home under prescribed conditions.
4550 (b) "Probation" includes intake probation or formal probation.
- 4551 (65) "Prosecuting attorney" means:
4552 (a) the attorney general and any assistant attorney general;

- 4553 (b) any district attorney or deputy district attorney;
- 4554 (c) any county attorney or assistant county attorney; and
- 4555 (d) any other attorney authorized to commence an action on behalf of the state.
- 4556 (66) "Protective custody" means the shelter of a child by the Division of Child and Family
4557 Services from the time the child is removed from the home until the earlier of:
- 4558 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 4559 (b) the day on which the child is returned home.
- 4560 (67) "Protective services" means expedited services that are provided:
- 4561 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 4562 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 4563 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
4564 causes of neglect or abuse; and
- 4565 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 4566 (c) in cases where the child's welfare is endangered:
- 4567 (i) to bring the situation to the attention of the appropriate juvenile court and law
4568 enforcement agency;
- 4569 (ii) to cause a protective order to be issued for the protection of the child, when
4570 appropriate; and
- 4571 (iii) to protect the child from the circumstances that endanger the child's welfare
4572 including, when appropriate:
- 4573 (A) removal from the child's home;
- 4574 (B) placement in substitute care; and
- 4575 (C) petitioning the court for termination of parental rights.
- 4576 (68) "Protective supervision" means a legal status created by court order, following an
4577 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 4578 (a) the minor is permitted to remain in the minor's home; and
- 4579 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
4580 by an agency designated by the juvenile court.
- 4581 (69)(a) "Related condition" means a condition that:
- 4582 (i) is found to be closely related to intellectual disability;
- 4583 (ii) results in impairment of general intellectual functioning or adaptive behavior
4584 similar to that of an intellectually disabled individual;
- 4585 (iii) is likely to continue indefinitely; and
- 4586 (iv) constitutes a substantial limitation to the individual's ability to function in society.

- 4587 (b) "Related condition" does not include mental illness, psychiatric impairment, or
4588 serious emotional or behavioral disturbance.
- 4589 (70)(a) "Residual parental rights and duties" means the rights and duties remaining with
4590 a parent after legal custody or guardianship, or both, have been vested in another
4591 person or agency, including:
- 4592 (i) the responsibility for support;
 - 4593 (ii) the right to consent to adoption;
 - 4594 (iii) the right to determine the child's religious affiliation; and
 - 4595 (iv) the right to reasonable parent-time unless restricted by the court.
- 4596 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
4597 right to consent to:
- 4598 (i) marriage;
 - 4599 (ii) enlistment; and
 - 4600 (iii) major medical, surgical, or psychiatric treatment.
- 4601 (71) "Runaway" means a child, other than an emancipated child, who willfully leaves the
4602 home of the child's parent or guardian, or the lawfully prescribed residence of the child,
4603 without permission.
- 4604 (72) "Secure care" means placement of a minor, who is committed to the Division of
4605 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
4606 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
4607 supervision and confinement of the minor.
- 4608 (73) "Secure care facility" means a facility, established in accordance with Section 80-5-503,
4609 for juvenile offenders in secure care.
- 4610 (74) "Secure detention" means temporary care of a minor who requires secure custody in a
4611 physically restricting facility operated by, or under contract with, the Division of
4612 Juvenile Justice and Youth Services:
- 4613 (a) before disposition of an offense that is alleged to have been committed by the minor;
 - 4614 or
 - 4615 (b) under Section 80-6-704.
- 4616 (75) "Serious youth offender" means an individual who:
- 4617 (a) is at least 14 years old, but under 25 years old;
 - 4618 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
4619 of the juvenile court was extended over the individual's case until the individual was
4620 25 years old in accordance with Section 80-6-605; and

- 4621 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth
4622 Services for secure care under Sections 80-6-703 and 80-6-705.
- 4623 (76) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
4624 (77) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
4625 child.
- 4626 (78)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection
4627 (78)(b):
- 4628 (i) if committed by an individual who is 18 years old or older:
- 4629 (A) chronic abuse;
4630 (B) severe abuse;
4631 (C) sexual abuse;
4632 (D) sexual exploitation;
4633 (E) abandonment;
4634 (F) chronic neglect; or
4635 (G) severe neglect; or
- 4636 (ii) if committed by an individual who is under 18 years old:
- 4637 (A) causing serious physical injury, as defined in Subsection 76-5-109(1), to
4638 another child that indicates a significant risk to other children; or
4639 (B) sexual behavior with or upon another child that indicates a significant risk to
4640 other children.
- 4641 (b) "Severe type of child abuse or neglect" does not include:
- 4642 (i) the use of reasonable and necessary physical restraint by an educator in
4643 accordance with Subsection 53G-8-302(2) or Section 76-2-401;
- 4644 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
4645 use of reasonable and necessary physical restraint or force in self-defense or
4646 otherwise appropriate to the circumstances to obtain possession of a weapon or
4647 other dangerous object in the possession or under the control of a child or to
4648 protect the child or another individual from physical injury; or
- 4649 (iii) a health care decision made for a child by a child's parent or guardian, unless,
4650 subject to Subsection (78)(c), the state or other party to the proceeding shows, by
4651 clear and convincing evidence, that the health care decision is not reasonable and
4652 informed.
- 4653 (c) Subsection (78)(b)(iii) does not prohibit a parent or guardian from exercising the
4654 right to obtain a second health care opinion.

- 4655 (79) "Sexual abuse" means:
- 4656 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
4657 adult directed towards a child;
- 4658 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
4659 committed by a child towards another child if:
- 4660 (i) there is an indication of force or coercion;
- 4661 (ii) the children are related, as described in Subsection (39), including siblings by
4662 marriage while the marriage exists or by adoption;
- 4663 (iii) there have been repeated incidents of sexual contact between the two children,
4664 unless the children are 14 years old or older; or
- 4665 (iv) there is a disparity in chronological age of four or more years between the two
4666 children;
- 4667 (c) engaging in any conduct with a child that would constitute an offense under any of
4668 the following, regardless of whether the individual who engages in the conduct is
4669 actually charged with, or convicted of, the offense:
- 4670 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the
4671 alleged perpetrator of an offense described in Section 76-5-401 is a minor;
- 4672 (ii) child bigamy, Section 76-7-101.5;
- 4673 (iii) incest, Section 76-7-102;
- 4674 (iv) lewdness, Section 76-9-702;
- 4675 (v) sexual battery, Section 76-9-702.1;
- 4676 (vi) lewdness involving a child, Section 76-9-702.5; or
- 4677 (vii) voyeurism, Section 76-9-702.7; or
- 4678 (d) subjecting a child to participate in or threatening to subject a child to participate in a
4679 sexual relationship, regardless of whether that sexual relationship is part of a legal or
4680 cultural marriage.
- 4681 (80) "Sexual exploitation" means knowingly:
- 4682 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 4683 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 4684 (ii) engage in any sexual or simulated sexual conduct for the purpose of
4685 photographing, filming, recording, or displaying in any way the sexual or
4686 simulated sexual conduct;
- 4687 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
4688 depicting a child:

- 4689 (i) in the nude, for the purpose of sexual arousal of any individual; or
4690 (ii) engaging in sexual or simulated sexual conduct; or
4691 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
4692 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
4693 exploitation of a minor, regardless of whether the individual who engages in the
4694 conduct is actually charged with, or convicted of, the offense.
- 4695 (81) "Shelter" means the temporary care of a child in a physically unrestricted facility
4696 pending a disposition or transfer to another jurisdiction.
- 4697 (82) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 4698 (83) "Significant risk" means a risk of harm that is determined to be significant in
4699 accordance with risk assessment tools and rules established by the Division of Child and
4700 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative
4701 Rulemaking Act, that focus on:
- 4702 (a) age;
4703 (b) social factors;
4704 (c) emotional factors;
4705 (d) sexual factors;
4706 (e) intellectual factors;
4707 (f) family risk factors; and
4708 (g) other related considerations.
- 4709 (84) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 4710 (85) "Status offense" means an offense that would not be an offense but for the age of the
4711 offender.
- 4712 (86) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or
4713 excessive use of alcohol or other drugs or substances.
- 4714 (87) "Substantiated" or "substantiation" means a judicial finding based on a preponderance
4715 of the evidence, and separate consideration of each allegation made or identified in the
4716 case, that abuse, neglect, or dependency occurred[-].
- 4717 (88) "Substitute care" means:
- 4718 (a) the placement of a minor in a family home, group care facility, or other placement
4719 outside the minor's own home, either at the request of a parent or other responsible
4720 relative, or upon court order, when it is determined that continuation of care in the
4721 minor's own home would be contrary to the minor's welfare;
4722 (b) services provided for a minor in the protective custody of the Division of Child and

- 4723 Family Services, or a minor in the temporary custody or custody of the Division of
4724 Child and Family Services, as those terms are defined in Section 80-2-102; or
4725 (c) the licensing and supervision of a substitute care facility.
- 4726 (89) "Supported" means a finding by the Division of Child and Family Services based on
4727 the evidence available at the completion of an investigation, and separate consideration
4728 of each allegation made or identified during the investigation, that there is a reasonable
4729 basis to conclude that abuse, neglect, or dependency occurred.
- 4730 (90) "Termination of parental rights" means the permanent elimination of all parental rights
4731 and duties, including residual parental rights and duties, by court order.
- 4732 (91) "Therapist" means:
- 4733 (a) an individual employed by a state division or agency for the purpose of conducting
4734 psychological treatment and counseling of a minor in the division's or agency's
4735 custody; or
- 4736 (b) any other individual licensed or approved by the state for the purpose of conducting
4737 psychological treatment and counseling.
- 4738 (92) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that
4739 the child is at an unreasonable risk of harm or neglect.
- 4740 (93) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
- 4741 (a) results in behavior that is beyond the control or ability of the child, or the parent or
4742 guardian, to manage effectively;
- 4743 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or
4744 (c) results in the situations described in Subsections (93)(a) and (b).
- 4745 (94) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
4746 conclude that abuse, neglect, or dependency occurred.
- 4747 (95) "Unsupported" means a finding by the Division of Child and Family Services at the
4748 completion of an investigation, after the day on which the Division of Child and Family
4749 Services concludes the alleged abuse, neglect, or dependency is not without merit, that
4750 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 4751 (96) "Validated risk and needs assessment" means an evidence-based tool that assesses a
4752 minor's risk of reoffending and a minor's criminogenic needs.
- 4753 (97) "Without merit" means a finding at the completion of an investigation by the Division
4754 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or
4755 dependency did not occur, or that the alleged perpetrator was not responsible for the
4756 abuse, neglect, or dependency.

- 4757 (98) "Youth offender" means an individual who is:
- 4758 (a) at least 12 years old, but under 21 years old; and
- 4759 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth
- 4760 Services for secure care under Sections 80-6-703 and 80-6-705.
- 4761 Section 53. Section **80-2-503.5** is amended to read:
- 4762 **80-2-503.5 . Psychotropic medication oversight program -- Behavioral health**
- 4763 **service rates.**
- 4764 (1) As used in this section:
- 4765 (a) "Advanced practice registered nurse" means an individual licensed to practice as an
- 4766 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse
- 4767 Practice Act.
- 4768 (b) "Division" means the Division of Integrated Healthcare created in Section 26B-1-204.
- 4769 (c) "HIPAA" means 45 C.F.R. Parts 160, 162, and 164, Health Insurance Portability and
- 4770 Accountability Act of 1996, as amended.
- 4771 (d) "Physician assistant" means an individual licensed to practice as a physician assistant
- 4772 in this state under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 4773 (e) "Psychotropic medication" means medication prescribed to affect or alter thought
- 4774 processes, mood, or behavior, including antipsychotic, antidepressant, anxiolytic, or
- 4775 behavior medication.
- 4776 (f) "Qualifying minor" means a minor committed to the Division of Juvenile Justice and
- 4777 Youth Services under Section 80-6-703.
- 4778 (2) The division shall, through contract with the University of Utah or another qualified
- 4779 third party, operate a psychotropic medication oversight program for children in foster
- 4780 care and qualifying minors to ensure that each foster child and qualifying minor is
- 4781 prescribed psychotropic medication consistent with the foster child's or qualifying
- 4782 minor's needs and consistent with clinical best practices.
- 4783 (3) The division shall operate an oversight team to manage the psychotropic medication
- 4784 oversight program, composed of at least the following individuals:
- 4785 (a) a physician assistant with pediatric mental health experience, or an advanced practice
- 4786 registered nurse with pediatric mental health experience, contracted with the division;
- 4787 (b) a child psychiatrist contracted with the division;
- 4788 (c) a data analyst contracted with the division; and
- 4789 (d) an individual with care coordination experience.
- 4790 (4) The oversight team shall monitor foster children and qualifying minors:

- 4791 (a) six years old or younger who are being prescribed one or more psychotropic
4792 medications;
- 4793 (b) seven years old or older who are being prescribed two or more psychotropic
4794 medications; and
- 4795 (c) who are prescribed one or more antipsychotic medications.
- 4796 (5) The division shall establish a business associate agreement with the oversight team by
4797 which the oversight team shall, upon request, be given information or records related to
4798 the foster child's or qualifying minor's health care history, including psychotropic
4799 medication history and mental and behavioral health history, from:
- 4800 (a) the division's Medicaid pharmacy program;
- 4801 (b) the department's written and electronic records and databases;
- 4802 (c) the foster child's current or past caseworker, or the qualifying minor's current or past
4803 case manager;
- 4804 (d) the foster child or qualifying minor; or
- 4805 (e) the foster child's or qualifying minor's:
- 4806 (i) current or past health care provider;
- 4807 (ii) ~~natural~~ parents; or
- 4808 (iii) foster parents.
- 4809 (6) The oversight team may review and monitor the following information about a foster
4810 child or qualifying minor:
- 4811 (a) the foster child's or qualifying minor's history;
- 4812 (b) the foster child's or qualifying minor's health care, including psychotropic
4813 medication history and mental or behavioral health history;
- 4814 (c) whether there are less invasive treatment options available to meet the foster child's
4815 or qualifying minor's needs;
- 4816 (d) the dosage or dosage range and appropriateness of the foster child's or qualifying
4817 minor's psychotropic medication;
- 4818 (e) the short-term or long-term risks associated with the use of the foster child's or
4819 qualifying minor's psychotropic medication; or
- 4820 (f) the reported benefits of the foster child's or qualifying minor's psychotropic
4821 medication.
- 4822 (7)(a) On at least a quarterly basis, the oversight team shall:
- 4823 (i) review the medical and mental or behavioral health history for each foster child
4824 and qualifying minor overseen by the program;

- 4825 (ii) based on the review under Subsection (7)(a)(i), document the oversight team's
4826 findings and recommendations; and
- 4827 (iii) make written recommendations concerning the foster child's or qualifying
4828 minor's psychotropic medication and the foster child's or qualifying minor's
4829 mental or behavioral health, including any recommendation for psychotherapy
4830 treatment.
- 4831 (b) The oversight team's recommendations described in Subsection (7)(a) shall be
4832 provided to the foster child's current caseworker or the qualifying minor's current
4833 case manager, the foster child's or qualifying minor's parent or guardian, and the
4834 foster child's or qualifying minor's current health care providers, in accordance with
4835 rules adopted pursuant to Subsection (8) and in compliance with HIPAA and other
4836 relevant state and federal privacy laws.
- 4837 (c) The member of the oversight team described in Subsection (3)(d) shall:
- 4838 (i) provide the recommendations described in Subsection (7)(a) in writing and
4839 verbally, or as otherwise provided in rules adopted pursuant to Subsection (8), to
4840 the foster child's or qualifying minor's current health care providers; and
- 4841 (ii) on at least a semiannual basis, follow up with the foster child's or qualifying
4842 minor's current health care providers to document whether recommendations
4843 made by the oversight team have been implemented.
- 4844 (d) A foster child's caseworker or qualifying minor's case manager shall maintain a
4845 confidential record of recommendations provided under Subsection (7)(b).
- 4846 (8) The division may adopt administrative rules in accordance with Title 63G, Chapter 3,
4847 Utah Administrative Rulemaking Act, necessary to administer this section, including the
4848 rules described in Subsection (7)(b).
- 4849 (9) The division shall report regarding the psychotropic medication oversight program:
- 4850 (a) to the Child Welfare Legislative Oversight Panel by October 1 of each even
4851 numbered year; and
- 4852 (b) orally to the Health and Human Services Interim Committee, at least once every two
4853 years at or before the October interim meeting.
- 4854 (10) The oversight team shall report:
- 4855 (a) quarterly to the division regarding the number of foster children and qualifying
4856 minors reviewed and the number of recommendations made; and
- 4857 (b) annually to the division regarding outcomes for foster children and qualifying minors
4858 overseen by the program.

4859 (11) Beginning on July 1, 2024, the department shall pay for outpatient behavioral health
4860 services for children in foster care and qualifying minors at a rate no lower than the
4861 standard Medicaid fee schedule.

4862 Section 54. Section **80-2-702** is amended to read:

4863 **80-2-702 . Division post-removal investigation -- Supported or unsupported**
4864 **reports -- Convening of child protection team -- Cooperation with law enforcement --**
4865 **Close of investigation.**

4866 (1) If a child is taken into protective custody in accordance with Section 80-2a-202 or
4867 80-3-204 or the division takes any other action that requires a shelter hearing under
4868 Subsection 80-3-301(1), the division shall immediately initiate an investigation of:

4869 (a) the circumstances of the child; and

4870 (b) the grounds upon which the decision to place the child into protective custody was
4871 made.

4872 (2) The division's investigation under Subsection (1) shall conform to reasonable
4873 professional standards and include:

4874 (a) a search for and review of any records of past reports of abuse or neglect involving:

4875 (i) the same child;

4876 (ii) any sibling or other child residing in the same household as the child; and

4877 (iii) the alleged perpetrator;

4878 (b) with regard to a child who is five years old or older, a personal interview with the
4879 child:

4880 (i) outside of the presence of the alleged perpetrator; and

4881 (ii) conducted in accordance with the requirements of Section 80-2-704;

4882 (c) if a parent or guardian is located, an interview with at least one of the child's parents
4883 or guardian;

4884 (d) an interview with the person who reported the abuse, unless the report was made
4885 anonymously;

4886 (e) if possible and appropriate, interviews with other third parties who have had direct
4887 contact with the child, including:

4888 (i) school personnel; and

4889 (ii) the child's health care provider;

4890 (f) an unscheduled visit to the child's home, unless:

4891 (i) there is a reasonable basis to believe that the reported abuse was committed by a
4892 person who:

- 4893 (A) is not the child's parent; and
4894 (B) does not live in the child's home or otherwise have access to the child in the
4895 child's home; or
4896 (ii) an unscheduled visit is not necessary to obtain evidence for the investigation; and
4897 (g) if appropriate and indicated in any case alleging physical injury, sexual abuse, or
4898 failure to meet the child's medical needs, a medical examination, obtained no later
4899 than 24 hours after the child is placed in protective custody.
- 4900 (3) The division may rely on a written report of a prior interview rather than conducting an
4901 additional interview under Subsection (2), if:
- 4902 (a) law enforcement:
- 4903 (i) previously conducted a timely and thorough investigation regarding the alleged
4904 abuse, neglect, or dependency; and
4905 (ii) produced a written report;
- 4906 (b) the investigation described in Subsection (3)(a)(i) included one or more of the
4907 interviews described in Subsection (2); and
4908 (c) the division finds that an additional interview is not in the best interest of the child.
- 4909 (4)(a)(i) The division shall:
- 4910 (A) make a determination after the division's investigation under Subsection (1)
4911 regarding whether the report is supported, unsupported, or without merit; and
4912 (B) base the determination on the facts of the case at the time the report is made.
4913 (ii) The division's determination of whether a report is supported or unsupported may
4914 be based on the child's statements alone.
- 4915 (b) The division may not:
- 4916 (i) use the inability to identify or locate the perpetrator as a basis for:
4917 (A) determining that a report is unsupported; or
4918 (B) closing the case; or
4919 (ii) determine a case is unsupported or identify a case as unsupported solely because
4920 the perpetrator is an out-of-home perpetrator.
- 4921 (5) The division shall maintain protective custody of the child if the division finds that one
4922 or more of the following conditions exist:
- 4923 (a) the child does not have a ~~natural~~ parent, guardian, or responsible relative who is
4924 able and willing to provide safe and appropriate care for the child;
- 4925 (b)(i) shelter of the child is a matter of necessity for the protection of the child; and
4926 (ii) there are no reasonable means by which the child can be protected in:

- 4927 (A) the child's home; or
 4928 (B) the home of a responsible relative;
 4929 (c) there is substantial evidence that the parent or guardian is likely to flee the
 4930 jurisdiction of the juvenile court; or
 4931 (d) the child has left a previously court ordered placement.
 4932 (6) Within 24 hours after receipt of a child into protective custody, excluding weekends and
 4933 holidays, the division shall:
 4934 (a) convene a child protection team in accordance with Section 80-2-706; and
 4935 (b) prepare the testimony and evidence that will be required of the division at the shelter
 4936 hearing, in accordance with Section 80-3-301.
 4937 (7) The division shall cooperate with a law enforcement investigation and with the
 4938 members of a child protection team, if applicable, regarding the alleged perpetrator.
 4939 (8) The division may not close an investigation solely on the grounds that the division is
 4940 unable to locate the child until all reasonable efforts have been made to locate the child
 4941 and family members including:
 4942 (a) visiting the home at times other than normal work hours;
 4943 (b) contacting local schools;
 4944 (c) contacting local, county, and state law enforcement agencies; and
 4945 (d) checking public assistance records.

4946 Section 55. Section **80-2-802** is amended to read:

4947 **80-2-802 . Division child placing and adoption services -- Restrictions on**
 4948 **placement of a child.**

- 4949 (1) Except as provided in Subsection (3), the division may provide adoption services and,
 4950 as a licensed child-placing agency under Title 26B, Chapter 2, Part 1, Human Services
 4951 Programs and Facilities, engage in child placing in accordance with this chapter, Chapter
 4952 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse, Neglect, and
 4953 Dependency Proceedings, and Chapter 4, Termination and Restoration of Parental Rights.
 4954 (2) The division shall base the division's decision for placement of an adoptable child for
 4955 adoption on the best interest of the adoptable child.
 4956 (3) The division may not:
 4957 (a) in accordance with Subsection 26B-2-127(6), place a child for adoption, either
 4958 temporarily or permanently, with an individual who does not qualify for adoptive
 4959 placement under Sections [~~78B-6-102, 78B-6-117, and 78B-6-137~~] 81-13-202,
 4960 81-13-203, and 81-13-402;

- 4961 (b) consider a potential adoptive parent's willingness or unwillingness to enter a
 4962 postadoption contact agreement under Section [~~78B-6-146~~] 81-13-216 as a condition
 4963 of placing a child with a potential adoptive parent; or
- 4964 (c) except as required under the Indian Child Welfare Act, 25 U.S.C. Secs. 1901 through
 4965 1963, base the division's decision for placement of an adoptable child on the race,
 4966 color, ethnicity, or national origin of either the child or the potential adoptive parent.
- 4967 (4) The division shall establish a rule in accordance with Title 63G, Chapter 3, Utah
 4968 Administrative Rulemaking Act, providing that, subject to Subsection (3) and Section [~~78B-6-117~~]
 4969 81-13-402, priority of placement shall be provided to a family in which a
 4970 couple is legally married under the laws of the state.
- 4971 (5) Subsections (3) and (4) do not limit the placement of a child with the child's [~~biological
 4972 or adoptive parent, a relative,~~] parent or relative or in accordance with the Indian Child
 4973 Welfare Act, 25 U.S.C. Sec. 1901 et seq.

4974 Section 56. Section **80-2-803** is amended to read:

4975 **80-2-803 . Division promotion of adoption -- Adoption research and**
 4976 **informational pamphlet.**

4977 The division shall:

- 4978 (1) actively promote the adoption of all children in the division's custody who have a final
 4979 plan for termination of parental rights under Section 80-3-409 or a primary permanency
 4980 plan of adoption;
- 4981 (2) develop plans for the effective use of cross-jurisdictional resources to facilitate timely
 4982 adoptive or permanent placements for waiting children;
- 4983 (3) obtain information or conduct research regarding prior adoptive families to determine
 4984 what families may do to be successful with an adoptive child;
- 4985 (4) make the information or research described in Subsection (3) available to potential
 4986 adoptive parents;
- 4987 (5) prepare a pamphlet that explains the information that a child-placing agency is required
 4988 to provide a potential adoptive parent under Section [~~78B-24-303~~] 81-14-303;
- 4989 (6) regularly distribute copies of the pamphlet described in Subsection (5) to child-placing
 4990 agencies; and
- 4991 (7) respond to an inquiry made as a result of the notice provided by a child-placing agency
 4992 under Section [~~78B-24-303~~] 81-14-303.

4993 Section 57. Section **80-2-906** is amended to read:

4994 **80-2-906 . Financial responsibility for child placed under Interstate Compact.**

4995 (1) Financial responsibility for a child placed under the provisions of the Interstate Compact
 4996 on the Placement of Children shall, in the first instance, be determined in accordance
 4997 with the provisions of Article V of the compact.

4998 (2) In the event of partial or complete default of performance under the compact, the
 4999 provisions of Title 81, Chapter 6, Child Support, and Title 81, Chapter 7, Payment and
 5000 Enforcement of Spousal and Child Support, may also be invoked.

5001 Section 58. Section **80-2-909** is amended to read:

5002 **80-2-909 . Existing authority for child placement continues.**

5003 Any person who, under any law of this state other than this part or the Interstate
 5004 Compact on the Placement of Children established under Section 80-2-905, has authority to
 5005 make or assist in making the placement of a child, shall continue to have the ability lawfully to
 5006 make or assist in making that placement, and the provisions of Sections 26B-2-127, 26B-2-131,
 5007 26B-2-132, and 26B-2-708, Subsections 80-2-802(3)(a) and (4) and 80-2-803(1), (2), and (5)
 5008 through (7), and [~~Title 78B, Chapter 6, Part 1, Utah Adoption Act~~] Title 81, Chapter 13,
 5009 Adoption, continue to apply.

5010 Section 59. Section **80-2-1005** is amended to read:

5011 **80-2-1005 . Classification of reports of alleged abuse or neglect -- Confidential**
 5012 **identity of a person who reports -- Access -- Admitting reports into evidence -- Unlawful**
 5013 **release and use -- Penalty.**

5014 (1) Except as otherwise provided in this chapter or Chapter 2a, Removal and Protective
 5015 Custody of a Child, a report made under Part 6, Child Abuse and Neglect Reports, and
 5016 any other information in the possession of the division obtained as a result of the report
 5017 is a private, protected, or controlled record under Title 63G, Chapter 2, Government
 5018 Records Access and Management Act, and may only be made available to:

5019 (a) a police or law enforcement agency investigating a report of known or suspected
 5020 abuse or neglect, including members of a child protection team;

5021 (b) a physician who reasonably believes that a child may be the subject of abuse or
 5022 neglect;

5023 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
 5024 who is the subject of a report;

5025 (d) a contract provider that has a written contract with the division to render services to a
 5026 minor who is the subject of a report;

5027 (e) the subject of the report, the [~~natural~~]parents of the child, and the guardian ad litem;

5028 (f) a court, upon a finding that access to the records may be necessary for the

- 5029 determination of an issue before the court, provided that in a divorce, custody, or
5030 related proceeding between private parties, the record alone is:
- 5031 (i) limited to objective or undisputed facts that were verified at the time of the
5032 investigation; and
 - 5033 (ii) devoid of conclusions drawn by the division or any of the division's workers on
5034 the ultimate issue of whether or not an individual's acts or omissions constituted
5035 any level of abuse or neglect of another individual;
 - 5036 (g) an office of the public prosecutor or the public prosecutor's deputies in performing an
5037 official duty;
 - 5038 (h) a person authorized by a Children's Justice Center, for the purposes described in
5039 Section 67-5b-102;
 - 5040 (i) a person engaged in bona fide research, when approved by the director of the
5041 division, if the information does not include names and addresses;
 - 5042 (j) the State Board of Education, acting on behalf of itself or on behalf of a local
5043 education agency, as defined in Section 63J-5-102, for the purpose of evaluating
5044 whether an individual should be permitted to obtain or retain a license as an educator
5045 or serve as an employee or volunteer in a school, limited to information with
5046 substantiated or supported findings involving an alleged sexual offense, an alleged
5047 felony or class A misdemeanor drug offense, or any alleged offense against the
5048 person under Title 76, Chapter 5, Offenses Against the Individual, and with the
5049 understanding that the office must provide the subject of a report received under
5050 Subsection (1)(k) with an opportunity to respond to the report before making a
5051 decision concerning licensure or employment;
 - 5052 (k) any individual identified in the report as a perpetrator or possible perpetrator of
5053 abuse or neglect, after being advised of the screening prohibition in Subsection (2);
 - 5054 (l) a person filing a petition for a child protective order on behalf of a child who is the
5055 subject of the report;
 - 5056 (m) a licensed child-placing agency or person who is performing a preplacement
5057 adoptive evaluation in accordance with the requirements of Sections [~~78B-6-128 and~~
5058 ~~78B-6-130~~] 81-13-403 and 81-13-405;
 - 5059 (n) an Indian tribe to:
 - 5060 (i) certify or license a foster home;
 - 5061 (ii) render services to a subject of a report; or
 - 5062 (iii) investigate an allegation of abuse, neglect, or dependency; or

- 5063 (o) the department or a local substance abuse authority, described in Section 17-43-201,
5064 for the purpose of providing substance abuse treatment to a pregnant woman or a
5065 parent of a newborn child, or the services described in Subsection [~~26B-5-211(2)(p)~~]
5066 26B-5-102(2)(p).
- 5067 (2) In accordance with Section 80-2-608 and except as provided in Section 80-2-611, the
5068 division and a law enforcement agency shall ensure the anonymity of the person who
5069 makes the initial report under Part 6, Child Abuse and Neglect Reports, and any other
5070 person involved in the division's or law enforcement agency's subsequent investigation
5071 of the report.
- 5072 (3) Notwithstanding any other provision of law, excluding Section 80-3-107, but including
5073 this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Title 63G,
5074 Chapter 2, Government Records Access and Management Act, if the division makes a
5075 report or other information in the division's possession available under Subsection (1)(e)
5076 to a subject of the report or a parent of a child, the division shall remove from the report
5077 or other information only the names, addresses, and telephone numbers of individuals or
5078 specific information that could:
- 5079 (a) identify the referent;
5080 (b) impede a criminal investigation; or
5081 (c) endanger an individual's safety.
- 5082 (4) A child-placing agency or person who receives a report from the division under
5083 Subsection (1)(m) may provide the report to:
- 5084 (a) the subject of the report;
5085 (b) a person who is performing a preplacement adoptive evaluation in accordance with
5086 Sections [~~78B-6-128 and 78B-6-130~~] 81-13-403 and 81-13-405;
5087 (c) to a licensed child-placing agency; or
5088 (d) an attorney seeking to facilitate an adoption.
- 5089 (5) A member of a child protection team may, before the day on which the child is
5090 removed, share case-specific information obtained from the division under this section
5091 with other members of the child protection team.
- 5092 (6)(a) Except as provided in Subsection (6)(b), in a divorce, custody, or related
5093 proceeding between private parties, a court may not receive into evidence a report
5094 that:
- 5095 (i) is provided to the court:
5096 (A) under Subsection (1)(f); or

5097 (B) by a parent of the child after the record is made available to the parent under
5098 Subsection (1)(e);

5099 (ii) describes a parent of the child as the alleged perpetrator; and

5100 (iii) is found to be unsubstantiated, unsupported, or without merit.

5101 (b)(i) After a motion to admit the report described in Subsection (6)(a) is made, the
5102 court shall allow sufficient time for all subjects of the record to respond before
5103 making a finding on the motion.

5104 (ii) After considering the motion described in Subsection (6)(b)(i), the court may
5105 receive the report into evidence upon a finding on the record of good cause.

5106 (7)(a) A person may not:

5107 (i) willfully permit, or aid and abet, the release of data or information in the
5108 possession of the division or contained in the Management Information System in
5109 violation of this part or Part 6, Child Abuse and Neglect Reports; or

5110 (ii) if the person is not listed in Subsection (1), request another person to obtain or
5111 release a report or other information that the other person obtained under
5112 Subsection (1)(k) to screen for potential perpetrators of abuse or neglect.

5113 (b) A person who violates Subsection (7)(a)(i), or violates Subsection (7)(a)(ii) knowing
5114 the person's actions are a violation of Subsection (7)(a)(ii), is guilty of a class C
5115 misdemeanor.

5116 Section 60. Section **80-2a-101** is amended to read:

5117 **80-2a-101 . Definitions.**

5118 (1) "Custody" means the same as that term is defined in Section 80-2-102.

5119 (2) "Division" means the Division of Child and Family Services created in Section 80-2-201.

5120 (3) "Friend" means an adult who:

5121 (a) has an established relationship with the child or a family member of the child; and

5122 (b) is not the natural parent of the child.

5123 (4) "Nonrelative" means an individual who is not a noncustodial parent or relative.

5124 (5) "Relative" means an adult who:

5125 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
5126 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;

5127 (b) is the first cousin of the child's parent;

5128 (c) is a permanent guardian or ~~natural~~-parent of the child's sibling; or

5129 (d) in the case of a child who is an Indian child, is an extended family member as
5130 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.

5131 (6) "Sibling" means the same as that term is defined in Section 80-2-102.

5132 (7) "Temporary custody" means the same as that term is defined in Section 80-2-102.

5133 Section 61. Section **80-2a-201** is amended to read:

5134 **80-2a-201 . Rights of parents -- Children's rights -- Interest and responsibility of**
5135 **state.**

5136 (1)(a) Under both the United States Constitution and the constitution of this state, a
5137 parent possesses a fundamental liberty interest in the care, custody, and management
5138 of the parent's children. A fundamentally fair process must be provided to parents if
5139 the state moves to challenge or interfere with parental rights. A governmental entity
5140 must support any actions or allegations made in opposition to the rights and desires
5141 of a parent regarding the parent's child by sufficient evidence to satisfy a parent's
5142 constitutional entitlement to heightened protection against government interference
5143 with the parent's fundamental rights and liberty interests and, concomitantly, the right
5144 of the child to be reared by the child's ~~natural~~ parent.

5145 (b) The fundamental liberty interest of a parent concerning the care, custody, and
5146 management of the parent's child is recognized, protected, and does not cease to exist
5147 simply because a parent may fail to be a model parent or because the parent's child is
5148 placed in the temporary custody of the state. At all times, a parent retains a vital
5149 interest in preventing the irretrievable destruction of family life. Before an
5150 adjudication of unfitness, government action in relation to a parent and the parent's
5151 child may not exceed the least restrictive means or alternatives available to
5152 accomplish a compelling state interest. Until the state proves parental unfitness, and
5153 the child suffers, or is substantially likely to suffer, serious detriment as a result, the
5154 child and the child's parent share a vital interest in preventing erroneous termination
5155 of their natural relationship and the state cannot presume that a child and the child's
5156 parent are adversaries.

5157 (c) It is in the best interest and welfare of a child to be raised under the care and
5158 supervision of the child's ~~natural~~ parents. A child's need for a normal family life in a
5159 permanent home, and for positive, nurturing family relationships is usually best met
5160 by the child's ~~natural~~ parents. Additionally, the integrity of the family unit and the
5161 right of a parent to conceive and raise the parent's child are constitutionally protected.
5162 The right of a fit, competent parent to raise the parent's child without undue
5163 government interference is a fundamental liberty interest that has long been protected
5164 by the laws and Constitution and is a fundamental public policy of this state.

- 5165 (d) The state recognizes that:
- 5166 (i) a parent has the right, obligation, responsibility, and authority to raise, manage,
- 5167 train, educate, provide and care for, and reasonably discipline the parent's child;
- 5168 and
- 5169 (ii) the state's role is secondary and supportive to the primary role of a parent.
- 5170 (e) It is the public policy of this state that:
- 5171 (i) a parent retains the fundamental right and duty to exercise primary control over
- 5172 the care, supervision, upbringing, and education of the parent's child;
- 5173 (ii) a parent retains the right to have contact with the parent's child when the child is
- 5174 placed outside of the parent's home, and parent-time should be ordered by a court
- 5175 so long as the contact is not contrary to the best interest of the child; and
- 5176 (iii) a child has the right to have contact with the child's sibling when the child is
- 5177 placed outside of the home and apart from the child's sibling, and sibling visits
- 5178 should be ordered by a court unless the contact would be contrary to the safety or
- 5179 well-being of the child.
- 5180 (f) Subsections (2) through (7) shall be interpreted and applied consistent with this
- 5181 Subsection (1).
- 5182 (2) It is also the public policy of this state that children have the right to protection from
- 5183 abuse and neglect, and that the state retains a compelling interest in investigating,
- 5184 prosecuting, and punishing abuse and neglect. Therefore, the state, as *parens patriae*, has
- 5185 an interest in and responsibility to protect a child whose parent abuses the child or does
- 5186 not adequately provide for the child's welfare. There may be circumstances where a
- 5187 parent's conduct or condition is a substantial departure from the norm and the parent is
- 5188 unable or unwilling to render safe and proper parental care and protection. Under those
- 5189 circumstances, the state may take action for the welfare and protection of the parent's
- 5190 child.
- 5191 (3) When the division intervenes on behalf of an abused, neglected, or dependent child, the
- 5192 division shall take into account the child's need for protection from immediate harm and
- 5193 the extent to which the child's extended family may provide needed protection.
- 5194 Throughout the division's involvement, the division shall utilize the least intrusive and
- 5195 least restrictive means available to protect a child, in an effort to ensure that children are
- 5196 brought up in stable, permanent families, rather than in temporary foster placements
- 5197 under the supervision of the state.
- 5198 (4) If circumstances within the family pose a threat to the child's immediate safety or

5199 welfare, the division may seek custody of the child for a planned, temporary period and
5200 place the child in a safe environment, subject to the requirements of this section and in
5201 accordance with Chapter 3, Abuse, Neglect, and Dependency Proceedings, and when
5202 safe and appropriate, return the child to the child's parent or as a last resort, pursue
5203 another permanency plan.

5204 (5) In determining and making reasonable efforts with regard to a child, under Section
5205 80-2a-302, both the division's and the juvenile court's paramount concern shall be the
5206 child's health, safety, and welfare. The desires of a parent for the parent's child, and the
5207 constitutionally protected rights of a parent, as described in this section, shall be given
5208 full and serious consideration by the division and the juvenile court.

5209 (6) In accordance with Subsections 80-2a-302(4) and 80-3-301(12), in cases where sexual
5210 abuse, sexual exploitation, abandonment, severe abuse, or severe neglect are involved,
5211 the state has no duty to make reasonable efforts or to, in any other way, attempt to
5212 maintain a child in the child's home, provide reunification services, or rehabilitate the
5213 offending parent or parents. This Subsection (6) does not exempt the division from
5214 providing court-ordered services.

5215 (7)(a) In accordance with Subsection (1), the division shall strive to achieve appropriate
5216 permanency for children who are abused, neglected, or dependent. The division shall
5217 provide in-home services, if appropriate and safe, in an effort to help a parent to
5218 correct the behavior that resulted in abuse, neglect, or dependency of the parent's
5219 child. The division may pursue a foster placement only if in-home services fail or are
5220 otherwise insufficient or inappropriate, kinship placement is not safe or appropriate,
5221 or in-home services and kinship placement fail and cannot be corrected. The division
5222 shall also seek qualified extended family support or a kinship placement to maintain a
5223 sense of security and stability for the child.

5224 (b) If the use or continuation of reasonable efforts, as described in Subsections (5) and
5225 (6), is determined to be inconsistent with the permanency plan for a child, then
5226 measures shall be taken, in a timely manner, to place the child in accordance with the
5227 permanency plan, and to complete whatever steps are necessary to finalize the
5228 permanent placement of the child.

5229 (c) Subject to the parental rights recognized and protected under this section, if, because
5230 of a parent's conduct or condition, the parent is determined to be unfit or incompetent
5231 based on the grounds for termination of parental rights described in Chapter 4,
5232 Termination and Restoration of Parental Rights, the continuing welfare and best

5233 interest of the child is of paramount importance, and shall be protected in
 5234 determining whether that parent's rights should be terminated.
 5235 (8) The state's right to direct or intervene in the provision of medical or mental health care
 5236 for a child is subject to Subsections [~~80-1-102(58)(b)(i)~~] 80-1-102(57)(b)(i) through (iii)
 5237 and Sections 80-3-109 and 80-3-304.

5238 Section 62. Section **80-2a-304** is amended to read:

5239 **80-2a-304 . Removal of a child from foster family placement -- Procedural due**
 5240 **process.**

5241 (1)(a) The Legislature finds that, except with regard to a child's [~~natural~~]parent or
 5242 guardian, a foster family has a very limited but recognized interest in the foster
 5243 family's familial relationship with a foster child who has been in the care and custody
 5244 of the foster family and in making determinations regarding removal of a child from
 5245 a foster home, the division may not dismiss the foster family as a mere collection of
 5246 unrelated individuals.

5247 (b) The Legislature finds that children in the temporary custody and custody of the
 5248 division are experiencing multiple changes in foster care placements with little or no
 5249 documentation, and that numerous studies of child growth and development
 5250 emphasize the importance of stability in foster care living arrangements.

5251 (c) For the reasons described in Subsections (1)(a) and (b), the division shall provide
 5252 procedural due process for a foster family before removal of a foster child from the
 5253 foster family's home, regardless of the length of time the child has been in the foster
 5254 family's home, unless removal is for the purpose of:

- 5255 (i) returning the child to the child's [~~natural~~]parent or guardian;
- 5256 (ii) immediately placing the child in an approved adoptive home;
- 5257 (iii) placing the child with a relative who obtained custody or asserted an interest in
 5258 the child within the preference period described in Subsection 80-3-302(7); or
- 5259 (iv) placing an Indian child in accordance with placement preferences and other
 5260 requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.

5261 (2)(a) The division shall maintain and utilize due process procedures for removal of a
 5262 foster child from a foster home, in accordance with the procedures and requirements
 5263 of Title 63G, Chapter 4, Administrative Procedures Act.

5264 (b) The procedures described in Subsection (2)(a) shall include requirements for:

- 5265 (i) personal communication with, and a written explanation of the reasons for the
 5266 removal to, the foster parents before removal of the child; and

- 5267 (ii) an opportunity for foster parents to:
- 5268 (A) present the foster parents' information and concerns to the division; and
- 5269 (B) request a review, to be held before removal of the child, by a third party
- 5270 neutral fact finder or if the child is placed with the foster parents for a period of
- 5271 at least two years, request a review, to be held before removal of the child, by
- 5272 the juvenile court judge currently assigned to the child's case or, if the juvenile
- 5273 court judge currently assigned to the child's case is not available, another
- 5274 juvenile court judge.
- 5275 (c) If the division determines that there is a reasonable basis to believe that the child is in
- 5276 danger or that there is a substantial threat of danger to the health or welfare of the
- 5277 child, the division shall place the child in emergency foster care during the pendency
- 5278 of the procedures described in this Subsection (2), instead of making another foster
- 5279 care placement.
- 5280 (3)(a) If the division removes a child from a foster home based on the child's statement
- 5281 alone, the division shall initiate and expedite the processes described in Subsection (2).
- 5282 (b) The division may not take formal action with regard to the foster parent's license
- 5283 until after the processes described in Subsection (2), in addition to any other
- 5284 procedure or hearing required by law, are completed.
- 5285 (4) If a complaint is made to the division by a foster child against a foster parent, the
- 5286 division shall, within 30 business days after the day on which the complaint is received,
- 5287 provide the foster parent with information regarding the specific nature of the complaint,
- 5288 the time and place of the alleged incident, and who was alleged to have been involved.
- 5289 (5) If the division places a child in a foster home, the division shall provide the foster
- 5290 parents with:
- 5291 (a) notification of the requirements of this section;
- 5292 (b) a written description of the procedures enacted by the division under Subsection (2)
- 5293 and how to access the procedures; and
- 5294 (c) written notification of the foster parents' ability to petition the juvenile court directly
- 5295 for review of a decision to remove a foster child who, subject to Section 80-3-502,
- 5296 has been in the foster parents' custody for 12 months or longer.
- 5297 (6) This section does not apply to the removal of a child based on a foster parent's request
- 5298 for the removal.
- 5299 (7) It is unlawful for a person, with the intent to avoid compliance with the requirements of
- 5300 this section, to:

- 5301 (a) take action, or encourage another to take action, against the license of a foster parent;
 5302 or
 5303 (b) remove a child from a foster home before the child is placed with the foster parents
 5304 for two years.
- 5305 (8) The division may not remove a foster child from a foster parent who is a relative of the
 5306 child on the basis of the age or health of the foster parent without determining:
 5307 (a) by clear and convincing evidence that the foster parent is incapable of caring for the
 5308 foster child, if the alternative foster parent would not be another relative of the child;
 5309 or
 5310 (b) by a preponderance of the evidence that the foster parent is incapable of caring for
 5311 the foster child, if the alternative foster parent would be another relative of the child.

5312 Section 63. Section **80-3-102** is amended to read:

5313 **80-3-102 . Definitions.**

5314 As used in this chapter:

- 5315 (1) "Abuse, neglect, or dependency petition" means a petition filed in accordance with this
 5316 chapter to commence proceedings in a juvenile court alleging that a child is:
 5317 (a) abused;
 5318 (b) neglected; or
 5319 (c) dependent.
- 5320 (2) "Custody" means the same as that term is defined in Section 80-2-102.
- 5321 (3) "Division" means the Division of Child and Family Services created in Section 80-2-201.
- 5322 (4) "Friend" means an adult who:
 5323 (a) has an established relationship with the child or a family member of the child; and
 5324 (b) is not the [~~natural~~]parent of the child.
- 5325 (5) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or
 5326 grandchild.
- 5327 (6) "Relative" means an adult who:
 5328 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
 5329 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;
 5330 (b) is a first cousin of the child's parent;
 5331 (c) is a permanent guardian or [~~natural~~]parent of the child's sibling; or
 5332 (d) in the case of a child who is an Indian child, is an extended family member as
 5333 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.
- 5334 (7) "Sibling" means the same as that term is defined in Section 80-2-102.

5335 (8) "Sibling visitation" means the same as that term is defined in Section 80-2-102.

5336 (9) "Temporary custody" means the same as that term is defined in Section 80-2-102.

5337 Section 64. Section **80-3-107** is amended to read:

5338 **80-3-107 . Disclosure of records -- Record sharing.**

5339 (1)(a) Except as provided in Subsections (1)(c) through (e), in an abuse, neglect, or
5340 dependency proceeding occurring after the commencement of a shelter hearing under
5341 Section 80-3-301, or the filing of an abuse, neglect, or dependency petition, each
5342 party to the proceeding shall provide in writing to any other party or the other party's
5343 counsel any information that the party:

5344 (i) plans to report to the juvenile court at the proceeding; or

5345 (ii) could reasonably expect would be requested of the party by the juvenile court at
5346 the proceeding.

5347 (b) A party providing the disclosure required under Subsection (1)(a) shall make the
5348 disclosure:

5349 (i) for a dispositional hearing under Part 4, Adjudication, Disposition, and
5350 Permanency, no less than five days before the day on which the dispositional
5351 hearing is held; and

5352 (ii) for all other proceedings, no less than five days before the day on which the
5353 proceeding is held.

5354 (c) The division is not required to provide a court report or a child and family plan
5355 described in Section 80-3-307 to each party to the proceeding if:

5356 (i) the information is electronically filed with the juvenile court; and

5357 (ii) each party to the proceeding has access to the electronically filed information.

5358 (d) If a party to a proceeding obtains information after the deadline described in
5359 Subsection (1)(b), the information is exempt from the disclosure required under
5360 Subsection (1)(a) if the party certifies to the juvenile court that the information was
5361 obtained after the deadline.

5362 (e) Subsection (1)(a) does not apply to:

5363 (i) pretrial hearings; and

5364 (ii) the frequent, periodic review hearings held in a dependency drug court case to
5365 assess and promote the parent's progress in substance use disorder treatment.

5366 (2)(a) Except as provided in Subsection (2)(b), and notwithstanding any other provision
5367 of law:

5368 (i) counsel for all parties to the action shall be given access to all records, maintained

- 5369 by the division or any other state or local public agency, that are relevant to the
 5370 abuse, neglect, or dependency proceeding under this chapter; and
- 5371 (ii) if the ~~[natural]~~parent of a child is not represented by counsel, the ~~[natural]~~parent
 5372 shall have access to the records described in Subsection (2)(a)(i).
- 5373 (b) The disclosures described in Subsection (2)(a) are not required if:
- 5374 (i) subject to Subsection (2)(c), the division or other state or local public agency did
 5375 not originally create the record being requested;
- 5376 (ii) disclosure of the record would jeopardize the life or physical safety of a child
 5377 who has been a victim of abuse or neglect, or any individual who provided
 5378 substitute care for the child;
- 5379 (iii) disclosure of the record would jeopardize the anonymity of the individual
 5380 making the initial report of abuse or neglect or any others involved in the
 5381 subsequent investigation;
- 5382 (iv) disclosure of the record would jeopardize the life or physical safety of an
 5383 individual who has been a victim of domestic violence; or
- 5384 (v) the record is a Children's Justice Center interview, including a video or audio
 5385 recording, and a transcript of the recording, the release of which is governed by
 5386 Section 77-37-4.
- 5387 (c) If a disclosure is denied under Subsection (2)(b)(i), the division shall inform the
 5388 individual making the request:
- 5389 (i) of the existence of all records in the possession of the division or any other state or
 5390 local public agency;
- 5391 (ii) of the name and address of the individual or agency that originally created the
 5392 record; and
- 5393 (iii) that the individual making the request must seek access to the record from the
 5394 individual or agency that originally created the record.

5395 Section 65. Section **80-3-204** is amended to read:

5396 **80-3-204 . Protective custody of a child after a petition is filed -- Grounds.**

- 5397 (1) When an abuse, neglect, or dependency petition is filed, the juvenile court shall apply,
 5398 in addressing the petition, the least restrictive means and alternatives available to
 5399 accomplish a compelling state interest and to prevent irretrievable destruction of family
 5400 life as described in Subsections 80-2a-201(1) and (7)(a) and Section 80-4-104.
- 5401 (2) After an abuse, neglect, or dependency petition is filed, if the child who is the subject of
 5402 the petition is not in protective custody, a juvenile court may order that the child be

- 5403 removed from the child's home or otherwise taken into protective custody if the juvenile
5404 court finds, by a preponderance of the evidence, that any one or more of the following
5405 circumstances exist:
- 5406 (a)(i) there is an imminent danger to the physical health or safety of the child; and
 - 5407 (ii) the child's physical health or safety may not be protected without removing the
5408 child from the custody of the child's parent or guardian;
 - 5409 (b)(i) a parent or guardian engages in or threatens the child with unreasonable
5410 conduct that causes the child to suffer harm; and
 - 5411 (ii) there are no less restrictive means available by which the child's emotional health
5412 may be protected without removing the child from the custody of the child's
5413 parent or guardian;
 - 5414 (c) the child or another child residing in the same household has been, or is considered
5415 to be at substantial risk of being, physically abused, sexually abused, or sexually
5416 exploited, by a parent or guardian, a member of the parent's or guardian's household,
5417 or other individual known to the parent or guardian;
 - 5418 (d) the parent or guardian is unwilling to have physical custody of the child;
 - 5419 (e) the child is abandoned or left without any provision for the child's support;
 - 5420 (f) a parent or guardian who has been incarcerated or institutionalized has not arranged
5421 or cannot arrange for safe and appropriate care for the child;
 - 5422 (g)(i) a relative or other adult custodian with whom the child is left by the parent or
5423 guardian is unwilling or unable to provide care or support for the child;
 - 5424 (ii) the whereabouts of the parent or guardian are unknown; and
 - 5425 (iii) reasonable efforts to locate the parent or guardian are unsuccessful;
 - 5426 (h) subject to Subsection ~~[80-1-102(58)(b)]~~ 80-1-102(57)(b) and Sections 80-3-109 and
5427 80-3-304, the child is in immediate need of medical care;
 - 5428 (i)(i) a parent's or guardian's actions, omissions, or habitual action create an
5429 environment that poses a serious risk to the child's health or safety for which
5430 immediate remedial or preventive action is necessary; or
 - 5431 (ii) a parent's or guardian's action in leaving a child unattended would reasonably
5432 pose a threat to the child's health or safety;
 - 5433 (j) the child or another child residing in the same household has been neglected;
 - 5434 (k) the child's ~~natural~~ parent:
 - 5435 (i) intentionally, knowingly, or recklessly causes the death of another parent of the
5436 child;

- 5437 (ii) is identified by a law enforcement agency as the primary suspect in an
5438 investigation for intentionally, knowingly, or recklessly causing the death of
5439 another parent of the child; or
- 5440 (iii) is being prosecuted for or has been convicted of intentionally, knowingly, or
5441 recklessly causing the death of another parent of the child;
- 5442 (l) an infant is an abandoned infant, as defined in Section 80-4-203;
- 5443 (m)(i) the parent or guardian, or an adult residing in the same household as the
5444 parent or guardian, is charged or arrested pursuant to Title 58, Chapter 37d,
5445 Clandestine Drug Lab Act; and
- 5446 (ii) any clandestine laboratory operation was located in the residence or on the
5447 property where the child resided; or
- 5448 (n) the child's welfare is otherwise endangered.
- 5449 (3)(a) For purposes of Subsection (2)(a), if a child has previously been adjudicated as
5450 abused, neglected, or dependent, and a subsequent incident of abuse, neglect, or
5451 dependency occurs involving the same substantiated abuser or under similar
5452 circumstance as the previous abuse, that fact is prima facie evidence that the child
5453 cannot safely remain in the custody of the child's parent.
- 5454 (b) For purposes of Subsection (2)(c):
- 5455 (i) another child residing in the same household may not be removed from the home
5456 unless that child is considered to be at substantial risk of being physically abused,
5457 sexually abused, or sexually exploited as described in Subsection (2)(c) or
5458 Subsection (3)(b)(ii); and
- 5459 (ii) if a parent or guardian has received actual notice that physical abuse, sexual
5460 abuse, or sexual exploitation by an individual known to the parent has occurred,
5461 and there is evidence that the parent or guardian failed to protect the child, after
5462 having received the notice, by allowing the child to be in the physical presence of
5463 the alleged abuser, that fact is prima facie evidence that the child is at substantial
5464 risk of being physically abused, sexually abused, or sexually exploited.
- 5465 (4)(a) For purposes of Subsection (2), if the division files an abuse, neglect, or
5466 dependency petition, the juvenile court shall consider the division's safety and risk
5467 assessments described in Section 80-2-403 to determine whether a child should be
5468 removed from the custody of the child's parent or guardian or should otherwise be
5469 taken into protective custody.
- 5470 (b) The division shall make a diligent effort to provide the safety and risk assessments

5471 described in Section 80-2-403 to the juvenile court, guardian ad litem, and counsel
5472 for the parent or guardian, as soon as practicable before the shelter hearing described
5473 in Section 80-3-301.

5474 (5) In the absence of one of the factors described in Subsection (2), a juvenile court may not
5475 remove a child from the parent's or guardian's custody on the basis of:

5476 (a) educational neglect, truancy, or failure to comply with a court order to attend school;

5477 (b) mental illness or poverty of the parent or guardian;

5478 (c) disability of the parent or guardian, as defined in Section 57-21-2; or

5479 (d) the possession or use, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid
5480 Research and Medical Cannabis, of cannabis in a medicinal dosage form, a cannabis
5481 product in a medicinal dosage form, or a medical cannabis device, as those terms are
5482 defined in Section 26B-4-201.

5483 (6) A child removed from the custody of the child's parent or guardian under this section
5484 may not be placed or kept in detention, unless the child may be admitted to detention
5485 under Chapter 6, Part 2, Custody and Detention.

5486 (7) This section does not preclude removal of a child from the child's home without a
5487 warrant or court order under Section 80-2a-202.

5488 (8)(a) Except as provided in Subsection (8)(b), a juvenile court and the division may not
5489 remove a child from the custody of the child's parent or guardian on the sole or
5490 primary basis that the parent or guardian refuses to consent to:

5491 (i) the administration of a psychotropic medication to a child;

5492 (ii) a psychiatric, psychological, or behavioral treatment for a child; or

5493 (iii) a psychiatric or behavioral health evaluation of a child.

5494 (b) Notwithstanding Subsection (8)(a), a juvenile court or the division may remove a
5495 child under conditions that would otherwise be prohibited under Subsection (8)(a) if
5496 failure to take an action described under Subsection (8)(a) would present a serious,
5497 imminent risk to the child's physical safety or the physical safety of others.

5498 Section 66. Section **80-3-301** is amended to read:

5499 **80-3-301 . Shelter hearing -- Court considerations.**

5500 (1) A juvenile court shall hold a shelter hearing to determine the temporary custody of a
5501 child within 72 hours, excluding weekends and holidays, after any one or all of the
5502 following occur:

5503 (a) removal of the child from the child's home by the division;

5504 (b) placement of the child in protective custody;

- 5505 (c) emergency placement under Subsection 80-2a-202(5);
- 5506 (d) as an alternative to removal of the child, a parent enters a domestic violence shelter
- 5507 at the request of the division; or
- 5508 (e) a motion for expedited placement in temporary custody is filed under Section
- 5509 80-3-203.
- 5510 (2) If one of the circumstances described in Subsections (1)(a) through (e) occurs, the
- 5511 division shall issue a notice that contains all of the following:
- 5512 (a) the name and address of the individual to whom the notice is directed;
- 5513 (b) the date, time, and place of the shelter hearing;
- 5514 (c) the name of the child on whose behalf an abuse, neglect, or dependency petition is
- 5515 brought;
- 5516 (d) a concise statement regarding:
- 5517 (i) the reasons for removal or other action of the division under Subsection (1); and
- 5518 (ii) the allegations and code sections under which the proceeding is instituted;
- 5519 (e) a statement that the parent or guardian to whom notice is given, and the child, are
- 5520 entitled to have an attorney present at the shelter hearing, and that if the parent or
- 5521 guardian is an indigent individual and cannot afford an attorney, and desires to be
- 5522 represented by an attorney, one will be provided in accordance with Title 78B,
- 5523 Chapter 22, Indigent Defense Act; and
- 5524 (f) a statement that the parent or guardian is liable for the cost of support of the child in
- 5525 the protective custody, temporary custody, and custody of the division, and the cost
- 5526 for legal counsel appointed for the parent or guardian under Subsection (2)(e),
- 5527 according to the financial ability of the parent or guardian.
- 5528 (3) The notice described in Subsection (2) shall be personally served as soon as possible,
- 5529 but no later than one business day after the day on which the child is removed from the
- 5530 child's home, or the day on which a motion for expedited placement in temporary
- 5531 custody under Section 80-3-203 is filed, on:
- 5532 (a) the appropriate guardian ad litem; and
- 5533 (b) both parents and any guardian of the child, unless the parents or guardians cannot be
- 5534 located.
- 5535 (4) Notwithstanding Section 80-3-104, the following individuals shall be present at the
- 5536 shelter hearing:
- 5537 (a) the child, unless it would be detrimental for the child;
- 5538 (b) the child's parents or guardian, unless the parents or guardian cannot be located, or

- 5539 fail to appear in response to the notice;
- 5540 (c) counsel for the parents, if one is requested;
- 5541 (d) the child's guardian ad litem;
- 5542 (e) the child welfare caseworker from the division who is assigned to the case; and
- 5543 (f) the attorney from the attorney general's office who is representing the division.
- 5544 (5)(a) At the shelter hearing, the juvenile court shall:
- 5545 (i) provide an opportunity to provide relevant testimony to:
- 5546 (A) the child's parent or guardian, if present; and
- 5547 (B) any other individual with relevant knowledge;
- 5548 (ii) subject to Section 80-3-108, provide an opportunity for the child to testify; and
- 5549 (iii) in accordance with Subsections 80-3-302(7)(c) and (d), grant preferential
- 5550 consideration to a relative or friend for the temporary placement of the child.
- 5551 (b) The juvenile court:
- 5552 (i) may consider all relevant evidence, in accordance with the Utah Rules of Juvenile
- 5553 Procedure;
- 5554 (ii) shall hear relevant evidence presented by the child, the child's parent or guardian,
- 5555 the requesting party, or the requesting party's counsel; and
- 5556 (iii) may in the juvenile court's discretion limit testimony and evidence to only that
- 5557 which goes to the issues of removal and the child's need for continued protection.
- 5558 (6) If the child is in protective custody, the division shall report to the juvenile court:
- 5559 (a) the reason why the child was removed from the parent's or guardian's custody;
- 5560 (b) any services provided to the child and the child's family in an effort to prevent
- 5561 removal;
- 5562 (c) the need, if any, for continued shelter;
- 5563 (d) the available services that could facilitate the return of the child to the custody of the
- 5564 child's parent or guardian; and
- 5565 (e) subject to Subsections 80-3-302(7)(c) and (d), whether any relatives of the child or
- 5566 friends of the child's parents may be able and willing to accept temporary placement
- 5567 of the child.
- 5568 (7) The juvenile court shall consider all relevant evidence provided by an individual or
- 5569 entity authorized to present relevant evidence under this section.
- 5570 (8)(a) If necessary to protect the child, preserve the rights of a party, or for other good
- 5571 cause shown, the juvenile court may grant no more than one continuance, not to
- 5572 exceed five judicial days.

- 5573 (b) A juvenile court shall honor, as nearly as practicable, the request by a parent or
5574 guardian for a continuance under Subsection (8)(a).
- 5575 (c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice
5576 described in Subsection (2) within the time described in Subsection (3), the juvenile
5577 court may grant the request of a parent or guardian for a continuance, not to exceed
5578 five judicial days.
- 5579 (9)(a) If the child is in protective custody, the juvenile court shall order that the child be
5580 returned to the custody of the parent or guardian unless the juvenile court finds, by a
5581 preponderance of the evidence, consistent with the protections and requirements
5582 provided in Subsection 80-2a-201(1), that any one of the following exists:
- 5583 (i) subject to Subsection (9)(b)(i), there is a serious danger to the physical health or
5584 safety of the child and the child's physical health or safety may not be protected
5585 without removing the child from the custody of the child's parent;
 - 5586 (ii)(A) the child is suffering emotional damage that results in a serious
5587 impairment in the child's growth, development, behavior, or psychological
5588 functioning;
 - 5589 (B) the parent or guardian is unwilling or unable to make reasonable changes that
5590 would sufficiently prevent future damage; and
 - 5591 (C) there are no reasonable means available by which the child's emotional health
5592 may be protected without removing the child from the custody of the child's
5593 parent or guardian;
 - 5594 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is
5595 not removed from the custody of the child's parent or guardian;
 - 5596 (iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same
5597 household has been, or is considered to be at substantial risk of being, physically
5598 abused, sexually abused, or sexually exploited by:
 - 5599 (A) a parent or guardian;
 - 5600 (B) a member of the parent's household or the guardian's household; or
 - 5601 (C) an individual known to the parent or guardian;
 - 5602 (v) the parent or guardian is unwilling to have physical custody of the child;
 - 5603 (vi) the parent or guardian is unable to have physical custody of the child;
 - 5604 (vii) the child is without any provision for the child's support;
 - 5605 (viii) a parent who is incarcerated or institutionalized has not or cannot arrange for
5606 safe and appropriate care for the child;

- 5607 (ix)(A) a relative or other adult custodian with whom the child is left by the
 5608 parent or guardian is unwilling or unable to provide care or support for the
 5609 child;
- 5610 (B) the whereabouts of the parent or guardian are unknown; and
 5611 (C) reasonable efforts to locate the parent or guardian are unsuccessful;
- 5612 (x) subject to Subsection [~~80-1-102(58)(b)(i)~~] 80-1-102(57)(b)(i) and Sections
 5613 80-3-109 and 80-3-304, the child is in immediate need of medical care;
- 5614 (xi)(A) the physical environment or the fact that the child is left unattended
 5615 beyond a reasonable period of time poses a threat to the child's health or safety;
 5616 and
- 5617 (B) the parent or guardian is unwilling or unable to make reasonable changes that
 5618 would remove the threat;
- 5619 (xii)(A) the child or a minor residing in the same household has been neglected;
 5620 and
- 5621 (B) the parent or guardian is unwilling or unable to make reasonable changes that
 5622 would prevent the neglect;
- 5623 (xiii) the parent, guardian, or an adult residing in the same household as the parent or
 5624 guardian, is charged or arrested pursuant to Title 58, Chapter 37d, Clandestine
 5625 Drug Lab Act, and any clandestine laboratory operation was located in the
 5626 residence or on the property where the child resided;
- 5627 (xiv)(A) the child's welfare is substantially endangered; and
 5628 (B) the parent or guardian is unwilling or unable to make reasonable changes that
 5629 would remove the danger; or
- 5630 (xv) the child's [~~natural~~]parent:
- 5631 (A) intentionally, knowingly, or recklessly causes the death of another parent of
 5632 the child;
- 5633 (B) is identified by a law enforcement agency as the primary suspect in an
 5634 investigation for intentionally, knowingly, or recklessly causing the death of
 5635 another parent of the child; or
- 5636 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
 5637 recklessly causing the death of another parent of the child.
- 5638 (b)(i) Prima facie evidence of the finding described in Subsection (9)(a)(i) is
 5639 established if:
- 5640 (A) a court previously adjudicated that the child suffered abuse, neglect, or

- 5641 dependency involving the parent; and
5642 (B) a subsequent incident of abuse, neglect, or dependency involving the parent
5643 occurs.
- 5644 (ii) For purposes of Subsection (9)(a)(iv), if the juvenile court finds that the parent
5645 knowingly allowed the child to be in the physical care of an individual after the
5646 parent received actual notice that the individual physically abused, sexually
5647 abused, or sexually exploited the child, that fact is prima facie evidence that there
5648 is a substantial risk that the child will be physically abused, sexually abused, or
5649 sexually exploited.
- 5650 (10)(a)(i) The juvenile court shall make a determination on the record as to whether
5651 reasonable efforts were made to prevent or eliminate the need for removal of the
5652 child from the child's home and whether there are available services that would
5653 prevent the need for continued removal.
- 5654 (ii) If the juvenile court finds that the child can be safely returned to the custody of
5655 the child's parent or guardian through the provision of the services described in
5656 Subsection (10)(a)(i), the juvenile court shall place the child with the child's
5657 parent or guardian and order that the services be provided by the division.
- 5658 (b) In accordance with federal law, the juvenile court shall consider the child's health,
5659 safety, and welfare as the paramount concern when making the determination
5660 described in Subsection (10)(a), and in ordering and providing the services described
5661 in Subsection (10)(a).
- 5662 (11) If the division's first contact with the family occurred during an emergency situation in
5663 which the child could not safely remain at home, the juvenile court shall make a finding
5664 that any lack of preplacement preventive efforts, as described in Section 80-2a-302, was
5665 appropriate.
- 5666 (12) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or severe
5667 neglect are involved, the juvenile court and the division do not have any duty to make
5668 reasonable efforts or to, in any other way, attempt to maintain a child in the child's
5669 home, return a child to the child's home, provide reunification services, or attempt to
5670 rehabilitate the offending parent or parents.
- 5671 (13) The juvenile court may not order continued removal of a child solely on the basis of
5672 educational neglect, truancy, or failure to comply with a court order to attend school.
- 5673 (14)(a) If a juvenile court orders continued removal of a child under this section, the
5674 juvenile court shall state the facts on which the decision is based.

5675 (b) If no continued removal is ordered and the child is returned home, the juvenile court
5676 shall state the facts on which the decision is based.

5677 (15) If the juvenile court finds that continued removal and temporary custody are necessary
5678 for the protection of a child under Subsection (9)(a), the juvenile court shall order
5679 continued removal regardless of:

5680 (a) any error in the initial removal of the child;

5681 (b) the failure of a party to comply with notice provisions; or

5682 (c) any other procedural requirement of this chapter, Chapter 2, Child Welfare Services,
5683 or Chapter 2a, Removal and Protective Custody of a Child.

5684 Section 67. Section **80-3-302** is amended to read:

5685 **80-3-302 . Shelter hearing -- Placement of a child.**

5686 (1) As used in this section:

5687 (a) "Asserted an interest" means to communicate, verbally or in writing, to the division
5688 or the court, that the relative or friend is interested in becoming a placement for the
5689 child.

5690 (b)[(i) "~~Natural parent,~~" notwithstanding ~~Section 80-1-102,~~ means:]

5691 [~~(A) a biological or adoptive mother of the child;~~]

5692 [~~(B) an adoptive father of the child; or]~~

5693 [~~(C) a biological father of the child who:]~~

5694 [~~(F) was married to the child's biological mother at the time the child was conceived~~
5695 ~~or born; or]~~

5696 [~~(H) has strictly complied with Sections 78B-6-120 through 78B-6-122, before~~
5697 ~~removal of the child or voluntary surrender of the child by the custodial parent.]~~

5698 (i) "Parent" does not include an unmarried biological father, as defined in Section
5699 81-13-101, who has not strictly complied with Sections 81-13-212 and 81-13-213
5700 before the removal of the child or voluntary surrender of the child by the custodial
5701 parent.

5702 (ii) [~~"Natural parent" includes the individuals described in Subsection (1)(b)] "Parent"
5703 includes, except as provided in Subsection (1)(b)(i), an individual with a
5704 parent-child relationship to the child under Section 81-5-201 regardless of whether
5705 the child has been or will be placed with adoptive parents or whether adoption has
5706 been or will be considered as a long-term goal for the child.~~

5707 (2)(a) At the shelter hearing, if the juvenile court orders that a child be removed from
5708 the custody of the child's parent in accordance with Section 80-3-301, the juvenile

- 5709 court shall first determine whether there is another [~~natural~~]parent with whom the
5710 child was not residing at the time the events or conditions that brought the child
5711 within the juvenile court's jurisdiction occurred, who desires to assume custody of the
5712 child.
- 5713 (b) Subject to Subsection (7), if another [~~natural~~]parent requests custody under
5714 Subsection (2)(a), the juvenile court shall place the child with that parent unless the
5715 juvenile court finds that the placement would be unsafe or otherwise detrimental to
5716 the child.
- 5717 (c) The juvenile court:
- 5718 (i) shall make a specific finding regarding the fitness of the parent described in
5719 Subsection (2)(b) to assume custody, and the safety and appropriateness of the
5720 placement;
- 5721 (ii) shall, at a minimum, order the division to visit the parent's home, comply with the
5722 criminal background check provisions described in Section 80-3-305, and check
5723 the Management Information System for any previous reports of abuse or neglect
5724 received by the division regarding the parent at issue;
- 5725 (iii) may order the division to conduct any further investigation regarding the safety
5726 and appropriateness of the placement; and
- 5727 (iv) may place the child in the temporary custody of the division, pending the
5728 juvenile court's determination regarding the placement.
- 5729 (d) The division shall report the division's findings from an investigation under
5730 Subsection (2)(c), regarding the child in writing to the juvenile court.
- 5731 (3) If the juvenile court orders placement with a parent under Subsection (2):
- 5732 (a) the child and the parent are under the continuing jurisdiction of the juvenile court;
- 5733 (b) the juvenile court may order:
- 5734 (i) that the parent take custody subject to the supervision of the juvenile court; and
- 5735 (ii) that services be provided to the parent from whose custody the child was
5736 removed, the parent who has assumed custody, or both; and
- 5737 (c) the juvenile court shall order reasonable parent-time with the parent from whose
5738 custody the child was removed, unless parent-time is not in the best interest of the
5739 child.
- 5740 (4) The juvenile court shall periodically review an order described in Subsection (3) to
5741 determine whether:
- 5742 (a) placement with the parent continues to be in the child's best interest;

- 5743 (b) the child should be returned to the original custodial parent;
- 5744 (c) the child should be placed with a relative under Subsections (6) through (9); or
- 5745 (d) the child should be placed in the temporary custody of the division.
- 5746 (5)(a) Legal custody of the child is not affected by an order entered under Subsection (2)
- 5747 or (3).
- 5748 (b) To affect a previous court order regarding legal custody, the party shall petition the
- 5749 court for modification of legal custody.
- 5750 (6) Subject to Subsection (7), if, at the time of the shelter hearing, a child is removed from
- 5751 the custody of the child's parent and is not placed in the custody of the child's other
- 5752 parent, the juvenile court:
- 5753 (a) shall, at that time, determine whether there is a relative or a friend who is able and
- 5754 willing to care for the child, which may include asking a child, who is of sufficient
- 5755 maturity to articulate the child's wishes in relation to a placement, if there is a relative
- 5756 or friend with whom the child would prefer to reside;
- 5757 (b) may order the division to conduct a reasonable search to determine whether there are
- 5758 relatives or friends who are willing and appropriate, in accordance with the
- 5759 requirements of this chapter, Chapter 2, Child Welfare Services, and Chapter 2a,
- 5760 Removal and Protective Custody of a Child, for placement of the child;
- 5761 (c) shall order the parents to cooperate with the division, within five working days, to
- 5762 provide information regarding relatives or friends who may be able and willing to
- 5763 care for the child; and
- 5764 (d) may order that the child be placed in the temporary custody of the division pending
- 5765 the determination under Subsection (6)(a).
- 5766 (7)(a)(i) Subject to Subsection (7)(b), and if the provisions of this section are
- 5767 satisfied, the division and the juvenile court shall give preferential consideration to
- 5768 a relative's or a friend's request for placement of the child, if the placement is in
- 5769 the best interest of the child.
- 5770 (ii) If a relative or friend verbally communicates to the division or court that the
- 5771 relative or friend is interested in becoming a placement for the child, the division
- 5772 or court shall make a written record of the communication and include that written
- 5773 record in the report the division submits at the initial dispositional hearing, a
- 5774 report the division submits under Section 80-3-408, or the court's legal file.
- 5775 (b)(i)(A) The preferential consideration that the juvenile court or division
- 5776 initially grants a friend under Subsection (7)(a)(i) expires 120 days after the

- 5777 day on which the shelter hearing occurs.
- 5778 (B) After the day on which the time period described in Subsection (7)(b)(i)(A)
- 5779 expires, the division or the juvenile court may not grant preferential
- 5780 consideration to a friend, who has not obtained custody or asserted an interest
- 5781 in the child.
- 5782 (ii)(A) Until eight months after the day on which the shelter hearing occurs, the
- 5783 preferential consideration that the juvenile court or division grants a relative
- 5784 under Subsection (7)(a)(i) is a rebuttable presumption that placement of the
- 5785 child with a relative is in the best interest of the child.
- 5786 (B) After the rebuttable presumption described in Subsection (7)(b)(ii)(A) expires,
- 5787 the juvenile court or division shall give preferential consideration to a relative's
- 5788 request for placement of the child, if the placement is in the best interest of the
- 5789 child considering the totality of the circumstances.
- 5790 (C) If a relative asserts an interest in becoming a placement for the child more
- 5791 than one year after the day on which the shelter hearing occurs, the juvenile
- 5792 court may not give the relative the preferential consideration described in
- 5793 Subsection (7)(b)(ii)(B).
- 5794 (c) The following order of preference shall be applied when determining the individual
- 5795 with whom a child will be placed, provided that the individual is willing and able to
- 5796 care for the child:
- 5797 (i) a noncustodial parent of the child;
- 5798 (ii) a relative of the child;
- 5799 (iii) subject to Subsection (7)(d), a friend if the friend is a licensed foster parent; and
- 5800 (iv) other placements that are consistent with the requirements of law.
- 5801 (d) In determining whether a friend is a willing, able, and appropriate placement for a
- 5802 child, the juvenile court or the division:
- 5803 (i) subject to Subsections (7)(d)(ii) through (iv), shall consider the child's preferences
- 5804 or level of comfort with the friend;
- 5805 (ii) is required to consider no more than one friend designated by each parent of the
- 5806 child and one friend designated by the child if the child is of sufficient maturity to
- 5807 articulate the child's wishes in relation to a placement;
- 5808 (iii) may limit the number of designated friends to two, one of whom shall be a friend
- 5809 designated by the child if the child is of sufficient maturity to articulate the child's
- 5810 wishes in relation to a placement; and

- 5811 (iv) shall give preference to a friend designated by the child if:
- 5812 (A) the child is of sufficient maturity to articulate the child's wishes; and
- 5813 (B) the basis for removing the child under Section 80-3-301 is sexual abuse of the
- 5814 child.
- 5815 (e)(i) If a parent of the child or the child, if the child is of sufficient maturity to
- 5816 articulate the child's wishes in relation to a placement, is not able to designate a
- 5817 friend who is a licensed foster parent for placement of the child, but is able to
- 5818 identify a friend who is willing to become licensed as a foster parent, the
- 5819 department shall fully cooperate to expedite the licensing process for the friend.
- 5820 (ii) If the friend described in Subsection (7)(e)(i) becomes licensed as a foster parent
- 5821 within the time frame described in Subsection (7)(b)(i), the juvenile court shall
- 5822 determine whether it is in the best interest of the child to place the child with the
- 5823 friend.
- 5824 (8)(a) If a relative or friend who is willing to cooperate with the child's permanency
- 5825 goal is identified under Subsection (6)(a), the juvenile court:
- 5826 (i) shall make a specific finding regarding:
- 5827 (A) the fitness of that relative or friend as a placement for the child; and
- 5828 (B) the safety and appropriateness of placement with the relative or friend; and
- 5829 (ii) may not consider a request for guardianship or adoption of the child by an
- 5830 individual who is not a relative of the child, or prevent the division from placing
- 5831 the child in the custody of a relative of the child in accordance with this part, until
- 5832 after the day on which the juvenile court makes the findings under Subsection
- 5833 (8)(a)(i).
- 5834 (b) In making the finding described in Subsection (8)(a), the juvenile court shall, at a
- 5835 minimum, order the division to:
- 5836 (i) if the child may be placed with a relative, conduct a background check that
- 5837 includes:
- 5838 (A) completion of a nonfingerprint-based, Utah Bureau of Criminal Identification
- 5839 background check of the relative;
- 5840 (B) a completed search, relating to the relative, of the Management Information
- 5841 System; and
- 5842 (C) a background check that complies with the criminal background check
- 5843 provisions described in Section 80-3-305, of each nonrelative of the child who
- 5844 resides in the household where the child may be placed;

- 5845 (ii) if the child will be placed with a noncustodial parent, complete a background
5846 check that includes:
- 5847 (A) the background check requirements applicable to an emergency placement
5848 with a noncustodial parent that are described in Subsections 80-2a-301(4) and
5849 (6);
- 5850 (B) a completed search, relating to the noncustodial parent of the child, of the
5851 Management Information System; and
- 5852 (C) a background check that complies with the criminal background check
5853 provisions described in Section 80-3-305, of each nonrelative of the child who
5854 resides in the household where the child may be placed;
- 5855 (iii) if the child may be placed with an individual other than a noncustodial parent or
5856 a relative, conduct a criminal background check of the individual, and each adult
5857 that resides in the household where the child may be placed, that complies with
5858 the criminal background check provisions described in Section 80-3-305;
- 5859 (iv) visit the relative's or friend's home;
- 5860 (v) check the Management Information System for any previous reports of abuse or
5861 neglect regarding the relative or friend at issue;
- 5862 (vi) report the division's findings in writing to the juvenile court; and
- 5863 (vii) provide sufficient information so that the juvenile court may determine whether:
- 5864 (A) the relative or friend has any history of abusive or neglectful behavior toward
5865 other children that may indicate or present a danger to this child;
- 5866 (B) the child is comfortable with the relative or friend;
- 5867 (C) the relative or friend recognizes the parent's history of abuse and is committed
5868 to protect the child;
- 5869 (D) the relative or friend is strong enough to resist inappropriate requests by the
5870 parent for access to the child, in accordance with court orders;
- 5871 (E) the relative or friend is committed to caring for the child as long as necessary;
5872 and
- 5873 (F) the relative or friend can provide a secure and stable environment for the child.
- 5874 (c) The division may determine to conduct, or the juvenile court may order the division
5875 to conduct, any further investigation regarding the safety and appropriateness of the
5876 placement described in Subsection (8)(a).
- 5877 (d) The division shall complete and file the division's assessment regarding placement
5878 with a relative or friend under Subsections (8)(a) and (b) as soon as practicable, in an

- 5879 effort to facilitate placement of the child with a relative or friend.
- 5880 (9)(a) The juvenile court may place a child described in Subsection (2)(a) in the
5881 temporary custody of the division, pending the division's investigation under
5882 Subsection (8), and the juvenile court's determination regarding the appropriateness
5883 of the placement.
- 5884 (b) The juvenile court shall ultimately base the juvenile court's determination regarding
5885 the appropriateness of a placement with a relative or friend on the best interest of the
5886 child.
- 5887 (10) If a juvenile court places a child described in Subsection (6) with the child's relative or
5888 friend:
- 5889 (a) the juvenile court shall:
- 5890 (i) order the relative or friend take custody, subject to the continuing supervision of
5891 the juvenile court;
- 5892 (ii) provide for reasonable parent-time with the parent or parents from whose custody
5893 the child is removed, unless parent-time is not in the best interest of the child; and
5894 (iii) conduct a periodic review no less often than every six months, to determine
5895 whether:
- 5896 (A) placement with a relative or friend continues to be in the child's best interest;
5897 (B) the child should be returned home; or
5898 (C) the child should be placed in the custody of the division;
- 5899 (b) the juvenile court may enter an order:
- 5900 (i) requiring the division to provide necessary services to the child and the child's
5901 relative or friend, including the monitoring of the child's safety and well-being; or
5902 (ii) that the juvenile court considers necessary for the protection and best interest of
5903 the child; and
- 5904 (c) the child and the relative or friend in whose custody the child is placed are under the
5905 continuing jurisdiction of the juvenile court.
- 5906 (11) No later than 12 months after the day on which the child is removed from the home,
5907 the juvenile court shall schedule a hearing for the purpose of entering a permanent order
5908 in accordance with the best interest of the child.
- 5909 (12) The time limitations described in Section 80-3-406, with regard to reunification
5910 efforts, apply to a child placed with a previously noncustodial parent under Subsection
5911 (2) or with a relative or friend under Subsection (6).
- 5912 (13)(a) If the juvenile court awards temporary custody of a child to the division, and the

- 5913 division places the child with a relative, the division shall:
- 5914 (i) conduct a criminal background check of the relative that complies with the
5915 criminal background check provisions described in Section 80-3-305; and
- 5916 (ii) if the results of the criminal background check described in Subsection (13)(a)(i)
5917 would prohibit the relative from having direct access to the child under Section
5918 26B-2-120, the division shall:
- 5919 (A) take the child into physical custody; and
- 5920 (B) within three days, excluding weekends and holidays, after the day on which
5921 the child is taken into physical custody under Subsection (13)(a)(ii)(A), give
5922 written notice to the juvenile court, and all parties to the proceedings, of the
5923 division's action.
- 5924 (b) Subsection (13)(a) does not prohibit the division from placing a child with a relative,
5925 pending the results of the background check described in Subsection (13)(a) on the
5926 relative.
- 5927 (14) If the juvenile court orders that a child be removed from the custody of the child's
5928 parent and does not award custody and guardianship to another parent, relative, or friend
5929 under this section, the juvenile court shall order that the child be placed in the temporary
5930 custody of the division, to proceed to adjudication and disposition and to be provided
5931 with care and services in accordance with this chapter, Chapter 2, Child Welfare Services,
5932 and Chapter 2a, Removal and Protective Custody of a Child.
- 5933 (15)(a) If a child reenters the temporary custody or the custody of the division and the
5934 child is not placed with an individual who is a parent, relative, or friend, the division
5935 shall:
- 5936 (i) notify the child's former foster parents; and
- 5937 (ii) upon a determination of the former foster parents' willingness and ability to safely
5938 and appropriately care for the child, give the former foster parents preference for
5939 placement of the child.
- 5940 (b) If, after the shelter hearing, the child is placed with an individual who is not a parent,
5941 a relative, a friend, or a former foster parent of the child, priority shall be given to a
5942 foster placement with a married couple, unless it is in the best interests of the child to
5943 place the child with a single foster parent.
- 5944 (16) In determining the placement of a child, the juvenile court and the division may not
5945 take into account, or discriminate against, the religion of an individual with whom the
5946 child may be placed, unless the purpose of taking religion into account is to place the

5947 child with an individual or family of the same religion as the child.

5948 (17) If the juvenile court's decision differs from a child's express wishes if the child is of
5949 sufficient maturity to articulate the wishes in relation to the child's placement, the
5950 juvenile court shall make findings explaining why the juvenile court's decision differs
5951 from the child's wishes.

5952 (18) This section does not guarantee that an identified relative or friend will receive custody
5953 of the child.

5954 (19)(a) If, for a relative placement, an interstate placement requested under the
5955 Interstate Compact on the Placement of Children has been initiated by the division or
5956 is ordered by or pending before the juvenile court, the court may not finalize a
5957 non-relative placement unless the court gives due weight to:

5958 (i) the preferential consideration granted to a relative in Section 80-3-302;

5959 (ii) the rebuttable presumption in Section 80-3-302; and

5960 (iii) the division's placement authority under Subsections 80-1-102(50) and
5961 80-3-303(1).

5962 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile
5963 court under Subsection 80-3-502(3).

5964 Section 68. Section **80-3-307** is amended to read:

5965 **80-3-307 . Child and family plan developed by division -- Parent-time and**
5966 **relative visitation.**

5967 (1) The division shall develop and finalize a child's child and family plan no more than 45
5968 days after the day on which the child enters the temporary custody of the division.

5969 (2)(a) The division may use an interdisciplinary team approach in developing a child
5970 and family plan.

5971 (b) The interdisciplinary team described in Subsection (2)(a) may include
5972 representatives from the following fields:

5973 (i) mental health;

5974 (ii) education; or

5975 (iii) if appropriate, law enforcement.

5976 (3)(a) The division shall involve all of the following in the development of a child's
5977 child and family plan:

5978 (i) both of the child's [~~natural~~]parents, unless the whereabouts of a parent are
5979 unknown;

5980 (ii) the child;

- 5981 (iii) the child's foster parents; and
5982 (iv) if appropriate, the child's stepparent.
- 5983 (b) Subsection (3)(a) does not prohibit any other party not listed in Subsection (3)(a) or a
5984 party's counsel from being involved in the development of a child's child and family
5985 plan if the party or counsel's participation is otherwise permitted by law.
- 5986 (c) In relation to all information considered by the division in developing a child and
5987 family plan, the division shall give additional weight and attention to the input of the
5988 child's natural and foster parents upon the involvement of the child's natural and
5989 foster parents under Subsections (3)(a)(i) and (iii).
- 5990 (d)(i) The division shall make a substantial effort to develop a child and family plan
5991 with which the child's parents agree.
- 5992 (ii) If a parent does not agree with a child and family plan:
5993 (A) the division shall strive to resolve the disagreement between the division and
5994 the parent; and
5995 (B) if the disagreement is not resolved, the division shall inform the court of the
5996 disagreement.
- 5997 (4) A copy of the child and family plan shall, immediately upon completion, or as soon as
5998 reasonably possible thereafter, be provided to:
5999 (a) the guardian ad litem;
6000 (b) the child's [~~natural~~]parents; and
6001 (c) the child's foster parents.
- 6002 (5) A child and family plan shall:
6003 (a) specifically provide for the safety of the child, in accordance with federal law;
6004 (b) clearly define what actions or precautions will, or may be, necessary to provide for
6005 the health, safety, protection, and welfare of the child;
6006 (c) be specific to each child and the child's family, rather than general;
6007 (d) include individualized expectations and contain specific time frames;
6008 (e) except as provided in Subsection (6), address problems that:
6009 (i) keep a child in the child's placement; and
6010 (ii) keep a child from achieving permanence in the child's life;
6011 (f) be designed to:
6012 (i) minimize disruption to the normal activities of the child's family, including
6013 employment and school; and
6014 (ii) as much as practicable, help the child's parent maintain or obtain employment; and

- 6015 (g) set forth, with specificity, at least the following:
- 6016 (i) the reason the child entered into protective custody or the division's temporary
6017 custody or custody;
- 6018 (ii) documentation of:
- 6019 (A) the reasonable efforts made to prevent placement of the child in protective
6020 custody or the division's temporary custody or custody; or
- 6021 (B) the emergency situation that existed and that prevented the reasonable efforts
6022 described in Subsection (5)(g)(ii)(A), from being made;
- 6023 (iii) the primary permanency plan for the child, as described in Section 80-3-406, and
6024 the reason for selection of the plan;
- 6025 (iv) the concurrent permanency plan for the child, as described in Section 80-3-406,
6026 and the reason for the selection of the plan;
- 6027 (v) if the plan is for the child to return to the child's family:
- 6028 (A) specifically what the parents must do in order to enable the child to be
6029 returned home;
- 6030 (B) specifically how the requirements described in Subsection (5)(g)(v)(A) may
6031 be accomplished; and
- 6032 (C) how the requirements described in Subsection (5)(g)(v)(A) will be measured;
- 6033 (vi) the specific services needed to reduce the problems that necessitated placing the
6034 child in protective custody or the division's temporary custody or custody;
- 6035 (vii) the name of the individual who will provide for and be responsible for case
6036 management for the division;
- 6037 (viii) subject to Subsection (10), a parent-time schedule between the ~~[natural]~~ parent
6038 and the child;
- 6039 (ix) subject to Subsection (7), the health and mental health care to be provided to
6040 address any known or diagnosed mental health needs of the child;
- 6041 (x) if residential treatment rather than a foster home is the proposed placement, a
6042 requirement for a specialized assessment of the child's health needs including an
6043 assessment of mental illness and behavior and conduct disorders;
- 6044 (xi) social summaries that include case history information pertinent to case planning;
6045 and
- 6046 (xii) subject to Subsection (12), a sibling visitation schedule.
- 6047 (6) For purposes of Subsection (5)(e), a child and family plan may only include
6048 requirements that:

- 6049 (a) address findings made by the court; or
6050 (b)(i) are requested or consented to by a parent or guardian of the child; and
6051 (ii) are agreed to by the division and the guardian ad litem.
- 6052 (7)(a) Subject to Subsection (7)(b), in addition to the information required under
6053 Subsection (5)(g)(ix), a child and family plan shall include a specialized assessment
6054 of the medical and mental health needs of a child, if the child:
6055 (i) is placed in residential treatment; and
6056 (ii) has medical or mental health issues that need to be addressed.
- 6057 (b) Notwithstanding Subsection (7)(a), a parent shall retain the right to seek a separate
6058 medical or mental health diagnosis of the parent's child from a licensed practitioner
6059 of the parent's choice.
- 6060 (8)(a) The division shall train the division's employees to develop child and family
6061 plans that comply with:
6062 (i) federal mandates; and
6063 (ii) the specific needs of the particular child and the child's family.
- 6064 (b) The child's natural parents, foster parents, and if appropriate, stepparents, shall be
6065 kept informed of and supported to participate in important meetings and procedures
6066 related to the child's placement.
- 6067 (9) If the division documents to the court that there is a compelling reason that adoption,
6068 reunification, guardianship, and a placement described in Subsection 80-3-301(6)(e) are
6069 not in the child's best interest, the court may order another planned permanent living
6070 arrangement in accordance with federal law.
- 6071 (10)(a) Except as provided in Subsection (10)(b), parent-time may only be denied by a
6072 court order issued in accordance with Subsection 80-3-406(9).
- 6073 (b) Notwithstanding Subsection (10)(a), the person designated by the division or a court
6074 to supervise a parent-time session may deny parent-time for the session if the
6075 supervising person determines that, based on the parent's condition, it is necessary to
6076 deny parent-time to:
6077 (i) protect the physical safety of the child;
6078 (ii) protect the life of the child; or
6079 (iii) consistent with Subsection (10)(c), prevent the child from being traumatized by
6080 contact with the parent.
- 6081 (c) In determining whether the condition of the parent described in Subsection (10)(b)
6082 will traumatize a child, the person supervising the parent-time session shall consider

- 6083 the impact that the parent's condition will have on the child in light of:
- 6084 (i) the child's fear of the parent; and
- 6085 (ii) the nature of the alleged abuse or neglect.
- 6086 (11) If a child is in the division's temporary custody or custody, the division shall consider
- 6087 visitation with the child's grandparent if:
- 6088 (a) the division determines the visitation to be in the best interest of the child;
- 6089 (b) there are no safety concerns regarding the behavior or criminal background of the
- 6090 grandparent;
- 6091 (c) allowing the grandparent visitation would not compete with or undermine the child's
- 6092 reunification plan;
- 6093 (d) there is a substantial relationship between the grandparent and child; and
- 6094 (e) the grandparent visitation will not unduly burden the foster parents.
- 6095 (12)(a) The division shall incorporate into the child and family plan reasonable efforts
- 6096 to provide sibling visitation if:
- 6097 (i) siblings are separated due to foster care or adoptive placement;
- 6098 (ii) the sibling visitation is in the best interest of the child for whom the child and
- 6099 family plan is developed; and
- 6100 (iii) the division has consent for sibling visitation from the guardian of the sibling.
- 6101 (b) The division shall obtain consent for sibling visitation from the sibling's guardian if
- 6102 the criteria of Subsections (12)(a)(i) and (ii) are met.
- 6103 Section 69. Section **80-3-405** is amended to read:
- 6104 **80-3-405 . Dispositions after adjudication.**
- 6105 (1) Upon adjudication under Subsection 80-3-402(1), the juvenile court may make the
- 6106 dispositions described in Subsection (2) at the dispositional hearing.
- 6107 (2)(a)(i) The juvenile court may vest custody of an abused, neglected, or dependent
- 6108 minor in the division or any other appropriate person, with or without
- 6109 court-specified child welfare services, in accordance with the requirements and
- 6110 procedures of this chapter.
- 6111 (ii) When placing a minor in the custody of the division or any other appropriate
- 6112 person, the juvenile court:
- 6113 (A) shall give primary consideration to the welfare of the minor;
- 6114 (B) shall give due consideration to the rights of the parent or parents concerning
- 6115 the minor; and
- 6116 (C) when practicable, may take into consideration the religious preferences of the

- 6117 minor and of the minor's parents or guardian.
- 6118 (b)(i) The juvenile court may appoint a guardian for the minor if it appears necessary
6119 in the interest of the minor.
- 6120 (ii) A guardian appointed under Subsection (2)(b)(i) may be a public or private
6121 institution or agency, but not a nonsecure residential placement provider, in which
6122 legal custody of the minor is vested.
- 6123 (iii) When placing a minor under the guardianship of an individual or of a private
6124 agency or institution, the juvenile court:
- 6125 (A) shall give primary consideration to the welfare of the minor; and
6126 (B) when practicable, may take into consideration the religious preferences of the
6127 minor and of the minor's parents or guardian.
- 6128 (c) The juvenile court may order:
- 6129 (i) protective supervision;
6130 (ii) family preservation;
6131 (iii) sibling visitation; or
6132 (iv) other services.
- 6133 (d)(i) If a minor has been placed with an individual or relative as a result of an
6134 adjudication under this chapter, the juvenile court may enter an order of
6135 permanent legal custody and guardianship with the individual or relative of the
6136 minor.
- 6137 (ii) If a juvenile court enters an order of permanent custody and guardianship with an
6138 individual or relative of a minor under Subsection (2)(d)(i), the juvenile court
6139 may, in accordance with Section 78A-6-356, enter an order for child support on
6140 behalf of the minor against the ~~natural~~ parents of the minor.
- 6141 (iii) An order under this Subsection (2)(d):
- 6142 (A) shall remain in effect until the minor is 18 years old;
6143 (B) is not subject to review under Section 78A-6-358; and
6144 (C) may be modified by petition or motion as provided in Section 78A-6-357.
- 6145 (e) The juvenile court may order a child be committed to the physical custody, as
6146 defined in Section 26B-5-401, of a local mental health authority, in accordance with
6147 the procedures and requirements of Title 26B, Chapter 5, Part 4, Commitment of
6148 Persons Under Age 18.
- 6149 (f)(i) If the child has an intellectual disability, the juvenile court may make an order
6150 committing a minor to the Utah State Developmental Center in accordance with

- 6151 Title 26B, Chapter 6, Part 6, Admission to an Intermediate Care Facility for
6152 People with an Intellectual Disability.
- 6153 (ii) The juvenile court shall follow the procedure applicable in the district court with
6154 respect to judicial commitments to the Utah State Developmental Center when
6155 ordering a commitment under Subsection (2)(f)(i).
- 6156 (g)(i) Subject to Subsection [~~80-1-102(58)(b)~~] 80-1-102(57)(b) and Section 80-3-304,
6157 the juvenile court may order that a minor:
- 6158 (A) be examined or treated by a mental health therapist, as described in Section
6159 80-3-109; or
- 6160 (B) receive other special care.
- 6161 (ii) For purposes of receiving the examination, treatment, or care described in
6162 Subsection (2)(g)(i), the juvenile court may place the minor in a hospital or other
6163 suitable facility that is not secure care or secure detention.
- 6164 (iii) In determining whether to order the examination, treatment, or care described in
6165 Subsection (2)(g)(i), the juvenile court shall consider:
- 6166 (A) the desires of the minor;
- 6167 (B) the desires of the parent or guardian of the minor if the minor is younger than
6168 18 years old; and
- 6169 (C) whether the potential benefits of the examination, treatment, or care outweigh
6170 the potential risks and side-effects, including behavioral disturbances, suicidal
6171 ideation, brain function impairment, or emotional or physical harm resulting
6172 from the compulsory nature of the examination, treatment, or care.
- 6173 (h) The juvenile court may make other reasonable orders for the best interest of the
6174 minor.
- 6175 (3)(a) At the dispositional hearing described in Subsection 80-3-402(3), if a child
6176 remains in an out-of-home placement, the juvenile court shall:
- 6177 (i) make specific findings regarding the conditions of parent-time that are in the
6178 child's best interest; and
- 6179 (ii) if parent-time is denied, state the facts that justify the denial.
- 6180 (b) Parent-time shall be under the least restrictive conditions necessary to:
- 6181 (i) protect the physical safety of the child; or
- 6182 (ii) prevent the child from being traumatized by contact with the parent due to the
6183 child's fear of the parent in light of the nature of the alleged abuse or neglect.
- 6184 (c)(i) The division or the person designated by the division or a court to supervise a

- 6185 parent-time session may deny parent-time for the session if the division or the
6186 supervising person determines that, based on the parent's condition, it is necessary
6187 to deny parent-time to:
- 6188 (A) protect the physical safety of the child;
 - 6189 (B) protect the life of the child; or
 - 6190 (C) consistent with Subsection (3)(c)(ii), prevent the child from being traumatized
6191 by contact with the parent.
- 6192 (ii) In determining whether the condition of the parent described in Subsection
6193 (3)(c)(i) will traumatize a child, the division or the person supervising the
6194 parent-time session shall consider the impact that the parent's condition will have
6195 on the child in light of:
- 6196 (A) the child's fear of the parent; and
 - 6197 (B) the nature of the alleged abuse or neglect.
- 6198 (4) Upon an adjudication under this chapter, the juvenile court may not:
- 6199 (a) commit a minor solely on the ground of abuse, neglect, or dependency to the
6200 Division of Juvenile Justice and Youth Services;
 - 6201 (b) assume the function of developing foster home services; or
 - 6202 (c) vest legal custody of an abused, neglected, or dependent minor in the division to
6203 primarily address the minor's ungovernable or other behavior, mental health, or
6204 disability, unless the division:
 - 6205 (i) engages other relevant divisions within the department that are conducting an
6206 assessment of the minor and the minor's family's needs;
 - 6207 (ii) based on the assessment described in Subsection (4)(c)(i), determines that vesting
6208 custody of the minor in the division is the least restrictive intervention for the
6209 minor that meets the minor's needs; and
 - 6210 (iii) consents to legal custody of the minor being vested in the division.
- 6211 (5) The juvenile court may combine the dispositions listed in Subsection (2) if combining
6212 the dispositions is permissible and the dispositions are compatible.
- 6213 (6)(a) If, for a relative placement, an interstate placement requested under the Interstate
6214 Compact on the Placement of Children has been initiated by the division or is ordered
6215 by or pending before the juvenile court, the court may not finalize a non-relative
6216 placement unless the court gives due weight to:
- 6217 (i) the preferential consideration granted to a relative in Section 80-3-302;
 - 6218 (ii) the rebuttable presumption in Section 80-3-302; and

6219 (iii) the division's placement authority under Subsections 80-1-102(50) and
6220 80-3-303(1).

6221 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile
6222 court under Subsection 80-3-502(3).

6223 Section 70. Section **80-3-409** is amended to read:

6224 **80-3-409 . Permanency hearing -- Final plan -- Petition for termination of**
6225 **parental rights filed -- Hearing on termination of parental rights.**

6226 (1)(a) If reunification services are ordered under Section 80-3-406, with regard to a
6227 minor who is in the custody of the division, the juvenile court shall hold a
6228 permanency hearing no later than 12 months after the day on which the minor is
6229 initially removed from the minor's home.

6230 (b) If reunification services are not ordered at the dispositional hearing, the juvenile
6231 court shall hold a permanency hearing within 30 days after the day on which the
6232 dispositional hearing ends.

6233 (2)(a) If reunification services are ordered in accordance with Section 80-3-406, the
6234 juvenile court shall, at the permanency hearing, determine, consistent with
6235 Subsection (3), whether the minor may safely be returned to the custody of the
6236 minor's parent.

6237 (b) If the juvenile court finds, by a preponderance of the evidence, that return of the
6238 minor to the minor's parent would create a substantial risk of detriment to the minor's
6239 physical or emotional well-being, the minor may not be returned to the custody of the
6240 minor's parent.

6241 (c) Prima facie evidence that return of the minor to a parent or guardian would create a
6242 substantial risk of detriment to the minor is established if:

6243 (i) the parent or guardian fails to:

6244 (A) participate in a court approved child and family plan;

6245 (B) comply with a court approved child and family plan in whole or in part; or

6246 (C) meet the goals of a court approved child and family plan; or

6247 (ii) the minor's ~~natural~~ parent:

6248 (A) intentionally, knowingly, or recklessly causes the death of another parent of
6249 the minor;

6250 (B) is identified by a law enforcement agency as the primary suspect in an
6251 investigation for intentionally, knowingly, or recklessly causing the death of
6252 another parent of the minor; or

6253 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
6254 recklessly causing the death of another parent of the minor.

6255 (3) In making a determination under Subsection (2)(a), the juvenile court shall:

6256 (a) review and consider:

6257 (i) the report prepared by the division;

6258 (ii) in accordance with the Utah Rules of Evidence, any admissible evidence offered
6259 by the minor's attorney guardian ad litem;

6260 (iii) any report submitted by the division under Subsection 80-3-408(3)(a)(i);

6261 (iv) any evidence regarding the efforts or progress demonstrated by the parent; and

6262 (v) the extent to which the parent cooperated and used the services provided; and

6263 (b) attempt to keep the minor's sibling group together if keeping the sibling group
6264 together is:

6265 (i) practicable; and

6266 (ii) in accordance with the best interest of the minor.

6267 (4) With regard to a case where reunification services are ordered by the juvenile court, if a
6268 minor is not returned to the minor's parent or guardian at the permanency hearing, the
6269 juvenile court shall, unless the time for the provision of reunification services is
6270 extended under Subsection (7):

6271 (a) order termination of reunification services to the parent;

6272 (b) make a final determination regarding whether termination of parental rights,
6273 adoption, or permanent custody and guardianship is the most appropriate final plan
6274 for the minor, taking into account the minor's primary permanency plan established
6275 by the juvenile court under Section 80-3-406; and

6276 (c) in accordance with Subsection 80-3-406(2), establish a concurrent permanency plan
6277 that identifies the second most appropriate final plan for the minor, if appropriate.

6278 (5) The juvenile court may order another planned permanent living arrangement other than
6279 reunification for a minor who is 16 years old or older upon entering the following
6280 findings:

6281 (a) the division has documented intensive, ongoing, and unsuccessful efforts to reunify
6282 the minor with the minor's parent or parents, or to secure a placement for the minor
6283 with a guardian, an adoptive parent, or an individual described in Subsection 80-3-301
6284 (6)(e);

6285 (b) the division has demonstrated that the division has made efforts to normalize the life
6286 of the minor while in the division's custody, in accordance with Section 80-2-308;

- 6287 (c) the minor prefers another planned permanent living arrangement; and
6288 (d) there is a compelling reason why reunification or a placement described in
6289 Subsection (5)(a) is not in the minor's best interest.
- 6290 (6) Except as provided in Subsection (7), the juvenile court may not extend reunification
6291 services beyond 12 months after the day on which the minor is initially removed from
6292 the minor's home, in accordance with the provisions of Section 80-3-406.
- 6293 (7)(a) Subject to Subsection (7)(b), the juvenile court may extend reunification services
6294 for no more than 90 days if the juvenile court finds, by a preponderance of the
6295 evidence, that:
- 6296 (i) there has been substantial compliance with the child and family plan;
6297 (ii) reunification is probable within that 90-day period; and
6298 (iii) the extension is in the best interest of the minor.
- 6299 (b)(i) Except as provided in Subsection (7)(c), the juvenile court may not extend any
6300 reunification services beyond 15 months after the day on which the minor is
6301 initially removed from the minor's home.
- 6302 (ii) Delay or failure of a parent to establish paternity or seek custody does not provide
6303 a basis for the juvenile court to extend services for the parent beyond the
6304 12-month period described in Subsection (6).
- 6305 (c) In accordance with Subsection (7)(d), the juvenile court may extend reunification
6306 services for one additional 90-day period, beyond the 90-day period described in
6307 Subsection (7)(a), if:
- 6308 (i) the juvenile court finds, by clear and convincing evidence, that:
- 6309 (A) the parent has substantially complied with the child and family plan;
6310 (B) it is likely that reunification will occur within the additional 90-day period; and
6311 (C) the extension is in the best interest of the minor;
- 6312 (ii) the juvenile court specifies the facts upon which the findings described in
6313 Subsection (7)(c)(i) are based; and
- 6314 (iii) the juvenile court specifies the time period in which it is likely that reunification
6315 will occur.
- 6316 (d) A juvenile court may not extend the time period for reunification services without
6317 complying with the requirements of this Subsection (7) before the extension.
- 6318 (e) In determining whether to extend reunification services for a minor, a juvenile court
6319 shall take into consideration the status of the minor siblings of the minor.
- 6320 (8)(a) At the permanency hearing, if a child remains in an out-of-home placement, the

- 6321 juvenile court shall:
- 6322 (i) make specific findings regarding the conditions of parent-time that are in the
6323 child's best interest; and
- 6324 (ii) if parent-time is denied, state the facts that justify the denial.
- 6325 (b) Parent-time shall be under the least restrictive conditions necessary to:
- 6326 (i) protect the physical safety of the child; or
- 6327 (ii) prevent the child from being traumatized by contact with the parent due to the
6328 child's fear of the parent in light of the nature of the alleged abuse or neglect.
- 6329 (c)(i) The division or the person designated by the division or a court to supervise a
6330 parent-time session may deny parent-time for the session if the division or the
6331 supervising person determines that, based on the parent's condition, it is necessary
6332 to deny parent-time to:
- 6333 (A) protect the physical safety of the child;
- 6334 (B) protect the life of the child; or
- 6335 (C) consistent with Subsection (8)(c)(ii), prevent the child from being traumatized
6336 by contact with the parent.
- 6337 (ii) In determining whether the condition of the parent described in Subsection
6338 (8)(c)(i) will traumatize a child, the division or the person supervising the
6339 parent-time session shall consider the impact that the parent's condition will have
6340 on the child in light of:
- 6341 (A) the child's fear of the parent; and
- 6342 (B) the nature of the alleged abuse or neglect.
- 6343 (9) The juvenile court may, in the juvenile court's discretion:
- 6344 (a) enter any additional order that the juvenile court determines to be in the best interest
6345 of the minor, so long as that order does not conflict with the requirements and
6346 provisions of Subsections (4) through (8); or
- 6347 (b) order the division to provide protective supervision or other services to a minor and
6348 the minor's family after the division's custody of a minor is terminated.
- 6349 (10)(a) If the final plan for the minor is to proceed toward termination of parental rights,
6350 the petition for termination of parental rights shall be filed, and a pretrial held, within
6351 45 calendar days after the day on which the permanency hearing is held.
- 6352 (b) If the division opposes the plan to terminate parental rights, the juvenile court may
6353 not require the division to file a petition for the termination of parental rights, except
6354 as required under Subsection 80-4-203(2).

- 6355 (11)(a) Any party to an action may, at any time, petition the juvenile court for an
6356 expedited permanency hearing on the basis that continuation of reunification efforts
6357 are inconsistent with the permanency needs of the minor.
- 6358 (b) If the juvenile court so determines, the juvenile court shall order, in accordance with
6359 federal law, that:
- 6360 (i) the minor be placed in accordance with the permanency plan; and
6361 (ii) whatever steps are necessary to finalize the permanent placement of the minor be
6362 completed as quickly as possible.
- 6363 (12) Nothing in this section may be construed to:
- 6364 (a) entitle any parent to reunification services for any specified period of time;
6365 (b) limit a juvenile court's ability to terminate reunification services at any time before a
6366 permanency hearing; or
6367 (c) limit or prohibit the filing of a petition for termination of parental rights by any party,
6368 or a hearing on termination of parental rights, at any time before a permanency
6369 hearing provided that relative placement and custody options have been fairly
6370 considered in accordance with Sections 80-2a-201 and 80-4-104.
- 6371 (13)(a) Subject to Subsection (13)(b), if a petition for termination of parental rights is
6372 filed before the date scheduled for a permanency hearing, the juvenile court may
6373 consolidate the hearing on termination of parental rights with the permanency hearing.
- 6374 (b) For purposes of Subsection (13)(a), if the juvenile court consolidates the hearing on
6375 termination of parental rights with the permanency hearing:
- 6376 (i) the juvenile court shall first make a finding regarding whether reasonable efforts
6377 have been made by the division to finalize the permanency plan for the minor; and
6378 (ii) any reunification services shall be terminated in accordance with the time lines
6379 described in Section 80-3-406.
- 6380 (c) The juvenile court shall make a decision on a petition for termination of parental
6381 rights within 18 months after the day on which the minor is initially removed from
6382 the minor's home.
- 6383 (14)(a) If a juvenile court determines that a minor will not be returned to a parent of the
6384 minor, the juvenile court shall consider appropriate placement options inside and
6385 outside of the state.
- 6386 (b) In considering appropriate placement options under Subsection (14)(a), the juvenile
6387 court shall provide preferential consideration to a relative's request for placement of
6388 the minor.

- 6389 (15)(a) In accordance with Section 80-3-108, if a minor 14 years old or older desires an
 6390 opportunity to address the juvenile court or testify regarding permanency or
 6391 placement, the juvenile court shall give the minor's wishes added weight, but may not
 6392 treat the minor's wishes as the single controlling factor under this section.
- 6393 (b) If the juvenile court's decision under this section differs from a minor's express
 6394 wishes if the minor is of sufficient maturity to articulate the wishes in relation to
 6395 permanency or the minor's placement, the juvenile court shall make findings
 6396 explaining why the juvenile court's decision differs from the minor's wishes.
- 6397 (16)(a) If, for a relative placement, an interstate placement requested under the
 6398 Interstate Compact on the Placement of Children has been initiated by the division or
 6399 is ordered by or pending before the juvenile court, the court may not finalize a
 6400 non-relative placement unless the court gives due weight to:
- 6401 (i) the preferential consideration granted to a relative in Section 80-3-302;
 6402 (ii) the rebuttable presumption in Section 80-3-302; and
 6403 (iii) the division's placement authority under Subsections 80-1-102(50) and 80-3-303
 6404 (1).
- 6405 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile
 6406 court under Subsection 80-3-502(3).
- 6407 Section 71. Section **80-3-502** is amended to read:
- 6408 **80-3-502 . Review of foster care removal -- Foster parent's standing.**
- 6409 (1) With regard to a minor in the custody of the division who is the subject of a petition
 6410 alleging abuse, neglect, or dependency, and who has been placed in foster care with a
 6411 foster family, the Legislature finds that:
- 6412 (a) except with regard to the minor's [~~natural~~]parents, a foster family has a very limited
 6413 but recognized interest in its familial relationship with the minor; and
 6414 (b) minors in the custody of the division are experiencing multiple changes in foster care
 6415 placements with little or no documentation, and that numerous studies of child
 6416 growth and development emphasize the importance of stability in foster care living
 6417 arrangements.
- 6418 (2) For the reasons described in Subsection (1), the Legislature finds that, except with
 6419 regard to the minor's [~~natural~~]parents, procedural due process protections must be
 6420 provided to a foster family prior to removal of a foster minor from the foster home.
- 6421 (3)(a) A foster parent who has had a foster minor in the foster parent's home for 12
 6422 months or longer may petition the juvenile court for a review and determination of

- 6423 the appropriateness of a decision by the division to remove the minor from the foster
 6424 home, unless the removal was for the purpose of:
- 6425 (i) returning the minor to the minor's [~~natural~~]parent or legal guardian;
 - 6426 (ii) immediately placing the minor in an approved adoptive home;
 - 6427 (iii) placing the minor with a relative who obtained custody or asserted an interest in
 6428 the minor within the preference period described in Subsection 80-3-302(8); or
 - 6429 (iv) placing an Indian child in accordance with placement preferences and other
 6430 requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.
- 6431 (b) The foster parent may petition the juvenile court under this section without
 6432 exhausting administrative remedies within the division.
- 6433 (c) The juvenile court may order the division to place the minor in a specified home, and
 6434 shall base the juvenile court's determination on the best interest of the minor.
- 6435 (4) The requirements of this section do not apply to the removal of a minor based on a
 6436 foster parent's request for that removal.

6437 Section 72. Section **80-4-104** is amended to read:

6438 **80-4-104 . Judicial process for termination -- Parent unfit or incompetent -- Best**
 6439 **interest of child.**

- 6440 (1) Under both the United States Constitution and the constitution of this state, a parent
 6441 possesses a fundamental liberty interest in the care, custody, and management of the
 6442 parent's child. For this reason, the termination of family ties by the state may only be
 6443 done for compelling reasons.
- 6444 (2) The juvenile court shall provide a fundamentally fair process to a parent if a party
 6445 moves to terminate the parent's parental rights.
- 6446 (3) If the party moving to terminate parental rights is a governmental entity, the juvenile
 6447 court shall find that any actions or allegations made in opposition to the rights and
 6448 desires of a parent regarding the parent's child are supported by sufficient evidence to
 6449 satisfy a parent's constitutional entitlement to heightened protection against government
 6450 interference with the parent's fundamental rights and liberty interests.
- 6451 (4)(a) The fundamental liberty interest of a parent concerning the care, custody, and
 6452 management of the parent's child is recognized, protected, and does not cease to exist
 6453 simply because:
- 6454 (i) a parent may fail to be a model parent; or
 - 6455 (ii) the parent's child is placed in the temporary custody of the state.
- 6456 (b) The juvenile court should give serious consideration to the fundamental right of a

- 6457 parent to rear the parent's child, and concomitantly, of the right of the child to be
6458 reared by the child's [~~natural~~]parent.
- 6459 (5) At all times, a parent retains a vital interest in preventing the irretrievable destruction of
6460 family life.
- 6461 (6) Before an adjudication of unfitness, government action in relation to a parent and a
6462 parent's child may not exceed the least restrictive means or alternatives available to
6463 accomplish a compelling state interest.
- 6464 (7) Until parental unfitness is established and the children suffer, or are substantially likely
6465 to suffer, serious detriment as a result, the child and the child's parent share a vital
6466 interest in preventing erroneous termination of their relationship and the juvenile court
6467 may not presume that a child and the child's parents are adversaries.
- 6468 (8)(a) It is in the best interest and welfare of a child to be raised under the care and
6469 supervision of the child's [~~natural~~]parents.
- 6470 (b) A child's need for a normal family life in a permanent home, and for positive,
6471 nurturing family relationships is usually best met by the child's [~~natural~~]parents.
- 6472 (c) Additionally, the integrity of the family unit and the right of parents to conceive and
6473 raise their children are constitutionally protected.
- 6474 (d) For these reasons, the juvenile court should only transfer custody of a child from the
6475 child's [~~natural~~]parent for compelling reasons and when there is a jurisdictional basis
6476 to do so.
- 6477 (9) The right of a fit, competent parent to raise the parent's child without undue government
6478 interference is a fundamental liberty interest that has long been protected by the laws
6479 and Constitution of this state and of the United States, and is a fundamental public
6480 policy of this state.
- 6481 (10)(a) The state recognizes that:
- 6482 (i) a parent has the right, obligation, responsibility, and authority to raise, manage,
6483 train, educate, provide for, and reasonably discipline the parent's child; and
6484 (ii) the state's role is secondary and supportive to the primary role of a parent.
- 6485 (b) It is the public policy of this state that a parent retain the fundamental right and duty
6486 to exercise primary control over the care, supervision, upbringing, and education of
6487 the parent's child.
- 6488 (c) The interests of the state favor preservation and not severance of natural familial
6489 bonds in situations where a positive, nurturing parent-child relationship can exist,
6490 including extended family association and support.

6491 (11) This chapter provides a judicial process for voluntary and involuntary severance of the
6492 parent-child relationship, designed to safeguard the rights and interests of all parties
6493 concerned and promote their welfare and that of the state.

6494 (12)(a) Wherever possible, family life should be strengthened and preserved, but if a
6495 parent is found, by reason of the parent's conduct or condition, to be unfit or
6496 incompetent based upon any of the grounds for termination described in this part, the
6497 juvenile court shall then consider the welfare and best interest of the child of
6498 paramount importance in determining whether termination of parental rights shall be
6499 ordered.

6500 (b) In determining whether termination is in the best interest of the child, and in finding,
6501 based on the totality of the circumstances, that termination of parental rights, from
6502 the child's point of view, is strictly necessary to promote the child's best interest, the
6503 juvenile court shall consider, among other relevant factors, whether:

6504 (i) sufficient efforts were dedicated to reunification in accordance with Section
6505 80-4-301; and

6506 (ii) pursuant to Section 80-3-302, the efforts to place the child with a relative who has,
6507 or is willing to come forward to care for the child, were given due weight.

6508 Section 73. Section **80-4-106** is amended to read:

6509 **80-4-106 . Individuals entitled to be present at proceedings -- Legal**
6510 **representation -- Attorney general responsibilities.**

6511 (1)(a) The parties shall be advised of the parties' right to counsel, including the
6512 appointment of counsel for a parent or guardian facing any action initiated by a
6513 private party under this chapter or under Section [~~78B-6-112~~] 81-13-205 for
6514 termination of parental rights.

6515 (b) If a parent or guardian is the subject of a petition for the termination of parental
6516 rights, the juvenile court shall:

6517 (i) appoint an indigent defense service provider for a parent or guardian determined
6518 to be an indigent individual in accordance with Title 78B, Chapter 22, Part 2,
6519 Appointment of Counsel; and

6520 (ii) order indigent defense services for the parent or guardian who is determined to be
6521 an indigent individual in accordance with Title 78B, Chapter 22, Part 2,
6522 Appointment of Counsel.

6523 (c) In any action under this chapter, a guardian ad litem, as defined in Section 78A-2-801,
6524 shall represent the child in accordance with Sections 78A-2-803 and 80-3-104.

- 6525 (2) Subject to Section 67-5-17 and the attorney general's prosecutorial discretion in civil
 6526 enforcement actions, the attorney general shall, in accordance with Section 80-2-303,
 6527 enforce this chapter, Chapter 2, Child Welfare Services, and Chapter 2a, Removal and
 6528 Protective Custody of a Child, relating to the termination of parental rights.
- 6529 (3)(a) The juvenile court shall admit any individual to a hearing unless the juvenile
 6530 court makes a finding upon the record that the individual's presence at the hearing
 6531 would:
- 6532 (i) be detrimental to the best interest of a child who is a party to the proceeding;
 - 6533 (ii) impair the fact-finding process; or
 - 6534 (iii) be otherwise contrary to the interests of justice.
- 6535 (b) The juvenile court may exclude an individual from a hearing under Subsection (3)(a)
 6536 on the juvenile court's own motion or by motion of a party to the proceeding.
- 6537 Section 74. Section **80-4-203** is amended to read:
- 6538 **80-4-203 . Mandatory petition for termination of parental rights.**
- 6539 (1) For purposes of this section, "abandoned infant" means a child who is 12 months old or
 6540 younger and whose parent or parents:
- 6541 (a) although having legal custody of the child, fail to maintain physical custody of the
 6542 child without making arrangements for the care of the child;
 - 6543 (b) have failed to:
 - 6544 (i) maintain physical custody; and
 - 6545 (ii) exhibit the normal interest of a [~~natural~~]parent without just cause; or
 - 6546 (c) are unwilling to have physical custody of the child.
- 6547 (2) Except as provided in Subsection (3), notwithstanding any other provision of this
 6548 chapter, Chapter 2, Child Welfare Services, or Chapter 2a, Removal and Protective
 6549 Custody of a Child, the division shall file a petition for termination of parental rights
 6550 with regard to:
- 6551 (a) an abandoned infant; or
 - 6552 (b) the child of a parent, whenever a court has determined that the parent has:
 - 6553 (i) committed murder or child abuse homicide of another child of that parent;
 - 6554 (ii) committed manslaughter of another child of that parent;
 - 6555 (iii) aided, abetted, attempted, conspired, or solicited to commit murder, child abuse
 6556 homicide, or manslaughter against another child of that parent; or
 - 6557 (iv) committed a felony assault or abuse that results in serious physical injury to:
 6558 (A) another child of that parent; or

- 6559 (B) the other parent of the child.
- 6560 (3) The division is not required to file a petition for termination of parental rights under
6561 Subsection (2) if:
- 6562 (a) the child is being cared for by a relative;
- 6563 (b) the division has:
- 6564 (i) documented in the child's child and family plan a compelling reason for
6565 determining that filing a petition for termination of parental rights is not in the
6566 child's best interest; and
- 6567 (ii) made that child and family plan available to the juvenile court for the juvenile
6568 court's review; or
- 6569 (c)(i) the juvenile court has previously determined, in accordance with the provisions
6570 and limitations of Sections 80-2a-201, 80-2a-302, 80-3-301, and 80-3-406, that
6571 reasonable efforts to reunify the child with the child's parent or parents were
6572 required; and
- 6573 (ii) the division has not provided, within the time period specified in the child and
6574 family plan, services that had been determined to be necessary for the safe return
6575 of the child.

6576 Section 75. Section **80-4-302** is amended to read:

6577 **80-4-302 . Evidence of grounds for termination.**

- 6578 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
6579 evidence of abandonment that the parent or parents:
- 6580 (a) although having legal custody of the child, have surrendered physical custody of the
6581 child, and for a period of six months following the surrender have not manifested to
6582 the child or to the person having the physical custody of the child a firm intention to
6583 resume physical custody or to make arrangements for the care of the child;
- 6584 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
6585 months;
- 6586 (c) failed to have shown the normal interest of a [natural]-parent, without just cause; or
- 6587 (d) have abandoned an infant, as described in Section 80-4-203.
- 6588 (2) In determining whether a parent or parents are unfit or have neglected a child the
6589 juvenile court shall consider:
- 6590 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the
6591 parent unable to care for the immediate and continuing physical or emotional needs
6592 of the child for extended periods of time;

- 6593 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive
6594 nature;
- 6595 (c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous
6596 drugs that render the parent unable to care for the child;
- 6597 (d) repeated or continuous failure to provide the child with adequate food, clothing,
6598 shelter, education, or other care necessary for the child's physical, mental, and
6599 emotional health and development by a parent or parents who are capable of
6600 providing that care;
- 6601 (e) whether the parent is incarcerated as a result of conviction of a felony, and the
6602 sentence is of such length that the child will be deprived of a normal home for more
6603 than one year;
- 6604 (f) a history of violent behavior;
- 6605 (g) whether the parent has intentionally exposed the child to pornography or material
6606 harmful to a minor, as defined in Section 76-10-1201; or
- 6607 (h) any other circumstance, conduct, or condition that the court considers relevant in the
6608 determination of whether a parent or parents are unfit or have neglected the child.
- 6609 (3) Notwithstanding Subsection (2)(c), the juvenile court may not discriminate against a
6610 parent because of or otherwise consider the parent's lawful possession or consumption of
6611 cannabis in a medicinal dosage form, a cannabis product, as those terms are defined in
6612 Section 26B-4-201 or a medical cannabis device, in accordance with Title 26B, Chapter
6613 4, Part 2, Cannabinoid Research and Medical Cannabis.
- 6614 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide
6615 specified medical treatment for a child is not, for that reason alone, a negligent or unfit
6616 parent.
- 6617 (5)(a) Notwithstanding Subsection (2), a parent may not be considered neglectful or
6618 unfit because of a health care decision made for a child by the child's parent unless
6619 the state or other party to the proceeding shows, by clear and convincing evidence,
6620 that the health care decision is not reasonable and informed.
- 6621 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to
6622 obtain a second health care opinion.
- 6623 (6) If a child has been placed in the custody of the division and the parent or parents fail to
6624 comply substantially with the terms and conditions of a plan within six months after the
6625 date on which the child was placed or the plan was commenced, whichever occurs later,
6626 that failure to comply is evidence of failure of parental adjustment.

- 6627 (7) The following circumstances are prima facie evidence of unfitness:
6628 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any
6629 child, due to known or substantiated abuse or neglect by the parent or parents;
6630 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to
6631 indicate the unfitness of the parent to provide adequate care to the extent necessary
6632 for the child's physical, mental, or emotional health and development;
6633 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement of
6634 the child;
6635 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to
6636 commit murder or manslaughter of a child or child abuse homicide; or
6637 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
6638 of the child, without legal justification.

6639 Section 76. Section **80-4-307** is amended to read:

6640 **80-4-307 . Voluntary relinquishment -- Irrevocable.**

- 6641 (1) The individual consenting to termination of parental rights or voluntarily relinquishing
6642 parental rights shall sign the consent or relinquishment, or confirm a consent or
6643 relinquishment previously signed by the individual, under oath before:
6644 (a) a judge of any court that has jurisdiction over proceedings for termination of parental
6645 rights in this state or any other state, or a public officer appointed by that court for the
6646 purpose of taking consents or relinquishments; or
6647 (b) except as provided in Subsection (2), any person authorized to take consents or
6648 relinquishments under Subsections [~~78B-6-124(1)~~] 81-13-214(1) and (2).
6649 (2) Only the juvenile court is authorized to take consents or relinquishments from a parent
6650 who has any child who is in the custody of a state agency or who has a child who is
6651 otherwise under the jurisdiction of the juvenile court.
6652 (3)(a) The court, appointed officer, or other authorized person shall certify to the best of
6653 that person's information and belief that the individual executing the consent or
6654 relinquishment, or confirming a consent or relinquishment previously signed by the
6655 individual, has read and understands the consent or relinquishment and has signed the
6656 consent or relinquishment freely and voluntarily.
6657 (b) A consent or relinquishment is not effective until the consent or relinquishment is
6658 certified pursuant to Subsection (3)(a).
6659 (4) A consent or relinquishment that has been certified pursuant to Subsection (3)(a) is
6660 effective against the consenting or relinquishing individual and may not be revoked.

- 6661 (5)(a) The requirements and processes described in Section 80-4-104, Sections 80-4-301
6662 through 80-4-304, and Part 2, Petition for Termination of Parental Rights, do not
6663 apply to a voluntary relinquishment or consent for termination of parental rights.
- 6664 (b) When determining voluntary relinquishment or consent for termination of parental
6665 rights, the juvenile court need only find that the relinquishment or termination is in
6666 the child's best interest.
- 6667 (6)(a) There is a presumption that voluntary relinquishment or consent for termination
6668 of parental rights is not in the child's best interest where it appears to the juvenile
6669 court that the primary purpose for relinquishment or consent for termination is to
6670 avoid a financial support obligation.
- 6671 (b) The presumption described in Subsection (6)(a) may be rebutted if the juvenile court
6672 finds the relinquishment or consent to termination of parental rights will facilitate the
6673 establishment of stability and permanency for the child.
- 6674 (7) Upon granting a voluntary relinquishment the juvenile court may make orders relating
6675 to the child's care and welfare that the juvenile court considers to be in the child's best
6676 interest.
- 6677 Section 77. Section **80-4-502** is amended to read:
- 6678 **80-4-502 . Safe relinquishment of a newborn child -- Termination of parental**
6679 **rights -- Affirmative defense.**
- 6680 (1)(a) A parent or a parent's designee may safely relinquish a newborn child at a
6681 hospital in accordance with this part and retain complete anonymity, so long as the
6682 newborn child has not been subject to abuse or neglect.
- 6683 (b) Safe relinquishment of a newborn child who has not otherwise been subject to abuse
6684 or neglect shall not, in and of itself, constitute neglect, and the newborn child may
6685 not be considered a neglected child so long as the relinquishment is carried out in
6686 substantial compliance with this part.
- 6687 (2)(a) Personnel employed by a hospital shall accept a newborn child who is
6688 relinquished under this part, and may presume that the individual relinquishing is the
6689 newborn child's parent or the parent's designee.
- 6690 (b) The person receiving the newborn child may request information regarding the
6691 parent and newborn child's medical histories, and identifying information regarding
6692 the nonrelinquishing parent of the newborn child.
- 6693 (c) If the newborn child's parent or the parent's designee provides the person receiving
6694 the newborn child with any of the information described in Subsection (2)(b) or any

- 6695 other personal items, the person shall provide the information or personal items to the
6696 division.
- 6697 (d) Personnel employed by the hospital shall:
- 6698 (i) provide any necessary medical care to the newborn child;
- 6699 (ii) notify the division of receipt of the newborn child as soon as possible, but no later
6700 than 24 hours after receipt of the newborn child; and
- 6701 (iii) prepare a birth certificate or foundling birth certificate if parentage is unknown
6702 for the newborn child and file the certificate with the Office of Vital Records and
6703 Statistics within the Department of Health and Human Services.
- 6704 (e) A hospital and personnel employed by a hospital are immune from any civil or
6705 criminal liability arising from accepting a newborn child if the personnel employed
6706 by the hospital substantially comply with the provisions of this part and medical
6707 treatment is administered according to standard medical practice.
- 6708 (3) The division shall assume care and protective custody of the newborn child immediately
6709 upon notice from the hospital.
- 6710 (4) So long as the division determines there is no abuse or neglect of the newborn child,
6711 neither the newborn child nor the child's parents are subject to:
- 6712 (a) the investigation provisions contained in Section 80-2-701; or
- 6713 (b) the provisions of Chapter 3, Abuse, Neglect, and Dependency Proceedings.
- 6714 (5)(a) Unless identifying information relating to the nonrelinquishing parent of the
6715 newborn child is provided, the division shall:
- 6716 (i) work with local law enforcement and the Bureau of Criminal Identification within
6717 the Department of Public Safety in an effort to ensure that the newborn child has
6718 not been identified as a missing child;
- 6719 (ii) immediately place or contract for placement of the newborn child in a potential
6720 adoptive home and, within 10 days after the day on which the child is received,
6721 file a petition for termination of parental rights in accordance with this chapter;
- 6722 (iii) direct the Office of Vital Records and Statistics within the Department of Health
6723 and Human Services to conduct a search for:
- 6724 (A) a birth certificate for the newborn child; and
- 6725 (B) unmarried biological fathers in the registry maintained by the Office of Vital
6726 Records and Statistics in accordance with [~~Title 78B, Chapter 15, Part 4,~~
6727 Registry] Title 81, Chapter 5, Part 4, Registry; and
- 6728 (iv) provide notice to each potential father identified on the registry described in

6729 Subsection (5)(a)(iii) in accordance with [~~Title 78B, Chapter 15, Part 4, Registry~~]
 6730 Title 81, Chapter 5, Part 4, Registry.

6731 (b)(i) If no individual has affirmatively identified himself or herself within two
 6732 weeks after the day on which notice under Subsection (5)(a)(iv) is complete and
 6733 established paternity by scientific testing within as expeditious a time frame as
 6734 practicable, a hearing on the petition for termination of parental rights shall be
 6735 scheduled and notice provided in accordance with this chapter.

6736 (ii) If a nonrelinquishing parent is not identified, relinquishment of a newborn child
 6737 under this part is considered grounds for termination of parental rights of both the
 6738 relinquishing and nonrelinquishing parents under Section 80-4-301.

6739 (6) If at any time before the day on which the newborn child is adopted, the juvenile court
 6740 finds it is in the best interest of the newborn child, the court shall deny the petition for
 6741 termination of parental rights.

6742 (7) The division shall provide for, or contract with a child-placing agency to provide for
 6743 expeditious adoption of the newborn child.

6744 (8) So long as the individual relinquishing a newborn child is the newborn child's parent or
 6745 designee, and there is no abuse or neglect, safe relinquishment of a newborn child in
 6746 substantial compliance with this part is an affirmative defense to any potential criminal
 6747 liability for abandonment or neglect relating to the relinquishment.

6748 Section 78. Section **80-7-102** is amended to read:

6749 **80-7-102 . Definitions.**

6750 As used in this chapter:

6751 (1) "Emancipation" or "emancipated" means a legal status created by court order that allows
 6752 a minor to:

6753 (a) live independent of the minor's parents or guardian; and

6754 (b) exercise the same rights as an adult under Subsection 80-7-105(1).

6755 (2) "Guardian" has the same meaning as in Section 75-1-201.

6756 (3) "Minor" means an individual who is 16 years old or older.

6757 [~~(4) "Parent" means a natural parent as defined in Section 80-1-102.~~]

6758 Section 79. Section **81-1-101** is amended to read:

6759 **TITLE 81. UTAH DOMESTIC RELATIONS CODE**

6760 **81-1-101 . Definitions for title.**

6761 As used in this title:

6762 [~~(1) "Child" means, except as provided in Section 81-6-101, a biological or adopted child~~

6763 of any age.]

6764 (1) "Child" means, except as provided in Sections 81-5-102, 81-6-101, 81-8-102, and
 6765 81-10-101, a son or daughter of any age.

6766 (2) "Court" means:

6767 (a) a judge; or

6768 (b) a court commissioner if the court commissioner has authority to hear the matter
 6769 under Section 78A-5-107 or the Utah Rules of Judicial Administration.

6770 (3) "Custodial parent" means:

6771 (a) a parent awarded primary physical custody of a minor child by a court order;

6772 (b) if both parents have joint physical custody:

6773 (i) the parent awarded more overnights each year by a court order; or

6774 (ii) the parent designated as the custodial parent by a court order; or

6775 (c) if there is no court order, the parent with whom the minor child resides more than
 6776 one-half of the calendar year without regard to any temporary parent-time.

6777 (4) "Minor child" means, except as provided in Section 81-6-101, a child who is younger
 6778 than 18 years old and is not emancipated.

6779 (5) "Noncustodial parent" means the parent who is not the custodial parent regardless of
 6780 any designation of joint legal custody.

6781 (6) "Parent" means~~[a parent]~~ , except as provided in Section 81-13-211, an individual with
 6782 an established parent-child relationship as described in Section ~~[78B-15-201]~~ 81-5-201.

6783 Section 80. Section **81-1-202** is amended to read:

6784 **81-1-202 . Court records in a domestic relations action.**

6785 (1)(a) In an action under this title, ~~[Title 78B, Chapter 13, Utah Uniform Child Custody~~
 6786 ~~Jurisdiction and Enforcement Act, Title 78B, Chapter 14, Utah Uniform Interstate~~
 6787 ~~Family Support Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act,]~~ a party
 6788 may file a motion to have the records of the action other than the final judgment,
 6789 order, or decree, classified as private.

6790 (b) If the court finds that there are substantial interests favoring restricting access that
 6791 clearly outweigh the interests favoring access, the court may classify the records of
 6792 the action, or any part of the records of the action, other than the final order,
 6793 judgment, or decree, as private.

6794 (c) An order classifying part of the records of the action as private does not apply to
 6795 subsequent filings.

6796 (d) The record of an action is private until the court determines it is possible to release

6797 the record without prejudice to the interests that justified the closure.

6798 (2)(a) Any interested person may petition the court to permit access to a record
6799 classified as private as described in Subsection (1).

6800 (b) The interested person described in Subsection (2)(a) shall serve the petition on the
6801 parties to the closure order.

6802 (3) A party shall place the social security number of any individual, who is the subject of an
6803 action under this title, in the records relating to the matter.

6804 Section 81. Section **81-4-404** is amended to read:

6805 **81-4-404 . Allegations of child abuse or child sexual abuse in a divorce**
6806 **proceeding -- Investigation.**

6807 (1) When an allegation of child abuse or child sexual abuse is made in a divorce
6808 proceeding, or a request for modification of a divorce decree, that implicates a party, the
6809 court, after making an inquiry, may order that an investigation be conducted by the
6810 Division of Child and Family Services in accordance with Title 80, Chapter 2, Child
6811 Welfare Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.

6812 (2) A final award of custody or parent-time may not be rendered until a report on that
6813 investigation, consistent with Section 80-2-1005, is received by the court.

6814 (3) The Division of Child and Family Services shall conduct an investigation described in
6815 Subsection (1) within 30 days of the court's notice and request for an investigation.

6816 (4) In reviewing a report described in Subsection (2), the court shall comply with Sections
6817 78A-2-703, 78A-2-705, and ~~[78B-15-612]~~ 81-5-612.

6818 Section 82. Section **81-5-102**, which is renumbered from Section 78B-15-102 is renumbered
6819 and amended to read:

6820 **CHAPTER 5. UNIFORM PARENTAGE ACT**

6821 **Part 1. General Provisions**

6822 ~~[78B-15-102]~~ **81-5-102 . Definitions.**

6823 As used in this chapter:

6824 (1) "Adjudicated ~~[father]~~ parent" means ~~[a man]~~ an individual who has been adjudicated by a
6825 tribunal to be ~~[the father]~~ a parent of a child.

6826 ~~[(2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the~~
6827 ~~genetic father or a possible genetic father of a child, but whose paternity has not been~~
6828 ~~determined.]~~

6829 (2)(a) "Alleged genetic parent" means an individual who is alleged to be, or alleges that

- 6830 the individual is, a genetic parent or possible genetic parent of a child whose
6831 parentage has not been determined.
- 6832 (b) "Alleged genetic parent" includes an alleged genetic father or an alleged genetic
6833 mother.
- 6834 (c) "Alleged genetic parent" does not include:
- 6835 (i) a presumed parent;
- 6836 (ii) an individual whose parental rights have been terminated or declared not to exist;
6837 or
- 6838 (iii) a donor.
- 6839 (3)(a) "Assisted reproduction" means a method of causing pregnancy other than sexual
6840 intercourse.
- 6841 (b) "Assisted reproduction" includes:
- 6842 (i) intrauterine insemination;
- 6843 (ii) donation of eggs;
- 6844 (iii) donation of embryos;
- 6845 (iv) in vitro fertilization and transfer of embryos; [~~and~~] or
- 6846 (v) intracytoplasmic sperm injection.
- 6847 [~~(4) "Birth expenses" means all medical costs associated with the birth of a child, including~~
6848 ~~the related expenses for the biological mother during her pregnancy and delivery.]~~
- 6849 [~~(5)~~] (4)(a) "Birth mother" means the [~~biological mother of a child~~] woman that gives
6850 birth to the child.
- 6851 (b) "Birth mother" does not include a gestational mother.
- 6852 [~~(6)~~] (5) "Child" means an individual of any age whose parentage may be determined under
6853 this chapter.
- 6854 (6) "Child support" means the same as that term is defined in Section 81-6-101.
- 6855 (7) "Child support services agency" means a public official or agency authorized under
6856 Title IV-D of the Social Security Act that has the authority to seek:
- 6857 (a) enforcement of support orders or laws relating to the duty of support;
- 6858 (b) establishment or modification of child support;
- 6859 (c) determination of parentage; or
- 6860 (d) location of child-support obligors and their income and assets.
- 6861 [~~(7)~~] (8) "Commence" means to file the initial pleading seeking an adjudication of parentage
6862 in the appropriate tribunal of this state.
- 6863 [~~(8)~~] (9) "Declarant father" means a male who[;] :

- 6864 (a) along with the ~~[biological]~~ birth mother, claims to be the genetic father of a child[;] ;
 6865 and
- 6866 (b) signs a voluntary declaration of paternity to establish the man's ~~[paternity]~~ parentage.
- 6867 ~~[(9)]~~ (10) "Determination of parentage" means the establishment of the parent-child
 6868 relationship by:
- 6869 (a) the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of
 6870 Paternity~~[-Act,]~~ ; or
- 6871 (b) adjudication by a tribunal.
- 6872 ~~[(10)]~~ (11)(a) "Donor" means an individual who produces eggs or sperm used for
 6873 assisted reproduction, whether or not for consideration.
- 6874 (b) "Donor" does not include:
- 6875 ~~[(i) a husband who provides sperm, or a wife who provides eggs, to be used for
 6876 assisted reproduction by the wife;]~~
- 6877 (i) an individual who provides sperm or eggs to be used for assisted reproduction by
 6878 the individual's wife;
- 6879 (ii) a woman who gives birth to a child by means of assisted reproduction, except as
 6880 otherwise provided in Part 8, Gestational Agreement; ~~[or]~~
- 6881 (iii) a parent under Part 7, Assisted Reproduction~~[-or]~~ ; or
- 6882 (iv) an intended parent under Part 8, Gestational Agreement.
- 6883 ~~[(11)]~~ (12) "Ethnic or racial group" means, for purposes of genetic testing, a recognized
 6884 group that an individual identifies as all or part of the individual's ancestry or that is so
 6885 identified by other information.
- 6886 ~~[(12)]~~ (13) "Financial support" means:
- 6887 (a) a base child support award as defined in Section 81-6-101[;] ;
- 6888 (b) all past-due support ~~[which]~~ that accrues under an order for current periodic payments[;] ;
 6889 and
- 6890 (c) sum certain judgments for past-due support.
- 6891 ~~[(13)]~~ (14)(a) "Genetic testing" means an analysis of genetic markers to exclude or
 6892 identify ~~[a man as the father or a woman as the mother]~~ an individual as the parent of
 6893 a child.
- 6894 (b) "Genetic testing" includes an analysis of one or a combination of the following:
- 6895 (i) deoxyribonucleic acid; or
- 6896 (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum
 6897 enzymes, serum proteins, or red-cell enzymes.

- 6898 ~~[(14)]~~ (15) "Gestational mother" means ~~[an adult woman who]~~ a woman who:
6899 (a) is 18 years old or older; and
6900 (b) gives birth to a child under a gestational agreement.
- 6901 ~~[(15)]~~ (16) "Man" means a male individual of any age.
- 6902 ~~[(16) "Medical support" means a provision in a support order that requires the purchase~~
6903 ~~and maintenance of appropriate insurance for health and dental expenses of dependent~~
6904 ~~children, and assigns responsibility for uninsured medical expenses.]~~
- 6905 ~~[(17) "Parent" means an individual who has established a parent-child relationship under~~
6906 ~~Section 78B-15-201.]~~
- 6907 (17) "Obligee" means the same as that term is defined in Section 81-6-101.
- 6908 (18) "Obligor" means the same as that term is defined in Section 81-6-101.
- 6909 (19) "Parentage" means a parent-child relationship.
- 6910 ~~[(18)]~~ (20)(a) "Parent-child relationship" means the legal relationship between a child
6911 and a parent of the child as described in Section 81-5-201.
- 6912 (b) "Parent-child relationship" includes:
6913 (i) the mother-child relationship~~[-and]~~ ; or
6914 (ii) the father-child relationship.
- 6915 ~~[(19) "Paternity index" means the likelihood of paternity calculated by computing the ratio~~
6916 ~~between:]~~
- 6917 ~~[(a) the likelihood that the tested man is the father, based on the genetic markers of the~~
6918 ~~tested man and child, conditioned on the hypothesis that the tested man is the father of~~
6919 ~~the child; and]~~
- 6920 ~~[(b) the likelihood that the tested man is not the father, based on the genetic markers of the~~
6921 ~~tested man and child, conditioned on the hypothesis that the tested man is not the father~~
6922 ~~of the child and that the father is of the same ethnic or racial group as the tested man.]~~
- 6923 ~~[(20)]~~ (21) "Presumed ~~[father]~~ parent" means ~~[a man]~~ an individual who, by operation of law
6924 under Section ~~[78B-15-204]~~ 81-5-204, is recognized as the ~~[father]~~ parent of a child until
6925 that status is rebutted or confirmed ~~[as set forth in]~~ in accordance with this chapter.
- 6926 ~~[(21)]~~ (22) "Probability of ~~[paternity]~~ parentage" means the measure, for the ethnic or racial
6927 group to which the alleged ~~[father]~~ genetic parent belongs, of the probability that the [
6928 ~~man]~~ alleged genetic parent in question is the ~~[father]~~ parent of the child, compared with a
6929 random, unrelated ~~[man]~~ individual of the same ethnic or racial group, expressed as a
6930 percentage incorporating the ~~[paternity]~~ relationship index and a prior probability.
- 6931 ~~[(22)]~~ (23) "Record" means information that is inscribed on a tangible medium or that is

6932 stored in an electronic or other medium and is retrievable in perceivable form.

6933 (24) "Relationship index" means the likelihood of parentage calculated by computing the
6934 ratio between:

6935 (a) the likelihood that the tested individual is the parent, based on genetic markers of the
6936 tested individual and the child, conditioned on the hypothesis that the tested
6937 individual is the parent of the child; and

6938 (b) the likelihood that the tested individual is not the parent, based on the genetic
6939 markers of the tested individual and child, conditioned on the hypothesis that the
6940 tested individual is not the parent of the child and that the tested individual is of the
6941 same ethnic or racial group as the tested individual.

6942 [(23)] (25) "Signatory" means an individual who authenticates a record and is bound by [its]
6943 the record's terms.

6944 [(24)] (26) "State" means a state of the United States, the District of Columbia, Puerto Rico,
6945 the United States Virgin Islands, any territory, Native American Tribe, or insular
6946 possession subject to the jurisdiction of the United States.

6947 (27) "Support" means the same as that term is defined in Section 81-6-101.

6948 [(25) "Support-enforcement agency" means a public official or agency authorized under
6949 Title IV-D of the Social Security Act which has the authority to seek:]

6950 [(a) enforcement of support orders or laws relating to the duty of support;]

6951 [(b) establishment or modification of child support;]

6952 [(c) determination of parentage; or]

6953 [(d) location of child-support obligors and their income and assets.]

6954 [(26)] (28) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity
6955 authorized to establish, enforce, or modify support orders or to determine parentage.

6956 (29) "Unmarried biological father" means the same as that term is defined in Section
6957 81-13-101.

6958 Section 83. Section **81-5-103**, which is renumbered from Section 78B-15-103 is renumbered
6959 and amended to read:

6960 **[78B-15-103] 81-5-103 . Scope -- Choice of law -- Determination of maternity.**

6961 (1) This chapter applies to determinations of parentage in this state.

6962 (2) The tribunal shall apply the law of this state to adjudicate the parent-child relationship.

6963 (3) The applicable law may not depend upon:

6964 (a) the place of birth of the child; or

6965 (b) the past or present residence of the child.

6966 ~~[(3)]~~ (4) This chapter may not create, enlarge, or diminish parental rights or duties under
6967 other laws of this state.

6968 (5) The provisions of this chapter relating to a determination of paternity also apply to a
6969 determination of maternity.

6970 Section 84. Section **81-5-104**, which is renumbered from Section 78B-15-104 is renumbered
6971 and amended to read:

6972 **[78B-15-104] 81-5-104 . Authority of Office of Recovery Services -- Duty of**
6973 **attorney general and county attorney.**

6974 ~~[(1)(a) Except as provided in Subsection 78A-6-104(1)(a)(i), the district court has original~~
6975 ~~jurisdiction over any action brought under this chapter.]~~

6976 ~~[(b) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)~~
6977 ~~over a paternity action filed in the district court, the district court may transfer~~
6978 ~~jurisdiction over the paternity action to the juvenile court.]~~

6979 ~~[(2)]~~ (1) The Office of Recovery Services is authorized to establish ~~[paternity]~~ parentage in
6980 accordance with this chapter, Title 26B, Chapter 9, Recovery Services and
6981 Administration of Child Support, and Title 63G, Chapter 4, Administrative Procedures
6982 Act.

6983 (2) Whenever the state commences an action under this chapter, the attorney general, or the
6984 county attorney of the county where the obligee resides, shall represent the state.

6985 (3) The attorney general or the county attorney does not represent or have an attorney-client
6986 relationship with the obligee or the obligor in carrying out the duties under this chapter.

6987 ~~[(3) A court shall, without adjudicating paternity, dismiss a petition that is filed under this~~
6988 ~~chapter by an unmarried biological father if he is not entitled to consent to the adoption~~
6989 ~~of the child under Sections 78B-6-121 and 78B-6-122.]~~

6990 Section 85. Section **81-5-105** is enacted to read:

6991 **81-5-105 . General requirements for parentage action or settlement -- Filing**
6992 **parentage with the Office of Vital Records and Statistics.**

6993 (1) A court shall, without adjudicating parentage, dismiss a petition that is filed under this
6994 chapter by an unmarried biological father if the unmarried biological father is not
6995 entitled to consent to the adoption of the child as described in Section 81-13-213.

6996 (2) The standard of proof in a trial to establish parentage is "by clear and convincing
6997 evidence."

6998 (3) Utah Rule of Civil Procedure 55, Default, applies to a parentage action commenced
6999 under this chapter.

- 7000 (4) An agreement of settlement with an alleged genetic parent is binding only when
 7001 approved by the tribunal.
- 7002 (5) If a parentage action is brought under this chapter, the obligor's liabilities for past
 7003 support are limited to the period of four years preceding the commencement of an action.
- 7004 (6)(a) If the tribunal determines that an alleged genetic parent is a parent of the child,
 7005 the tribunal may upon the tribunal's own motion, or upon motion of the alleged
 7006 genetic parent, order parent-time rights in accordance with Title 81, Chapter 9,
 7007 Custody, Parent-time, and Visitation, as the tribunal considers appropriate under the
 7008 circumstances.
- 7009 (b) Parent-time rights may not be granted to an alleged genetic parent if the child has
 7010 been subsequently adopted.
- 7011 (7) A party to an action under this chapter has a continuing obligation to keep the tribunal
 7012 informed of the party's current address.
- 7013 (8) A proceeding under this chapter is subject to other laws of this state governing the
 7014 health, safety, privacy, and liberty of a child or other individual who could be
 7015 jeopardized by disclosure of identifying information, including address, telephone
 7016 number, place of employment, social security number, the child's day-care facility, or
 7017 school.
- 7018 (9) An adjudication of parentage or declaration of paternity shall be filed with the Office of
 7019 Vital Records and Statistics in accordance with Section 26B-8-104.

7020 Section 86. Section **81-5-201**, which is renumbered from Section 78B-15-201 is renumbered
 7021 and amended to read:

Part 2. Parent and Child Relationship

[78B-15-201] 81-5-201 . Establishment of parent-child relationship.

- 7024 ~~[(1)(a) The mother-child relationship is established between a woman and a child by:]~~
- 7025 ~~[(i) the woman's having given birth to the child, except as otherwise provided in Part 8,~~
- 7026 ~~Gestational Agreement;]~~
- 7027 ~~[(ii) an adjudication of the woman's maternity;]~~
- 7028 ~~[(iii) adoption of the child by the woman;]~~
- 7029 ~~[(iv) an adjudication confirming the woman as a parent of a child born to a gestational~~
- 7030 ~~mother if the agreement was validated under Part 8, Gestational Agreement, or is~~
- 7031 ~~enforceable under other law; or]~~
- 7032 ~~[(v) an un rebutted presumption of maternity of the child established in the same manner as~~
- 7033 ~~under Section 78B-15-204.]~~

- 7034 ~~[(b) In this chapter, the presumption of maternity shall be treated the same as a~~
 7035 ~~presumption of paternity as established in Subsection 78B-15-201(2)(a).]~~
 7036 ~~[(2) The father-child relationship is established between a man and a child by:]~~
 7037 ~~[(a) an un rebutted presumption of the man's paternity of the child under Section~~
 7038 ~~78B-15-204;]~~
 7039 ~~[(b) an effective declaration of paternity by the man under Part 3, Voluntary Declaration of~~
 7040 ~~Paternity Act, unless the declaration has been rescinded or successfully challenged;]~~
 7041 ~~[(c) an adjudication of the man's paternity;]~~
 7042 ~~[(d) adoption of the child by the man;]~~
 7043 ~~[(e) the man having consented to assisted reproduction by a woman under Part 7, Assisted~~
 7044 ~~Reproduction, which resulted in the birth of the child; or]~~
 7045 ~~[(f) an adjudication confirming the man as a parent of a child born to a gestational mother~~
 7046 ~~if the agreement was validated under Part 8, Gestational Agreement, or is enforceable~~
 7047 ~~under other law.]~~

7048 The parent-child relationship is established between an individual and a child if:

- 7049 (1) the individual is the birth mother of the child;
 7050 (2) the individual is adjudicated as a parent of the child under this chapter;
 7051 (3) the individual adopts the child;
 7052 (4) the individual consented to assisted reproduction by the individual's wife as described in
 7053 Part 7, Assisted Reproduction, which resulted in the birth of the child;
 7054 (5) there is an adjudication confirming that the individual is a parent of a child born to a
 7055 gestational mother if the agreement was validated under Part 8, Gestational Agreement,
 7056 or is otherwise enforceable under other law;
 7057 (6) there is an un rebutted presumption of the individual's parentage of the child under
 7058 Section 81-5-204; or
 7059 (7) the individual is a declarant father with an effective declaration of paternity under Part
 7060 3, Voluntary Declaration of Paternity, unless the declaration has been rescinded or
 7061 successfully challenged.

7062 Section 87. Section **81-5-202**, which is renumbered from Section 78B-15-202 is renumbered
 7063 and amended to read:

7064 **[78B-15-202] 81-5-202 . No discrimination based on marital status.**

7065 A child born to parents who are not married to each other whose [paternity] parentage
 7066 has been determined under this chapter has the same rights under the law as a child born to
 7067 parents who are married to each other.

7068 Section 88. Section **81-5-203**, which is renumbered from Section 78B-15-203 is renumbered
7069 and amended to read:

7070 **~~[78B-15-203]~~ 81-5-203 . Consequences of establishment of parentage.**

7071 Unless parental rights are terminated, a parent-child relationship established under this
7072 chapter applies for all purposes, except as otherwise specifically provided by other law of this
7073 state.

7074 Section 89. Section **81-5-204**, which is renumbered from Section 78B-15-204 is renumbered
7075 and amended to read:

7076 **~~[78B-15-204]~~ 81-5-204 . Presumption of parentage.**

7077 (1) ~~[A man]~~ An individual is presumed to be the ~~[father]~~ parent of a child if:

- 7078 (a) ~~[he and the mother]~~ the individual and the birth mother of the child are married to
7079 each other and the child is born during the marriage;
- 7080 (b) ~~[he and the mother]~~ the individual and the birth mother of the child were married to
7081 each other and the child is born within 300 days after the marriage is terminated by
7082 death, annulment, declaration of invalidity, or divorce, or after a decree of separation;
- 7083 (c) before the birth of the child, ~~[he and the mother]~~ the individual and the birth mother
7084 of the child married each other in apparent compliance with law, even if the
7085 attempted marriage is or could be declared invalid, and the child is born during the
7086 invalid marriage or within 300 days after ~~[its]~~ the marriage's termination by death,
7087 annulment, declaration of invalidity, or divorce or after a decree of separation; or
- 7088 (d) after the birth of the child, ~~[he and the mother]~~ the individual and the birth mother of
7089 the child married each other in apparent compliance with law, whether or not the
7090 marriage is, or could be declared, invalid, ~~[he voluntarily asserted his paternity]~~ the
7091 individual voluntarily asserted the individual's parentage of the child, and there is no
7092 other presumptive ~~[father]~~ parent of the child, and:
- 7093 (i) the assertion is in a record filed with the Office of Vital Records and Statistics;
- 7094 (ii) ~~[he]~~ the individual agreed to be and is named as the child's father on the child's
7095 birth certificate; or
- 7096 (iii) ~~[he]~~ the individual promised in a record to support the child as ~~[his]~~ the
7097 individual's own.

7098 (2) A presumption of ~~[paternity]~~ parentage established under this section may only be
7099 rebutted in accordance with Section ~~[78B-15-607]~~ 81-5-607.

7100 (3) If a child has an adjudicated ~~[father]~~ parent, the results of genetic testing are
7101 inadmissible to challenge ~~[paternity except as set forth in Section 78B-15-607]~~ parentage

7102 except as described in Section 81-5-607.

7103 Section 90. Section **81-5-301**, which is renumbered from Section 78B-15-301 is renumbered
7104 and amended to read:

7105 **Part 3. Voluntary Declaration of Paternity**

7106 **~~[78B-15-301]~~ 81-5-301 . Declaration of paternity.**

7107 The birth mother of a child and a man claiming to be the genetic father of the child may
7108 sign a declaration of paternity to establish the paternity of the child.

7109 Section 91. Section **81-5-302**, which is renumbered from Section 78B-15-302 is renumbered
7110 and amended to read:

7111 **~~[78B-15-302]~~ 81-5-302 . Execution of declaration of paternity.**

7112 (1) A declaration of paternity described in Section 81-5-301 must:

- 7113 (a) be in a record;
- 7114 (b) be signed, or otherwise authenticated, under penalty of perjury, by the birth mother
7115 and by the declarant father;
- 7116 (c) be signed by the birth mother and declarant father in the presence of two witnesses
7117 who are not related by blood or marriage; ~~[and]~~
- 7118 (d) state that the child whose paternity is being declared:
- 7119 (i) does not have a presumed ~~[father]~~ parent, or has a presumed ~~[father]~~ parent whose
7120 full name is stated; and
- 7121 (ii) does not have another declarant ~~[or adjudicated father]~~ father or adjudicated parent;
- 7122 (e) state whether there has been genetic testing and, if so, that the declarant man's claim
7123 of paternity is consistent with the results of the testing; and
- 7124 (f) state that the signatories understand that the declaration is the equivalent of a legal
7125 finding of paternity of the child and that a challenge to the declaration is permitted
7126 only under the limited circumstances described in Section ~~[78B-15-307]~~ 81-5-307.

7127 (2) If ~~[either]~~ the birth mother or the declarant father is a minor child, the voluntary
7128 declaration must also be signed by that ~~[minor's]~~ minor child's parent or legal guardian.

7129 (3) A declaration of paternity is void if ~~[it]~~ the declaration of paternity:

- 7130 (a) states that another ~~[man]~~ individual is a presumed ~~[father]~~ parent, unless a denial of
7131 paternity signed or otherwise authenticated by the presumed ~~[father]~~ parent is filed
7132 with the Office of Vital Records and Statistics in accordance with Section [
7133 ~~78B-15-303]~~ 81-5-303;
- 7134 (b) states that another ~~[man]~~ individual is a declarant ~~[or adjudicated father]~~ father or
7135 adjudicated parent; or

- 7136 (c) falsely denies the existence of a [~~presumed, declarant, or adjudicated father~~]
 7137 presumed parent, declarant father, or adjudicated parent of the child.
- 7138 (4) A presumed [~~father~~] parent may sign or otherwise authenticate [~~an acknowledgment of~~
 7139 paternity] a declaration of paternity.
- 7140 (5) The declaration of paternity shall be:
 7141 (a) in a form prescribed by the Office of Vital Records [~~and shall be~~] and Statistics; and
 7142 (b) accompanied with a written and verbal notice of the alternatives to, the legal
 7143 consequences of, and the rights and responsibilities that arise from signing the
 7144 declaration.
- 7145 (6) The [~~Social Security~~] social security number of any [~~person~~] individual who is subject to
 7146 declaration of paternity shall be placed in the records relating to the matter.
- 7147 (7)(a) The declaration of paternity shall become an amendment to the original birth
 7148 certificate.
 7149 (b) The original certificate and the declaration shall be marked as to be distinguishable.
 7150 (c) The declaration may be included as part of subsequently issued certified copies of the
 7151 birth certificate.
 7152 (d) Alternatively, electronically issued copies of a certificate may reflect the amended
 7153 information and the date of the amendment only.
- 7154 (8)(a) A declaration of paternity may be completed and signed any time after the birth
 7155 of the child.
 7156 (b) A declaration of paternity may not be signed or filed after consent to or
 7157 relinquishment for adoption has been signed.
- 7158 (9) A declaration of paternity shall be considered effective when filed and entered into a
 7159 database established and maintained by the Office of Vital Records and Statistics.
- 7160 Section 92. Section **81-5-303**, which is renumbered from Section 78B-15-303 is renumbered
 7161 and amended to read:
- 7162 **[78B-15-303] 81-5-303 . Denial of parentage.**
- 7163 (1) A [~~presumed~~] presumed parent or declarant father may sign a denial of [~~his paternity~~]
 7164 the presumed parent's or declarant father's parentage.
- 7165 (2) The denial is valid only if:
 7166 [(1)] (a) a declaration of paternity signed, or otherwise authenticated, by another man is
 7167 filed [~~pursuant to Section 78B-15-305~~] in accordance with Section 81-5-305;
 7168 [(2)] (b) the denial is in a form prescribed by and filed with the Office of Vital Records[~~]~~
 7169 and Statistics and is signed, or otherwise authenticated, under penalty of perjury; and

7170 [(3)] (c) the presumed parent or declarant father has not previously:

7171 [(a)] (i) declared [~~his paternity~~] their parentage, unless the previous declaration has
7172 been rescinded [~~pursuant to Section 78B-15-306~~] in accordance with Section
7173 81-5-306 or successfully challenged [~~pursuant to Section 78B-15-307~~] in
7174 accordance with Section 81-5-307; or

7175 [(b)] (ii) been adjudicated to be the [~~father~~] parent of the child.

7176 Section 93. Section **81-5-304**, which is renumbered from Section 78B-15-304 is renumbered
7177 and amended to read:

7178 **[~~78B-15-304~~] 81-5-304 . Rules for declaration and denial of parentage.**

7179 (1)(a) A declaration of paternity and a denial of [~~paternity~~] parentage shall be contained
7180 in a single document.

7181 (b) If the declaration [~~and denial~~] of paternity and the denial of parentage are both
7182 necessary, neither is valid until both are signed and filed.

7183 (2) A declaration of paternity or a denial of [~~paternity~~] parentage may not be signed before
7184 the birth of the child.

7185 (3) Subject to Subsection (1), a declaration of paternity or denial of [~~paternity~~] parentage
7186 takes effect on the birth of the child or the filing of the document with the Office of Vital
7187 Records and Statistics, whichever occurs later.

7188 (4) A declaration of paternity or denial of [~~paternity~~] parentage signed by a minor and by the
7189 minor's parent or legal guardian is valid if [~~it~~] the declaration of paternity or the denial of
7190 parentage is otherwise in compliance with this chapter.

7191 Section 94. Section **81-5-305**, which is renumbered from Section 78B-15-305 is renumbered
7192 and amended to read:

7193 **[~~78B-15-305~~] 81-5-305 . Effect of declaration of paternity or denial of parentage.**

7194 (1) Except as otherwise provided in Sections [~~78B-15-306~~] 81-5-306 and [~~78B-15-307~~]
7195 81-5-307, a valid declaration of paternity filed with the Office of Vital Records and
7196 Statistics is equivalent to a legal finding of [~~paternity~~] parentage of a child and confers
7197 upon the declarant father all of the rights and duties of a parent.

7198 (2)(a) When a declaration of paternity is filed, [~~it~~] the declaration of paternity shall be
7199 recognized as a basis for a child support order without any further requirement or
7200 proceeding regarding the establishment of [~~paternity~~] parentage.

7201 [(a)] (b) The liabilities of the declarant father include[~~, but are not limited to,~~] the
7202 reasonable expense of the birth mother's pregnancy and confinement and for the
7203 education, necessary support, and any funeral expenses for the child.

7204 ~~[(b)]~~ (c) When a father declares paternity, ~~[his]~~ the father's liability under Subsection
 7205 (2)(a) for past amounts due is limited to the period of four years immediately
 7206 preceding the date that the voluntary declaration of paternity was filed.

7207 (3)(a) Except as otherwise provided in Sections ~~[78B-15-306]~~ 81-5-306 and ~~[78B-15-307]~~
 7208 81-5-307, a valid denial of ~~[paternity]~~ parentage by a presumed parent or declarant
 7209 father filed with the Office of Vital Records and Statistics in conjunction with a valid
 7210 declaration of paternity is equivalent to a legal finding of the ~~[nonpaternity]~~
 7211 nonparentage of the presumed parent or declarant father and discharges the presumed
 7212 parent or declarant father from all rights and duties of a parent.

7213 (b) If a valid denial of ~~[paternity]~~ parentage is filed with the Office of Vital Records~~[-the~~
 7214 declarant or presumed father] and Statistics, the presumed parent or declarant father
 7215 may not recover child support ~~[he]~~ that was paid prior to the time of filing.

7216 Section 95. Section **81-5-306**, which is renumbered from Section 78B-15-306 is renumbered
 7217 and amended to read:

7218 **[78B-15-306] 81-5-306 . Proceeding for rescission.**

7219 (1) A signatory may rescind a declaration of paternity or denial of ~~[paternity]~~ parentage by
 7220 filing a voluntary rescission document with the Office of Vital Records and Statistics in
 7221 a form prescribed by the ~~[office]~~ Office of Vital Records and Statistics before the earlier
 7222 of:

- 7223 (a) 60 days after the effective date of the declaration or denial, as provided in Sections [
 7224 ~~78B-15-303]~~ 81-5-303 and ~~[78B-15-304]~~ 81-5-304; or
 7225 (b) the date of notice of the first adjudicative proceeding to which the signatory is a
 7226 party, before a tribunal to adjudicate an issue relating to the child, including a
 7227 proceeding that establishes support.

7228 (2) Upon receiving a voluntary rescission document from a signatory under Subsection (1),
 7229 the Office of Vital Records and Statistics shall provide notice of the rescission, by mail,
 7230 to the other signatory at the last-known address of that signatory.

7231 Section 96. Section **81-5-307**, which is renumbered from Section 78B-15-307 is renumbered
 7232 and amended to read:

7233 **[78B-15-307] 81-5-307 . Challenge after expiration of period for rescission.**

7234 (1) After the period for rescission under Section ~~[78B-15-306]~~ 81-5-306 has expired, a
 7235 signatory of a declaration of paternity or denial of ~~[paternity, or a support-enforcement]~~
 7236 parentage or a child support services agency, may commence a proceeding to challenge
 7237 the declaration or denial only on the basis of fraud, duress, or material mistake of fact.

- 7238 (2) A party challenging a declaration of paternity or denial of [~~paternity~~] parentage has the
 7239 burden of proof.
- 7240 (3) A challenge brought on the basis of fraud or duress may be commenced at any time.
- 7241 (4)(a) A challenge brought on the basis of a material mistake of fact may be
 7242 commenced within four years after the declaration is filed with the Office of Vital
 7243 Records and Statistics.
- 7244 (b) For the purposes of this Subsection (4), if the declaration of paternity was filed with
 7245 the Office of Vital Records [~~prior to~~] and Statistics before May 1, 2005, a challenge
 7246 may be brought within four years after May 1, 2005.
- 7247 (5) For purposes of Subsection (4), genetic test results that exclude a declarant father or that
 7248 rebuttably identify another [~~man as the father~~] individual as the genetic parent of the child
 7249 in accordance with Section [~~78B-15-505~~] 81-5-505 constitute a material mistake of fact.
- 7250 Section 97. Section **81-5-308**, which is renumbered from Section 78B-15-308 is renumbered
 7251 and amended to read:
- 7252 **[78B-15-308] 81-5-308 . Procedure for rescission or challenge.**
- 7253 (1) Every signatory to a declaration of paternity and any related denial of [~~paternity~~]
 7254 parentage must be made a party to a proceeding to rescind or challenge the declaration
 7255 or denial.
- 7256 (2) For the purpose of rescission of, or challenge to, a declaration of paternity or denial of [~~paternity~~]
 7257 parentage, a signatory submits to personal jurisdiction of this state by signing
 7258 the declaration or denial, effective upon the filing of the document with the Office of
 7259 Vital Records and Statistics.
- 7260 (3) Except for good cause shown, during the pendency of a proceeding to rescind or
 7261 challenge a declaration of paternity or denial of [~~paternity~~] parentage, the tribunal may
 7262 not suspend the legal responsibilities of a signatory arising from the declaration,
 7263 including the duty to pay child support.
- 7264 (4) A proceeding to rescind or to challenge a declaration of paternity or denial of [~~paternity~~]
 7265 parentage must be conducted in the same manner as a proceeding to adjudicate
 7266 parentage under Part 6, Adjudication of Parentage.
- 7267 (5) At the conclusion of a proceeding to rescind or challenge a declaration of paternity or
 7268 denial of [~~paternity~~] parentage, the tribunal shall order the Office of Vital Records and
 7269 Statistics to amend the birth record of the child, if appropriate.
- 7270 (6) If the declaration is rescinded, the declarant father may not recover child support [~~he~~]
 7271 that was paid prior to the entry of an order of rescission.

7272 Section 98. Section **81-5-309**, which is renumbered from Section 78B-15-309 is renumbered
7273 and amended to read:

7274 **[78B-15-309] 81-5-309 . Ratification barred.**

7275 A tribunal or administrative agency conducting a judicial or administrative proceeding
7276 may not ratify an unchallenged declaration of paternity.

7277 Section 99. Section **81-5-310**, which is renumbered from Section 78B-15-310 is renumbered
7278 and amended to read:

7279 **[78B-15-310] 81-5-310 . Full faith and credit.**

7280 A tribunal of this state shall give full faith and credit to a declaration of paternity or
7281 denial of [~~paternity~~] parentage effective in another state if the declaration or denial has been
7282 signed and is otherwise in compliance with the law of the other state.

7283 Section 100. Section **81-5-311**, which is renumbered from Section 78B-15-311 is renumbered
7284 and amended to read:

7285 **[78B-15-311] 81-5-311 . Forms for declaration, denial, or rescission.**

7286 (1) To facilitate compliance with this part, the Office of Vital Records and Statistics shall
7287 prescribe forms for the declaration~~[-denial, and rescission of paternity]~~ of paternity, the
7288 denial of parentage, and the rescission of a declaration of paternity.

7289 (2) A valid declaration of paternity or denial of [~~paternity~~] parentage is not affected by a
7290 later modification of the prescribed form.

7291 Section 101. Section **81-5-312**, which is renumbered from Section 78B-15-312 is renumbered
7292 and amended to read:

7293 **[78B-15-312] 81-5-312 . Release of information.**

7294 The Office of Vital Records and Statistics may release information relating to the
7295 declaration of paternity or denial of [~~paternity~~] parentage to a signatory of the declaration or
7296 denial and to tribunals and federal, tribal, and state [~~support-enforcement~~] child support services
7297 agencies of this state or another state.

7298 Section 102. Section **81-5-313**, which is renumbered from Section 78B-15-313 is renumbered
7299 and amended to read:

7300 **[78B-15-313] 81-5-313 . Rulemaking by Office of Vital Records and Statistics.**

7301 The Office of Vital Records and Statistics may adopt rules in accordance with Title 63G,
7302 Chapter 3, Utah Administrative Rulemaking Act, to implement this part.

7303 Section 103. Section **81-5-401**, which is renumbered from Section 78B-15-401 is renumbered
7304 and amended to read:

7305 **Part 4. Registry**

7306 **[78B-15-401] 81-5-401 . Maintenance of records.**

- 7307 (1) The Office of Vital Records and Statistics shall register the following records [~~which~~
7308 that are filed with the office:
- 7309 (a) all declarations of paternity;
- 7310 (b) all judicial and administrative determinations of [~~paternity~~] parentage; and
- 7311 (c) all notices of proceedings to establish [~~paternity which are filed pursuant to Sections~~
7312 78B-6-110, 78B-6-120, 78B-6-121, and 78B-6-122] parentage that are filed in
7313 accordance with Sections 81-13-207, 81-13-212, and 81-13-213.
- 7314 (2) A notice of initiation of [~~paternity~~] parentage proceedings may not be accepted into the
7315 registry unless accompanied by a copy of the pleading [~~which~~] that has been filed with
7316 the court to establish [~~paternity~~] parentage.
- 7317 (3) A notice of initiation of [~~paternity~~] parentage proceedings may not be filed if [~~another~~
7318 man is the adjudicated] there is an adjudicated parent or declarant father.

7319 Section 104. Section **81-5-402**, which is renumbered from Section 78B-15-402 is renumbered
7320 and amended to read:

7321 **[78B-15-402] 81-5-402 . Effect of registration.**

- 7322 (1) An unmarried biological father who desires to be notified of a proceeding for adoption
7323 of a child must file a notice of the initiation of [~~paternity~~] parentage proceedings as
7324 required by Sections [~~78B-6-110, 78B-6-120, 78B-6-121, and 78B-6-122~~] 81-13-207,
7325 81-13-212, and 81-13-213.
- 7326 (2) A registrant shall promptly notify the registry in a record of any change in the
7327 information registered.
- 7328 (3) The Office of Vital Records and Statistics shall incorporate all new information
7329 received into its records but need not affirmatively seek to obtain current information for
7330 incorporation in the registry.

7331 Section 105. Section **81-5-403**, which is renumbered from Section 78B-15-403 is renumbered
7332 and amended to read:

7333 **[78B-15-403] 81-5-403 . Notice of proceeding.**

7334 Notice of an adoption proceeding shall be given to [~~unmarried biological fathers~~
7335 pursuant to Section 78B-6-110] an unmarried biological father as described in Section
7336 81-13-207.

7337 Section 106. Section **81-5-404**, which is renumbered from Section 78B-15-404 is renumbered
7338 and amended to read:

7339 **[78B-15-404] 81-5-404 . Required form.**

- 7340 (1)(a) The Office of Vital Records and Statistics shall prepare a form to be filed with
 7341 the agency.
- 7342 (b) The form shall require the signature of the registrant and state that the form is signed
 7343 under penalty of perjury.
- 7344 (2) The form shall also state that:
- 7345 (a) a timely filing of notice of the initiation of [~~paternity proceedings which~~] parentage
 7346 proceedings that is filed pursuant to Subsection [~~78B-15-402(1)~~] 81-5-402(1) entitles
 7347 the registrant to notice of a proceeding for adoption of the child;
- 7348 (b) a timely filing does not commence a proceeding to establish [~~paternity~~] parentage;
- 7349 (c) the information disclosed on the form may be used against the registrant to establish [
 7350 ~~paternity~~] parentage;
- 7351 (d) services to assist in establishing [~~paternity~~] parentage of a child who is not placed for
 7352 adoption are available to the registrant through the Office of Recovery Services;
- 7353 (e) the registrant should also file in another state if conception or birth of the child
 7354 occurred in the other state;
- 7355 (f) information on registries of other states is available from the Office of Vital Records
 7356 and Statistics; and
- 7357 (g) procedures exist to remove the filing of a proceeding to establish [~~paternity~~] parentage
 7358 if the proceeding is dismissed, or if a finding of [~~paternity~~] parentage is rescinded or
 7359 set aside under this chapter.

7360 Section 107. Section **81-5-405**, which is renumbered from Section 78B-15-405 is renumbered
 7361 and amended to read:

7362 **[78B-15-405] 81-5-405 . Furnishing of information -- Confidentiality.**

- 7363 (1)(a) The Office of Vital Records and Statistics shall send a copy of the filing to a
 7364 person or entity [~~set forth~~] described in Subsection (2), who has requested a copy.
- 7365 (b) The copy of the filing shall be sent to the most recent address provided by the
 7366 requestor.
- 7367 (2) Information contained in records [~~which~~] that are filed pursuant to Section [~~78B-15-401~~]
 7368 81-5-401 is confidential and may be released on request only to:
- 7369 (a) a tribunal or a person designated by the tribunal;
- 7370 (b) the birth mother of the child who is the subject of the filing;
- 7371 (c) an agency authorized by other law to receive the information;
- 7372 (d) a licensed child-placing agency;
- 7373 (e) the Office of Recovery Services, the Office of the Attorney General, or a [

- 7374 ~~support-enforcement]~~ child support services agency of another state or tribe;
- 7375 (f) a party or the party's attorney of record in a proceeding under this chapter or in a
- 7376 proceeding for adoption of, or for termination of parental rights regarding, a child
- 7377 who is the subject of the filing; and
- 7378 (g) the registry of [~~paternity]~~ parentage in another state.

7379 Section 108. Section **81-5-406**, which is renumbered from Section 78B-15-406 is renumbered

7380 and amended to read:

7381 **[78B-15-406] 81-5-406 . Penalty for releasing information.**

7382 A person who intentionally or knowingly, releases confidential information from the

7383 Office of Vital Records [~~which is filed pursuant to Section 78B-15-401]~~ and Statistics that is

7384 filed in accordance with Section 81-5-401 to a person or agency not authorized to receive the

7385 information under Section [~~78B-15-405]~~ 81-5-405 is guilty of a class B misdemeanor.

7386 Section 109. Section **81-5-407**, which is renumbered from Section 78B-15-407 is renumbered

7387 and amended to read:

7388 **[78B-15-407] 81-5-407 . Removal of registration -- Rulemaking authority.**

7389 The Office of Vital Records and Statistics may remove a registration in accordance with

7390 rules adopted by the [~~office]~~ Office of Vital Records and Statistics in accordance with Title

7391 63G, Chapter 3, Utah Administrative Rulemaking Act.

7392 Section 110. Section **81-5-408**, which is renumbered from Section 78B-15-408 is renumbered

7393 and amended to read:

7394 **[78B-15-408] 81-5-408 . Fees for registry.**

- 7395 (1) A fee may not be charged to remove a registration.
- 7396 (2) Except as otherwise provided in Subsection (3), the Office of Vital Records and
- 7397 Statistics may charge a reasonable fee for registering records pursuant to Section [
- 7398 ~~78B-15-401]~~ 81-5-401, making a search of the registry, and for furnishing a certificate.
- 7399 (3) The Office of Recovery Services, the Office of the Attorney General, and [
- 7400 ~~support-enforcement]~~ child support services agencies of other states or tribes may not be
- 7401 required to pay the fee authorized by Subsection (2).

7402 Section 111. Section **81-5-409**, which is renumbered from Section 78B-15-409 is renumbered

7403 and amended to read:

7404 **[78B-15-409] 81-5-409 . Search of records -- Certificate.**

- 7405 (1) Upon the request of an individual, tribunal, or agency identified in Section [~~78B-15-405]~~
- 7406 81-5-405, the Office of Vital Records and Statistics shall search its records for any
- 7407 registration made [~~pursuant to Section 78B-15-401]~~ in accordance with Section 81-5-401

7408 and furnish to the requestor a certificate of search [~~which~~] that shall be signed on behalf
7409 of the [~~office~~] Office of Vital Records and Statistics and state that:

7410 (a) a search has been made of the records of the Office of Vital Records and Statistics;

7411 and

7412 (b) a registration containing the information required to identify the registrant:

7413 (i) has been found and is attached to the certificate of search; or

7414 (ii) has not been found.

7415 (2) A petitioner shall file the certificate of search with the tribunal in connection with a
7416 proceeding for adoption.

7417 Section 112. Section **81-5-410**, which is renumbered from Section 78B-15-410 is renumbered
7418 and amended to read:

7419 **[78B-15-410] 81-5-410 . Admissibility of information.**

7420 A certificate of search of the registry of [~~paternity~~] parentage in this or another state is
7421 admissible in a proceeding for adoption of a child and, if relevant, in other legal proceedings.

7422 Section 113. Section **81-5-501**, which is renumbered from Section 78B-15-501 is renumbered
7423 and amended to read:

7424 **Part 5. Genetic Testing**

7425 **[78B-15-501] 81-5-501 . Scope of part.**

7426 This part governs genetic testing of an individual to determine parentage, whether the
7427 individual:

7428 (1) voluntarily submits to testing; or

7429 (2) is tested pursuant to an order of a tribunal or a [~~support-enforcement~~] child support
7430 services agency.

7431 Section 114. Section **81-5-502**, which is renumbered from Section 78B-15-502 is renumbered
7432 and amended to read:

7433 **[78B-15-502] 81-5-502 . Order for testing.**

7434 (1) Upon the motion of any party to the action, except as otherwise provided in this part and
7435 Part 6, Adjudication of Parentage, the tribunal shall order the child and other designated
7436 individuals to submit to genetic testing if the request for testing is supported by the
7437 sworn statement of a party to the proceeding:

7438 (a) alleging [~~paternity~~] parentage and stating facts establishing a reasonable probability
7439 of the requisite sexual contact between the individuals; or

7440 (b) denying [~~paternity~~] parentage and stating facts establishing a possibility that sexual
7441 contact between the individuals, if any, did not result in the conception of the child.

7442 (2) If a request for genetic testing of a child is made before birth, the tribunal may not order
7443 in-utero testing.

7444 (3) If two or more ~~men~~ individuals are subject to an order for genetic testing, the testing
7445 may be ordered concurrently or sequentially.

7446 Section 115. Section **81-5-503**, which is renumbered from Section 78B-15-503 is renumbered
7447 and amended to read:

7448 **[78B-15-503] 81-5-503 . Requirements for genetic testing.**

7449 (1) Genetic testing must be of a type reasonably relied upon by experts in the field of
7450 genetic testing and performed in a testing laboratory accredited by:

7451 (a) the American Association of Blood Banks, or a successor to its functions;

7452 (b) the American Society for Histocompatibility and Immunogenetics, or a successor to
7453 its functions; or

7454 (c) an accrediting body designated by the federal Secretary of Health and Human
7455 Services.

7456 (2)(a) A specimen used in genetic testing may consist of one or more samples, or a
7457 combination of samples, of blood, buccal cells, bone, hair, or other body tissue or
7458 fluid.

7459 (b) The specimen used in the testing need not be of the same kind for each individual
7460 undergoing genetic testing.

7461 Section 116. Section **81-5-504**, which is renumbered from Section 78B-15-504 is renumbered
7462 and amended to read:

7463 **[78B-15-504] 81-5-504 . Report of genetic testing.**

7464 (1)(a) A report of genetic testing must be in a record and signed under penalty of
7465 perjury by a designee of the testing laboratory.

7466 (b) A report made under the requirements of this part is self-authenticating.

7467 (2) Documentation from the testing laboratory of the following information is sufficient to
7468 establish a reliable chain of custody that allows the results of genetic testing to be
7469 admissible without testimony:

7470 (a) the names and photographs of the individuals whose specimens have been taken;

7471 (b) the names of the individuals who collected the specimens;

7472 (c) the places and dates the specimens were collected;

7473 (d) the names of the individuals who received the specimens in the testing laboratory;

7474 (e) the dates the specimens were received; and

7475 (f) the fingerprints of the individuals whose specimens have been taken.

7476 Section 117. Section **81-5-505**, which is renumbered from Section 78B-15-505 is renumbered
7477 and amended to read:

7478 **[78B-15-505] 81-5-505 . Genetic testing results -- Rebuttal.**

7479 (1) Under this chapter, [~~a man~~] an individual is presumed to be identified as the [~~father~~]
7480 parent of a child if the genetic testing complies with this part and the results disclose that:

7481 (a) the [~~man~~] individual has at least a 99% probability of [~~paternity~~] parentage, using a
7482 prior probability of 0.50, as calculated by using the combined [~~paternity~~] relationship
7483 index obtained in the testing; and

7484 (b) a combined [~~paternity~~] relationship index of at least 100 to 1.

7485 (2) [~~A man~~] An individual identified under Subsection (1) as the [~~father~~] parent of the child
7486 may rebut the genetic testing results only by other genetic testing satisfying the
7487 requirements of this part [~~which~~] that:

7488 (a) excludes the [~~man~~] individual as a genetic [~~father~~] parent of the child; or

7489 (b) identifies another [~~man~~] individual as the possible [~~father~~] parent of the child.

7490 (3)(a) If an issue is raised as to whether the appropriate ethnic or racial group database
7491 was used by the testing laboratory, the testing laboratory will be asked to rerun the
7492 test using the correct ethnic or racial group database.

7493 (b) If the testing laboratory does not have an adequate database, another testing
7494 laboratory may be engaged to perform the calculations.

7495 (4) If a presumption of [~~paternity~~] parentage is not rebutted by a second test, the tribunal
7496 shall issue an order establishing [~~paternity~~] parentage.

7497 Section 118. Section **81-5-506**, which is renumbered from Section 78B-15-506 is renumbered
7498 and amended to read:

7499 **[78B-15-506] 81-5-506 . Costs of genetic testing.**

7500 (1) Subject to assessment of costs under Part 6, Adjudication of Parentage, the cost of initial
7501 genetic testing shall be advanced:

7502 (a) by a [~~support-enforcement~~] child support services agency in a proceeding in which
7503 the [~~support-enforcement~~] child support services agency is providing services;

7504 (b) by the individual who made the request;

7505 (c) as agreed by the parties; or

7506 (d) as ordered by the tribunal.

7507 (2) In cases in which the cost is advanced by the [~~support-enforcement~~] child support
7508 services agency, the agency may seek reimbursement from [~~a man~~] an individual who is
7509 rebuttably identified as the [~~father~~] parent of the child.

7510 Section 119. Section **81-5-507**, which is renumbered from Section 78B-15-507 is renumbered
7511 and amended to read:

7512 **[78B-15-507] 81-5-507 . Additional genetic testing.**

- 7513 (1) The tribunal shall order additional genetic testing upon the request of a party who
7514 contests the result of the original testing.
- 7515 (2) If the previous genetic testing identified [~~a man as the father~~] an individual as the parent
7516 of the child under Section [~~78B-15-505~~] 81-5-505, the tribunal may not order additional
7517 testing unless the party provides advance payment for the testing.
- 7518 (3) If the tribunal orders a second genetic test in accordance with this section, the additional
7519 testing must be completed within 45 days of the tribunal's order or the requesting party's
7520 objection to the first test will be automatically denied.
- 7521 (4) If failure to complete the test occurs because of noncooperation of the birth mother or
7522 unavailability of the child, the time will be tolled.

7523 Section 120. Section **81-5-508**, which is renumbered from Section 78B-15-508 is renumbered
7524 and amended to read:

7525 **[78B-15-508] 81-5-508 . Genetic testing when specimens not available.**

- 7526 (1) Subject to Subsection (2), if a genetic-testing specimen is not available from [~~a man~~
7527 ~~who may be the father~~] an individual who may be the parent of a child, for good cause
7528 and under extraordinary circumstances the tribunal considers to be just, the tribunal may
7529 order the following individuals to submit specimens for genetic testing:
- 7530 (a) the parents of the [~~man~~] individual;
- 7531 (b) brothers and sisters of the [~~man~~] individual;
- 7532 (c) other children of the [~~man and their mothers~~] individual; and
- 7533 (d) other relatives of the [~~man~~] individual necessary to complete genetic testing.
- 7534 (2) Issuance of an order under this section requires a finding that a need for genetic testing
7535 outweighs the legitimate interests of the individual sought to be tested.

7536 Section 121. Section **81-5-509**, which is renumbered from Section 78B-15-509 is renumbered
7537 and amended to read:

7538 **[78B-15-509] 81-5-509 . Deceased individual.**

7539 For good cause shown, the tribunal may order genetic testing of a deceased individual.

7540 Section 122. Section **81-5-510**, which is renumbered from Section 78B-15-510 is renumbered
7541 and amended to read:

7542 **[78B-15-510] 81-5-510 . Identical siblings.**

- 7543 (1) The tribunal may order genetic testing of a [~~brother of a man identified as the father of a~~

7544 ~~child if the man]~~ sibling of an alleged genetic parent if the alleged genetic parent is
 7545 commonly believed to have an identical [brother] sibling and evidence suggests that the [
 7546 brother] sibling may be the genetic [father] parent of the child.

7547 (2) If each ~~[brother] sibling~~ satisfies the requirements as the identified ~~[father] parent~~ of the
 7548 child under Section ~~[78B-15-505] 81-5-505~~ without consideration of another identical [
 7549 ~~brother] sibling~~ being identified as the ~~[father] parent~~ of the child, the tribunal may rely
 7550 on nongenetic evidence to adjudicate which ~~[brother is the father] sibling is the parent~~ of
 7551 the child.

7552 Section 123. Section **81-5-511**, which is renumbered from Section 78B-15-511 is renumbered
 7553 and amended to read:

7554 **[78B-15-511] 81-5-511 . Confidentiality of genetic testing.**

7555 Release of the report of genetic testing for parentage is controlled by Title 63G, Chapter
 7556 2, Government Records Access and Management Act.

7557 Section 124. Section **81-5-601**, which is renumbered from Section 78B-15-601 is renumbered
 7558 and amended to read:

7559 **Part 6. Adjudication of Parentage**

7560 **[78B-15-601] 81-5-601 . Definitions for part -- Proceeding authorized.**

7561 (1) As used in this part, "divorce" includes an annulment.

7562 ~~[(1)] (2)~~ An adjudicative proceeding may be maintained to determine the parentage of a
 7563 child.

7564 (3) A judicial proceeding is governed by the ~~[rules of civil procedure]~~ Utah Rules of Civil
 7565 Procedure.

7566 (4) An administrative proceeding is governed by Title 63G, Chapter 4, Administrative
 7567 Procedures Act.

7568 ~~[(2) For the purposes of this part, "divorce" also includes an annulment.]~~

7569 Section 125. Section **81-5-602**, which is renumbered from Section 78B-15-602 is renumbered
 7570 and amended to read:

7571 **[78B-15-602] 81-5-602 . Standing to maintain proceeding.**

7572 Subject to ~~[Part 3, Voluntary Declaration of Paternity Act]~~ Part 3, Voluntary Declaration
 7573 of Paternity, and Sections ~~[78B-15-607 and 78B-15-609]~~ 81-5-607 and 81-5-609, a proceeding
 7574 to adjudicate parentage may be maintained by:

7575 (1) the child;

7576 (2) the birth mother of the child;

7577 (3) ~~[a man whose paternity]~~ an individual whose parentage of the child is to be adjudicated;

- 7578 (4) the ~~[support-enforcement]~~ child support services agency or other governmental agency
 7579 authorized by other law;
- 7580 (5) an authorized adoption agency or licensed child-placing agency;
- 7581 (6) a representative authorized by law to act for an individual who would otherwise be
 7582 entitled to maintain a proceeding but who is deceased, incapacitated, or a minor child; or
- 7583 (7) an intended parent under Part 8, Gestational Agreement.

7584 Section 126. Section **81-5-603**, which is renumbered from Section 78B-15-603 is renumbered
 7585 and amended to read:

7586 **~~[78B-15-603]~~ 81-5-603 . Parties to proceeding.**

7587 The following individuals shall be joined as parties in a proceeding to adjudicate
 7588 parentage:

- 7589 (1) the birth mother of the child;
- 7590 (2) ~~[a man whose paternity]~~ an individual whose parentage of the child is to be adjudicated;
 7591 and
- 7592 (3) the state in accordance with Section 81-6-106.

7593 Section 127. Section **81-5-604**, which is renumbered from Section 78B-15-604 is renumbered
 7594 and amended to read:

7595 **~~[78B-15-604]~~ 81-5-604 . Personal jurisdiction.**

- 7596 (1) An individual may not be adjudicated to be a parent unless the tribunal has personal
 7597 jurisdiction over the individual.
- 7598 (2) A tribunal of this state having jurisdiction to adjudicate parentage may exercise personal
 7599 jurisdiction over a nonresident individual, or the guardian or conservator of the
 7600 individual, if the conditions prescribed in Section ~~[78B-14-201]~~ 81-8-201 are fulfilled, or
 7601 the individual has signed a declaration of paternity.
- 7602 (3) Lack of jurisdiction over one individual does not preclude the tribunal from making an
 7603 adjudication of parentage binding on another individual over whom the tribunal has
 7604 personal jurisdiction.

7605 Section 128. Section **81-5-605**, which is renumbered from Section 78B-15-605 is renumbered
 7606 and amended to read:

7607 **~~[78B-15-605]~~ 81-5-605 . Venue for a parentage proceeding.**

7608 ~~[Venue for a judicial proceeding to adjudicate parentage is in the county of this state]~~

- 7609 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a person shall bring a
 7610 proceeding to adjudicate parentage in the county in which:
- 7611 ~~[(+)]~~ (a) the child resides or is found;

7612 [(2)] (b) the respondent resides or is found if the child does not reside in this state; or
 7613 [(3)] (c) a proceeding for probate or administration of the presumed or alleged [father's]
 7614 genetic parent's estate has been commenced.

7615 (2) Subsection (1) does not apply to a proceeding brought in the Business and Chancery
 7616 Court.

7617 Section 129. Section **81-5-606**, which is renumbered from Section 78B-15-606 is renumbered
 7618 and amended to read:

7619 **[78B-15-606] 81-5-606 . No limitation -- Child having no declarant father or**
 7620 **adjudicated parent.**

7621 (1) A proceeding to adjudicate the parentage of a child having no declarant father or
 7622 adjudicated [father] parent may be commenced at any time.

7623 (2) If initiated after the child becomes an adult, only the child may initiate the proceeding.

7624 Section 130. Section **81-5-607**, which is renumbered from Section 78B-15-607 is renumbered
 7625 and amended to read:

7626 **[78B-15-607] 81-5-607 . Limitation -- Child having presumed parent.**

7627 (1) [Paternity]

7628 (a) Parentage of a child conceived or born during a marriage with a presumed [father]
 7629 parent, as described in Subsection [78B-15-204(1)(a), (b), or (c),] 81-5-204 (a), (b),
 7630 or (c) may be raised by the presumed [father, the mother, or a support enforcement
 7631 agency] parent, the birth mother, or a child support services agency at any time before
 7632 filing an action for divorce or in the pleadings at the time of the divorce of the parents.
 7633 [(a)]

7634 (b)(i) If the issue is raised prior to the adjudication, genetic testing may be ordered
 7635 by the tribunal in accordance with Section [78B-15-608] 81-5-608.

7636 (ii) Failure of the birth mother of the child to appear for testing may result in an order
 7637 allowing a motherless calculation of [paternity] parentage.

7638 (iii) Failure of the birth mother to make the child available may not result in a
 7639 determination that the presumed [father is not the father] parent is not the parent,
 7640 but shall allow for appropriate proceedings to compel the cooperation of the birth
 7641 mother.

7642 (iv) If the question of [paternity] parentage has been raised in the pleadings in a
 7643 divorce and the tribunal addresses the issue and enters an order, the parties are
 7644 estopped from raising the issue again, and the order of the tribunal may not be
 7645 challenged on the basis of material mistake of fact.

7646 [(b)] (c) If the presumed [father] parent seeks to rebut the presumption of [paternity]
 7647 parentage, then denial of a motion seeking an order for genetic testing or a decision
 7648 to disregard genetic test results shall be based on a preponderance of the evidence.

7649 [(e)] (d) If the birth mother seeks to rebut the presumption of [paternity] parentage, the
 7650 birth mother has the burden to show by a preponderance of the evidence that it would
 7651 be in the best interests of the child to disestablish the parent-child relationship.

7652 [(d)]

7653 (e)(i) If a [~~support enforcement agency~~] child support services agency seeks to rebut
 7654 the presumption of parentage and the [~~presumptive~~] presumed parent opposes the
 7655 rebuttal, the agency's request shall be denied.

7656 (ii) Otherwise, the denial of the agency's motion seeking an order for genetic testing
 7657 or a decision to disregard genetic test results shall be based on a preponderance of
 7658 the evidence, taking into account the best interests of the child.

7659 (2) For the presumption outside of marriage described in Subsection [~~78B-15-204(1)(d)]~~
 7660 81-5-204(1)(d), the presumption may be rebutted at any time if the tribunal determines
 7661 that the presumed [father] parent and the birth mother of the child neither cohabited nor
 7662 engaged in sexual intercourse with each other during the probable time of conception.

7663 (3) The presumption may be rebutted by:

7664 (a) genetic test results that exclude the presumed [father] parent;

7665 (b) genetic test results that rebuttably identify another [~~man as the father~~] individual as
 7666 the parent in accordance with Section [~~78B-15-505~~] 81-5-505;

7667 (c) evidence that the presumed [father] parent and the birth mother of the child neither
 7668 cohabited nor engaged in sexual intercourse with each other during the probable time
 7669 of conception; or

7670 (d) an adjudication under this part.

7671 (4) There is no presumption to rebut if the presumed [father] parent was properly served and
 7672 there has been a final adjudication of the issue.

7673 Section 131. Section **81-5-608**, which is renumbered from Section 78B-15-608 is renumbered
 7674 and amended to read:

7675 **[~~78B-15-608~~] 81-5-608 . Authority to deny motion for genetic testing or disregard**
 7676 **test results.**

7677 (1) In a proceeding to adjudicate the parentage of a child having a presumed [father] parent
 7678 or to challenge the [paternity] parentage of a child having a declarant father, the tribunal
 7679 may deny a motion seeking an order for genetic testing of the birth mother, the child,

- 7680 and the presumed parent or declarant father, or if testing has been completed, the
 7681 tribunal may disregard genetic test results that exclude the presumed parent or declarant
 7682 father if the tribunal determines that:
- 7683 (a) the conduct of the birth mother or the presumed parent or declarant father estops that
 7684 party from denying parentage; and
- 7685 (b) it would be inequitable to disrupt the [~~father~~] parent-child relationship between the
 7686 child and the presumed parent or declarant father.
- 7687 (2) In determining whether to deny a motion seeking an order for genetic testing or to
 7688 disregard genetic test results under this section, the tribunal shall consider the best
 7689 interest of the child, including the following factors:
- 7690 (a) the length of time between the proceeding to adjudicate parentage and the time that
 7691 the presumed parent or declarant father was placed on notice that [~~he~~] the presumed
 7692 parent or declarant father might not be the genetic [~~father~~] parent of the child;
- 7693 (b) the length of time during which the presumed parent or declarant father has assumed
 7694 the role of [~~father~~] parent of the child;
- 7695 (c) the facts surrounding the presumed parent or declarant father's discovery of [~~his~~
 7696 ~~possible nonpaternity~~] the parent's or father's possible nonparentage;
- 7697 (d) the nature of the relationship between the child and the presumed parent or declarant
 7698 father;
- 7699 (e) the age of the child;
- 7700 (f) the harm that may result to the child if presumed or declared [~~paternity~~] parentage is
 7701 successfully disestablished;
- 7702 (g) the nature of the relationship between the child and any alleged [~~father~~] parent;
- 7703 (h) the extent to which the passage of time reduces the chances of establishing the [~~paternity of another man~~]
 7704 parentage of another individual and a child-support
 7705 obligation in favor of the child; and
- 7706 (i) other factors that may affect the equities arising from the disruption of the [~~father~~]
 7707 parent-child relationship between the child and the presumed parent or declarant
 7708 father or the chance of other harm to the child.
- 7709 (3) If the tribunal denies a motion seeking an order for genetic testing or disregards genetic
 7710 test results that exclude the presumed parent or declarant father, [~~it~~] the tribunal shall
 7711 issue an order adjudicating the presumed parent or declarant father to be the [~~father~~]
 7712 parent of the child.

7713 Section 132. Section **81-5-609**, which is renumbered from Section 78B-15-609 is renumbered

7714 and amended to read:

7715 **[78B-15-609] 81-5-609 . Limitation -- Child having declarant father.**

7716 (1) If a child has a declarant father, a signatory to the declaration of paternity or denial of [
7717 ~~paternity or a support-enforcement]~~ parentage or a child support services agency may
7718 commence a proceeding seeking to rescind the declaration or denial or challenge the [
7719 ~~paternity]~~ parentage of the child only within the time allowed under Section [78B-15-306
7720 ~~or 78B-15-307]~~ 81-5-306 or 81-5-307.

7721 (2) A proceeding under this section is subject to the application of the principles of estoppel
7722 established in Section [78B-15-608] 81-5-608.

7723 Section 133. Section **81-5-610**, which is renumbered from Section 78B-15-610 is renumbered
7724 and amended to read:

7725 **[78B-15-610] 81-5-610 . Joinder of judicial proceedings -- Court reliance of**
7726 **custody and parent-time standards.**

7727 (1) Except as otherwise provided in Subsection (2), a judicial proceeding to adjudicate
7728 parentage may be joined with a proceeding for adoption, termination of parental rights,
7729 child custody or visitation, child support, divorce, annulment, legal separation or
7730 separate maintenance, probate or administration of an estate, or other appropriate
7731 proceeding.

7732 (2) A respondent may not join a proceeding described in Subsection (1) with a proceeding
7733 to adjudicate parentage brought under [~~Title 78B, Chapter 14, Utah Uniform Interstate~~
7734 ~~Family Support Act]~~ Chapter 8, Uniform Interstate Family Support Act.

7735 (3) A court may determine issues of custody, parent-time, visitation, and child support in
7736 accordance with [~~Title 81,]~~Chapter 6, Child Support, Chapter 7, Payment and
7737 Enforcement of Spousal and Child Support, and [~~Title 81,]~~Chapter 9, Custody,
7738 Parent-time, and Visitation.

7739 (4)(a) If a parentage action is determining issues of custody or parent-time for a child
7740 and the parents of the child are not married, the parties shall attend the mandatory
7741 parenting course described in Subsection 81-9-103(1)(b) within:

7742 (i) for the petitioner, 60 days after the day on which the petition is filed; and
7743 (ii) for the respondent, 30 days after the day on which the respondent is served.

7744 (b) The clerk of the court shall provide notice to a petitioner that the petitioner is
7745 required to attend the parenting course.

7746 (c) A petition shall include information regarding the parenting course when the petition
7747 is served on the respondent.

7748 (d) The court may not grant a final custody or parent-time order in a parentage action
7749 until:

7750 (i) both parties have attended the parenting course; and

7751 (ii) both parties have presented a certificate of course completion to the court.

7752 (5) For a party that is unable to pay the costs of the parenting course, and before the court
7753 enters an order for custody or parent-time in the parentage action, the court shall:

7754 (a) make a final determination of indigency; and

7755 (b) order the party to pay the costs of the parenting course if the court determines the
7756 party is not indigent.

7757 (6)(a) Notwithstanding Subsection (4), the court may waive the requirement that the
7758 parties attend the parenting course, on the court's own motion or on the motion of one
7759 of the parties, if the court determines course attendance and completion are not
7760 necessary, appropriate, or feasible, or in the best interest of the parties.

7761 (b) If the requirement is waived, the court may proceed with entering a final custody or
7762 parent-time order.

7763 Section 134. Section **81-5-611**, which is renumbered from Section 78B-15-611 is renumbered
7764 and amended to read:

7765 **[78B-15-611] 81-5-611 . Proceeding before birth.**

7766 (1) A proceeding to determine parentage may be commenced before the birth of the
7767 child, but may not be concluded until after the birth of the child.

7768 (2) The following actions may be taken before the birth of the child:

7769 [(1)] (a) service of process;

7770 [(2)] (b) discovery; and

7771 [(3)] (c) except as prohibited by Section [78B-15-502] 81-5-502, collection of specimens
7772 for genetic testing.

7773 Section 135. Section **81-5-612**, which is renumbered from Section 78B-15-612 is renumbered
7774 and amended to read:

7775 **[78B-15-612] 81-5-612 . Minor child as party -- Representation.**

7776 (1) A minor child is a permissible party, but is not a necessary party to a proceeding under
7777 this part.

7778 (2) The tribunal may appoint an attorney guardian ad litem under Sections 78A-2-703 and
7779 78A-2-803, or a private attorney guardian ad litem under Section 78A-2-705, to
7780 represent [~~a minor or~~] a minor child or an incapacitated child if the child is a party.

7781 Section 136. Section **81-5-613**, which is renumbered from Section 78B-15-613 is renumbered

7782 and amended to read:

7783 **[78B-15-613] 81-5-613 . Admissibility of results of genetic testing -- Expenses.**

7784 (1)(a) Except as otherwise provided in Subsection (3), a record of a genetic-testing
7785 expert is admissible as evidence of the truth of the facts asserted in the report unless a
7786 party objects to its admission within 14 days after its receipt by the objecting party
7787 and cites specific grounds for exclusion.

7788 (b) Unless a party files a timely objection, testimony shall be in affidavit form.

7789 (c) The admissibility of the report is not affected by whether the testing was performed:

7790 [(a)] (i) voluntarily or pursuant to an order of the tribunal; or

7791 [(b)] (ii) before or after the commencement of the proceeding.

7792 (2)(a) A party objecting to the results of genetic testing may call one or more
7793 genetic-testing experts to testify in person or by telephone, video conference,
7794 deposition, or another method approved by the tribunal.

7795 (b) Unless otherwise ordered by the tribunal, the party offering the testimony bears the
7796 expense for the expert testifying.

7797 (3) If a child has a presumed parent or declarant father, the results of genetic testing are
7798 inadmissible to adjudicate parentage unless performed:

7799 (a) [~~pursuant to Section 78B-15-503~~] in accordance with Section 81-5-503;

7800 (b) within the time periods [~~set forth~~] described in this chapter; [~~and~~]

7801 (c) pursuant to a tribunal order or administrative process; or

7802 (d) with the consent of both the mother and the presumed parent or declarant father.

7803 (4) If a child has an adjudicated [~~father~~] parent, the results of genetic testing are
7804 inadmissible to challenge [~~paternity~~] parentage except as set forth in Sections [
7805 ~~78B-15-607 and 78B-15-608~~] 81-5-607 and 81-5-608.

7806 (5) Copies of bills for genetic testing and for prenatal and postnatal health care for the birth
7807 mother and child which are furnished to the adverse party not less than 10 days before
7808 the date of a hearing are admissible to establish:

7809 (a) the amount of the charges billed; and

7810 (b) that the charges were reasonable, necessary, and customary.

7811 Section 137. Section **81-5-614**, which is renumbered from Section 78B-15-614 is renumbered
7812 and amended to read:

7813 **[78B-15-614] 81-5-614 . Consequences of failing to submit to genetic testing.**

7814 (1) An order for genetic testing is enforceable by contempt.

7815 (2) If an individual whose [~~paternity~~] parentage is being determined fails to submit to

7816 genetic testing ordered by the tribunal, the tribunal for that reason may adjudicate
7817 parentage contrary to the position of that individual.

7818 (3)(a) Genetic testing of the birth mother of a child is not a condition precedent to
7819 testing the child and [~~a man whose paternity~~] an individual whose parentage is being
7820 determined.

7821 (b) If the birth mother is unavailable or fails to submit to genetic testing, the tribunal
7822 may order the testing of the child and every [~~man~~] individual who is potentially the [
7823 ~~father~~] parent of the child.

7824 Section 138. Section **81-5-615**, which is renumbered from Section 78B-15-615 is renumbered
7825 and amended to read:

7826 **[78B-15-615] 81-5-615 . Admission of parentage authorized.**

7827 (1) A respondent in a proceeding to adjudicate parentage may admit to the [~~paternity~~]
7828 parentage of a child by filing a pleading to that effect or by admitting [~~paternity~~]
7829 parentage under penalty of perjury when making an appearance or during a hearing.

7830 (2) If the tribunal finds that the admission of [~~paternity~~] parentage satisfies the requirements
7831 of this section and finds that there is no reason to question the admission, the tribunal
7832 shall issue an order adjudicating the child to be the child of the [~~man~~] individual
7833 admitting [~~paternity~~] parentage.

7834 Section 139. Section **81-5-616**, which is renumbered from Section 78B-15-616 is renumbered
7835 and amended to read:

7836 **[78B-15-616] 81-5-616 . Temporary order.**

7837 (1) In a proceeding under this part, the tribunal shall issue a temporary order for support of
7838 a child if the order is appropriate and the individual ordered to pay support is:

7839 (a) a presumed [~~father~~] parent of the child;

7840 (b) petitioning to [~~have his paternity adjudicated~~] be adjudicated a parent;

7841 (c) identified as [~~the father~~] a parent through genetic testing under Section [~~78B-15-505~~]
7842 81-5-505;

7843 (d) an alleged [~~father~~] genetic parent who has failed to submit to genetic testing;

7844 (e) shown by clear and convincing evidence to be the [~~father~~] parent of the child; or

7845 (f) the birth mother of the child.

7846 (2) A temporary tribunal order may include provisions for custody and visitation as
7847 provided by other laws of this state.

7848 Section 140. Section **81-5-617**, which is renumbered from Section 78B-15-617 is renumbered
7849 and amended to read:

7850 **[78B-15-617] 81-5-617 . Requirements for adjudication of parentage.**

7851 [The tribunal shall apply the following rules to adjudicate the paternity of a child:]

- 7852 (1) [The paternity of a child having a presumed, declarant, or adjudicated father may be
7853 disproved only by] In an adjudication of the parentage of a child, the tribunal may only
7854 disprove the parentage of a child having a presumed parent, declarant father, or
7855 adjudicated parent if there are admissible results of genetic testing excluding that [man]
7856 individual as the [father] parent of the child or identifying another [man] individual as the [
7857 father] parent of the child.
- 7858 (2) Unless the results of genetic testing are admitted to rebut other results of genetic testing, [
7859 a man identified as the father] or except as provided in Section 81-5-608, the tribunal
7860 shall adjudicate an individual identified as a parent of a child under Section [78B-15-505
7861 must be adjudicated] 81-5-505 as the [father] parent of the child[, unless an exception is
7862 granted under Section 78B-15-608].
- 7863 (3) If the tribunal finds that genetic testing under Section [78B-15-505 neither identifies nor
7864 excludes a man as the father] 81-5-505 does not identify or exclude an individual as the
7865 parent of a child, the tribunal:
- 7866 (a) may not dismiss the proceeding[. In that event, the tribunal] ; and
7867 (b) shall order further testing.
- 7868 (4) Unless the results of genetic testing are admitted to rebut other results of genetic testing, [
7869 a man properly excluded as the father of a child by genetic testing must be adjudicated
7870 not to be the father of the child] or except as provided in Section 81-5-608, the tribunal
7871 shall adjudicate an individual properly excluded as the parent of a child by genetic
7872 testing to not be the parent of the child.

7873 Section 141. Section **81-5-618**, which is renumbered from Section 78B-15-618 is renumbered
7874 and amended to read:

7875 **[78B-15-618] 81-5-618 . Adjudication of parentage -- Jury trial prohibited.**

7876 A jury trial is prohibited to adjudicate [paternity] parentage of a child.

7877 Section 142. Section **81-5-619**, which is renumbered from Section 78B-15-619 is renumbered
7878 and amended to read:

7879 **[78B-15-619] 81-5-619 . Adjudication of parentage -- Hearings -- Inspection of**
7880 **records.**

- 7881 (1) On request of a party and for good cause shown, the tribunal may close a proceeding
7882 under this part.
- 7883 (2) A final order in a proceeding under this part is available for public inspection.

7884 (3) Other papers and records are available only with the consent of the parties or on order of
7885 the tribunal for good cause.

7886 Section 143. Section **81-5-620**, which is renumbered from Section 78B-15-620 is renumbered
7887 and amended to read:

7888 **[78B-15-620] 81-5-620 . Adjudication of parentage -- Order on default.**

7889 The tribunal shall issue an order adjudicating [~~the paternity of a man~~] parentage of an
7890 individual who:

7891 (1) after service of process, is in default; and

7892 (2) is found by the tribunal to be the [~~father~~] parent of a child.

7893 Section 144. Section **81-5-621**, which is renumbered from Section 78B-15-621 is renumbered
7894 and amended to read:

7895 **[78B-15-621] 81-5-621 . Adjudication of parentage -- Dismissal for want of**
7896 **prosecution.**

7897 (1) The tribunal may issue an order dismissing a proceeding commenced under this
7898 chapter for want of prosecution only without prejudice.

7899 (2) An order of dismissal for want of prosecution purportedly with prejudice is void and has
7900 only the effect of a dismissal without prejudice.

7901 Section 145. Section **81-5-622**, which is renumbered from Section 78B-15-622 is renumbered
7902 and amended to read:

7903 **[78B-15-622] 81-5-622 . Order adjudicating parentage.**

7904 (1) The tribunal shall issue an order adjudicating whether [~~a man alleged or claiming to be~~
7905 ~~the father~~] an individual alleged or claiming to be the parent is the parent of the child.

7906 (2) An order adjudicating parentage must identify the child by name and date of birth.

7907 (3)(a) Except as otherwise provided in Subsection (4), the tribunal may assess filing
7908 fees, reasonable attorney fees, fees for genetic testing, other costs, necessary travel,
7909 and other reasonable expenses incurred in a proceeding under this part.

7910 (b) The tribunal may award attorney fees, which may be paid directly to the attorney,
7911 who may enforce the order in the attorney's own name.

7912 (4) The tribunal may not assess fees, costs, or expenses against the [~~support enforcement~~]
7913 child support services agency of this state or another state, except as provided by law.

7914 (5) On request of a party and for good cause shown, the tribunal may order that the name of
7915 the child be changed.

7916 (6) If the order of the tribunal is at variance with the child's birth certificate, the tribunal
7917 shall order the Office of Vital Records and Statistics to issue an amended birth

7918 registration.

7919 Section 146. Section **81-5-623**, which is renumbered from Section 78B-15-623 is renumbered
7920 and amended to read:

7921 **~~[78B-15-623]~~ 81-5-623 . Binding effect of determination of parentage.**

7922 (1) Except as otherwise provided in Subsection (2), a determination of parentage is binding
7923 on:

7924 (a) all signatories to a declaration ~~[or denial of paternity]~~ of paternity or denial of
7925 parentage as provided in Part 3, Voluntary Declaration of Paternity~~[-Act]~~; and

7926 (b) all parties to an adjudication by a tribunal acting under circumstances that satisfy the
7927 jurisdictional requirements of Section ~~[78B-14-201]~~ 81-8-201.

7928 (2) A child is not bound by a determination of parentage under this chapter unless:

7929 (a) the determination was based on an unrescinded declaration of paternity and the
7930 declaration is consistent with the results of genetic testing;

7931 (b) the adjudication of parentage was based on a finding consistent with the results of
7932 genetic testing and the consistency is declared in the determination or is otherwise
7933 shown; or

7934 (c) the child was a party or was represented in the proceeding determining parentage by
7935 a guardian ad litem.

7936 (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an
7937 adjudication of the parentage of a child if the question of ~~[paternity]~~ parentage is raised
7938 and the tribunal adjudicates according to ~~[Part 6, Adjudication of Parentage,]~~ this part
7939 and the final order:

7940 (a) expressly identifies a child as a "child of the marriage," "issue of the marriage," or
7941 similar words indicating that the ~~[husband is the father]~~ spouse is the parent of the
7942 child; or

7943 (b) provides for support of the child by the ~~[husband unless paternity]~~ spouse unless
7944 parentage is specifically disclaimed in the order.

7945 (4) The tribunal is not considered to have made an adjudication of the parentage of a child
7946 if the child was born at the time of entry of the order and other children are named as
7947 children of the marriage, but that child is specifically not named.

7948 (5) Once the ~~[paternity]~~ parentage of a child has been adjudicated, an individual who was
7949 not a party to the ~~[paternity]~~ parentage proceeding may not challenge the ~~[paternity]~~
7950 parentage, unless:

7951 (a) the party seeking to challenge can demonstrate a fraud upon the tribunal;

7952 (b) the challenger can demonstrate by clear and convincing evidence that the challenger
 7953 did not know about the adjudicatory proceeding or did not have a reasonable
 7954 opportunity to know of the proceeding; and

7955 (c) there would be harm to the child to leave the order in place.

7956 (6) A party to an adjudication of [~~paternity~~] parentage may challenge the adjudication only
 7957 under law of this state relating to appeal, vacation of judgments, or other judicial review.

7958 (7) A party to an adjudication may not bring a challenge under Subsection (6) if the party
 7959 committed the fraud.

7960 Section 147. Section **81-5-701**, which is renumbered from Section 78B-15-701 is renumbered
 7961 and amended to read:

7962 **Part 7. Assisted Reproduction**

7963 **[78B-15-701] 81-5-701 . Scope.**

7964 This part does not apply to the birth of a child conceived by means of sexual intercourse[~~]~~
 7965 or as result of a gestational agreement [~~as provided in~~] described in Part 8, Gestational
 7966 Agreement.

7967 Section 148. Section **81-5-702**, which is renumbered from Section 78B-15-702 is renumbered
 7968 and amended to read:

7969 **[78B-15-702] 81-5-702 . Parental status of donor.**

7970 A donor is not a parent of a child conceived by means of assisted reproduction.

7971 Section 149. Section **81-5-703**, which is renumbered from Section 78B-15-703 is renumbered
 7972 and amended to read:

7973 **[78B-15-703] 81-5-703 . Spouse's parentage of child of assisted reproduction.**

7974 If [~~a husband provides sperm for, or consents to,~~] an individual provides sperm or eggs
 7975 for, or consents to, assisted reproduction by [~~his wife~~] the individual's wife as provided in
 7976 Section [~~78B-15-704, he is the father~~] 81-5-704, the individual is the parent of a resulting child
 7977 born to [~~his wife~~] the individual's wife.

7978 Section 150. Section **81-5-704**, which is renumbered from Section 78B-15-704 is renumbered
 7979 and amended to read:

7980 **[78B-15-704] 81-5-704 . Consent to assisted reproduction.**

7981 (1)(a) A consent to assisted reproduction by a married woman must be in a record
 7982 signed by the woman and [~~her husband~~] the woman's spouse.

7983 (b) [~~This requirement~~] The requirement described in Subsection (1)(a) does not apply to
 7984 the donation of eggs for assisted reproduction by another woman.

7985 (2) Failure of [~~the husband~~] a married woman's spouse to sign a consent required by

7986 Subsection (1), before or after the birth of the child, does not preclude a finding that the [
 7987 husband is the father] spouse is the parent of a child born to [~~his wife if the wife and~~
 7988 ~~husband~~] the married woman if the married woman and the married woman's spouse
 7989 openly treat the child as their own.

7990 Section 151. Section **81-5-705**, which is renumbered from Section 78B-15-705 is renumbered
 7991 and amended to read:

7992 **[78B-15-705] 81-5-705 . Limitation on spouse's dispute of parentage.**

7993 (1) Except as otherwise provided in Subsection (2), the [~~husband of a wife~~] spouse of a
 7994 woman who gives birth to a child by means of assisted reproduction may not challenge [
 7995 ~~his paternity~~] the spouse's parentage of the child unless:

- 7996 (a) within two years after learning of the birth of the child [~~he~~] the spouse commences a
 7997 proceeding to adjudicate [~~his paternity~~] the spouse's parentage; and
 7998 (b) the tribunal finds that [~~he~~] the spouse did not consent to the assisted reproduction,
 7999 before or after the birth of the child.

8000 (2) A proceeding to adjudicate [~~paternity~~] parentage may be maintained at any time if the
 8001 tribunal determines that:

- 8002 (a) the [~~husband~~] individual did not provide sperm or eggs for, or before or after the birth
 8003 of the child consent to, assisted reproduction by [~~his~~] the individual's wife;
 8004 (b) the [~~husband and the mother~~] individual and the birth mother of the child have not
 8005 cohabited since the probable time of assisted reproduction; and
 8006 (c) the [~~husband~~] individual never openly treated the child as [~~his~~] the individual's own.

8007 (3) The limitation provided in this section applies to a marriage declared invalid after
 8008 assisted reproduction.

8009 Section 152. Section **81-5-706**, which is renumbered from Section 78B-15-706 is renumbered
 8010 and amended to read:

8011 **[78B-15-706] 81-5-706 . Effect of dissolution of marriage.**

8012 (1) If a marriage is dissolved before placement of eggs, sperm, or an embryo, the former
 8013 spouse is not a parent of the resulting child unless the former spouse consented in a
 8014 record that if assisted reproduction were to occur after a divorce, the former spouse
 8015 would be a parent of the child.

8016 (2) The consent of the former spouse to assisted reproduction may be revoked by that
 8017 individual in a record at any time before placement of eggs, sperm, or embryos.

8018 Section 153. Section **81-5-707**, which is renumbered from Section 78B-15-707 is renumbered
 8019 and amended to read:

8020 **[78B-15-707] 81-5-707 . Parental status of deceased spouse.**

8021 If a spouse dies before placement of eggs, sperm, or an embryo, the deceased spouse is
8022 not a parent of the resulting child unless the deceased spouse consented in a record that if
8023 assisted reproduction were to occur after death, the deceased spouse would be a parent of the
8024 child.

8025 Section 154. Section **81-5-708**, which is renumbered from Section 78B-15-708 is renumbered
8026 and amended to read:

8027 **[78B-15-708] 81-5-708 . Access to identifying information and medical history.**

- 8028 (1) A person conceived through assisted reproduction who is at least 18 years [of age] old
8029 shall be provided, upon the person's request, access to the nonidentifying medical history
8030 of the donor who assisted in the reproduction process that resulted in the person's birth.
- 8031 (2) Under no circumstance may a person who donated to a fertility clinic for the purpose of
8032 assisted reproduction be liable for financial support to the child conceived through
8033 assisted reproduction or the child's parent.
- 8034 (3) Except as provided in this section, a donor's request to remain anonymous shall be given
8035 full deference.

8036 Section 155. Section **81-5-801**, which is renumbered from Section 78B-15-801 is renumbered
8037 and amended to read:

8038 **Part 8. Gestational Agreement**

8039 **[78B-15-801] 81-5-801 . Gestational agreement authorized.**

- 8040 (1) A prospective gestational mother, the prospective gestational mother's spouse if the
8041 prospective gestational mother is married, a donor or the donors, and the intended
8042 parents may enter into a written agreement providing that:
- 8043 (a) the prospective gestational mother agrees to pregnancy by means of assisted
8044 reproduction;
- 8045 (b) the prospective gestational mother, the prospective gestational mother's spouse if the
8046 prospective gestational mother is married, and the donors relinquish all rights and
8047 duties as the parents of a child conceived through assisted reproduction; and
- 8048 (c) the intended parents become the parents of the child.
- 8049 (2) The intended gestational mother may not currently be receiving Medicaid or any other
8050 state assistance.
- 8051 (3)(a) The intended parents shall be married.
- 8052 (b) Both intended parents must be parties to the gestational agreement.
- 8053 (4) A gestational agreement is enforceable only if validated as provided in Section [

8054 78B-15-803] 81-5-803.

8055 (5) A gestational agreement does not apply:

8056 (a) to the birth of a child conceived by means of sexual intercourse; or

8057 (b) if neither intended parent is a donor.

8058 (6) The parties to a gestational agreement shall be 21 years old or older.

8059 (7) The gestational mother's eggs may not be used in the assisted reproduction procedure.

8060 (8) If the gestational mother is married, the gestational mother's spouse's sperm or eggs may
8061 not be used in the assisted reproduction procedure.

8062 Section 156. Section **81-5-802**, which is renumbered from Section 78B-15-802 is renumbered
8063 and amended to read:

8064 **[78B-15-802] 81-5-802 . Requirements of petition.**

8065 (1) The intended parents and the prospective gestational mother may file a petition in the
8066 district tribunal to validate a gestational agreement.

8067 (2) A petition to validate a gestational agreement may not be maintained unless either the
8068 mother or intended parents have been residents of this state for at least 90 days.

8069 (3) The prospective gestational mother's spouse, if the prospective gestational mother is
8070 married, must join in the petition.

8071 (4) A copy of the gestational agreement must be attached to the petition.

8072 Section 157. Section **81-5-803**, which is renumbered from Section 78B-15-803 is renumbered
8073 and amended to read:

8074 **[78B-15-803] 81-5-803 . Hearing to validate gestational agreement.**

8075 (1) If the requirements of Subsection (2) are satisfied, a tribunal may issue an order
8076 validating the gestational agreement and declaring that the intended parents will be the
8077 parents of a child born during the term of the agreement.

8078 (2) The tribunal may issue an order under Subsection (1) only on finding that:

8079 (a) the residence requirements of Section ~~[78B-15-802]~~ 81-8-802 have been satisfied and
8080 the parties have submitted to the jurisdiction of the tribunal under the jurisdictional
8081 standards of this part;

8082 (b) unless waived by the tribunal, a home study of the intended parents has been
8083 conducted in accordance with ~~[Sections 78B-6-128 through 78B-6-131]~~ Chapter 13,
8084 Part 4, Placement of a Minor Child or Vulnerable Adult for Adoption, and the
8085 intended parents meet the standards of fitness applicable to adoptive parents;

8086 (c) all parties have participated in counseling with a licensed mental health professional
8087 as evidenced by a certificate:

- 8088 (i) signed by the licensed mental health professional that affirms that all parties have
 8089 discussed options and consequences of the agreement; and
 8090 (ii) presented to the tribunal;
- 8091 (d) all parties have voluntarily entered into the agreement and understand the
 8092 agreement's terms;
- 8093 (e) the prospective gestational mother has had at least one pregnancy and delivery and
 8094 the prospective gestational mother's bearing another child will not pose an
 8095 unreasonable health risk to the unborn child or to the physical or mental health of the
 8096 prospective gestational mother;
- 8097 (f) adequate provision has been made for all reasonable health-care expense associated
 8098 with the gestational agreement until the birth of the child, including responsibility for
 8099 all reasonable health-care expense if the agreement is terminated;
- 8100 (g) the consideration, if any, paid to the prospective gestational mother is reasonable;
- 8101 (h) all the parties to the agreement are 21 years old or older;
- 8102 (i) the gestational mother's eggs are not being used in the assisted reproduction
 8103 procedure; and
- 8104 (j) if the gestational mother is married, the gestational mother's spouse's sperm or eggs
 8105 are not being used in the assisted reproduction procedure.
- 8106 (3) Whether to validate a gestational agreement is within the discretion of the tribunal,
 8107 subject only to review for abuse of discretion.

8108 Section 158. Section **81-5-804**, which is renumbered from Section 78B-15-804 is renumbered
 8109 and amended to read:

8110 **~~[78B-15-804]~~ 81-5-804 . Inspection of records.**

8111 The proceedings, records, and identities of the individuals to a gestational agreement
 8112 under this part are subject to inspection under the confidentiality standards applicable to
 8113 adoptions as provided under other laws of this state.

8114 Section 159. Section **81-5-805**, which is renumbered from Section 78B-15-805 is renumbered
 8115 and amended to read:

8116 **~~[78B-15-805]~~ 81-5-805 . Exclusive, continuing jurisdiction.**

8117 Subject to the jurisdictional standards of Section ~~[78B-13-201]~~ 81-11-201, the tribunal
 8118 conducting a proceeding under this part has exclusive, continuing jurisdiction of all matters
 8119 arising out of the gestational agreement until a child born to the gestational mother during the
 8120 period governed by the agreement attains the age of 180 days.

8121 Section 160. Section **81-5-806**, which is renumbered from Section 78B-15-806 is renumbered

8122 and amended to read:

8123 **[78B-15-806] 81-5-806 . Termination of gestational agreement.**

8124 (1) After issuance of an order under this part, but before the prospective gestational mother
8125 becomes pregnant by means of assisted reproduction, the prospective gestational mother,
8126 the prospective gestational mother's spouse, or either of the intended parents may
8127 terminate the gestational agreement only by giving written notice of termination to all
8128 other parties.

8129 (2) The tribunal for good cause shown also may terminate the gestational agreement.

8130 (3)(a) An individual who terminates an agreement shall file notice of the termination
8131 with the tribunal.

8132 (b) On receipt of the notice, the tribunal shall vacate the order issued under this part.

8133 (c) An individual who does not notify the tribunal of the termination of the agreement is
8134 subject to appropriate sanctions.

8135 (4) A prospective gestational mother, or the prospective gestational mother's spouse if
8136 married, is not liable to the intended parents for terminating an agreement [~~pursuant to~~]
8137 in accordance with this section.

8138 Section 161. Section **81-5-807**, which is renumbered from Section 78B-15-807 is renumbered
8139 and amended to read:

8140 **[78B-15-807] 81-5-807 . Parentage under validated gestational agreement.**

8141 (1)(a) Upon birth of a child to a gestational mother, the intended parents shall file notice
8142 with the tribunal that a child has been born to the gestational mother within 300 days
8143 after assisted reproduction.

8144 (b) [~~Thereupon~~] If the intended parents file a notice described in Subsection (1)(a), the
8145 tribunal shall issue an order:

8146 [~~(a)~~] (i) confirming that the intended parents are the parents of the child;

8147 [~~(b)~~] (ii) if necessary, ordering that the child be surrendered to the intended parents;

8148 and

8149 [~~(c)~~] (iii) directing the Office of Vital Records and Statistics to issue a birth certificate
8150 naming the intended parents as parents of the child.

8151 (2) If the parentage of a child born to the gestational mother is in dispute as not the result of
8152 an assisted reproduction, the tribunal shall order genetic testing to determine the
8153 parentage of the child.

8154 Section 162. Section **81-5-808**, which is renumbered from Section 78B-15-808 is renumbered
8155 and amended to read:

8156 **[78B-15-808] 81-5-808 . Gestational agreement -- Miscellaneous provisions.**

- 8157 (1) A gestational agreement may provide for payment of consideration.
- 8158 (2) A gestational agreement may not limit the right of the gestational mother to make
8159 decisions to safeguard the gestational mother's health or that of the embryo or fetus.
- 8160 (3) After the issuance of an order under this part, subsequent marriage of the gestational
8161 mother does not affect the validity of a gestational agreement, and the gestational
8162 mother's spouse's consent to the agreement is not required, nor is the gestational
8163 mother's spouse a presumed parent of the resulting child.

8164 Section 163. Section **81-5-809**, which is renumbered from Section 78B-15-809 is renumbered
8165 and amended to read:

8166 **[78B-15-809] 81-5-809 . Effect of nonvalidated gestational agreement.**

- 8167 (1) A gestational agreement, whether in a record or not, which is not validated by a tribunal
8168 is not enforceable.
- 8169 (2) If a birth results under a gestational agreement that is not judicially validated as
8170 provided in this part, the parent-child relationship is determined as provided in Part 2,
8171 Parent and Child Relationship.
- 8172 (3)(a) The individuals who are parties to a nonvalidated gestational agreement as
8173 intended parents may be held liable for support of the resulting child, even if the
8174 agreement is otherwise unenforceable.
- 8175 (b) The liability under this Subsection (3) includes assessing all expenses and fees as
8176 provided in Section [78B-15-622] 81-5-622.

8177 Section 164. Section **81-5-901**, which is renumbered from Section 78B-15-901 is renumbered
8178 and amended to read:

8179 **Part 9. Applicability Provisions**

8180 **[78B-15-901] 81-5-901 . Uniformity of application and construction of this**
8181 **chapter.**

- 8182 (1) This chapter is a uniform law.
- 8183 (2) In applying and construing this chapter, consideration shall be given to the need to
8184 promote uniformity of the law with respect to [its] the uniform law's subject matter
8185 among the states that enact [it] this uniform law.

8186 Section 165. Section **81-5-902**, which is renumbered from Section 78B-15-902 is renumbered
8187 and amended to read:

8188 **[78B-15-902] 81-5-902 . Transitional provision.**

8189 A proceeding to adjudicate parentage [which] that was commenced before May 1, 2005,

8190 is governed by the law in effect at the time the proceeding was commenced.

8191 Section 166. Section **81-8-102**, which is renumbered from Section 78B-14-102 is renumbered
8192 and amended to read:

8193 **CHAPTER 8. UNIFORM INTERSTATE FAMILY SUPPORT ACT**

8194 **Part 1. General Provisions**

8195 **[78B-14-102] 81-8-102 . Definitions for chapter.**

8196 As used in this chapter:

8197 (1) "Alleged genetic parent" means the same as that term is defined in Section 81-5-102.

8198 (2) "Birth mother" means the same as that term is defined in Section 81-5-102.

8199 [(4)] (3) "Child" means an individual, whether over or under the age of majority, who is or
8200 is alleged to be owed a duty of support by the individual's parent or who is or is alleged
8201 to be the beneficiary of a support order directed to the parent.

8202 [(2)] (4) "Child support order" means a support order for a child, including a child who has
8203 attained the age of majority under the law of the issuing state or foreign country.

8204 (5) "Child support services agency" means a public official, governmental entity, or private
8205 agency authorized to:

8206 (a) seek enforcement of support orders or laws relating to the duty of support;

8207 (b) seek establishment or modification of child support;

8208 (c) request determination of parentage of a child;

8209 (d) attempt to locate obligors or their assets; or

8210 (e) request determination of the controlling child support order.

8211 [(3)] (6) "Convention" means the convention on the International Recovery of Child Support
8212 and Other Forms of Family Maintenance, concluded at The Hague on November 23,
8213 2007.

8214 [(4)] (7) "Duty of support" means an obligation imposed or imposable by law to provide
8215 support for a child, spouse, or former spouse, including an unsatisfied obligation to
8216 provide support.

8217 [(5)] (8) "Foreign country" means a country, including a political subdivision thereof, other
8218 than the United States, that authorizes the issuance of support orders and:

8219 (a) which has been declared under the law of the United States to be a foreign
8220 reciprocating country;

8221 (b) which has established a reciprocal arrangement for child support with this state as
8222 provided in Section [78B-14-308] 81-8-308;

8223 (c) which has enacted a law or established procedures for the issuance and enforcement
8224 of support orders which are substantially similar to the procedures under this chapter;
8225 or

8226 (d) in which the convention is in force with respect to the United States.

8227 ~~[(6)]~~ (9) "Foreign support order" means a support order of a foreign tribunal.

8228 ~~[(7)]~~ (10)(a) "Foreign tribunal" means a court, administrative agency, or quasi-judicial
8229 entity of a foreign country which is authorized to establish, enforce, or modify
8230 support orders or to determine parentage of a child. ~~[The term]~~

8231 (b) "Foreign tribunal" includes a competent authority under the convention.

8232 ~~[(8)]~~ (11) "Home state" means the state or foreign country in which a child lived with a
8233 parent or a person acting as parent for at least six consecutive months immediately
8234 preceding the time of filing of a petition or comparable pleading for support and, if a
8235 child is less than six months old, the state or foreign country in which the child lived
8236 from birth with any of them. A period of temporary absence of any of them is counted
8237 as part of the six-month or other period.

8238 ~~[(9)]~~ (12) "Income" includes earnings or other periodic entitlements to money from any
8239 source and any other property subject to withholding for support under the law of this
8240 state.

8241 ~~[(10)]~~ (13) "Income-withholding order" means an order or other legal process directed to an
8242 obligor's employer or other source of income as defined in Section 26B-9-101, to
8243 withhold support from the income of the obligor.

8244 ~~[(11)]~~ (14) "Initiating tribunal" means the tribunal of a state or foreign country from which a
8245 petition or comparable pleading is forwarded or in which a petition or comparable
8246 pleading is filed for forwarding to another state or foreign country.

8247 ~~[(12)]~~ (15) "Issuing foreign country" means the foreign country in which a tribunal issues a
8248 support order or a judgment determining parentage of a child.

8249 ~~[(13)]~~ (16) "Issuing state" means the state in which a tribunal issues a support order or a
8250 judgment determining parentage of a child.

8251 ~~[(14)]~~ (17) "Issuing tribunal" means the tribunal of a state or foreign country that issues a
8252 support order or a judgment determining parentage of a child.

8253 ~~[(15)]~~ (18) "Law" includes decisional and statutory law and rules and regulations having the
8254 force of law.

8255 ~~[(16)]~~ (19) "Obligee" means:

8256 (a) an individual to whom a duty of support is or is alleged to be owed or in whose favor

- 8257 a support order or a judgment determining parentage of a child has been issued;
- 8258 (b) a foreign country, state, or political subdivision of a state to which the rights under a
- 8259 duty of support or support order have been assigned or which has independent claims
- 8260 based on financial assistance provided to an individual obligee in place of child
- 8261 support;
- 8262 (c) an individual seeking a judgment determining parentage of the individual's child; or
- 8263 (d) a person who is a creditor in a proceeding under Part 7, Support Proceedings Under
- 8264 Convention.
- 8265 ~~[(17)]~~ (20) "Obligor" means an individual who, or the estate of a decedent that:
- 8266 (a) owes or is alleged to owe a duty of support;
- 8267 (b) is alleged but has not been adjudicated to be a parent of a child;
- 8268 (c) is liable under a support order; or
- 8269 (d) is a debtor in a proceeding under Part 7, Support Proceedings Under Convention.
- 8270 ~~[(18)]~~ (21) "Outside this state" means a location in another state or a country other than the
- 8271 United States, whether or not the country is a foreign country.
- 8272 ~~[(19)]~~ (22) "Person" means an individual, corporation, business trust, estate, trust,
- 8273 partnership, limited liability company, association, joint venture, government,
- 8274 governmental subdivision, agency, or instrumentality, public corporation, or any other
- 8275 legal or commercial entity.
- 8276 (23) "Presumed parent" means the same as that term is defined in Section 81-5-102.
- 8277 ~~[(20)]~~ (24) "Record" means information that is inscribed on a tangible medium or that is
- 8278 stored in an electronic or other medium and is retrievable in perceivable form.
- 8279 ~~[(21)]~~ (25) "Register" means to file in a tribunal of this state a support order or judgment
- 8280 determining parentage of a child issued in another state or a foreign country.
- 8281 ~~[(22)]~~ (26) "Registering tribunal" means a tribunal in which a support order or judgment
- 8282 determining parentage of a child is registered.
- 8283 ~~[(23)]~~ (27) "Responding state" means a state in which a petition or comparable pleading for
- 8284 support or to determine parentage of a child is filed or to which a petition or comparable
- 8285 pleading is forwarded for filing from another state or a foreign country.
- 8286 ~~[(24)]~~ (28) "Responding tribunal" means the authorized tribunal in a responding state or
- 8287 foreign country.
- 8288 ~~[(25)]~~ (29) "Spousal support order" means a support order for a spouse or former spouse of
- 8289 the obligor.
- 8290 ~~[(26)]~~ (30)(a) "State" means a state of the United States, the District of Columbia, Puerto

8291 Rico, the United States Virgin Islands, or any territory or insular possession subject
8292 to the jurisdiction of the United States. [~~The term~~]

8293 (b) "State" includes an Indian nation or tribe.

8294 [~~(27) "Support enforcement agency" means a public official, governmental entity, or~~
8295 ~~private agency authorized to:~~]

8296 [(a) seek enforcement of support orders or laws relating to the duty of support;]

8297 [(b) seek establishment or modification of child support;]

8298 [(c) request determination of parentage of a child;]

8299 [(d) attempt to locate obligors or their assets; or]

8300 [(e) request determination of the controlling child support order.]

8301 [~~(28)~~] (31)(a) "Support order" means a judgment, decree, order, decision, or directive,
8302 whether temporary, final, or subject to modification, issued in a state or foreign
8303 country for the benefit of a child, a spouse, or a former spouse, which provides for
8304 monetary support, health care, arrearages, retroactive support, or reimbursement for
8305 financial assistance provided to an individual obligee in place of child support. [~~The~~
8306 ~~term may include~~]

8307 (b) "Support order" includes related costs and fees, interest, income withholding,
8308 automatic adjustment, reasonable attorney fees, and other relief.

8309 [~~(29)~~] (32) "Tribunal" means a court, administrative agency, or quasi-judicial entity
8310 authorized to establish, enforce, or modify support orders or to determine parentage of a
8311 child.

8312 Section 167. Section **81-8-103**, which is renumbered from Section 78B-14-103 is renumbered
8313 and amended to read:

8314 **[78B-14-103] 81-8-103 . State tribunal and child support services agency.**

8315 (1) [~~The district court~~] A court with jurisdiction under Title 78A, Judiciary and Judicial
8316 Administration, and the Utah Department of Health and Human Services are the
8317 tribunals of this state.

8318 (2) The Utah Department of Health and Human Services is the state [~~support enforcement~~
8319 ~~agency~~] child support services agency.

8320 Section 168. Section **81-8-104**, which is renumbered from Section 78B-14-104 is renumbered
8321 and amended to read:

8322 **[78B-14-104] 81-8-104 . Remedies cumulative.**

8323 (1) Remedies provided by this chapter are cumulative and do not affect the availability of
8324 remedies under other law or the recognition of a foreign support order on the basis of

8325 comity.

8326 (2) This chapter does not:

8327 (a) provide the exclusive method of establishing or enforcing a support order under the
8328 law of this state; or

8329 (b) grant a tribunal of this state jurisdiction to render judgment or issue an order relating
8330 to child custody or parent-time in a proceeding under this chapter.

8331 Section 169. Section **81-8-105**, which is renumbered from Section 78B-14-105 is renumbered
8332 and amended to read:

8333 **[78B-14-105] 81-8-105 . Application of chapter to residents of foreign countries**
8334 **and foreign support proceedings.**

8335 (1) A tribunal of this state shall apply Part 1, General Provisions, Part 2, Jurisdiction, Part 3,
8336 Civil Provisions of General Application, Part 4, Establishment of Support Order or
8337 Determination of Parentage, Part 5, Enforcement of Support Order Without Registration,
8338 and Part 6, Registration, Enforcement, and Modification of Support Order and, as
8339 applicable, Part 7, Support Proceedings Under Convention, to a support proceeding
8340 involving:

8341 (a) a foreign support order;

8342 (b) a foreign tribunal; or

8343 (c) an obligee, obligor, or child residing in a foreign country.

8344 (2) A tribunal of this state that is requested to recognize and enforce a support order on the
8345 basis of comity may apply the procedural and substantive provisions of Part 1, General
8346 Provisions, Part 2, Jurisdiction, Part 3, Civil Provisions of General Application, Part 4,
8347 Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of
8348 Support Order Without Registration, and Part 6, Registration, Enforcement, and
8349 Modification of Support Order.

8350 (3)(a) Part 7, Support Proceedings Under Convention, applies only to a support
8351 proceeding under the convention.

8352 (b) In a proceeding, if a provision of Part 7, Support Proceedings Under Convention is
8353 inconsistent with Part 1, General Provisions, Part 2, Jurisdiction, Part 3, Civil
8354 Provisions of General Application, Part 4, Establishment of Support Order or
8355 Determination of Parentage, Part 5, Enforcement of Support Order Without
8356 Registration, and Part 6, Registration, Enforcement, and Modification of Support
8357 Order, Part 7, Support Proceedings Under Convention, controls.

8358 Section 170. Section **81-8-201**, which is renumbered from Section 78B-14-201 is renumbered

8359 and amended to read:

8360

Part 2. Jurisdiction

8361 **[78B-14-201] 81-8-201 . Bases for jurisdiction over nonresident.**

8362 (1) In a proceeding to establish or enforce a support order or to determine parentage of a
8363 child, a tribunal of this state may exercise personal jurisdiction over a nonresident
8364 individual, or the individual's guardian or conservator, if:

8365 (a) the individual is personally served with notice within this state;

8366 (b) the individual submits to the jurisdiction of this state by consent in a record, by
8367 entering a general appearance, or by filing a responsive document having the effect of
8368 waiving any contest to personal jurisdiction;

8369 (c) the individual resided with the child in this state;

8370 (d) the individual resided in this state and provided prenatal expenses or support for the
8371 child;

8372 (e) the child resides in this state as a result of the acts or directives of the individual;

8373 (f) the individual engaged in sexual intercourse in this state and the child may have been
8374 conceived by that act of intercourse;

8375 (g) the individual asserted parentage of a child in the putative father registry maintained
8376 in this state by the [~~state registrar of vital records in the Department of Health~~
8377 ~~pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act~~] Office of Vital Records
8378 and Statistics in accordance with Chapter 13, Adoption; or

8379 (h) there is any other basis consistent with the constitutions of this state and the United
8380 States for the exercise of personal jurisdiction.

8381 (2) The bases of personal jurisdiction set forth in Subsection (1) or in any other law of this
8382 state may not be used to acquire personal jurisdiction for a tribunal of this state to
8383 modify a child support order of another state unless the requirements of Section [
8384 ~~78B-14-611~~] 81-8-611 are met, or, in the case of a foreign support order, unless the
8385 requirements of Section [~~78B-14-615~~] 81-8-615 are met.

8386 Section 171. Section **81-8-202**, which is renumbered from Section 78B-14-202 is renumbered
8387 and amended to read:

8388 **[78B-14-202] 81-8-202 . Duration of personal jurisdiction.**

8389 Personal jurisdiction acquired by a tribunal of this state in a proceeding under this
8390 chapter or other law of this state relating to a support order continues as long as a tribunal of
8391 this state has continuing, exclusive jurisdiction to modify [its] the tribunal's order or continuing
8392 jurisdiction to enforce [its] the tribunal's order [~~as provided by Sections 78B-14-205,~~

8393 ~~78B-14-206, and 78B-14-211~~] as described in Sections 81-8-205, 81-8-206, and 81-8-211.

8394 Section 172. Section **81-8-203**, which is renumbered from Section 78B-14-203 is renumbered
8395 and amended to read:

8396 **[~~78B-14-203~~] 81-8-203 . Initiating and responding tribunal of state.**

8397 Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward
8398 proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated
8399 in another state or a foreign country.

8400 Section 173. Section **81-8-204**, which is renumbered from Section 78B-14-204 is renumbered
8401 and amended to read:

8402 **[~~78B-14-204~~] 81-8-204 . Simultaneous proceedings in another state.**

8403 (1) A tribunal of this state may exercise jurisdiction to establish a support order if the
8404 petition or comparable pleading is filed after a pleading is filed in another state or a
8405 foreign country only if:

- 8406 (a) the petition or comparable pleading in this state is filed before the expiration of the
8407 time allowed in the other state or the foreign country for filing a responsive pleading
8408 challenging the exercise of jurisdiction by the other state or the foreign country;
8409 (b) the contesting party timely challenges the exercise of jurisdiction in the other state or
8410 the foreign country; and
8411 (c) if relevant, this state is the home state of the child.

8412 (2) A tribunal of this state may not exercise jurisdiction to establish a support order if the
8413 petition or comparable pleading is filed before a petition or comparable pleading is filed
8414 in another state or a foreign country if:

- 8415 (a) the petition or comparable pleading in the other state or foreign country is filed
8416 before the expiration of the time allowed in this state for filing a responsive pleading
8417 challenging the exercise of jurisdiction by this state;
8418 (b) the contesting party timely challenges the exercise of jurisdiction in this state; and
8419 (c) if relevant, the other state or foreign country is the home of the child.

8420 Section 174. Section **81-8-205**, which is renumbered from Section 78B-14-205 is renumbered
8421 and amended to read:

8422 **[~~78B-14-205~~] 81-8-205 . Continuing, exclusive jurisdiction to modify child**
8423 **support order.**

8424 (1) A tribunal of this state that has issued a child support order consistent with the law of
8425 this state has and shall exercise continuing, exclusive jurisdiction to modify its child
8426 support order if the order is the controlling order, and:

8427 (a) at the time of the filing of a request for modification, this state is the residence of the
 8428 obligor, the individual obligee, or the child for whose benefit the support order is
 8429 issued; or

8430 (b) even if this state is not the residence of the obligor, the individual obligee, or the
 8431 child for whose benefit the support order is issued, the parties consent in a record or
 8432 in open court that the tribunal of this state may continue to exercise jurisdiction to
 8433 modify ~~[its]~~ the tribunal order.

8434 (2) A tribunal of this state that has issued a child support order consistent with the law of
 8435 this state may not exercise continuing, exclusive jurisdiction to modify the order if:

8436 (a) all of the parties who are individuals file consent in a record with the tribunal of this
 8437 state that a tribunal of another state that has jurisdiction over at least one of the
 8438 parties who is an individual or that is located in the state of residence of the child
 8439 may modify the order and assume continuing, exclusive jurisdiction; or

8440 (b) ~~[its]~~ the tribunal's order is not the controlling order.

8441 (3) If a tribunal of another state has issued a child support order ~~[pursuant to]~~ in accordance
 8442 with the Uniform Interstate Family Support Act or a law substantially similar to the act, [
 8443 which] that modifies a child support order of a tribunal of this state, ~~[tribunals]~~ a tribunal
 8444 of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the
 8445 other state.

8446 (4) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child
 8447 support order may serve as an initiating tribunal to request a tribunal of another state to
 8448 modify a support order issued in that state.

8449 (5) A temporary support order issued ex parte or pending resolution of a jurisdictional
 8450 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

8451 Section 175. Section **81-8-206**, which is renumbered from Section 78B-14-206 is renumbered
 8452 and amended to read:

8453 **[78B-14-206] 81-8-206 . Continuing jurisdiction to enforce child support order.**

8454 (1) A tribunal of this state that has issued a child support order consistent with the law of
 8455 this state may serve as an initiating tribunal to request a tribunal of another state to
 8456 enforce:

8457 (a) the order if the order is the controlling order and has not been modified by a tribunal
 8458 of another state that assumed jurisdiction ~~[pursuant to]~~ in accordance with the
 8459 Uniform Interstate Family Support Act; or

8460 (b) a money judgment for arrears of support and interest on the order accrued before a

8461 determination that an order of a tribunal of another state is the controlling order.

8462 (2) A tribunal of this state having continuing jurisdiction over a support order may act as a
8463 responding tribunal to enforce the order.

8464 Section 176. Section **81-8-207**, which is renumbered from Section 78B-14-207 is renumbered
8465 and amended to read:

8466 **[78B-14-207] 81-8-207 . Determination of controlling child-support order.**

8467 (1) If a proceeding is brought under this chapter and only one tribunal has issued a child
8468 support order, the order of that tribunal controls and shall be so recognized.

8469 (2) If a proceeding is brought under this chapter, and two or more child support orders have
8470 been issued by tribunals of this state, another state, or a foreign country with regard to
8471 the same obligor and same child, a tribunal of this state having personal jurisdiction over
8472 both the obligor and individual obligee shall apply the following rules and by order shall
8473 determine which order controls and shall be recognized:

8474 (a) If only one of the tribunals would have continuing, exclusive jurisdiction under this
8475 chapter, the order of that tribunal controls.

8476 (b) If more than one of the tribunals would have continuing, exclusive jurisdiction under
8477 this chapter, an order issued by a tribunal in the current home state of the child
8478 controls, or if an order has not been issued in the current home state of the child, the
8479 order most recently issued controls.

8480 (c) If none of the tribunals would have continuing, exclusive jurisdiction under this
8481 chapter, the tribunal of this state shall issue a child support order, which controls.

8482 (3)(a) If two or more child support orders have been issued for the same obligor and
8483 same child, upon request of a party who is an individual or that is a [support
8484 enforcement] child support services agency, a tribunal of this state having personal
8485 jurisdiction over both the obligor and the obligee who is an individual shall determine
8486 which order controls under Subsection (2).

8487 (b) The request under Subsection (3)(a) may be filed with a registration for enforcement
8488 or registration for modification pursuant to Part 6, Registration, Enforcement, and
8489 Modification of Support Order, or may be filed as a separate proceeding.

8490 (4)(a) A request to determine which is the controlling order shall be accompanied by a
8491 copy of every child support order in effect and the applicable record of payments.

8492 (b) The requesting party shall give notice of the request to each party whose rights may
8493 be affected by the determination.

8494 (5) The tribunal that issued the controlling order under Subsection (1), (2), or (3) has

8495 continuing jurisdiction to the extent provided in Section [~~78B-14-205 or 78B-14-206~~
8496 81-8-205 or 81-8-206].

8497 (6) A tribunal of this state that determines by order which is the controlling order under
8498 Subsection (2)(a), (b), or (3) that issues a new controlling order under Subsection (2)(c),
8499 shall state in that order:

8500 (a) the basis upon which the tribunal made [~~its~~] the tribunal's determination;

8501 (b) the amount of prospective support, if any; and

8502 (c) the total amount of consolidated arrears and accrued interest, if any, under all of the
8503 orders after all payments made are credited as provided by Section [~~78B-14-209~~
8504 81-8-209].

8505 (7)(a) Within 30 days after issuance of an order determining which is the controlling
8506 order, the party obtaining the order shall file a certified copy of [~~it~~] the order in each
8507 tribunal that issued or registered an earlier order of child support.

8508 (b) A party or [~~support enforcement~~] child support services agency obtaining the order
8509 that fails to file a certified copy is subject to appropriate sanctions by a tribunal in
8510 which the issue of failure to file arises.

8511 (c) The failure to file does not affect the validity or enforceability of the controlling
8512 order.

8513 (8) An order that has been determined to be the controlling order, or a judgment for
8514 consolidated arrears of support and interest, if any, made [~~pursuant to~~] in accordance with
8515 this section shall be recognized in proceedings under this chapter.

8516 Section 177. Section **81-8-208**, which is renumbered from Section 78B-14-208 is renumbered
8517 and amended to read:

8518 **[78B-14-208] 81-8-208 . Child support orders for two or more obligees.**

8519 In responding to registrations or petitions for enforcement of two or more child support
8520 orders in effect at the same time with regard to the same obligor and different individual
8521 obligees, at least one of which was issued by a tribunal of another state or a foreign country, a
8522 tribunal of this state shall enforce those orders in the same manner as if the orders had been
8523 issued by a tribunal of this state.

8524 Section 178. Section **81-8-209**, which is renumbered from Section 78B-14-209 is renumbered
8525 and amended to read:

8526 **[78B-14-209] 81-8-209 . Credit for payments.**

8527 A tribunal of this state shall credit amounts collected for a particular period pursuant to
8528 any child support order against the amounts owed for the same period under any other child

8529 support order for support of the same child issued by a tribunal of this or another state or
8530 foreign country.

8531 Section 179. Section **81-8-210**, which is renumbered from Section 78B-14-210 is renumbered
8532 and amended to read:

8533 **[78B-14-210] 81-8-210 . Application of chapter to nonresident subject to personal**
8534 **jurisdiction.**

8535 (1) A tribunal of this state exercising personal jurisdiction over a nonresident in a
8536 proceeding under this chapter, under other law of this state relating to a support order, or
8537 recognizing a foreign support order may:

8538 (a) receive evidence from outside this state [~~pursuant to Section 78B-14-316;~~] in
8539 accordance with Section 81-8-316;

8540 (b) communicate with a tribunal outside this state [~~pursuant to Section 78B-14-317;~~] in
8541 accordance with Section 81-8-317; and

8542 (c) obtain discovery through a tribunal outside this state [~~pursuant to Section 78B-14-318]~~
8543 in accordance with Section 81-8-318.

8544 (2) In all other respects, Part 3, Civil Provisions of General Application, Part 4,
8545 Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of
8546 Support Order Without Registration, and Part 6, Registration, Enforcement, and
8547 Modification of Support Order, do not apply and the tribunal shall apply the procedural
8548 and substantive law of this state.

8549 Section 180. Section **81-8-211**, which is renumbered from Section 78B-14-211 is renumbered
8550 and amended to read:

8551 **[78B-14-211] 81-8-211 . Continuing, exclusive jurisdiction to modify spousal**
8552 **support order.**

8553 (1) A tribunal of this state issuing a spousal support order consistent with the law of this
8554 state has continuing, exclusive jurisdiction to modify the spousal support order
8555 throughout the existence of the support obligation.

8556 (2) A tribunal of this state may not modify a spousal support order issued by a tribunal of
8557 another state or foreign country having continuing, exclusive jurisdiction over that order
8558 under the law of that state or foreign country.

8559 (3) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support
8560 order may serve as:

8561 (a) an initiating tribunal to request a tribunal of another state to enforce the spousal
8562 support order issued in this state; or

8563 (b) a responding tribunal to enforce or modify [its] the tribunal's own spousal support
8564 order.

8565 Section 181. Section **81-8-301**, which is renumbered from Section 78B-14-301 is renumbered
8566 and amended to read:

8567 **Part 3. Civil Provisions of General Application**

8568 **~~[78B-14-301]~~ 81-8-301 . Proceedings under chapter.**

8569 (1) Except as otherwise provided in this chapter, this part applies to all proceedings under
8570 this chapter.

8571 (2) An individual petitioner or a [~~support enforcement~~] child support services agency may
8572 initiate a proceeding authorized under this chapter by filing a petition in an initiating
8573 tribunal for forwarding to a responding tribunal or by filing a petition or a comparable
8574 pleading directly in a tribunal of another state or a foreign country [~~which~~] that has or
8575 can obtain personal jurisdiction over the respondent.

8576 Section 182. Section **81-8-302**, which is renumbered from Section 78B-14-302 is renumbered
8577 and amended to read:

8578 **~~[78B-14-302]~~ 81-8-302 . Action by parent who is under 18 years old.**

8579 A [~~minor parent~~] parent who is under 18 years old, or a guardian or other legal
8580 representative of [~~a minor~~] the parent, may maintain a proceeding on behalf of or for the benefit
8581 of the [~~minor's~~] parent's child.

8582 Section 183. Section **81-8-303**, which is renumbered from Section 78B-14-303 is renumbered
8583 and amended to read:

8584 **~~[78B-14-303]~~ 81-8-303 . Application of law of state.**

8585 Except as otherwise provided in this chapter, a responding tribunal of this state shall:

8586 (1) apply the procedural and substantive law generally applicable to similar proceedings
8587 originating in this state and may exercise all powers and provide all remedies available
8588 in those proceedings; and

8589 (2) determine the duty of support and the amount payable in accordance with the law and
8590 support guidelines of this state.

8591 Section 184. Section **81-8-304**, which is renumbered from Section 78B-14-304 is renumbered
8592 and amended to read:

8593 **~~[78B-14-304]~~ 81-8-304 . Duties of initiating tribunal.**

8594 (1) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state
8595 shall forward the petition and its accompanying documents:

8596 (a) to the responding tribunal or appropriate [~~support enforcement~~] child support services

8597 agency in the responding state; or

8598 (b) if the identity of the responding tribunal is unknown, to the state information agency
8599 of the responding state with a request that they be forwarded to the appropriate
8600 tribunal and that receipt be acknowledged.

8601 (2)(a) If requested by the responding tribunal, a tribunal of this state shall issue a
8602 certificate or other document and make findings required by the law of the
8603 responding state.

8604 (b) If the responding tribunal is in a foreign country, upon request, the tribunal of this
8605 state shall specify the amount of support sought, convert that amount into the
8606 equivalent amount in the foreign currency under applicable official or market
8607 exchange rate as publicly reported, and provide any other documents necessary to
8608 satisfy the requirements of the responding foreign tribunal.

8609 Section 185. Section **81-8-305**, which is renumbered from Section 78B-14-305 is renumbered
8610 and amended to read:

8611 **[78B-14-305] 81-8-305 . Duties and powers of responding tribunal.**

8612 (1) When a responding tribunal of this state receives a petition or comparable pleading from
8613 an initiating tribunal or directly [~~pursuant to Subsection 78B-14-301(2), it]~~ in accordance
8614 with Subsection 81-8-301(2), the responding tribunal shall cause the petition or pleading
8615 to be filed and notify the petitioner where and when [~~it~~] the petition or pleading was filed.

8616 (2) A responding tribunal of this state, to the extent not prohibited by other law, may do one
8617 or more of the following:

8618 (a) establish or enforce a support order, modify a child support order, determine the
8619 controlling child support order, or determine parentage of a child;

8620 (b) order an obligor to comply with a support order, specifying the amount and the
8621 manner of compliance;

8622 (c) order income withholding;

8623 (d) determine the amount of any arrearages and specify a method of payment;

8624 (e) enforce orders by civil or criminal contempt, or both;

8625 (f) set aside property for satisfaction of the support order;

8626 (g) place liens and order execution on the obligor's property;

8627 (h) order an obligor to keep the tribunal informed of the obligor's current residential
8628 address, electronic mail address, telephone number, employer, address of
8629 employment, and telephone number at the place of employment;

8630 (i) issue a bench warrant for an obligor who has failed after proper notice to appear at a

- 8631 hearing ordered by the tribunal and enter the bench warrant in any local and state
 8632 computer systems for criminal warrants;
- 8633 (j) order the obligor to seek appropriate employment by specified methods;
- 8634 (k) award reasonable attorney fees and other fees and costs; and
- 8635 (l) grant any other available remedy.
- 8636 (3) A responding tribunal of this state shall include in a support order issued under this
 8637 chapter, or in the documents accompanying the order, the calculations on which the
 8638 support order is based.
- 8639 (4) A responding tribunal of this state may not condition the payment of a support order
 8640 issued under this chapter upon compliance by a party with provisions for parent-time.
- 8641 (5) If a responding tribunal of this state issues an order under this chapter, the tribunal shall
 8642 send a copy of the order to the petitioner and the respondent and to the initiating
 8643 tribunal, if any.
- 8644 (6) If requested to enforce a support order, arrears, or judgment or modify a support order
 8645 stated in a foreign currency, a responding tribunal of this state shall convert the amount
 8646 stated in the foreign currency to the equivalent amount in dollars under the applicable
 8647 official or market exchange rate as publicly reported.

8648 Section 186. Section **81-8-306**, which is renumbered from Section 78B-14-306 is renumbered
 8649 and amended to read:

8650 **~~[78B-14-306]~~ 81-8-306 . Inappropriate tribunal.**

8651 If a petition or comparable pleading is received by an inappropriate tribunal of this state,
 8652 the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal
 8653 in this state or another state and notify the petitioner where and when the pleading was sent.

8654 Section 187. Section **81-8-307**, which is renumbered from Section 78B-14-307 is renumbered
 8655 and amended to read:

8656 **~~[78B-14-307]~~ 81-8-307 . Duties of child support services agency.**

- 8657 (1) A ~~[support enforcement]~~ child support services agency of this state, upon request, shall
 8658 provide services to a petitioner in a proceeding under this chapter.
- 8659 (2) A ~~[support enforcement]~~ child support services agency of this state that is providing
 8660 services to the petitioner shall:
- 8661 (a) take all steps necessary to enable an appropriate tribunal of this state, another state,
 8662 or a foreign country to obtain jurisdiction over the respondent;
- 8663 (b) request an appropriate tribunal to set a date, time, and place for a hearing;
- 8664 (c) make a reasonable effort to obtain all relevant information, including information as

- 8665 to income and property of the parties;
- 8666 (d) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
- 8667 notice in a record from an initiating, responding, or registering tribunal, send a copy
- 8668 of the notice to the petitioner;
- 8669 (e) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
- 8670 communication in a record from the respondent or the respondent's attorney, send a
- 8671 copy of the communication to the petitioner; and
- 8672 (f) notify the petitioner if jurisdiction over the respondent cannot be obtained.
- 8673 (3) A [~~support enforcement~~] child support services agency of this state that requests
- 8674 registration of a child support order in this state for enforcement or for modification
- 8675 shall make reasonable efforts:
- 8676 (a) to ensure that the order to be registered is the controlling order; or
- 8677 (b) if two or more child support orders exist and the identity of the controlling order has
- 8678 not been determined, to ensure that a request for such a determination is made in a
- 8679 tribunal having jurisdiction to do so.
- 8680 (4) A [~~support enforcement~~] child support services agency of this state that requests
- 8681 registration and enforcement of a support order, arrears, or judgment stated in a foreign
- 8682 currency shall convert the amounts stated in the foreign currency into the equivalent
- 8683 amounts in dollars under the applicable official or market exchange rate as publicly
- 8684 reported.
- 8685 (5) A [~~support enforcement~~] child support services agency of this state shall issue or request
- 8686 a tribunal of this state to issue a child support order and an income-withholding order
- 8687 that redirects payment of current support, arrears, and interest if requested to do so by a [
- 8688 ~~support enforcement~~] child support services agency of another state [~~pursuant to Section~~
- 8689 ~~78B-14-319~~] in accordance with Section 81-8-319.
- 8690 (6) This chapter does not create or negate a relationship of attorney and client or other
- 8691 fiduciary relationship between a [~~support enforcement~~] child support services agency or
- 8692 the attorney for the agency and the individual being assisted by the agency.
- 8693 Section 188. Section **81-8-308**, which is renumbered from Section 78B-14-308 is renumbered
- 8694 and amended to read:
- 8695 **[78B-14-308] 81-8-308 . Duty of attorney general.**
- 8696 (1) If the attorney general determines that the [~~support enforcement~~] child support services
- 8697 agency is neglecting or refusing to provide services to an individual, the attorney general
- 8698 may order the agency to perform [its] the agency's duties under this chapter or may

8699 provide those services directly to the individual.

8700 (2) The attorney general may determine that a foreign country has established a reciprocal
8701 arrangement for child support with this state and take appropriate action for notification
8702 of the determination.

8703 Section 189. Section **81-8-309**, which is renumbered from Section 78B-14-309 is renumbered
8704 and amended to read:

8705 **[78B-14-309] 81-8-309 . Private counsel.**

8706 An individual may employ private counsel to represent the individual in proceedings
8707 authorized by this chapter.

8708 Section 190. Section **81-8-310**, which is renumbered from Section 78B-14-310 is renumbered
8709 and amended to read:

8710 **[78B-14-310] 81-8-310 . Duties of state information agency.**

8711 (1) The Office of Recovery Services is the state information agency under this chapter.

8712 (2) The state information agency shall:

8713 (a) compile and maintain a current list, including addresses, of the tribunals in this state
8714 which have jurisdiction under this chapter and any support enforcement agencies in
8715 this state and transmit a copy to the state information agency of every other state;
8716 (b) maintain a register of names and addresses of tribunals and support enforcement
8717 agencies received from other states;

8718 (c) forward to the appropriate tribunal in the county in this state in which the obligee
8719 who is an individual or the obligor resides, or in which the obligor's property is
8720 believed to be located, all documents concerning a proceeding under this chapter
8721 received from another state or a foreign country; and

8722 (d) obtain information concerning the location of the obligor and the obligor's property
8723 within this state not exempt from execution, by such means as postal verification and
8724 federal or state locator services, examination of telephone directories, requests for the
8725 obligor's address from employers, and examination of governmental records,
8726 including, to the extent not prohibited by law, those relating to real property, vital
8727 statistics, law enforcement, taxation, motor vehicles, driver licenses, and Social
8728 Security.

8729 Section 191. Section **81-8-311**, which is renumbered from Section 78B-14-311 is renumbered
8730 and amended to read:

8731 **[78B-14-311] 81-8-311 . Pleadings and accompanying documents.**

8732 (1)(a) In a proceeding under this chapter, a petitioner seeking to establish a support

8733 order, to determine parentage of a child, or to register and modify a support order of a
8734 tribunal of another state or a foreign country shall file a petition.

8735 (b) Unless otherwise ordered under Section [~~78B-14-312~~] 81-8-312, the petition or
8736 accompanying documents shall provide, so far as known, the name, residential
8737 address, and [~~Social Security~~] social security numbers of the obligor and the obligee
8738 or the parent and alleged parent, and the name, sex, residential address, [~~Social~~
8739 ~~Security~~] social security number, and date of birth of each child for whose benefit
8740 support is sought or whose parentage is to be determined.

8741 (c) Unless filed at the time of registration, the petition shall be accompanied by a copy
8742 of any support order known to have been issued by another tribunal.

8743 (d) The petition may include any other information that may assist in locating or
8744 identifying the respondent.

8745 (2)(a) The petition shall specify the relief sought.

8746 (b) The petition and accompanying documents shall conform substantially with the
8747 requirements imposed by the forms mandated by federal law for use in cases filed by
8748 a [~~support enforcement~~] child support services agency.

8749 Section 192. Section **81-8-312**, which is renumbered from Section 78B-14-312 is renumbered
8750 and amended to read:

8751 **[~~78B-14-312~~] 81-8-312 . Nondisclosure of information in exceptional**
8752 **circumstances.**

8753 (1) If a party alleges in an affidavit or a pleading under oath that the health, safety, or
8754 liberty of a party or child would be jeopardized by disclosure of specific identifying
8755 information, that information must be sealed and may not be disclosed to the other party
8756 or the public.

8757 (2) After a hearing in which a tribunal takes into consideration the health, safety, or liberty
8758 of the party or child, the tribunal may order disclosure of information that the tribunal
8759 determines to be in the interest of justice.

8760 Section 193. Section **81-8-313**, which is renumbered from Section 78B-14-313 is renumbered
8761 and amended to read:

8762 **[~~78B-14-313~~] 81-8-313 . Costs and fees.**

8763 (1) The petitioner may not be required to pay a filing fee or other costs.

8764 (2)(a) If an obligee prevails, a responding tribunal of this state may assess against an
8765 obligor filing fees, reasonable attorney fees, other costs, and necessary travel and
8766 other reasonable expenses incurred by the obligee and the obligee's witnesses.

8767 (b) The tribunal may not assess fees, costs, or expenses against the obligee or the [
8768 support-enforcement] child support services agency of either the initiating or the
8769 responding state or a foreign country, except as provided by law.

8770 (c) Attorney fees may be taxed as costs, and may be ordered paid directly to the
8771 attorney, who may enforce the order in the attorney's own name.

8772 (d) Payment of support owed to the obligee has priority over fees, costs, and expenses.

8773 (3)(a) The tribunal shall order the payment of costs and reasonable attorney fees if it
8774 determines that a hearing was requested primarily for delay.

8775 (b) In a proceeding under Part 6, Registration, Enforcement, and Modification of
8776 Support Order, a hearing is presumed to have been requested primarily for delay if a
8777 registered support order is confirmed or enforced without change.

8778 Section 194. Section **81-8-314**, which is renumbered from Section 78B-14-314 is renumbered
8779 and amended to read:

8780 **[78B-14-314] 81-8-314 . Limited immunity of petitioner.**

8781 (1) Participation by a petitioner in a proceeding under this chapter before a responding
8782 tribunal, whether in person, by private attorney, or through services provided by the [
8783 support-enforcement] child support services agency, does not confer personal jurisdiction
8784 over the petitioner in another proceeding.

8785 (2) A petitioner is not amenable to service of civil process while physically present in this
8786 state to participate in a proceeding under this chapter.

8787 (3) The immunity granted by this section does not extend to civil litigation based on acts
8788 unrelated to a proceeding under this chapter committed by a party while present in this
8789 state to participate in the proceeding.

8790 Section 195. Section **81-8-315**, which is renumbered from Section 78B-14-315 is renumbered
8791 and amended to read:

8792 **[78B-14-315] 81-8-315 . Nonparentage as defense.**

8793 A party whose parentage of a child has been previously determined by or pursuant to
8794 law may not plead nonparentage as a defense to a proceeding under this chapter.

8795 Section 196. Section **81-8-316**, which is renumbered from Section 78B-14-316 is renumbered
8796 and amended to read:

8797 **[78B-14-316] 81-8-316 . Special rules of evidence and procedure.**

8798 (1) The physical presence of a nonresident party who is an individual in a tribunal of this
8799 state is not required for the establishment, enforcement, or modification of a support
8800 order or the rendition of a judgment determining parentage of a child.

8801 (2) An affidavit, a document substantially complying with federally mandated forms, or a
8802 document incorporated by reference in any of them, which would not be excluded under
8803 the hearsay rule if given in person, is admissible in evidence if given under penalty of
8804 perjury by a party or witness residing outside this state.

8805 (3)(a) A copy of the record of child support payments certified as a true copy of the
8806 original by the custodian of the record may be forwarded to a responding tribunal.

8807 (b) The copy is evidence of facts asserted in it and is admissible to show whether
8808 payments were made.

8809 (4) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health
8810 care of the birth mother and child, furnished to the adverse party at least 10 days before
8811 trial, are admissible in evidence to prove the amount of the charges billed and that the
8812 charges were reasonable, necessary, and customary.

8813 (5) Documentary evidence transmitted from outside this state to a tribunal of this state by
8814 telephone, telecopier, or other electronic means that do not provide an original record
8815 may not be excluded from evidence on an objection based on the means of transmission.

8816 (6)(a) In a proceeding under this chapter, a tribunal of this state shall permit a party or
8817 witness residing outside this state to be deposed or to testify under penalty of perjury
8818 by telephone, audiovisual means, or other electronic means at a designated tribunal or
8819 other location.

8820 (b) A tribunal of this state shall cooperate with other tribunals in designating an
8821 appropriate location for the deposition or testimony.

8822 (7) If a party called to testify at a civil hearing refuses to answer on the ground that the
8823 testimony may be self-incriminating, the trier of fact may draw an adverse inference
8824 from the refusal.

8825 (8) A privilege against disclosure of communications between spouses does not apply in a
8826 proceeding under this chapter.

8827 (9) The defense of immunity based on the relationship of husband and wife or parent and
8828 child does not apply in a proceeding under this chapter.

8829 (10) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to
8830 establish parentage of the child.

8831 Section 197. Section **81-8-317**, which is renumbered from Section 78B-14-317 is renumbered
8832 and amended to read:

8833 **[78B-14-317] 81-8-317 . Communications between tribunals.**

8834 (1) A tribunal of this state may communicate with a tribunal outside this state in a

8835 record, or by telephone, electronic mail, or other means, to obtain information
8836 concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and
8837 the status of a proceeding.

8838 (2) A tribunal of this state may furnish similar information by similar means to a tribunal
8839 outside this state.

8840 Section 198. Section **81-8-318**, which is renumbered from Section 78B-14-318 is renumbered
8841 and amended to read:

8842 **[78B-14-318] 81-8-318 . Assistance with discovery.**

8843 A tribunal of this state may:

8844 (1) request a tribunal outside this state to assist in obtaining discovery; and

8845 (2) upon request, compel a person over whom it has jurisdiction to respond to a discovery
8846 order issued by a tribunal outside this state.

8847 Section 199. Section **81-8-319**, which is renumbered from Section 78B-14-319 is renumbered
8848 and amended to read:

8849 **[78B-14-319] 81-8-319 . Receipt and disbursement of payments.**

8850 (1)(a) A [~~support enforcement~~] child support services agency or tribunal of this state
8851 shall disburse promptly any amounts received pursuant to a support order, as directed
8852 by the order.

8853 (b) The agency or tribunal shall furnish to a requesting party or tribunal of another state
8854 or a foreign country a certified statement by the custodian of the record of the
8855 amounts and dates of all payments received.

8856 (2) If neither the obligor, nor the obligee who is an individual, nor the child resides in this
8857 state, upon request from the [~~support enforcement~~] child support services agency of this
8858 state or another state, the Office of Recovery Services or a tribunal of this state shall:

8859 (a) direct that the support payment be made to the [~~support enforcement~~] child support
8860 services agency in the state in which the obligee is receiving services; and

8861 (b) issue and send to the obligor's employer a conforming income-withholding order or
8862 an administrative notice of change of payee, reflecting the redirected payments.

8863 (3) The [~~support enforcement~~] child support services agency of this state receiving
8864 redirected payments from another state pursuant to a law similar to Subsection (2) shall
8865 furnish to a requesting party or tribunal of the other state a certified statement by the
8866 custodian of the record of the amount and dates of all payments received.

8867 Section 200. Section **81-8-401**, which is renumbered from Section 78B-14-401 is renumbered
8868 and amended to read:

8869 **Part 4. Establishment of Support Order or Determination of Parentage**

8870 **[78B-14-401] 81-8-401 . Establishment of support order.**

- 8871 (1) If a support order entitled to recognition under this chapter has not been issued, a
 8872 responding tribunal of this state with personal jurisdiction over the parties may issue a
 8873 support order if:
- 8874 (a) the individual seeking the order resides outside this state; or
 - 8875 (b) the [~~support enforcement~~] child support services agency seeking the order is located
 8876 outside this state.
- 8877 (2) The tribunal may issue a temporary child support order if the tribunal determines that an
 8878 order is appropriate and the individual ordered to pay is:
- 8879 (a) a presumed [~~father~~] parent of the child;
 - 8880 (b) petitioning to have [~~his paternity~~] the individual's parentage adjudicated;
 - 8881 (c) identified as the [~~father~~] parent of the child through genetic testing;
 - 8882 (d) an alleged [~~father~~] genetic parent who has declined to submit to genetic testing;
 - 8883 (e) shown by clear and convincing evidence to be the [~~father~~] parent of the child;
 - 8884 (f) [~~an acknowledged~~] a declarant father, as defined in Section 81-5-102, determined in
 8885 accordance with [~~Title 78B, Chapter 15, Part 3, Voluntary Declaration of Paternity~~
 8886 Act] Chapter 5, Part 3, Voluntary Declaration of Paternity;
 - 8887 (g) the birth mother of the child; or
 - 8888 (h) an individual who has been ordered to pay child support in a previous proceeding
 8889 and the order has not been reversed or vacated.
- 8890 (3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of
 8891 support, the tribunal shall issue a support order directed to the obligor and may issue
 8892 other orders [~~pursuant to Section 78B-14-305~~] in accordance with Section 81-8-305.

8893 Section 201. Section **81-8-402**, which is renumbered from Section 78B-14-402 is renumbered
 8894 and amended to read:

8895 **[78B-14-402] 81-8-402 . Proceeding to determine parentage.**

8896 A tribunal of this state authorized to determine parentage of a child may serve as a
 8897 responding tribunal in a proceeding to determine parentage brought under this chapter or a law
 8898 or procedure substantially similar to this chapter.

8899 Section 202. Section **81-8-501**, which is renumbered from Section 78B-14-501 is renumbered
 8900 and amended to read:

8901 **Part 5. Enforcement of Support Order Without Registration**

8902 **[78B-14-501] 81-8-501 . Employer's receipt of income-withholding order of**
8903 **another state.**

8904 An income-withholding order issued in another state may be sent by or on behalf of the
8905 obligee, or by the [~~support-enforcement~~] child support services agency, to the person defined as
8906 the obligor's employer under Title 26B, Chapter 9, Part 3, Income Withholding in IV-D Cases,
8907 and Title 26B, Chapter 9, Part 4, Income Withholding in Non IV-D Cases, without first filing a
8908 petition or comparable pleading or registering the order with a tribunal of this state.

8909 Section 203. Section **81-8-502**, which is renumbered from Section 78B-14-502 is renumbered
8910 and amended to read:

8911 **[78B-14-502] 81-8-502 . Employer's compliance with income-withholding order**
8912 **of another state.**

8913 (1) Upon receipt of an income-withholding order, the obligor's employer shall immediately
8914 provide a copy of the order to the obligor.

8915 (2) The employer shall treat an income-withholding order issued in another state which
8916 appears regular on its face as if it had been issued by a tribunal of this state.

8917 (3) Except as otherwise provided in Subsection (4) and Section [~~78B-14-503~~] 81-8-503, the
8918 employer shall withhold and distribute the funds as directed in the withholding order by
8919 complying with terms of the order which specify:

8920 (a) the duration and amount of periodic payments of current child support, stated as a
8921 sum certain;

8922 (b) the person designated to receive payments and the address to which the payments are
8923 to be forwarded;

8924 (c) medical support, whether in the form of periodic cash payment, stated as a sum
8925 certain, or ordering the obligor to provide health [~~insurance~~] care coverage for the
8926 child under a policy available through the obligor's employment;

8927 (d) the amount of periodic payments of fees and costs for a [~~support-enforcement~~] child
8928 support services agency, the issuing tribunal, and the obligee's attorney, stated as
8929 sums certain; and

8930 (e) the amount of periodic payments of arrearages and interest on arrearages, stated as
8931 sums certain.

8932 (4) An employer shall comply with the law of the state of the obligor's principal place of
8933 employment for withholding from income with respect to:

8934 (a) the employer's fee for processing an income withholding order;

8935 (b) the maximum amount permitted to be withheld from the obligor's income; and

8936 (c) the times within which the employer must implement the withholding order and
8937 forward the child support payment.

8938 Section 204. Section **81-8-503**, which is renumbered from Section 78B-14-503 is renumbered
8939 and amended to read:

8940 **[78B-14-503] 81-8-503 . Employer's compliance with two or more**
8941 **income-withholding orders.**

8942 If an obligor's employer receives two or more income-withholding orders with respect to
8943 the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the
8944 employer complies with the law of the state of the obligor's principal place of employment to
8945 establish the priorities for the withholding and allocating income withheld for two or more
8946 child support obligees.

8947 Section 205. Section **81-8-504**, which is renumbered from Section 78B-14-504 is renumbered
8948 and amended to read:

8949 **[78B-14-504] 81-8-504 . Immunity from civil liability.**

8950 An employer that complies with an income withholding order issued in another state in
8951 accordance with this part is not subject to civil liability to an individual or agency with regard
8952 to the employer's withholding of child support from the obligor's income.

8953 Section 206. Section **81-8-505**, which is renumbered from Section 78B-14-505 is renumbered
8954 and amended to read:

8955 **[78B-14-505] 81-8-505 . Penalties for noncompliance.**

8956 An employer that willfully fails to comply with an income withholding order issued in
8957 another state and received for enforcement is subject to the same penalties that may be
8958 imposed for noncompliance with an order issued by a tribunal of this state.

8959 Section 207. Section **81-8-506**, which is renumbered from Section 78B-14-506 is renumbered
8960 and amended to read:

8961 **[78B-14-506] 81-8-506 . Contest by obligor.**

8962 (1) An obligor may contest the validity or enforcement of an income-withholding order
8963 issued in another state and received directly by an employer in this state by registering
8964 the order in a tribunal of this state and filing a contest to that order as provided in Part 6,
8965 Registration, Enforcement, and Modification of Support Order, or otherwise contesting
8966 the order in the same manner as if the order had been issued by a tribunal of this state.

8967 (2) The obligor shall give notice of the contest to:

8968 (a) a ~~[support-enforcement]~~ child support services agency providing services to the
8969 obligee;

- 8970 (b) each employer that has directly received an income-withholding order relating to the
 8971 obligor; and
 8972 (c) the person designated to receive payments in the income-withholding order or if no
 8973 person is designated, to the obligee.

8974 Section 208. Section **81-8-507**, which is renumbered from Section 78B-14-507 is renumbered
 8975 and amended to read:

8976 **~~[78B-14-507]~~ 81-8-507 . Administrative enforcement of orders.**

8977 (1) A party or ~~[support enforcement]~~ child support services agency seeking to enforce a
 8978 support order or an income-withholding order, or both, issued in another state, or
 8979 seeking to enforce a foreign support order, may send the documents required for
 8980 registering the order to a ~~[support enforcement]~~ child support services agency of this
 8981 state.

8982 (2)(a)(i) Upon receipt of the documents, the ~~[support enforcement]~~ child support
 8983 services agency, without initially seeking to register the order, shall consider and,
 8984 if appropriate, use any administrative procedure authorized by the law of this state
 8985 to enforce a support order or an income-withholding order, or both.

8986 (ii) If the obligor does not contest administrative enforcement, the order need not be
 8987 registered.

8988 (b) If the obligor contests the validity or administrative enforcement of the order, the [
 8989 ~~support enforcement]~~ child support services agency shall register the order [~~pursuant~~
 8990 ~~to~~] in accordance with this chapter.

8991 Section 209. Section **81-8-601**, which is renumbered from Section 78B-14-601 is renumbered
 8992 and amended to read:

8993 **Part 6. Registration, Enforcement, and Modification of Support Order**

8994 **~~[78B-14-601]~~ 81-8-601 . Registration of order for enforcement.**

8995 A support order or income-withholding order issued in another state, or a foreign
 8996 support order, may be registered in this state for enforcement.

8997 Section 210. Section **81-8-602**, which is renumbered from Section 78B-14-602 is renumbered
 8998 and amended to read:

8999 **~~[78B-14-602]~~ 81-8-602 . Procedure to register order for enforcement.**

9000 (1) Except as otherwise provided in Section ~~[78B-14-706]~~ 81-8-706, a support order or
 9001 income-withholding order of another state, or a foreign support order, may be registered
 9002 in this state by sending the following records to the appropriate tribunal in this state:

9003 (a) a letter of transmittal to the tribunal requesting registration and enforcement;

- 9004 (b) two copies, including one certified copy, of the order to be registered, including any
 9005 modification of the order;
- 9006 (c) a sworn statement by the person requesting registration or a certified statement by the
 9007 custodian of the records showing the amount of any arrearage;
- 9008 (d) the name of the obligor and, if known:
- 9009 (i) the obligor's address and [~~Social Security~~] social security number;
- 9010 (ii) the name and address of the obligor's employer and any other source of income of
 9011 the obligor; and
- 9012 (iii) a description and the location of property of the obligor in this state not exempt
 9013 from execution; and
- 9014 (e) except as otherwise provided in Section [~~78B-14-312~~] 81-8-312, the name and
 9015 address of the obligee and, if applicable, the person to whom support payments are to
 9016 be remitted.
- 9017 (2) On receipt of a request for registration, the registering tribunal shall cause the order to
 9018 be filed as an order of a tribunal of another state, or a foreign support order, together
 9019 with one copy of the documents and information, regardless of their form.
- 9020 (3)(a) A petition or comparable pleading seeking a remedy that shall be affirmatively
 9021 sought under law of this state may be filed at the same time as the request for
 9022 registration or later.
- 9023 (b) The pleading shall specify the grounds for the remedy sought.
- 9024 (4) If two or more orders are in effect, the person requesting registration shall:
- 9025 (a) furnish to the tribunal a copy of every support order asserted to be in effect in
 9026 addition to the documents specified in this section;
- 9027 (b) specify the order alleged to be the controlling order, if any; and
- 9028 (c) specify the amount of consolidated arrears, if any.
- 9029 (5)(a) A request for a determination of which is the controlling order may be filed
 9030 separately or with a request for registration and enforcement or for registration and
 9031 modification.
- 9032 (b) The person requesting registration shall give notice of the request to each party
 9033 whose rights may be affected by the determination.
- 9034 Section 211. Section **81-8-603**, which is renumbered from Section 78B-14-603 is renumbered
 9035 and amended to read:
- 9036 **[~~78B-14-603~~] 81-8-603 . Effect of registration for enforcement.**
- 9037 (1) A support order or income-withholding order issued in another state, or a foreign

9038 support order, is registered when the order is filed in the registering tribunal of this state.

9039 (2) A registered support order issued in another state or a foreign country is enforceable in
9040 the same manner and is subject to the same procedures as an order issued by a tribunal
9041 of this state.

9042 (3) Except as otherwise provided in this chapter, a tribunal of this state shall recognize and
9043 enforce, but may not modify, a registered support order if the issuing tribunal had
9044 jurisdiction.

9045 Section 212. Section **81-8-604**, which is renumbered from Section 78B-14-604 is renumbered
9046 and amended to read:

9047 **~~[78B-14-604]~~ 81-8-604 . Choice of law.**

9048 (1) Except as otherwise provided in Subsection (4), the law of the issuing state or foreign
9049 country governs:

9050 (a) the nature, extent, amount, and duration of current payments under a registered
9051 support order;

9052 (b) the computation and payment of arrearages and accrual of interest on the arrearages
9053 under the support order; and

9054 (c) the existence and satisfaction of other obligations under the support order.

9055 (2) In a proceeding for arrears under a registered support order, the statute of limitation of
9056 this state or of the issuing state or foreign country, whichever is longer, applies.

9057 (3) A responding tribunal of this state shall apply the procedures and remedies of this state
9058 to enforce current support and collect arrears and interest due on a support order of
9059 another state or a foreign country registered in this state.

9060 (4) After a tribunal of this or another state determines which is the controlling order and
9061 issues an order consolidating arrears, if any, a tribunal of this state shall prospectively
9062 apply the law of the state or foreign country issuing the controlling order, including its
9063 law on interest on arrears, on current and future support, and on consolidated arrears.

9064 Section 213. Section **81-8-605**, which is renumbered from Section 78B-14-605 is renumbered
9065 and amended to read:

9066 **~~[78B-14-605]~~ 81-8-605 . Notice of registration of order.**

9067 (1)(a) When a support order or income-withholding order issued in another state, or a
9068 foreign support order, is registered, the registering tribunal of this state shall notify
9069 the nonregistering party.

9070 (b) The notice shall be accompanied by a copy of the registered order and the documents
9071 and relevant information accompanying the order.

- 9072 (2) A notice shall inform the nonregistering party:
- 9073 (a) that a registered order is enforceable as of the date of registration in the same manner
- 9074 as an order issued by a tribunal of this state;
- 9075 (b) that a hearing to contest the validity or enforcement of the registered order shall be
- 9076 requested within 20 days after notice, unless the registered order is under Section [
- 9077 ~~78B-14-707~~] 81-8-707;
- 9078 (c) that failure to contest the validity or enforcement of the registered order in a timely
- 9079 manner will result in confirmation of the order and enforcement of the order and the
- 9080 alleged arrearages; and
- 9081 (d) of the amount of any alleged arrearages.
- 9082 (3) If the registering party asserts that two or more orders are in effect, a notice shall also:
- 9083 (a) identify the two or more orders and the order alleged by the registering party to be
- 9084 the controlling order and the consolidated arrears, if any;
- 9085 (b) notify the nonregistering party of the right to a determination of which is the
- 9086 controlling order;
- 9087 (c) state that the procedures provided in Subsection (2) apply to the determination of
- 9088 which is the controlling order; and
- 9089 (d) state that failure to contest the validity or enforcement of the order alleged to be the
- 9090 controlling order in a timely manner may result in confirmation that the order is the
- 9091 controlling order.
- 9092 (4) Upon registration of an income-withholding order for enforcement, the [~~support~~
- 9093 ~~enforcement~~] child support services agency or the registering tribunal shall notify the
- 9094 obligor's employer [~~pursuant to~~] in accordance with Title 26B, Chapter 9, Part 3, Income
- 9095 Withholding in IV-D Cases.
- 9096 Section 214. Section **81-8-606**, which is renumbered from Section 78B-14-606 is renumbered
- 9097 and amended to read:
- 9098 **[~~78B-14-606~~] 81-8-606 . Procedure to contest validity or enforcement of**
- 9099 **registered support order.**
- 9100 (1)(a) A nonregistering party seeking to contest the validity or enforcement of a
- 9101 registered support order in this state shall request a hearing within the time required
- 9102 by Section [~~78B-14-605~~] 81-8-605.
- 9103 (b) The nonregistering party may seek to vacate the registration, to assert any defense to
- 9104 an allegation of noncompliance with the registered order, or to contest the remedies
- 9105 being sought or the amount of any alleged arrearages pursuant to Section [~~78B-14-607~~]

9106 81-8-607.

9107 (2) If the nonregistering party fails to contest the validity or enforcement of the registered
9108 support order in a timely manner, the order is confirmed by operation of law.

9109 (3) If a nonregistering party requests a hearing to contest the validity or enforcement of the
9110 registered support order, the registering tribunal shall schedule the matter for hearing
9111 and give notice to the parties of the date, time, and place of the hearing.

9112 Section 215. Section **81-8-607**, which is renumbered from Section 78B-14-607 is renumbered
9113 and amended to read:

9114 **~~[78B-14-607]~~ 81-8-607 . Contest of registration or enforcement.**

9115 (1) A party contesting the validity or enforcement of a registered support order or seeking
9116 to vacate the registration has the burden of proving one or more of the following
9117 defenses:

9118 (a) the issuing tribunal lacked personal jurisdiction over the contesting party;

9119 (b) the order was obtained by fraud;

9120 (c) the order has been vacated, suspended, or modified by a later order;

9121 (d) the issuing tribunal has stayed the order pending appeal;

9122 (e) there is a defense under the law of this state to the remedy sought;

9123 (f) full or partial payment has been made;

9124 (g) the statute of limitation under Section ~~[78B-14-604]~~ 81-8-604 precludes enforcement
9125 of some or all of the alleged arrearages; or

9126 (h) the alleged controlling order is not the controlling order.

9127 (2)(a) If a party presents evidence establishing a full or partial defense under Subsection

9128 (1), a tribunal may stay enforcement of a registered support order, continue the
9129 proceeding to permit production of additional relevant evidence, and issue other
9130 appropriate orders.

9131 (b) An uncontested portion of the registered support order may be enforced by all
9132 remedies available under the law of this state.

9133 (3) If the contesting party does not establish a defense under Subsection (1) to the validity
9134 or enforcement of a registered support order, the registering tribunal shall issue an order
9135 confirming the order.

9136 Section 216. Section **81-8-608**, which is renumbered from Section 78B-14-608 is renumbered
9137 and amended to read:

9138 **~~[78B-14-608]~~ 81-8-608 . Confirmed order.**

9139 Confirmation of a registered support order, whether by operation of law or after notice

9140 and hearing, precludes further contest of the order with respect to any matter that could have
9141 been asserted at the time of registration.

9142 Section 217. Section **81-8-609**, which is renumbered from Section 78B-14-609 is renumbered
9143 and amended to read:

9144 **[78B-14-609] 81-8-609 . Procedure to register child support order of another**
9145 **state for modification.**

9146 (1) A party or [~~support enforcement~~] child support services agency seeking to modify,
9147 or to modify and enforce, a child support order issued in another state shall register that
9148 order in this state in the same manner provided in Sections [~~78B-14-601 through~~
9149 ~~78B-14-608~~] 81-8-601 through 81-8-608 if the order has not been registered.

9150 (2) A petition for modification may be filed at the same time as a request for registration, or
9151 later.

9152 (3) The pleading shall specify the grounds for modification.

9153 Section 218. Section **81-8-610**, which is renumbered from Section 78B-14-610 is renumbered
9154 and amended to read:

9155 **[78B-14-610] 81-8-610 . Effect of registration for modification.**

9156 A tribunal of this state may enforce a child support order of another state registered for
9157 purposes of modification, in the same manner as if the order had been issued by a tribunal of
9158 this state, but the registered support order may be modified only if the requirements of Section [
9159 ~~78B-14-611 or 78B-14-613~~] 81-8-611 or 81-8-613 have been met.

9160 Section 219. Section **81-8-611**, which is renumbered from Section 78B-14-611 is renumbered
9161 and amended to read:

9162 **[78B-14-611] 81-8-611 . Modification of child support order of another state.**

9163 (1) If Section [~~78B-14-613~~] 81-8-613 does not apply, upon petition a tribunal of this state
9164 may modify a child support order issued in another state which is registered in this state
9165 if, after notice and hearing, the tribunal finds that:

9166 (a) the following requirements are met:

9167 (i) neither the child, nor the obligee who is an individual, nor the obligor resides in
9168 the issuing state;

9169 (ii) a petitioner who is a nonresident of this state seeks modification; and

9170 (iii) the respondent is subject to the personal jurisdiction of the tribunal of this state;

9171 or

9172 (b) this state is the residence of the child, or a party who is an individual, is subject to
9173 the personal jurisdiction of the tribunal of this state and all of the parties who are

9174 individuals have filed consents in a record in the issuing tribunal for a tribunal of this
9175 state to modify the support order and assume continuing, exclusive jurisdiction.

9176 (2) Modification of a registered child support order is subject to the same requirements,
9177 procedures, and defenses that apply to the modification of an order issued by a tribunal
9178 of this state and the order may be enforced and satisfied in the same manner.

9179 (3)(a) A tribunal of this state may not modify any aspect of a child support order that
9180 may not be modified under the law of the issuing state, including the duration of the
9181 obligation of support.

9182 (b) If two or more tribunals have issued child support orders for the same obligor and
9183 same child, the order that controls and shall be so recognized under Section [
9184 ~~78B-14-207~~] 81-8-207 establishes the aspects of the support order [~~which~~] that are
9185 nonmodifiable.

9186 (4)(a) In a proceeding to modify a child support order, the law of the state that is
9187 determined to have issued the initial controlling order governs the duration of the
9188 obligation of support.

9189 (b) The obligor's fulfillment of the duty of support established by that order precludes
9190 imposition of a further obligation of support by a tribunal of this state.

9191 (5) On issuance of an order by a tribunal of this state modifying a child support order issued
9192 in another state, the tribunal of this state becomes the tribunal of continuing, exclusive
9193 jurisdiction.

9194 (6) Notwithstanding Subsections (1) through (5) and Subsection [~~78B-14-201(2)~~]
9195 81-8-201(2), a tribunal of this state retains jurisdiction to modify an order issued by a
9196 tribunal of this state if:

9197 (a) one party resides in another state; and

9198 (b) the other party resides outside the United States.

9199 Section 220. Section **81-8-612**, which is renumbered from Section 78B-14-612 is renumbered
9200 and amended to read:

9201 **[~~78B-14-612~~] 81-8-612 . Recognition of order modified in another state.**

9202 If a child support order issued by a tribunal of this state is modified by a tribunal of
9203 another state that assumed jurisdiction [~~pursuant to~~] in accordance with the Uniform Interstate
9204 Family Support Act, a tribunal of this state:

9205 (1) may enforce [~~its~~] the tribunal's order that was modified only as to arrears and interest
9206 accruing before the modification;

9207 (2) may provide appropriate relief for violations of [~~its~~] the tribunal's order which occurred

9208 before the effective date of the modification; and
9209 (3) shall recognize the modifying order of the other state, upon registration, for the purpose
9210 of enforcement.

9211 Section 221. Section **81-8-613**, which is renumbered from Section 78B-14-613 is renumbered
9212 and amended to read:

9213 **~~[78B-14-613]~~ 81-8-613 . Jurisdiction to modify child support order of another
9214 state when individual parties reside in this state.**

9215 (1) If all of the parties who are individuals reside in this state and the child does not reside
9216 in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the
9217 issuing state's child support order in a proceeding to register that order.

9218 (2) A tribunal of this state exercising jurisdiction under this section shall apply the
9219 provisions of this part, Part 1, General Provisions, and Part 2, Jurisdiction, and the
9220 procedural and substantive law of this state to the proceeding for enforcement or
9221 modification. Part 3, Civil Provisions of General Application, Part 4, Establishment of
9222 Support Order or Determination of Parentage, Part 5, Enforcement of Support Order
9223 Without Registration, Part 7, Support Proceedings Under Convention, and Part 8,
9224 Rendition, do not apply.

9225 Section 222. Section **81-8-614**, which is renumbered from Section 78B-14-614 is renumbered
9226 and amended to read:

9227 **~~[78B-14-614]~~ 81-8-614 . Notice to issuing tribunal of modification.**

9228 (1) Within 30 days after issuance of a modified child support order, the party obtaining
9229 the modification shall file a certified copy of the order with the issuing tribunal that had
9230 continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which
9231 the party knows the earlier order has been registered.

9232 (2) A party who obtains the order and fails to file a certified copy is subject to appropriate
9233 sanctions by a tribunal in which the issue of failure to file arises.

9234 (3) The failure to file does not affect the validity or enforceability of the modified order of
9235 the new tribunal having continuing, exclusive jurisdiction.

9236 Section 223. Section **81-8-615**, which is renumbered from Section 78B-14-615 is renumbered
9237 and amended to read:

9238 **~~[78B-14-615]~~ 81-8-615 . Jurisdiction to modify child support order of foreign
9239 country.**

9240 (1) Except as otherwise provided in Section ~~[78B-14-711]~~ 81-8-711, if a foreign country
9241 lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its

9242 laws, a tribunal of this state may assume jurisdiction to modify the child support order
 9243 and bind all individuals subject to the personal jurisdiction of the tribunal whether or not
 9244 the consent to modification of a child support order otherwise required of the individual [
 9245 pursuant to ~~Section 78B-14-611~~] in accordance with Section 81-8-611 has been given or
 9246 whether the individual seeking modification is a resident of this state or of the foreign
 9247 country.

9248 (2) An order issued by a tribunal of this state modifying a foreign child support order [
 9249 pursuant to] in accordance with this section is the controlling order.

9250 Section 224. Section **81-8-616**, which is renumbered from Section 78B-14-616 is renumbered
 9251 and amended to read:

9252 **[78B-14-616] 81-8-616 . Procedure to register child support order of foreign**
 9253 **country for modification.**

9254 (1) A party or [~~support enforcement~~] child support services agency seeking to modify,
 9255 or to modify and enforce, a foreign child support order not under the convention may
 9256 register that order in this state under Sections [~~78B-14-601 through 78B-14-608~~]
 9257 81-8-601 through 81-8-608 if the order has not been registered.

9258 (2) A petition for modification may be filed at the same time as a request for registration, or
 9259 at another time.

9260 (3) The petition shall specify the grounds for modification.

9261 Section 225. Section **81-8-701**, which is renumbered from Section 78B-14-701.5 is renumbered
 9262 and amended to read:

Part 7. Support Proceedings Under Convention

9264 **[78B-14-701.5] 81-8-701 . Definitions for part.**

9265 As used in this part:

9266 (1) "Application" means a request under the convention by an obligee or obligor, or on
 9267 behalf of a child, made through a central authority for assistance from another central
 9268 authority.

9269 (2) "Central authority" means the entity designated by the United States or a foreign
 9270 country described in Subsection [~~78B-14-102(5)(d)~~] 81-8-102(8)(d) to perform the
 9271 functions specified in the convention.

9272 (3) "Convention support order" means a support order of a tribunal of a foreign country
 9273 described in Subsection [~~78B-14-102(5)(d)~~] 81-8-102(8)(d).

9274 (4) "Direct request" means a petition filed by an individual in a tribunal of this state in a
 9275 proceeding involving an obligee, obligor, or child residing outside the United States.

9276 (5) "Foreign central authority" means the entity designated by a foreign country described
 9277 in Subsection ~~[78B-14-102(5)(d)]~~ 81-8-102(8)(d) to perform the functions specified in
 9278 the convention.

9279 (6) "Foreign support agreement":

9280 (a) means an agreement for support in a record that:

9281 (i) is enforceable as a support order in the country of origin;

9282 (ii) has been:

9283 (A) formally drawn up or registered as an authentic instrument by a foreign
 9284 tribunal; or

9285 (B) authenticated by, or concluded, registered, or filed with a foreign tribunal; and

9286 (iii) may be reviewed and modified by a foreign tribunal; and

9287 (b) includes a maintenance arrangement or authentic instrument under the convention.

9288 (7) "United States central authority" means the Secretary of the United States Department
 9289 of Health and Human Services.

9290 Section 226. Section **81-8-702**, which is renumbered from Section 78B-14-702 is renumbered
 9291 and amended to read:

9292 **~~[78B-14-702]~~ 81-8-702 . Applicability.**

9293 (1) This part applies only to a support proceeding under the convention.

9294 (2) In such a proceeding, if a provision of this part is inconsistent with Part 1, General
 9295 Provisions, Part 2, Jurisdiction, Part 3, Civil Provisions of General Application, Part 4,
 9296 Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of
 9297 Support Order Without Registration, and Part 6, Registration, Enforcement, and
 9298 Modification of Support Order, this part controls.

9299 Section 227. Section **81-8-703**, which is renumbered from Section 78B-14-703 is renumbered
 9300 and amended to read:

9301 **~~[78B-14-703]~~ 81-8-703 . Relationship of Department of Health and Human
 9302 Services to United States central authority.**

9303 The Utah Department of Health and Human Services is recognized as the agency
 9304 designated by the United States central authority to perform specific functions under the
 9305 convention.

9306 Section 228. Section **81-8-704**, which is renumbered from Section 78B-14-704 is renumbered
 9307 and amended to read:

9308 **~~[78B-14-704]~~ 81-8-704 . Initiation by Department of Health and Human Services
 9309 of support proceeding under convention.**

- 9310 (1) In a support proceeding under this part, the Utah Department of Health and Human
 9311 Services shall:
- 9312 (a) transmit and receive applications; and
- 9313 (b) initiate or facilitate the institution of a proceeding regarding an application in a
 9314 tribunal of this state.
- 9315 (2) The following support proceedings are available to an obligee under the convention:
- 9316 (a) recognition or recognition and enforcement of a foreign support order;
- 9317 (b) enforcement of a support order issued or recognized in this state;
- 9318 (c) establishment of a support order if there is no existing order, including, if necessary,
 9319 determination of parentage of a child;
- 9320 (d) establishment of a support order if recognition of a foreign support order is refused
 9321 under Subsection [~~78B-14-708(2)(b)~~] 81-8-708(2)(b), (d), or (i);
- 9322 (e) modification of a support order of a tribunal of this state; and
- 9323 (f) modification of a support order of a tribunal of another state or a foreign country.
- 9324 (3) The following support proceedings are available under the convention to an obligor
 9325 against which there is an existing support order:
- 9326 (a) recognition of an order suspending or limiting enforcement of an existing support
 9327 order of a tribunal of this state;
- 9328 (b) modification of a support order of a tribunal of this state; and
- 9329 (c) modification of a support order of a tribunal of another state or a foreign country.
- 9330 (4) A tribunal of this state may not require security, bond, or deposit, however described, to
 9331 guarantee the payment of costs and expenses in proceedings under the convention.

9332 Section 229. Section **81-8-705**, which is renumbered from Section 78B-14-705 is renumbered
 9333 and amended to read:

9334 **[78B-14-705] 81-8-705 . Direct request.**

- 9335 (1)(a) A petitioner may file a direct request seeking establishment or modification of a
 9336 support order or determination of parentage of a child.
- 9337 (b) In the proceeding, the law of this state applies.
- 9338 (2)(a) A petitioner may file a direct request seeking recognition and enforcement of a
 9339 support order or support agreement.
- 9340 (b) In the proceeding, Sections [~~78B-14-706 through 78B-14-713~~] 81-8-706 through
 9341 81-8-713 apply.
- 9342 (3) In a direct request for recognition and enforcement of a convention support order or
 9343 foreign support agreement:

9344 (a) a security, bond, or deposit is not required to guarantee the payment of costs and
9345 expenses; and

9346 (b) an obligee or obligor that in the issuing country has benefitted from free legal
9347 assistance is entitled to benefit, at least to the same extent, from any free legal
9348 assistance provided for by the law of this state under the same circumstances.

9349 (4) A petitioner filing a direct request is not entitled to assistance from the [~~Department of~~
9350 ~~Human Services~~] Utah Department of Health and Human Services.

9351 (5) This part does not prevent the application of laws of this state that provide simplified,
9352 more expeditious rules regarding a direct request for recognition and enforcement of a
9353 foreign support order or foreign support agreement.

9354 Section 230. Section **81-8-706**, which is renumbered from Section 78B-14-706 is renumbered
9355 and amended to read:

9356 **[~~78B-14-706~~] 81-8-706 . Registration of convention support order.**

9357 (1) Except as otherwise provided in this part, a party who is an individual or a [~~support~~
9358 ~~enforcement~~] child support services agency seeking recognition of a convention support
9359 order shall register the order in this state as provided in Part 6, Registration,
9360 Enforcement, and Modification of Support Order.

9361 (2) Notwithstanding Section [~~78B-14-311~~] 81-8-311 and Subsection [~~78B-14-602(1)~~
9362 ~~81-8-602(1)~~], a request for registration of a convention support order shall be
9363 accompanied by:

9364 (a) a complete text of the support order or an abstract or extract of the support order
9365 drawn up by the issuing foreign tribunal, which may be in the form recommended by
9366 the Hague Conference on Private International Law;

9367 (b) a record stating that the support order is enforceable in the issuing country;

9368 (c) if the respondent did not appear and was not represented in the proceedings in the
9369 issuing country, a record attesting, as appropriate, either that the respondent had
9370 proper notice of the proceedings and an opportunity to be heard or that the
9371 respondent had proper notice of the support order and an opportunity to be heard in a
9372 challenge or appeal on fact or law before a tribunal;

9373 (d) a record showing the amount of arrears, if any, and the date the amount was
9374 calculated;

9375 (e) a record showing a requirement for automatic adjustment of the amount of support, if
9376 any, and the information necessary to make the appropriate calculations; and

9377 (f) if necessary, a record showing the extent to which the applicant received free legal

9378 assistance in the issuing country.

9379 (3) A request for registration of a convention support order may seek recognition and
9380 partial enforcement of the order.

9381 (4) A tribunal of this state may vacate the registration of a convention support order without
9382 the filing of a contest under Section ~~[78B-14-707]~~ 81-8-707 only if, acting on its own
9383 motion, the tribunal finds that recognition and enforcement of the order would be
9384 manifestly incompatible with public policy.

9385 (5) The tribunal shall promptly notify the parties of the registration or the order vacating the
9386 registration of a convention support order.

9387 Section 231. Section **81-8-707**, which is renumbered from Section 78B-14-707 is renumbered
9388 and amended to read:

9389 **~~[78B-14-707]~~ 81-8-707 . Contest of registered convention support order.**

9390 (1) Except as otherwise provided in this part, Sections ~~[78B-14-605 through 78B-14-608]~~
9391 81-8-605 through 81-8-608 apply to a contest of a registered convention support order.

9392 (2) A party contesting a registered convention support order shall file a contest not later
9393 than 30 days after notice of the registration, but if the contesting party does not reside in
9394 the United States, the contest shall be filed not later than 60 days after notice of the
9395 registration.

9396 (3) If the nonregistering party fails to contest the registered convention support order by the
9397 time specified in Subsection (2), the order is enforceable.

9398 (4)(a) A contest of a registered convention support order may be based only on grounds
9399 set forth in Section ~~[78B-14-708]~~ 81-8-708.

9400 (b) The contesting party bears the burden of proof.

9401 (5) In a contest of a registered convention support order, a tribunal of this state:

9402 (a) is bound by the findings of fact on which the foreign tribunal based its jurisdiction;
9403 and

9404 (b) may not review the merits of the order.

9405 (6) A tribunal of this state deciding a contest of a registered convention support order shall
9406 promptly notify the parties of ~~[its]~~ the tribunal's decision.

9407 (7) A challenge or appeal, if any, does not stay the enforcement of a convention support
9408 order unless there are exceptional circumstances.

9409 Section 232. Section **81-8-708**, which is renumbered from Section 78B-14-708 is renumbered
9410 and amended to read:

9411 **~~[78B-14-708]~~ 81-8-708 . Recognition and enforcement of registered convention**

9412 **support order.**

- 9413 (1) Except as otherwise provided in Subsection (2), a tribunal of this state shall recognize
 9414 and enforce a registered convention support order.
- 9415 (2) The following grounds are the only grounds on which a tribunal of this state may refuse
 9416 recognition and enforcement of a registered convention support order:
- 9417 (a) recognition and enforcement of the order is manifestly incompatible with public
 9418 policy, including the failure of the issuing tribunal to observe minimum standards of
 9419 due process, which include notice and an opportunity to be heard;
- 9420 (b) the issuing tribunal lacked personal jurisdiction consistent with Section [~~78B-14-201~~]
 9421 81-8-201;
- 9422 (c) the order is not enforceable in the issuing country;
- 9423 (d) the order was obtained by fraud in connection with a matter of procedure;
- 9424 (e) a record transmitted in accordance with Section [~~78B-14-706~~] 81-8-706 lacks
 9425 authenticity or integrity;
- 9426 (f) a proceeding between the same parties and having the same purpose is pending
 9427 before a tribunal of this state and that proceeding was the first to be filed;
- 9428 (g) the order is incompatible with a more recent support order involving the same parties
 9429 and having the same purpose if the more recent support order is entitled to
 9430 recognition and enforcement under this chapter in this state;
- 9431 (h) payment, to the extent alleged arrears have been paid in whole or in part;
- 9432 (i) in a case in which the respondent neither appeared nor was represented in the
 9433 proceeding in the issuing foreign country:
- 9434 (i) if the law of that country provides for prior notice of proceedings, the respondent
 9435 did not have proper notice of the proceedings and an opportunity to be heard; or
 9436 (ii) if the law of that country does not provide for prior notice of the proceedings, the
 9437 respondent did not have proper notice of the order and an opportunity to be heard
 9438 in a challenge or appeal on fact or law before a tribunal; or
- 9439 (j) the order was made in violation of Section [~~78B-14-711~~] 81-8-711.
- 9440 (3) If a tribunal of this state does not recognize a convention support order under
 9441 Subsection (2)(b), (d), or (i):
- 9442 (a) the tribunal may not dismiss the proceeding without allowing a reasonable time for a
 9443 party to request the establishment of a new convention support order; and
- 9444 (b) the [~~Department of Human Services~~] the Utah Department of Health and Human
 9445 Services shall take all appropriate measures to request a child support order for the

9446 obligee if the application for recognition and enforcement was received under Section [
9447 ~~78B-14-704~~] 81-8-704.

9448 Section 233. Section **81-8-709**, which is renumbered from Section 78B-14-709 is renumbered
9449 and amended to read:

9450 **~~[78B-14-709]~~ 81-8-709 . Partial enforcement.**

9451 (1) If a tribunal of this state does not recognize and enforce a convention support order
9452 in its entirety, [it] the tribunal shall enforce any severable part of the order.

9453 (2) An application or direct request may seek recognition and partial enforcement of a
9454 convention support order.

9455 Section 234. Section **81-8-710**, which is renumbered from Section 78B-14-710 is renumbered
9456 and amended to read:

9457 **~~[78B-14-710]~~ 81-8-710 . Foreign support agreement.**

9458 (1) Except as otherwise provided in Subsections (3) and (4), a tribunal of this state shall
9459 recognize and enforce a foreign support agreement registered in this state.

9460 (2) An application or direct request for recognition and enforcement of a foreign support
9461 agreement shall be accompanied by:

9462 (a) a complete text of the foreign support agreement; and

9463 (b) a record stating that the foreign support agreement is enforceable as an order of
9464 support in the issuing country.

9465 (3) A tribunal of this state may vacate the registration of a foreign support agreement only
9466 if, acting on its own motion, the tribunal finds that recognition and enforcement would
9467 be manifestly incompatible with public policy.

9468 (4) In a contest of a foreign support agreement, a tribunal of this state may refuse
9469 recognition and enforcement of the agreement if [it] the tribunal finds:

9470 (a) recognition and enforcement of the agreement is manifestly incompatible with public
9471 policy;

9472 (b) the agreement was obtained by fraud or falsification;

9473 (c) the agreement is incompatible with a support order involving the same parties and
9474 having the same purpose in this state, another state, or a foreign country if the support
9475 order is entitled to recognition and enforcement under this chapter in this state; or

9476 (d) the record submitted under Subsection (2) lacks authenticity or integrity.

9477 (5) A proceeding for recognition and enforcement of a foreign support agreement shall be
9478 suspended during the pendency of a challenge to or appeal of the agreement before a
9479 tribunal of another state or a foreign country.

9480 Section 235. Section **81-8-711**, which is renumbered from Section 78B-14-711 is renumbered
9481 and amended to read:

9482 **[78B-14-711] 81-8-711 . Modification of convention child support order.**

- 9483 (1) A tribunal of this state may not modify a convention child support order if the obligee
9484 remains a resident of the foreign country where the support order was issued unless:
9485 (a) the obligee submits to the jurisdiction of a tribunal of this state, either expressly or by
9486 defending on the merits of the case without objecting to the jurisdiction at the first
9487 available opportunity; or
9488 (b) the foreign tribunal lacks or refuses to exercise jurisdiction to modify [its] the foreign
9489 tribunal's support order or issue a new support order.
- 9490 (2) If a tribunal of this state does not modify a convention child support order because the
9491 order is not recognized in this state, Subsection [78B-14-708(3)] 81-8-708(3) applies.

9492 Section 236. Section **81-8-712**, which is renumbered from Section 78B-14-712 is renumbered
9493 and amended to read:

9494 **[78B-14-712] 81-8-712 . Personal information -- Limit on use.**

9495 Personal information gathered or transmitted under this part may be used only for the
9496 purposes for which it was gathered or transmitted.

9497 Section 237. Section **81-8-713**, which is renumbered from Section 78B-14-713 is renumbered
9498 and amended to read:

9499 **[78B-14-713] 81-8-713 . Record in original language -- English translation.**

9500 A record filed with a tribunal of this state under this part shall be in the original
9501 language and, if not in English, shall be accompanied by an English translation.

9502 Section 238. Section **81-8-801**, which is renumbered from Section 78B-14-801 is renumbered
9503 and amended to read:

9504 **Part 8. Rendition**

9505 **[78B-14-801] 81-8-801 . Definitions for part -- Grounds for rendition.**

- 9506 (1) [~~For purposes of~~] As used in this part, "governor" includes an individual performing the
9507 functions of governor or the executive authority of a state covered by this chapter.
- 9508 (2) The governor of this state may:
- 9509 (a) demand that the governor of another state surrender an individual found in the other
9510 state who is charged criminally in this state with having failed to provide for the
9511 support of an obligee; or
- 9512 (b) on the demand of the governor of another state, surrender an individual found in this
9513 state who is charged criminally in the other state with having failed to provide for the

9514 support of an obligee.

9515 (3) A provision for extradition of individuals not inconsistent with this chapter applies to
9516 the demand even if the individual whose surrender is demanded was not in the
9517 demanding state when the crime was allegedly committed and has not fled therefrom.

9518 Section 239. Section **81-8-802**, which is renumbered from Section 78B-14-802 is renumbered
9519 and amended to read:

9520 **[78B-14-802] 81-8-802 . Conditions of rendition.**

9521 (1) Before making demand that the governor of another state surrender an individual
9522 charged criminally in this state with having failed to provide for the support of an
9523 obligee, the governor of this state may require a prosecutor of this state to demonstrate
9524 that at least 60 days previously the obligee had initiated proceedings for support
9525 pursuant to this chapter or that the proceeding would be of no avail.

9526 (2)(a) If, under this chapter or a law substantially similar to this chapter, the governor of
9527 another state makes a demand that the governor of this state surrender an individual
9528 charged criminally in that state with having failed to provide for the support of a
9529 child or other individual to whom a duty of support is owed, the governor may
9530 require a prosecutor to investigate the demand and report whether a proceeding for
9531 support has been initiated or would be effective.

9532 (b) If it appears that a proceeding would be effective but has not been initiated, the
9533 governor may delay honoring the demand for a reasonable time to permit the
9534 initiation of a proceeding.

9535 (3)(a) If a proceeding for support has been initiated and the individual whose rendition
9536 is demanded prevails, the governor may decline to honor the demand.

9537 (b) If the petitioner prevails and the individual whose rendition is demanded is subject to
9538 a support order, the governor may decline to honor the demand if the individual is
9539 complying with the support order.

9540 Section 240. Section **81-8-901**, which is renumbered from Section 78B-14-901 is renumbered
9541 and amended to read:

9542 **Part 9. Applicability Provisions**

9543 **[78B-14-901] 81-8-901 . Uniformity of application and construction.**

9544

9545 (1) This chapter is a uniform act.

9546 (2) In applying and construing [it] this chapter, consideration shall be given to the need to
9547 promote uniformity of the law with respect to [its] this uniform law's subject matter

9548 among states that enact [it] this uniform law.

9549 Section 241. Section **81-8-902**, which is renumbered from Section 78B-14-902 is renumbered
9550 and amended to read:

9551 **[78B-14-902] 81-8-902 . Transitional provision.**

9552 This chapter applies to proceedings begun on or after July 1, 2015:

9553 (1) to establish a support order or determine parentage of a child; or

9554 (2) to register, recognize, enforce, or modify a prior support order, determination, or
9555 agreement, whenever issued or entered.

9556 Section 242. Section **81-9-202** is amended to read:

9557 **81-9-202 . Advisory guidelines for a custody and parent-time arrangement.**

9558 (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304,
9559 the following advisory guidelines are suggested to govern a custody and parent-time
9560 arrangement between parents.

9561 (2) A parent-time schedule mutually agreed upon by both parents is preferable to a
9562 court-imposed solution.

9563 (3) A parent-time schedule shall be used to maximize the continuity and stability of the
9564 minor child's life.

9565 (4) Each parent shall give special consideration to make the minor child available to attend
9566 family functions including funerals, weddings, family reunions, religious holidays,
9567 important ceremonies, and other significant events in the life of the minor child or in the
9568 life of either parent which may inadvertently conflict with the parent-time schedule.

9569 (5)(a) The court shall determine the responsibility for the pick up, delivery, and return
9570 of the minor child when the parent-time order is entered.

9571 (b) The court may change the responsibility described in Subsection (5)(a) at any time a
9572 subsequent modification is made to the parent-time order.

9573 (c) If the noncustodial parent will be providing transportation, the custodial parent shall:

9574 (i) have the minor child ready for parent-time at the time the minor child is to be
9575 picked up[-]; and

9576 (ii) be present at the custodial home or make reasonable alternate arrangements to
9577 receive the minor child at the time the minor child is returned.

9578 (d) If the custodial parent will be transporting the minor child, the noncustodial parent
9579 shall:

9580 (i) be at the appointed place at the time the noncustodial parent is to receive the
9581 minor child; and

- 9582 (ii) have the minor child ready to be picked up at the appointed time and place or
9583 have made reasonable alternate arrangements for the custodial parent to pick up
9584 the minor child.
- 9585 (6) A parent may not interrupt regular school hours for a school-age minor child for the
9586 exercise of parent-time.
- 9587 (7) The court may:
- 9588 (a) make alterations in the parent-time schedule to reasonably accommodate the work
9589 schedule of both parents; and
- 9590 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the
9591 standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 9592 (8) The court may make alterations in the parent-time schedule to reasonably accommodate
9593 the distance between the parties and the expense of exercising parent-time.
- 9594 (9) A parent may not withhold parent-time or child support due to the other parent's failure
9595 to comply with a court-ordered parent-time schedule.
- 9596 (10)(a) The custodial parent shall notify the noncustodial parent within 24 hours of
9597 receiving notice of all significant school, social, sports, and community functions in
9598 which the minor child is participating or being honored.
- 9599 (b) The noncustodial parent is entitled to attend and participate fully in the functions
9600 described in Subsection (10)(a).
- 9601 (c) The noncustodial parent shall have access directly to all school reports including
9602 preschool and daycare reports and medical records.
- 9603 (d) A parent shall immediately notify the other parent in the event of a medical
9604 emergency.
- 9605 (11) Each parent shall provide the other with the parent's current address and telephone
9606 number, email address, and other virtual parent-time access information within 24 hours
9607 of any change.
- 9608 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable
9609 and uncensored communications with the minor child, in the form of mail privileges
9610 and virtual parent-time if the equipment is reasonably available.
- 9611 (b) If the parents cannot agree on whether the equipment is reasonably available, the
9612 court shall decide whether the equipment for virtual parent-time is reasonably
9613 available by taking into consideration:
- 9614 (i) the best interests of the minor child;
- 9615 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

- 9616 (iii) any other factors the court considers material.
- 9617 (13)(a) Parental care is presumed to be better care for the minor child than surrogate
9618 care.
- 9619 (b) The court shall encourage the parties to cooperate in allowing the noncustodial
9620 parent, if willing and able to transport the minor child, to provide the child care.
- 9621 (c) Child care arrangements existing during the marriage are preferred as are child care
9622 arrangements with nominal or no charge.
- 9623 (14) Each parent shall:
- 9624 (a) provide all surrogate care providers with the name, current address, and telephone
9625 number of the other parent; and
- 9626 (b) provide the noncustodial parent with the name, current address, and telephone
9627 number of all surrogate care providers unless the court for good cause orders
9628 otherwise.
- 9629 (15)(a) Each parent is entitled to an equal division of major religious holidays
9630 celebrated by the parents.
- 9631 (b) The parent who celebrates a religious holiday that the other parent does not celebrate
9632 shall have the right to be together with the minor child on the religious holiday.
- 9633 (16) If the minor child is on a different parent-time schedule than a sibling, based on
9634 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for
9635 parent-time with all the minor children so that parent-time is uniform between school
9636 aged and nonschool aged children, is appropriate.
- 9637 (17)(a) When one or both parents are servicemembers or contemplating joining a
9638 uniformed service, the parents should resolve issues of custodial responsibility in the
9639 event of deployment as soon as practicable through reaching a voluntary agreement
9640 pursuant to Section ~~[78B-20-201]~~ 81-10-201 or through court order obtained pursuant
9641 to this part.
- 9642 (b) Service members shall ensure their family care plan reflects orders and agreements
9643 entered and filed pursuant to ~~[Title 78B, Chapter 20,]~~ Chapter 10, Uniform Deployed
9644 Parents Custody, Parent-time, and Visitation Act.
- 9645 (18) A parent shall immediately notify the other parent if:
- 9646 (a) the parent resides with an individual or provides an individual with access to the
9647 minor child; and
- 9648 (b) the parent knows that the individual:
- 9649 (i) is required to register as a sex offender~~[-or]~~ ; a kidnap offender, or a child abuse

9650 offender for an offense against a minor child under Title 77, Chapter 41, [Sex and
 9651 Kidnap Offender Registry] Sex, Kidnap, and Child Abuse Offender Registry; or
 9652 ~~[(ii) is required to register as a child abuse offender under Title 77, Chapter 43,~~
 9653 ~~Child Abuse Offender Registry; or]~~
 9654 [(iii)] (ii) has been convicted of:
 9655 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
 9656 76-5-114, or 76-5-208;
 9657 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
 9658 Offenses;
 9659 (C) an offense for kidnapping or human trafficking of a minor child under Title
 9660 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
 9661 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
 9662 Sexual Exploitation Act; or
 9663 (E) an offense that is substantially similar to an offense under Subsections [
 9664 ~~(18)(b)(iii)(A)] (18)(b)(ii)(A) through (D).~~

9665 (19)(a) For emergency purposes, whenever the minor child travels with a parent, the
 9666 parent shall provide the following information to the other parent:
 9667 (i) an itinerary of travel dates;
 9668 (ii) destinations;
 9669 (iii) places where the minor child or traveling parent can be reached; and
 9670 (iv) the name and telephone number of an available third person who would be
 9671 knowledgeable of the minor child's location.

9672 (b) Unchaperoned travel of a minor child under the age of five years is not
 9673 recommended.

9674 Section 243. Section **81-9-203** is amended to read:

9675 **81-9-203 . Custody and parent-time proceedings -- Requirements for parenting**
 9676 **plan.**

9677 (1) In a custody or parent-time proceeding that is not a divorce action, the court may require
 9678 the parents to attend the mandatory educational course described in Section [~~81-4-106]~~
 9679 81-4-105.

9680 (2)(a) In a proceeding between parents regarding the custody or parent-time for a minor
 9681 child, the parent shall file and serve a proposed parenting plan at the time of the filing
 9682 of the parent's original petition or at the time of filing the parent's answer or
 9683 counterclaim.

- 9684 (b) In a proceeding in which a parent seeks to modify custody provisions or a parenting
9685 plan, the parent shall file the proposed parenting plan with the petition to modify or
9686 the answer or counterclaim to the petition to modify.
- 9687 (c) A parent who desires joint legal custody shall file a proposed parenting plan in
9688 accordance with this section.
- 9689 (3) If a parent files a proposed parenting plan in compliance with this section, the parent
9690 may move the court for an order of default to adopt the plan if the other parent fails to
9691 file a proposed parenting plan as required by this section.
- 9692 (4) A parent may file and serve an amended proposed parenting plan according to the Utah
9693 Rules of Civil Procedure.
- 9694 (5) The parent submitting a proposed parenting plan shall attach a verified statement that
9695 the plan is proposed by that parent in good faith.
- 9696 (6)(a) Both parents may submit a parenting plan which has been agreed upon.
- 9697 (b) The parents shall attach a verified statement to the parenting plan that is signed by
9698 both parents.
- 9699 (7) If the parents file inconsistent parenting plans, the court may appoint a guardian ad
9700 litem to represent the best interests of the minor child, who may, if necessary, file a
9701 separate parenting plan reflecting the best interests of the minor child.
- 9702 (8)(a) If a parent is a service member, the parenting plan shall be consistent with
9703 Subsection (16).
- 9704 (b) If a parent becomes a service member after a parenting plan is adopted, the parents
9705 shall amend the existing parenting plan as soon as practical to comply with
9706 Subsection (16).
- 9707 (9) The objectives of a parenting plan are to:
- 9708 (a) provide for the minor child's physical care;
- 9709 (b) maintain the minor child's emotional stability;
- 9710 (c) provide for the minor child's changing needs as the minor child grows and matures in
9711 a way that minimizes the need for future modifications to the parenting plan;
- 9712 (d) set forth the authority and responsibilities of each parent with respect to the minor
9713 child consistent with the definitions outlined in this chapter;
- 9714 (e) minimize the minor child's exposure to harmful parental conflict;
- 9715 (f) encourage the parents, where appropriate, to meet the responsibilities to their minor
9716 child through agreements in the parenting plan rather than relying on judicial
9717 intervention; and

- 9718 (g) protect the best interests of the minor child.
- 9719 (10)(a) The parenting plan shall contain:
- 9720 (i) provisions for resolution of future disputes between the parents, allocation of
- 9721 decision-making authority, and residential provisions for the minor child;
- 9722 (ii) provisions addressing notice and parent-time responsibilities in the event of the
- 9723 relocation of a party; and
- 9724 (iii) a process for resolving disputes, unless precluded or limited by statute.
- 9725 (b) A dispute resolution process under Subsection (10)(a)(iii) may include:
- 9726 (i) counseling;
- 9727 (ii) mediation or arbitration by a specified individual or agency; or
- 9728 (iii) court action.
- 9729 (c) In the dispute resolution process under Subsection (10)(b):
- 9730 (i) preference shall be given to the provisions in the parenting plan;
- 9731 (ii) parents shall use the designated process to resolve disputes relating to
- 9732 implementation of the plan, except those related to financial support, unless an
- 9733 emergency exists;
- 9734 (iii) a written record shall be prepared of any agreement reached in counseling or
- 9735 mediation and provided to each party;
- 9736 (iv) if arbitration becomes necessary, a written record shall be prepared and a copy of
- 9737 the arbitration award shall be provided to each party;
- 9738 (v) if the court finds that a parent has used or frustrated the dispute resolution process
- 9739 without good reason, the court may award attorney fees and financial sanctions to
- 9740 the prevailing parent;
- 9741 (vi) the district court has the right of review from the dispute resolution process; and
- 9742 (vii) the provisions of this Subsection (10)(c) shall be set forth in any final decree or
- 9743 order.
- 9744 (11)(a) Subject to the other provisions of this Subsection (11), the parenting plan shall
- 9745 allocate decision-making authority to one or both parties regarding the minor child's
- 9746 education, healthcare, and religious upbringing.
- 9747 (b) The parties may incorporate an agreement related to the care and growth of the minor
- 9748 child in these specified areas or in other areas into the plan that are consistent with
- 9749 parenting functions and the criteria outlined in Subsection (9).
- 9750 (c) Regardless of the allocation of decision-making in the parenting plan, a parent may
- 9751 make emergency decisions affecting the health or safety of the minor child.

- 9752 (d) A minor child's education plan shall designate the following:
- 9753 (i) the home residence for purposes of identifying the appropriate school or another
- 9754 specific plan that provides for where the minor child will attend school;
- 9755 (ii) which parent has authority to make education decisions for the minor child if the
- 9756 parents cannot agree; and
- 9757 (iii) whether one or both parents have access to the minor child during school and
- 9758 authority to check the minor child out of school.
- 9759 (e) If an education provision is not included in the parenting plan:
- 9760 (i) a parent with sole physical custody shall make the decisions listed in Subsection
- 9761 (11)(d);
- 9762 (ii) in the event of joint physical custody when one parent has custody a majority of
- 9763 the time as described in Subsection 81-9-205(10):
- 9764 (A) the parent having the minor child the majority of the time shall make the
- 9765 decisions listed in Subsections (11)(d)(i) and (ii); and
- 9766 (B) both parents with joint physical custody shall have access to the minor child
- 9767 during school and authority to check the child out of school; or
- 9768 (iii) in the event of joint physical custody when the parents have custody an equal
- 9769 amount of time:
- 9770 (A) the court shall determine how the decisions listed in Subsections (11)(d)(i)
- 9771 and (ii) are made; and
- 9772 (B) both parents with joint physical custody shall have access to the minor child
- 9773 during school and authority to check the minor child out of school.
- 9774 (12) Each parent may make decisions regarding the day-to-day care and control of the
- 9775 minor child while the minor child is residing with that parent.
- 9776 (13) When mutual decision-making is designated but cannot be achieved, the parties shall
- 9777 make a good faith effort to resolve the issue through the dispute resolution process.
- 9778 (14) The parenting plan shall include a residential schedule that designates in which parent's
- 9779 home a minor child shall reside on given days of the year, including provisions for
- 9780 holidays, birthdays of family members, vacations, and other special occasions.
- 9781 (15)(a) If a parent fails to comply with a provision of the parenting plan or a child
- 9782 support order, the other parent's obligations under the parenting plan or the child
- 9783 support order are not affected.
- 9784 (b) Failure to comply with a provision of the parenting plan or a child support order
- 9785 may result in a finding of contempt of court.

- 9786 (16)(a) If a parent is a service member, the parenting plan shall contain provisions that
9787 address the foreseeable parenting and custodial issues likely to arise in the event of
9788 notification of deployment or other contingency, including long-term deployments,
9789 short-term deployments, death, incapacity, and noncombatant evacuation operations.
- 9790 (b) The provisions in the parenting plan described in Subsection (16)(a) shall comport
9791 substantially with the requirements of an agreement made pursuant to Section [
9792 ~~78B-20-201~~] 81-10-201.
- 9793 Section 244. Section **81-9-204** is amended to read:
- 9794 **81-9-204 . Custody and parent-time of a minor child -- Custody factors --**
9795 **Preferences.**
- 9796 (1) In a proceeding between parents in which the custody and parent-time of a minor child
9797 is at issue, the court shall consider the best interests of the minor child in determining
9798 any form of custody and parent-time.
- 9799 (2) The court shall determine whether an order for custody or parent-time is in the best
9800 interests of the minor child by a preponderance of the evidence.
- 9801 (3) In determining any form of custody and parent-time under Subsection (1), the court
9802 shall consider:
- 9803 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic
9804 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a
9805 household member of the parent;
- 9806 (b) whether the parent has intentionally exposed the minor child to pornography or
9807 material harmful to minors, as "material" and "harmful to minors" are defined in
9808 Section 76-10-1201; and
- 9809 (c) whether custody and parent-time would endanger the minor child's health or physical
9810 or psychological safety.
- 9811 (4) In determining the form of custody and parent-time that is in the best interests of the
9812 minor child, the court may consider, among other factors the court finds relevant, the
9813 following for each parent:
- 9814 (a) evidence of psychological maltreatment;
- 9815 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the
9816 developmental needs of the minor child, including the minor child's:
- 9817 (i) physical needs;
- 9818 (ii) emotional needs;
- 9819 (iii) educational needs;

- 9820 (iv) medical needs; and
9821 (v) any special needs;
- 9822 (c) the parent's capacity and willingness to function as a parent, including:
- 9823 (i) parenting skills;
- 9824 (ii) co-parenting skills, including:
- 9825 (A) ability to appropriately communicate with the other parent;
- 9826 (B) ability to encourage the sharing of love and affection; and
- 9827 (C) willingness to allow frequent and continuous contact between the minor child
9828 and the other parent, except that, if the court determines that the parent is
9829 acting to protect the minor child from domestic violence, neglect, or abuse, the
9830 parent's protective actions may be taken into consideration; and
- 9831 (iii) ability to provide personal care rather than surrogate care;
- 9832 (d) the past conduct and demonstrated moral character of the parent as described in
9833 Subsection (9);
- 9834 (e) the emotional stability of the parent;
- 9835 (f) the parent's inability to function as a parent because of drug abuse, excessive
9836 drinking, or other causes;
- 9837 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 9838 (h) duration and depth of desire for custody or parent-time;
- 9839 (i) the parent's religious compatibility with the minor child;
- 9840 (j) the parent's financial responsibility;
- 9841 (k) the child's interaction and relationship with step-parents, extended family members
9842 of other individuals who may significantly affect the minor child's best interests;
- 9843 (l) who has been the primary caretaker of the minor child;
- 9844 (m) previous parenting arrangements in which the minor child has been happy and
9845 well-adjusted in the home, school, and community;
- 9846 (n) the relative benefit of keeping siblings together;
- 9847 (o) the stated wishes and concerns of the minor child, taking into consideration the
9848 minor child's cognitive ability and emotional maturity;
- 9849 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
9850 quality, and nature of the relationship between the parent and the minor child; and
- 9851 (q) any other factor the court finds relevant.
- 9852 (5)(a) A minor child may not be required by either party to testify unless the trier of fact
9853 determines that extenuating circumstances exist that would necessitate the testimony

- 9854 of the minor child be heard and there is no other reasonable method to present the
9855 minor child's testimony.
- 9856 (b)(i) The court may inquire and take into consideration the minor child's desires
9857 regarding future custody or parent-time schedules, but the expressed desires are
9858 not controlling and the court may determine the minor child's custody or
9859 parent-time otherwise.
- 9860 (ii) The desires of a minor child who is 14 years old or older shall be given added
9861 weight, but is not the single controlling factor.
- 9862 (c)(i) If an interview with a minor child is conducted by the court in accordance with
9863 Subsection (5)(b), the interview shall be conducted by the court in camera.
- 9864 (ii) The prior consent of the parties may be obtained but is not necessary if the court
9865 finds that an interview with a minor child is the only method to ascertain the
9866 minor child's desires regarding custody.
- 9867 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a
9868 parent due to a disability, as defined in Section 57-21-2, in awarding custody or
9869 determining whether a substantial change has occurred for the purpose of modifying
9870 an award of custody.
- 9871 (b) The court may not consider the disability of a parent as a factor in awarding custody
9872 or modifying an award of custody based on a determination of a substantial change in
9873 circumstances, unless the court makes specific findings that:
- 9874 (i) the disability significantly or substantially inhibits the parent's ability to provide
9875 for the physical and emotional needs of the minor child at issue; and
- 9876 (ii) the parent with a disability lacks sufficient human, monetary, or other resources
9877 available to supplement the parent's ability to provide for the physical and
9878 emotional needs of the minor child at issue.
- 9879 (c) Nothing in this section may be construed to apply to adoption proceedings under [
9880 ~~Title 78B, Chapter 6, Part 1, Utah Adoption Act~~] Chapter 13, Adoption.
- 9881 (7) This section does not establish:
- 9882 (a) a preference for either parent solely because of the gender of the parent; or
- 9883 (b) a preference for or against joint physical custody or sole physical custody, but allows
9884 the court and the family the widest discretion to choose a parenting plan that is in the
9885 best interest of the minor child.
- 9886 (8) When an issue before the court involves custodial responsibility in the event of a
9887 deployment of a parent who is a service member and the service member has not yet

- 9888 been notified of deployment, the court shall resolve the issue based on the standards in
9889 Sections [~~78B-20-306 through 78B-20-309~~] 81-10-306 through 81-10-309.
- 9890 (9) In considering the past conduct and demonstrated moral standards of each party under
9891 Subsection (4)(d) or any other factor a court finds relevant, the court may not:
- 9892 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal
9893 dosage form, a cannabis product in a medicinal dosage form, or a medical
9894 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production
9895 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid
9896 Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently
9897 than the court would consider or treat the lawful possession or use of any
9898 prescribed controlled substance; or
- 9899 (ii) discriminate against a parent because of the parent's status as a:
- 9900 (A) cannabis production establishment agent, as that term is defined in Section
9901 4-41a-102;
- 9902 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 9903 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
9904 or
- 9905 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,
9906 Cannabinoid Research and Medical Cannabis; or
- 9907 (b) discriminate against a parent based upon the parent's agreement or disagreement with
9908 a minor child of the couple's:
- 9909 (i) assertion that the minor child's gender identity is different from the minor child's
9910 biological sex; or
- 9911 (ii) practice of having or expressing a different gender identity than the minor child's
9912 biological sex.
- 9913 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic
9914 violence is presented.
- 9915 (b) The court shall consider as primary, the safety and well-being of the minor child and
9916 the parent who experiences domestic violence.
- 9917 (c) A court shall consider an order issued by a court in accordance with Title 78B,
9918 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or
9919 substantiated potential harm to the minor child.
- 9920 (d) If a parent relocates because of an act of domestic violence or family violence by the
9921 other parent, the court shall make specific findings and orders with regards to the

- 9922 application of Section 81-9-209.
- 9923 (11) Absent a showing by a preponderance of evidence of real harm or substantiated
9924 potential harm to the minor child:
- 9925 (a) it is in the best interest of the minor child to have frequent, meaningful, and
9926 continuing access to each parent following separation or divorce;
- 9927 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
9928 access with the parent's minor child consistent with the minor child's best interests;
9929 and
- 9930 (c) it is in the best interest of the minor child to have both parents actively involved in
9931 parenting the minor child.
- 9932 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or
9933 parent-time of a minor child to a parent convicted of a sexual offense, as defined in
9934 Section 77-37-2, that resulted in the conception of the minor child unless:
- 9935 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents
9936 to custody or parent-time and the court determines it is in the best interest of the
9937 minor child to award custody or parent-time to the convicted parent; or
- 9938 (b) after the date of the conviction, the convicted parent and the nonconvicted parent
9939 cohabit and establish a mutual custodial environment for the minor child.
- 9940 (13) A denial of custody or parent-time under Subsection (12) does not:
- 9941 (a) terminate the parental rights of the parent denied parent-time or custody; or
9942 (b) affect the obligation of the convicted parent to financially support the minor child.
- 9943 Section 245. Section **81-9-208** is amended to read:
- 9944 **81-9-208 . Modification or termination of a custody or parent-time order --**
9945 **Noncompliance with a parent-time order.**
- 9946 (1) The court has continuing jurisdiction to make subsequent changes to modify:
- 9947 (a) custody of a minor child if there is a showing of a substantial and material change in
9948 circumstances since the entry of the order; and
- 9949 (b) parent-time for a minor child if there is a showing that there is a change in
9950 circumstances since the entry of the order.
- 9951 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
9952 showing by a parent that the other parent:
- 9953 (a) resides with an individual or provides an individual with access to the minor child;
9954 and
- 9955 (b) knows that the individual:

- 9956 (i) is required to register as a sex offender[~~-or~~] , a kidnap offender, or a child abuse
 9957 offender for an offense against a minor child under Title 77, Chapter 41, [~~Sex and~~
 9958 ~~Kidnap Offender Registry~~] Sex, Kidnap, and Child Abuse Offender Registry; or
 9959 [(ii) is required to register as a child abuse offender under Title 77, Chapter 43,
 9960 ~~Child Abuse Offender Registry~~; or]
 9961 [(iii)] (ii) has been convicted of:
 9962 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
 9963 76-5-114, or 76-5-208;
 9964 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
 9965 Offenses;
 9966 (C) an offense for kidnapping or human trafficking of a minor child under Title
 9967 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
 9968 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
 9969 Sexual Exploitation Act; or
 9970 (E) an offense that is substantially similar to an offense under Subsections [
 9971 ~~(2)(b)(iii)(A)~~] (2)(b)(ii)(A) through (D).
- 9972 (3) On the petition of one or both of the parents, or the joint legal or physical custodians if
 9973 they are not the parents, the court may, after a hearing, modify or terminate an order that
 9974 established joint legal custody or joint physical custody if:
 9975 (a) the verified petition or accompanying affidavit initially alleges that admissible
 9976 evidence will show that there has been a substantial and material change in the
 9977 circumstances of the minor child or one or both parents or joint legal or physical
 9978 custodians since the entry of the order to be modified;
 9979 (b) a modification of the terms and conditions of the order would be an improvement for
 9980 and in the best interest of the minor child; and
 9981 (c)(i) both parents have complied in good faith with the dispute resolution procedure
 9982 in accordance with Subsection 81-9-205(8); or
 9983 (ii) if no dispute resolution procedure is contained in the order that established joint
 9984 legal custody or joint physical custody, the court orders the parents to participate
 9985 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)
 9986 unless the parents certify that, in good faith, they have used a dispute resolution
 9987 procedure to resolve their dispute.
- 9988 (4)(a) In determining whether the best interest of a minor child will be served by either
 9989 modifying or terminating the joint legal custody or joint physical custody order, the

- 9990 court shall, in addition to other factors the court considers relevant, consider the
9991 factors described in Sections 81-9-204 and 81-9-205.
- 9992 (b) A court order modifying or terminating an existing joint legal custody or joint
9993 physical custody order shall contain written findings that:
9994 (i) a substantial and material change of circumstance has occurred; and
9995 (ii) a modification of the terms and conditions of the order would be an improvement
9996 for and in the best interest of the minor child.
- 9997 (c) The court shall give substantial weight to the existing joint legal custody or joint
9998 physical custody order when the minor child is thriving, happy, and well-adjusted.
- 9999 (5) The court shall, in every case regarding a petition for termination of a joint legal
10000 custody or joint physical custody order, consider reasonable alternatives to preserve the
10001 existing order in accordance with Section 81-9-204.
- 10002 (6) The court may modify the terms and conditions of the existing order in accordance with
10003 this chapter and may order the parents to file a parenting plan in accordance with
10004 Section 81-9-203.
- 10005 (7) A parent requesting a modification from sole custody to joint legal custody or joint
10006 physical custody or both, or any other type of shared parenting arrangement, shall file
10007 and serve a proposed parenting plan with the petition to modify in accordance with
10008 Section 81-9-203.
- 10009 (8) If an issue before the court involves custodial responsibility in the event of deployment
10010 of one or both parents who are service members, and the service member has not yet
10011 been notified of deployment, the court shall resolve the issue based on the standards in
10012 Sections ~~[78B-20-306 through 78B-20-309]~~ 81-10-306 through 81-10-309.
- 10013 (9) If the court finds that an action to modify custody or parent-time is filed or answered
10014 frivolously and, in a manner, designed to harass the other party, the court shall assess
10015 attorney fees as costs against the offending party.
- 10016 (10) If a petition to modify custody or parent-time provisions of a court order is made and
10017 denied, the court shall order the petitioner to pay the reasonable attorney fees expended
10018 by the prevailing party in that action if the court determines that the petition was without
10019 merit and not asserted or defended against in good faith.
- 10020 (11) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a
10021 visitation order by a grandparent or other member of the immediate family where a
10022 visitation or parent-time right has been previously granted by the court, the court:
10023 (a) may award to the prevailing party:

- 10024 (i) actual attorney fees incurred;
- 10025 (ii) the costs incurred by the prevailing party because of the other party's failure to
- 10026 provide or exercise court-ordered visitation or parent-time, including:
- 10027 (A) court costs;
- 10028 (B) child care expenses;
- 10029 (C) transportation expenses actually incurred;
- 10030 (D) lost wages, if ascertainable; or
- 10031 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 10032 (iii) any other appropriate equitable remedy; and
- 10033 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up
- 10034 parent-time is not in the best interest of the minor child.

10035 Section 246. Section **81-9-303** is amended to read:

10036 **81-9-303 . Optional schedule for parent-time for a minor child five to 18 years**

10037 **old.**

- 10038 (1)(a) The optional parent-time schedule in this section applies to a minor child who is
- 10039 five to 18 years old.
- 10040 (b) For purposes of calculating child support, the optional parent-time schedule in this
- 10041 section is 145 overnights.
- 10042 (c) Any impact on child support shall be consistent with joint physical custody.
- 10043 (2) The parents and the court may consider the increased parent-time schedule in this
- 10044 section as a minimum parent-time schedule when the parties agree or the noncustodial
- 10045 parent can demonstrate:
- 10046 (a) the noncustodial parent has been actively involved in the minor child's life;
- 10047 (b) the parties can communicate effectively regarding the minor child or the
- 10048 noncustodial parent has a plan to accomplish effective communications regarding the
- 10049 minor child;
- 10050 (c) the noncustodial parent has the ability to facilitate the increased parent-time;
- 10051 (d) the increased parent-time would be in the best interest of the minor child; and
- 10052 (e) any other factor the court considers relevant.
- 10053 (3) In determining whether a noncustodial parent has been actively involved in the minor
- 10054 child's life, the court shall consider:
- 10055 (a) demonstrated responsibility in caring for the minor child;
- 10056 (b) involvement in childcare;
- 10057 (c) presence or volunteer efforts in the minor child's school and at extracurricular

- 10058 activities;
- 10059 (d) assistance with the minor child's homework;
- 10060 (e) involvement in preparation of meals, bath time, and bedtime for the minor child;
- 10061 (f) bonding with the minor child; and
- 10062 (g) any other factor the court considers relevant.
- 10063 (4) In determining whether a noncustodial parent has the ability to facilitate the increased
- 10064 parent-time, the court shall consider:
- 10065 (a) the geographic distance between the residences of the parents and the distance
- 10066 between the parents' residences and the minor child's school;
- 10067 (b) the noncustodial parent's ability to assist with after school care;
- 10068 (c) the health of the minor child and the noncustodial parent in accordance with
- 10069 Subsection [81-9-204(5)] 81-9-204(4);
- 10070 (d) flexibility of employment or another schedule of the noncustodial parent;
- 10071 (e) ability to provide appropriate playtime with the minor child;
- 10072 (f) history and ability of the noncustodial parent to implement a flexible schedule for the
- 10073 minor child;
- 10074 (g) physical facilities of the noncustodial parent's residence; and
- 10075 (h) any other factor the court considers relevant.
- 10076 (5) If the parties agree or the court enters an order for the optional parent-time schedule
- 10077 under this section, a parenting plan in compliance with Section 81-9-203 shall be filed
- 10078 with any order incorporating the optional parent-time schedule described in Subsection
- 10079 (6).
- 10080 (6) The following schedule is considered the optional parent-time to which the noncustodial
- 10081 parent is entitled to the minor child:
- 10082 (a)(i) one weekday evening to be specified by the noncustodial parent or the court or
- 10083 Wednesday evening if not specified, beginning at 5:30 p.m. and ending the
- 10084 following day upon delivering the minor child to school or at 8 a.m. if there is no
- 10085 school; or
- 10086 (ii) at the election of the noncustodial parent, one weekday specified by the
- 10087 noncustodial parent or the court:
- 10088 (A) beginning at the time the minor child's school is regularly dismissed until the
- 10089 following day upon delivering the minor child to school or at 8 a.m. if there is
- 10090 no school; or
- 10091 (B) if there is no school, the noncustodial parent is available to be with the minor

- 10092 child, and in accommodation with the custodial parent's work schedule,
10093 beginning at 8 a.m. and ending on the following day upon delivering the minor
10094 child to school or at 8 a.m. if there is no school;
- 10095 (b)(i) beginning the first weekend after the entry of the decree, alternating weekends
10096 beginning at 6 p.m. on Friday and ending on Monday upon delivering the minor
10097 child to school or at 8 a.m. if there is no school; or
- 10098 (ii) at the election of the noncustodial parent, beginning the first weekend after the
10099 entry of the decree, alternating weekends:
- 10100 (A) beginning at the time the minor child's school is regularly dismissed on Friday
10101 and ending on Monday upon delivering the minor child to school or at 8 a.m. if
10102 there is no school; or
- 10103 (B) if there is no school, the noncustodial parent is available to be with the minor
10104 child, and in accommodation with the custodial parent's work schedule,
10105 beginning on Friday at 9 a.m. and ending on Monday upon delivering the
10106 minor child to school or at 8 a.m. if there is no school;
- 10107 (c) each holiday granted to the noncustodial parent in accordance with the holiday
10108 schedule described in Subsection (15); and
- 10109 (d) extended parent-time with the minor child when school is not in session for summer
10110 break in accordance with Subsection (7).
- 10111 (7)(a) For extended parent-time with the minor child under Subsection (6)(d) and at the
10112 election of the noncustodial parent, the noncustodial parent is entitled up to four
10113 weeks of parent-time with the minor child, which may be consecutive, when school is
10114 not in session for summer break.
- 10115 (b) For the four weeks of extended parent-time for a noncustodial parent under
10116 Subsection (7)(a):
- 10117 (i) two weeks, which may be consecutive, shall be uninterrupted parent-time for the
10118 noncustodial parent; and
- 10119 (ii) two weeks, which may be consecutive, may be interrupted by the custodial parent
10120 for a weekday visit on the same day on which the noncustodial parent is granted
10121 weekday day parent-time.
- 10122 (c) A custodial parent is entitled to uninterrupted parent-time with the minor child for
10123 two weeks, which may be consecutive, when school is not in session for summer
10124 break.
- 10125 (8)(a) Each parent shall provide notification to the other parent of the parent's plans for

- 10126 the exercise of parent-time for summer break under Subsection (7).
- 10127 (b) For the notification requirement under Subsection (8)(a):
- 10128 (i) in odd-numbered years:
- 10129 (A) the noncustodial parent shall provide notice to the custodial parent by May 1;
- 10130 and
- 10131 (B) the custodial parent shall provide notice to the noncustodial parent by May 15;
- 10132 and
- 10133 (ii) in even-numbered years:
- 10134 (A) the custodial parent shall provide notice to the noncustodial parent by May 1;
- 10135 and
- 10136 (B) the noncustodial parent shall provide notice to the custodial parent by May 15.
- 10137 (c)(i) If a parent fails to provide a notification within the time periods described in
- 10138 Subsection (8)(b), the complying parent may determine the schedule for summer
- 10139 break for the noncomplying parent.
- 10140 (ii) If both parents fail to provide notice within the time periods described in
- 10141 Subsection (8)(b), the first parent to provide notice may determine the schedule
- 10142 for summer break for the other parent.
- 10143 (d) If a custodial parent intends to interrupt a noncustodial parent's parent-time under
- 10144 Subsection (7)(b)(ii), the custodial parent shall provide notification to the
- 10145 noncustodial parent of the intent to interrupt parent-time within 10 days after the day
- 10146 on which the custodial parent receives notification of the noncustodial parent's plans
- 10147 for the exercise of interrupted extended parent-time.
- 10148 (9)(a) An election should be made by the noncustodial parent at the time of entry of the
- 10149 divorce decree or court order, except that the election may be changed by mutual
- 10150 agreement, court order, or by the noncustodial parent in the event of a change in the
- 10151 minor child's schedule.
- 10152 (b) An election by either parent concerning parent-time shall be made a part of the
- 10153 decree and made a part of the parent-time order.
- 10154 (10)(a) Changes may not be made to the parent-time schedule under this section, except
- 10155 that if a conflict arises in the parent-time schedule, the following order of precedence
- 10156 shall be applied when determining which parent is entitled to parent-time:
- 10157 (i) the holiday schedule for Mother's Day or Father's Day under Subsection (15);
- 10158 (ii) the holiday schedule for the minor child's birthday, unless a parent is exercising
- 10159 uninterrupted extended parent-time under Subsection (7) and takes the minor child

10160 away from that parent's residence during the uninterrupted extended parent-time;
 10161 (iii) the holiday schedule for any holiday under Subsection (15) that is not Father's
 10162 Day, Mother's Day, or the minor child's birthday;
 10163 (iv) extended parent-time under Subsection (7); and
 10164 (v) the schedule for weekday or weekend parent-time.

10165 (b) A parent exercising parent-time for the minor child's birthday may bring other
 10166 siblings along for the minor child's birthday.

10167 (11) A stepparent, grandparent, or other responsible adult designated by the noncustodial
 10168 parent, may pick up the minor child for parent-time if the custodial parent is aware of
 10169 the identity of the individual and the noncustodial parent will be with the minor child by
 10170 7 p.m.

10171 (12) If a holiday falls on a regularly scheduled school day, the parent exercising parent-time
 10172 shall be responsible for the minor child's attendance at school for that school day.

10173 (13) If there is more than one minor child and the minor children's school schedules vary
 10174 for purpose of a holiday, at the option of the parent exercising the holiday or the parent's
 10175 half of the holiday, the minor children may remain together for the holiday period
 10176 beginning the first evening that all minor children's schools are dismissed for the holiday
 10177 and ending the evening before any minor child returns to school.

10178 (14) If there is a minor child five to 18 years old and a minor child under five years old and
 10179 both minor children are the children of the parties, the parents and the court should
 10180 consider an upward deviation for parent-time with all the minor children so that
 10181 parent-time is uniform based on a schedule under this section.

10182 (15) The following table is the holiday schedule for parent-time under this section.

Holiday	Holiday Time Period	Years Noncustodial Parent is Granted Holiday	Years Custodial Parent is Granted Holiday
10184 Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at:(a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday.	Odd years	Even years

		<p>(2) Holiday ends:</p> <p>(a) upon delivering of the minor child to school on the day following Dr. Martin Luther King Jr. Day; or</p> <p>(b) at 8 a.m. on the day following Dr. Martin Luther King Jr. Day if there is no school.</p>		
10185	President's Day	<p>(1) Holiday begins Friday at:</p> <p>(a) 9 a.m. if school is not in session and the parent can be with the minor child;</p> <p>(b) the time that school is regularly dismissed; or</p> <p>(c) 6 p.m. at the election of the parent granted the holiday.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the day following President's Day; or</p> <p>(b) at 8 a.m. on the day following President's Day if there is no school.</p>	Even years	Odd years
10186	Spring Break	<p>(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break.</p> <p>(2) Holiday ends:</p> <p>(a) upon delivering the minor child to school on the day following the end of spring break; or</p> <p>(b) at 8 a.m. on the day following the end of spring break if there is no school.</p>	Odd years	Even years
10187	Memorial Day	<p>(1) Holiday begins Friday at:</p> <p>(a) 9 a.m. if school is not in session and the parent can be with the minor child;</p> <p>(b) the time that school is regularly dismissed; or</p>	Even years	Odd years

		(c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the minor child to school on the day following Memorial Day; or (b) at 8 a.m. on the day following Memorial Day if there is no school.		
10188	Mother's Day	(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.	All years if noncustodial parent is the mother or other parent designated in the order.	All years if custodial parent is the mother or other parent designated in the order.
10189	Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years if noncustodial parent is the father or other parent designated in the order.	All years if custodial parent is the father or other parent designated in the order.
10190	Juneteenth National Freedom Day	(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
10191	Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years

10192	Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years
10193	Labor Day	(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the minor child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the minor child to school on the day following Labor Day; or (b) at 8 a.m. on the day following Labor Day if there is no school.	Odd years	Even years
10194	Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years
10195	Fall Break	(1) Holiday begins at 6 p.m. on the day school is dismissed for fall break. (2) Holiday ends: (a) upon delivering the minor child to school on the day following the end of fall break; or (b) at 8 a.m. on the day following the end of fall break if there is no school.	Odd years	Even years
10196	Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at 4 p.m. if there is no school.	Even years	Odd years

		(2) Holiday ends at 9 p.m. on the same day the holiday begins.		
10197	Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.	Odd years	Even years
10198	Thanksgiving	(1) Holiday begins on Wednesday at: (a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday. (2) Holiday ends: (a) upon delivering the minor child to school on the Monday following Thanksgiving; or (b) at 8 a.m. on the Monday following Thanksgiving if there is no school.	Even years	Odd years
10199	Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day that school dismisses for winter break; or (b) the time school is regularly dismissed on the day that school dismisses for winter break at the election of the parent granted the holiday. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
10200	Winter Break (Second Half)	(1) Holiday begins on December 27th at 7 p.m. (2) Holiday ends upon delivering the minor child to school on the day that school resumes after the winter break.	Even years	Odd years
10201	Day of Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Even years	Odd years

10202	Day Before or After Minor Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m.	Odd years	Even years
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10203 Section 247. Section **81-9-305** is amended to read:

10204 **81-9-305 . Equal parent-time schedule.**

10205 (1)(a) A court may order the equal parent-time schedule described in this section if the
10206 court determines that:

10207 (i) the equal parent-time schedule is in the minor child's best interest;

10208 (ii) each parent has been actively involved in the minor child's life; and

10209 (iii) each parent can effectively facilitate the equal parent-time schedule.

10210 (b) To determine whether each parent has been actively involved in the minor child's
10211 life, the court shall consider:

10212 (i) each parent's demonstrated responsibility in caring for the minor child;

10213 (ii) each parent's involvement in child care;

10214 (iii) each parent's presence or volunteer efforts in the minor child's school and at
10215 extracurricular activities;

10216 (iv) each parent's assistance with the minor child's homework;

10217 (v) each parent's involvement in preparation of meals, bath time, and bedtime for the
10218 minor child;

10219 (vi) each parent's bond with the minor child; and

10220 (vii) any other factor the court considers relevant.

10221 (c) To determine whether each parent can effectively facilitate the equal parent-time
10222 schedule, the court shall consider:

10223 (i) the geographic distance between the residence of each parent and the distance
10224 between each residence and the minor child's school;

10225 (ii) each parent's ability to assist with the minor child's after school care;

10226 (iii) the health of the minor child and each parent, consistent with Subsection [
10227 ~~81-9-204(5)~~] ~~81-9-204(4)~~;

10228 (iv) the flexibility of each parent's employment or other schedule;

10229 (v) each parent's ability to provide appropriate playtime with the minor child;

10230 (vi) each parent's history and ability to implement a flexible schedule for the minor
10231 child;

10232 (vii) physical facilities of each parent's residence; and

10233 (viii) any other factor the court considers relevant.

- 10234 (2)(a) If the parties agree to or the court orders the equal parent-time schedule described
10235 in this section, a parenting plan in accordance with Section 81-9-203 shall be filed
10236 with an order incorporating the equal parent-time schedule.
- 10237 (b) An order under this section shall result in 182 overnights per year for one parent, and
10238 183 overnights per year for the other parent.
- 10239 (c) Under the equal parent-time schedule, a parent is not considered to have the minor
10240 child the majority of the time for the purposes of Subsection 81-9-203(11)(e)(ii) or
10241 81-9-205(10).
- 10242 (d) Child support for the equal parent-time schedule shall be consistent with Section
10243 81-6-206.
- 10244 (e) A court shall determine which parent receives 182 overnights and which parent
10245 receives 183 overnights for parent-time.
- 10246 (3)(a) Unless the parents agree otherwise and subject to a holiday, the equal parent-time
10247 schedule is as follows:
- 10248 (i) one parent shall exercise parent-time starting Monday morning and ending
10249 Wednesday morning;
- 10250 (ii) the other parent shall exercise parent-time starting Wednesday morning and
10251 ending Friday morning; and
- 10252 (iii) each parent shall alternate weeks exercising parent-time starting Friday morning
10253 and ending Monday morning.
- 10254 (b) The child exchange shall take place:
- 10255 (i) at the time the minor child's school begins; or
10256 (ii) if school is not in session, at 9 a.m.
- 10257 (4)(a) The parents may create a holiday schedule.
- 10258 (b) If the parents are unable to create a holiday schedule under Subsection (4)(a), the
10259 court shall:
- 10260 (i) order the holiday schedule described in Section 81-9-302 or 81-9-304; and
10261 (ii) designate which parent shall exercise parent-time for each holiday described in
10262 Section 81-9-302 or 81-9-304.
- 10263 (5)(a) Each year, a parent may designate two consecutive weeks to exercise
10264 uninterrupted parent-time during the summer when school is not in session.
- 10265 (b)(i) One parent may make a designation at any time and the other parent may make
10266 a designation after May 1.
- 10267 (ii) A parent shall make a designation at least 30 days before the day on which the

- 10268 designated two-week period begins.
- 10269 (c) The court shall designate which parent may make the earlier designation described in
10270 Subsection (5)(b)(i) for an even numbered year with the other parent allowed to make
10271 the earlier designation in an odd numbered year.
- 10272 (d) The two consecutive weeks described in Subsection (5)(a) take precedence over all
10273 holidays except for Mother's Day and Father's Day.
- 10274 Section 248. Section **81-9-402** is amended to read:
- 10275 **81-9-402 . Custody and visitation for individuals other than a parent -- Venue.**
- 10276 (1)(a) In accordance with Section 80-2a-201, it is the public policy of this state that a
10277 parent retain the fundamental right and duty to exercise primary control over the care,
10278 supervision, upbringing, and education of a minor child of the parent.
- 10279 (b) There is a rebuttable presumption that a parent's decisions are in the minor child's
10280 best interests.
- 10281 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or
10282 visitation rights to an individual other than a parent who, by clear and convincing
10283 evidence, establishes that:
- 10284 (a) the individual has intentionally assumed the role and obligations of a parent;
- 10285 (b) the individual and the minor child have formed a substantial emotional bond and
10286 created a parent-child type relationship;
- 10287 (c) the individual substantially contributed emotionally or financially to the minor child's
10288 well being;
- 10289 (d) the assumption of the parental role is not the result of a financially compensated
10290 surrogate care arrangement;
- 10291 (e) the continuation of the relationship between the individual and the minor child is in
10292 the minor child's best interest;
- 10293 (f) the loss or cessation of the relationship between the individual and the minor child
10294 would substantially harm the minor child; and
- 10295 (g) the parent:
- 10296 (i) is absent; or
- 10297 (ii) is found by a court to have abused or neglected the minor child.
- 10298 (3) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, or Section 78A-6-350,
10299 an individual shall file a verified petition, or a petition supported by an affidavit, for
10300 custodial or visitation rights to the minor child in the juvenile court if a matter is pending
10301 in the juvenile court, or in the district court in the county where the minor child:

- 10302 (a) currently resides; or
- 10303 (b) lived with a parent or an individual other than a parent who acted as a parent within
- 10304 six months before the commencement of the action.
- 10305 (4) An individual may file a petition under this section in a pending divorce, parentage
- 10306 action, or other proceeding, including a proceeding in the juvenile court involving
- 10307 custody of or visitation with a minor child.
- 10308 (5) The petition shall include detailed facts supporting the petitioner's right to file the
- 10309 petition including the criteria set forth in Subsection (2) and residency information
- 10310 described in Section [~~78B-13-209~~] 81-11-209.
- 10311 (6) An individual may not file a petition under this section against a parent who is actively
- 10312 serving outside the state in any branch of the military.
- 10313 (7) Notice of a petition filed pursuant to this chapter shall be served in accordance with the
- 10314 Utah Rules of Civil Procedure on all of the following:
- 10315 (a) the minor child's biological, adopted, presumed, declarant, and adjudicated parents;
- 10316 (b) any individual who has court-ordered custody or visitation rights;
- 10317 (c) the minor child's guardian;
- 10318 (d) the guardian ad litem, if one has been appointed;
- 10319 (e) an individual or agency that has physical custody of the minor child or that claims to
- 10320 have custody or visitation rights; and
- 10321 (f) any other individual or agency that has previously appeared in any action regarding
- 10322 custody of or visitation with the minor child.
- 10323 (8) The court may order a custody evaluation to be conducted in any proceeding brought
- 10324 under this section.
- 10325 (9) The court may enter temporary orders in a proceeding brought under this section
- 10326 pending the entry of final orders.
- 10327 (10) Except as provided in Subsection (11), a court may not grant custody of a minor child
- 10328 under this section to an individual:
- 10329 (a) who is not the parent of the minor child; and
- 10330 (b) who, before a custody order is issued, is convicted, pleads guilty, or pleads no
- 10331 contest to a felony or attempted felony involving conduct that constitutes any of the
- 10332 following:
- 10333 (i) child abuse, as described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and
- 10334 76-5-114;
- 10335 (ii) child abuse homicide, as described in Section 76-5-208;

- 10336 (iii) child kidnapping, as described in Section 76-5-301.1;
- 10337 (iv) human trafficking of a child, as described in Section 76-5-308.5;
- 10338 (v) sexual abuse of a minor, as described in Section 76-5-401.1;
- 10339 (vi) rape of a child, as described in Section 76-5-402.1;
- 10340 (vii) object rape of a child, as described in Section 76-5-402.3;
- 10341 (viii) sodomy on a child, as described in Section 76-5-403.1;
- 10342 (ix) sexual abuse of a child, as described in Section 76-5-404.1, or aggravated sexual
- 10343 abuse of a child, as described in Section 76-5-404.3;
- 10344 (x) sexual exploitation of a minor, as described in Section 76-5b-201;
- 10345 (xi) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1; or
- 10346 (xii) an offense in another state that, if committed in this state, would constitute an
- 10347 offense described in this Subsection (10).
- 10348 (11)(a) As used in this Subsection (11), "disqualifying offense" means an offense listed
- 10349 in Subsection (10) that prevents a court from granting custody except as provided in
- 10350 this Subsection (11).
- 10351 (b) An individual described in Subsection (10) may only be considered for custody of a
- 10352 minor child if the following criteria are met by clear and convincing evidence:
- 10353 (i) the individual is a relative, as defined in Section 80-3-102, of the minor child;
- 10354 (ii) at least 10 years have elapsed from the day on which the individual is
- 10355 successfully released from prison, jail, parole, or probation related to a
- 10356 disqualifying offense;
- 10357 (iii) during the 10 years before the day on which the individual files a petition with
- 10358 the court seeking custody the individual has not been convicted, plead guilty, or
- 10359 plead no contest to an offense greater than an infraction or traffic violation that
- 10360 would likely impact the health, safety, or well-being of the minor child;
- 10361 (iv) the individual can provide evidence of successful treatment or rehabilitation
- 10362 directly related to the disqualifying offense;
- 10363 (v) the court determines that the risk related to the disqualifying offense is unlikely to
- 10364 cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 10365 currently or at any time in the future when considering all of the following:
- 10366 (A) the minor child's age;
- 10367 (B) the minor child's gender;
- 10368 (C) the minor child's development;
- 10369 (D) the nature and seriousness of the disqualifying offense;

- 10370 (E) the preferences of a minor child who is 12 years old or older;
- 10371 (F) any available assessments, including custody evaluations, parenting
- 10372 assessments, psychological or mental health assessments, and bonding
- 10373 assessments; and
- 10374 (G) any other relevant information;
- 10375 (vi) the individual can provide evidence of the following:
- 10376 (A) the relationship with the minor child is of long duration;
- 10377 (B) that an emotional bond exists with the minor child; and
- 10378 (C) that custody by the individual who has committed the disqualifying offense
- 10379 ensures the best interests of the minor child are met;
- 10380 (vii)(A) there is no other responsible relative known to the court who has or likely
- 10381 could develop an emotional bond with the minor child and does not have a
- 10382 disqualifying offense; or
- 10383 (B) if there is a responsible relative known to the court that does not have a
- 10384 disqualifying offense, Subsection (11)(d) applies; and
- 10385 (viii) that the continuation of the relationship between the individual with the
- 10386 disqualifying offense and the minor child could not be sufficiently maintained
- 10387 through any type of visitation if custody were given to the relative with no
- 10388 disqualifying offense described in Subsection (11)(d).
- 10389 (c) The individual with the disqualifying offense bears the burden of proof regarding
- 10390 why placement with that individual is in the best interest of the minor child over
- 10391 another responsible relative or equally situated individual who does not have a
- 10392 disqualifying offense.
- 10393 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known to
- 10394 the court who does not have a disqualifying offense:
- 10395 (i) preference for custody is given to a relative who does not have a disqualifying
- 10396 offense; and
- 10397 (ii) before the court may place custody with the individual who has the disqualifying
- 10398 offense over another responsible, willing, and able relative:
- 10399 (A) an impartial custody evaluation shall be completed; and
- 10400 (B) a guardian ad litem shall be assigned.
- 10401 (12) Subsections (10) and (11) apply to a case pending on March 25, 2017, for which a final
- 10402 decision on custody has not been made and to a case filed on or after March 25, 2017.
- 10403 Section 249. Section **81-10-101**, which is renumbered from Section 78B-20-102 is renumbered

10404 and amended to read:

10405 **CHAPTER 10. UNIFORM DEPLOYED PARENTS CUSTODY, PARENT-TIME,**

10406

AND VISITATION ACT

10407

Part 1. General Provisions

10408 **~~[78B-20-102]~~ 81-10-101 . Definitions.**

10409 As used in this chapter:

10410 (1) "Adult" means an individual who ~~[has attained]~~ is at least 18 years old or is an
10411 emancipated minor child.

10412 (2)(a) "Caretaking authority" means the right to live with and care for a child on a
10413 day-to-day basis.

10414 (b) "Caretaking authority" includes physical custody, parent-time, right to access, and
10415 visitation.

10416 (3) "Child" means:

10417 (a) ~~[an unemancipated individual who has not attained 18 years old]~~ a minor child; or

10418 (b) an adult son or daughter by birth or adoption, or under the law of this state other than
10419 this chapter, who is the subject of a court order concerning custodial responsibility.

10420 (4) "Court" means a tribunal, including an administrative agency, authorized under the law
10421 of this state other than this chapter to make, enforce, or modify a decision regarding
10422 custodial responsibility.

10423 (5)(a) "Custodial responsibility" includes all powers and duties relating to caretaking
10424 authority and decision-making authority for a child. ~~[The term]~~

10425 (b) "Custodial responsibility" includes physical custody, legal custody, parent-time, right
10426 to access, visitation, and authority to grant limited contact with a child.

10427 (6)(a) "Decision-making authority" means the power to make important decisions
10428 regarding a child, including decisions regarding the child's education, religious
10429 training, health care, extracurricular activities, and travel. ~~[The term]~~

10430 (b) "Decision-making authority" does not include the power to make decisions that
10431 necessarily accompany a grant of caretaking authority.

10432 (7) "Deploying parent" means a service member who is deployed or has been notified of
10433 impending deployment and is:

10434 (a) a parent of a child under the law of this state other than this chapter; or

10435 (b) an individual who has custodial responsibility for a child under the law of this state

- 10436 other than this chapter.
- 10437 (8) "Deployment" means the movement or mobilization of a service member for more than
10438 90 days but less than 18 months pursuant to uniformed service orders that:
- 10439 (a) are designated as unaccompanied;
- 10440 (b) do not authorize dependent travel; or
- 10441 (c) otherwise do not permit the movement of family members to the location to which
10442 the service member is deployed.
- 10443 (9) "Family care plan" means a formal written contingency plan mandated by regulation of
10444 the various departments and components of the uniformed service that requires certain
10445 service member parents of minor children to plan in advance for the smooth, rapid
10446 transfer of parental responsibilities to designees during the absence of the service
10447 member due to death, incapacity, short-term absences, long-term absences, including
10448 deployments, or noncombatant evacuation operations.
- 10449 (10) "Family member" means a sibling, aunt, uncle, cousin, stepparent, or grandparent of a
10450 child, or an individual recognized to be in a familial relationship with a child under the
10451 law of this state other than this chapter.
- 10452 (11)(a) "Limited contact" means the authority of a nonparent to visit a child for a
10453 limited time.
- 10454 (b) "Limited contact" includes authority to take the child to a place other than the
10455 residence of the child.
- 10456 (12) "Nonparent" means an individual other than a deploying parent or other parent.
- 10457 (13) "Other parent" means an individual who, in common with a deploying parent, is:
- 10458 (a) a parent of a child under the law of this state other than this chapter; or
- 10459 (b) an individual who has custodial responsibility for a child under the law of this state
10460 other than this chapter.
- 10461 (14) "Record" means information that is inscribed on a tangible medium or that is stored in
10462 an electronic or other medium and is retrievable in perceivable form.
- 10463 (15) "Return from deployment" means the conclusion of a service member's deployment as
10464 specified in uniformed service orders.
- 10465 (16) "Service member" means a member of a uniformed service.
- 10466 (17) "Sign" means, with present intent to authenticate or adopt a record:
- 10467 (a) to execute or adopt a tangible symbol; or
- 10468 (b) to attach to or logically associate with the record an electronic symbol, sound, or
10469 process.

10470 (18) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
 10471 United States Virgin Islands, or any territory or insular possession subject to the
 10472 jurisdiction of the United States.

10473 (19) "Uniformed service" means:

- 10474 (a) active and reserve components of the United States armed forces;
- 10475 (b) the United States Merchant Marine;
- 10476 (c) the commissioned corps of the United States Public Health Service;
- 10477 (d) the commissioned corps of the National Oceanic and Atmospheric Administration of
 10478 the United States; or
- 10479 (e) the National Guard of a state.

10480 Section 250. Section **81-10-102**, which is renumbered from Section 78B-20-103 is renumbered
 10481 and amended to read:

10482 **[78B-20-103] 81-10-102 . Remedies for noncompliance.**

10483 In addition to other remedies under the law of this state other than this chapter, if a court
 10484 finds that a party to a proceeding under this chapter has acted in bad faith or intentionally
 10485 failed to comply with this chapter or a court order issued under this chapter, the court may
 10486 assess reasonable attorney fees and costs against the party and order other appropriate relief.

10487 Section 251. Section **81-10-103**, which is renumbered from Section 78B-20-104 is renumbered
 10488 and amended to read:

10489 **[78B-20-104] 81-10-103 . Jurisdiction.**

10490 (1) A court may issue an order regarding custodial responsibility under this chapter only if
 10491 the court has jurisdiction under [~~Title 78B, Chapter 13, Utah Uniform Child Custody~~
 10492 ~~Jurisdiction and Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and
 10493 Enforcement Act.

10494 (2) If a court has issued a temporary order regarding custodial responsibility pursuant to
 10495 Part 3, Judicial Procedure for Granting Custodial Responsibility During Deployment, the
 10496 residence of the deploying parent is not changed by reason of the deployment for the
 10497 purposes of [~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
 10498 ~~Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act,
 10499 during the deployment.

10500 (3) If a court has issued a permanent order regarding custodial responsibility before notice
 10501 of deployment and the parents modify that order temporarily by agreement pursuant to
 10502 Part 2, Agreement Addressing Custodial Responsibility During Deployment, the
 10503 residence of the deploying parent is not changed by reason of the deployment for the

10504 purposes of [~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
 10505 ~~Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act.

10506 (4) If a court in another state has issued a temporary order regarding custodial responsibility
 10507 as a result of impending or current deployment, the residence of the deploying parent is
 10508 not changed by reason of the deployment for the purposes of [~~Title 78B, Chapter 13,~~
 10509 ~~Utah Uniform Child Custody Jurisdiction and Enforcement Act~~] Chapter 11, Uniform
 10510 Child Custody Jurisdiction and Enforcement Act.

10511 (5) This section does not prevent a court from exercising temporary emergency jurisdiction
 10512 under [~~Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and~~
 10513 ~~Enforcement Act~~] Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act.

10514 Section 252. Section **81-10-104**, which is renumbered from Section 78B-20-105 is renumbered
 10515 and amended to read:

10516 **[78B-20-105] 81-10-104 . Notification required of deploying parent.**

10517 (1)(a) Except as otherwise provided in Subsection (4) and subject to Subsection (3), a
 10518 deploying parent shall in a record notify the other parent of a pending deployment not
 10519 later than seven days after receiving notice of deployment unless reasonably
 10520 prevented from doing so by the circumstances of service.

10521 (b) If the circumstances of service prevent giving notification within the seven days, the
 10522 deploying parent shall give the notification as soon as reasonably possible.

10523 (2)(a) Except as otherwise provided in Subsection (4) and subject to Subsection (3),
 10524 each parent shall in a record provide the other parent with a plan for fulfilling that
 10525 parent's share of custodial responsibility during deployment.

10526 (b) Each parent shall provide the plan as soon as reasonably possible after notification of
 10527 deployment is given under Subsection (1).

10528 (3)(a) If a court order currently in effect prohibits disclosure of the address or contact
 10529 information of the other parent, notification of deployment under Subsection (1), or
 10530 notification of a plan for custodial responsibility during deployment under Subsection
 10531 (2), may be made only to the issuing court.

10532 (b) If the address of the other parent is available to the issuing court, the court shall
 10533 forward the notification to the other parent.

10534 (c) The court shall keep confidential the address or contact information of the other
 10535 parent.

10536 (4) Notification in a record under Subsection (1) or (2) is not required if the parents are
 10537 living in the same residence and both parents have actual notice of the deployment or

10538 plan.

10539 (5) In a proceeding regarding custodial responsibility, a court may consider the
10540 reasonableness of a parent's efforts to comply with this section.

10541 Section 253. Section **81-10-105**, which is renumbered from Section 78B-20-106 is renumbered
10542 and amended to read:

10543 **[78B-20-106] 81-10-105 . Duty to notify of change of address.**

10544 (1)(a) Except as otherwise provided in Subsection (2), an individual to whom custodial
10545 responsibility has been granted during deployment pursuant to Part 2, Agreement
10546 Addressing Custodial Responsibility During Deployment, or Part 3, Judicial
10547 Procedure for Granting Custodial Responsibility During Deployment, shall notify the
10548 deploying parent and any other individual with custodial responsibility of a child of
10549 any change of the individual's mailing address or residence until the grant is
10550 terminated.

10551 (b) The individual shall provide notice to any court that has issued a custody or child
10552 support order concerning the child, which is in effect.

10553 (2)(a) If a court order currently in effect prohibits disclosure of the address or contact
10554 information of an individual to whom custodial responsibility has been granted, a
10555 notification under Subsection (1) may be made only to the court that issued the order.

10556 (b) The court shall keep confidential the mailing address or residence of the individual to
10557 whom custodial responsibility has been granted.

10558 Section 254. Section **81-10-106**, which is renumbered from Section 78B-20-107 is renumbered
10559 and amended to read:

10560 **[78B-20-107] 81-10-106 . General consideration in custody proceeding of parent's**
10561 **military service.**

10562 In a proceeding for custodial responsibility of a child of a service member, a court may
10563 not consider a parent's past deployment or possible future deployment in itself in determining
10564 the best interest of the child but may consider any significant impact on the best interest of the
10565 child of the parent's past or possible future deployment.

10566 Section 255. Section **81-10-201**, which is renumbered from Section 78B-20-201 is renumbered
10567 and amended to read:

10568 **Part 2. Agreement Addressing Custodial Responsibility During Deployment**

10569 **[78B-20-201] 81-10-201 . Form of agreement.**

10570 (1)(a) The parents of a child may enter into a temporary agreement under this part
10571 granting custodial responsibility during deployment.

- 10572 (b) When the parents of a child include one or more servicemembers, the parents should
10573 enter into an agreement granting custodial responsibility before notice of deployment,
10574 but may also enter into an agreement granting custodial responsibility following
10575 notice of deployment.
- 10576 (2) An agreement under Subsection (1) shall be:
- 10577 (a) in writing; and
- 10578 (b) signed by both parents and any nonparent to whom custodial responsibility is granted.
- 10579 (3) Subject to Subsection (4), an agreement under Subsection (1), if feasible, shall:
- 10580 (a) identify the destination, duration, and conditions of the deployment that is the basis
10581 for the agreement if the deployment has been noticed;
- 10582 (b) specify the allocation of caretaking authority among the deploying parent, the other
10583 parent, and any nonparent;
- 10584 (c) specify any decision-making authority that accompanies a grant of caretaking
10585 authority;
- 10586 (d) specify any grant of limited contact to a nonparent;
- 10587 (e) if under the agreement custodial responsibility is shared by the other parent and a
10588 nonparent, or by other nonparents, provide a process to resolve any dispute that may
10589 arise;
- 10590 (f) specify the frequency, duration, and means, including electronic means, by which the
10591 deploying parent will have contact with the child, any role to be played by the other
10592 parent in facilitating the contact, and the allocation of any costs of contact;
- 10593 (g) specify the contact between the deploying parent and child during the time the
10594 deploying parent is on leave or is otherwise available;
- 10595 (h) acknowledge that any party's child-support obligation cannot be modified by the
10596 agreement, and that changing the terms of the obligation during deployment requires
10597 modification in the appropriate court;
- 10598 (i) provide that the agreement will terminate according to the procedures under Part 4,
10599 Return from Deployment, after the deploying parent returns from deployment; and
- 10600 (j) if the agreement is required to be filed pursuant to Section ~~[78B-20-205]~~ 81-10-205,
10601 specify which parent is required to file the agreement.
- 10602 (4) The omission of any of the items specified in Subsection (3) does not invalidate an
10603 agreement under this section.
- 10604 (5) A servicemember shall ensure that the servicemember's family care plan reflects orders
10605 and agreements entered and filed ~~[pursuant to]~~ in accordance with this chapter.

10606 Section 256. Section **81-10-202**, which is renumbered from Section 78B-20-202 is renumbered
10607 and amended to read:

10608 **[78B-20-202] 81-10-202 . Nature of authority created by agreement.**

10609 (1)(a) An agreement under this part is temporary and terminates pursuant to Part 4,
10610 Return from Deployment, after the deploying parent returns from deployment, unless
10611 the agreement has been terminated before that time by court order or modification
10612 under Section [78B-2-203] 81-10-203.

10613 (b) The agreement may not create an independent, continuing right to caretaking
10614 authority, decision-making authority, or limited contact in an individual to whom
10615 custodial responsibility is given.

10616 (2) A nonparent who has caretaking authority, decision-making authority, or limited contact
10617 by an agreement under this part has standing to enforce the agreement until it has been
10618 terminated by court order, by modification under Section [78B-20-203] 81-10-203, or
10619 under Part 4, Return from Deployment.

10620 Section 257. Section **81-10-203**, which is renumbered from Section 78B-20-203 is renumbered
10621 and amended to read:

10622 **[78B-20-203] 81-10-203 . Modification of agreement.**

10623 (1) By mutual consent, the parents of a child may modify an agreement regarding custodial
10624 responsibility made ~~[pursuant to]~~ in accordance with this part.

10625 (2) If an agreement is modified under Subsection (1) before deployment of a deploying
10626 parent, the modification shall be in writing and signed by both parents and any
10627 nonparent who will exercise custodial responsibility under the modified agreement.

10628 (3) If an agreement is modified under Subsection (1) during deployment of a deployed
10629 parent, the modification shall be agreed to in a record by both parents and any nonparent
10630 who will exercise custodial responsibility under the modified agreement.

10631 Section 258. Section **81-10-204**, which is renumbered from Section 78B-20-204 is renumbered
10632 and amended to read:

10633 **[78B-20-204] 81-10-204 . Power of attorney.**

10634 (1) A deploying parent, by power of attorney, may delegate all or part of custodial
10635 responsibility to an adult nonparent for the period of deployment if no other parent
10636 possesses custodial responsibility under the law of this state other than this chapter or if
10637 a court order currently in effect prohibits contact between the child and the other parent.

10638 (2) The deploying parent may revoke the power of attorney by signing a revocation of the
10639 power.

10640 Section 259. Section **81-10-205**, which is renumbered from Section 78B-20-205 is renumbered
10641 and amended to read:

10642 **[78B-20-205] 81-10-205 . Filing agreement or power of attorney with court.**

10643 (1)(a) An agreement or power of attorney under this part shall be filed within a
10644 reasonable time with any court that has entered an order on custodial responsibility or
10645 child support that is in effect concerning the child who is the subject of the agreement
10646 or power.

10647 (b) The case number and heading of the pending case concerning custodial responsibility
10648 or child support shall be provided to the court with the agreement or power.

10649 (2) Notwithstanding Subsection (1), failure to file an agreement or power of attorney does
10650 not invalidate an otherwise valid agreement or power of attorney.

10651 Section 260. Section **81-10-301**, which is renumbered from Section 78B-20-301 is renumbered
10652 and amended to read:

10653 **Part 3. Judicial Procedure for Granting Custodial Responsibility During Deployment**

10654 **[78B-20-301] 81-10-301 . Definitions for part.**

10655 [In] As used in this part, "close and substantial relationship" means a relationship in
10656 which a significant bond exists between a child and a nonparent.

10657 Section 261. Section **81-10-302**, which is renumbered from Section 78B-20-302 is renumbered
10658 and amended to read:

10659 **[78B-20-302] 81-10-302 . Proceeding for temporary custody -- Order.**

10660 (1)(a) After a deploying parent receives notice of deployment and until the deployment
10661 terminates, a court may issue a temporary order granting custodial responsibility
10662 unless prohibited by Section 39A-6-105 and the Servicemembers Civil Relief Act, 50
10663 U.S.C. Appendix Sections 521 and 522.

10664 (b) A court may not issue a permanent order granting custodial responsibility without
10665 the consent of the deploying parent.

10666 (2)(a) At any time after a deploying parent receives notice of deployment, either parent
10667 may file a motion regarding custodial responsibility of a child during deployment.

10668 (b) The motion shall be filed in a pending proceeding for custodial responsibility in a
10669 court with jurisdiction under Section [78B-20-104] 81-10-103 or, if there is no
10670 pending proceeding in a court with jurisdiction under Section [78B-20-104] 81-10-103,
10671 in a new action for granting custodial responsibility during deployment.

10672 Section 262. Section **81-10-303**, which is renumbered from Section 78B-20-303 is renumbered
10673 and amended to read:

10674 **[78B-20-303] 81-10-303 . Expedited hearing.**

10675 If a motion to grant custodial responsibility is filed under Subsection [78B-20-302(2)]
10676 81-10-302(2) before a deploying parent deploys, the court shall conduct an expedited hearing.

10677 Section 263. Section **81-10-304**, which is renumbered from Section 78B-20-304 is renumbered
10678 and amended to read:

10679 **[78B-20-304] 81-10-304 . Testimony by electronic means.**

10680 In a proceeding under this part, a party or witness who is not reasonably available to
10681 appear personally may appear, provide testimony, and present evidence by electronic means
10682 unless the court finds good cause to require a personal appearance.

10683 Section 264. Section **81-10-305**, which is renumbered from Section 78B-20-305 is renumbered
10684 and amended to read:

10685 **[78B-20-305] 81-10-305 . Effect of prior judicial order or agreement.**

10686 In a proceeding for a grant of custodial responsibility [~~pursuant to~~] in accordance with
10687 this part, the following rules apply:

10688 (1) a prior judicial order designating custodial responsibility in the event of deployment is
10689 binding on the court unless the circumstances meet the requirements of the law of this
10690 state other than this chapter for modifying a judicial order regarding custodial
10691 responsibility; and

10692 (2) the court shall enforce a prior written agreement between the parents for designating
10693 custodial responsibility in the event of deployment, including an agreement executed
10694 under Part 2, Agreement Addressing Custodial Responsibility During Deployment,
10695 unless the court finds that the agreement is contrary to the best interest of the child.

10696 Section 265. Section **81-10-306**, which is renumbered from Section 78B-20-306 is renumbered
10697 and amended to read:

10698 **[78B-20-306] 81-10-306 . Grant of caretaking or decision-making authority to**
10699 **nonparent.**

10700 (1) On motion of a deploying parent and in accordance with the law of this state other than
10701 this chapter, if it is in the best interest of the child a court may grant caretaking authority
10702 to a nonparent who is an adult family member of the child with whom the child has a
10703 close and substantial relationship.

10704 (2) Unless a grant of caretaking authority to a nonparent under Subsection (1) is agreed to
10705 by the other parent, the grant is limited to an amount of time not greater than:

10706 (a) the amount of time granted to the deploying parent under a permanent custody order,
10707 but the court may add unusual travel time necessary to transport the child; or

10708 (b) in the absence of a permanent custody order that is currently in effect, the amount of
10709 time that the deploying parent habitually cared for the child before being notified of
10710 deployment, but the court may add unusual travel time necessary to transport the
10711 child.

10712 (3)(a) A court may grant part of a deploying parent's decision-making authority, if the
10713 deploying parent is unable to exercise that authority, to a nonparent who is an adult
10714 family member of the child with whom the child has a close and substantial
10715 relationship.

10716 (b) If a court grants the authority to a nonparent, the court shall specify the
10717 decision-making powers granted, including decisions regarding the child's education,
10718 religious training, health care, extracurricular activities, and travel.

10719 Section 266. Section **81-10-307**, which is renumbered from Section 78B-20-307 is renumbered
10720 and amended to read:

10721 **[78B-20-307] 81-10-307 . Grant of limited contact.**

10722 On motion of a deploying parent, and in accordance with the law of this state other than
10723 this chapter, unless the court finds that the contact would be contrary to the best interest of the
10724 child, a court shall grant limited contact to a nonparent who is a family member of the child or
10725 an individual with whom the child has a close and substantial relationship.

10726 Section 267. Section **81-10-308**, which is renumbered from Section 78B-20-308 is renumbered
10727 and amended to read:

10728 **[78B-20-308] 81-10-308 . Nature of authority created by temporary custody**
10729 **order.**

10730 (1)(a) A grant of authority under this part is temporary and terminates under Part 4,
10731 Return from Deployment, after the return from deployment of the deploying parent,
10732 unless the grant has been terminated before that time by court order.

10733 (b) The grant may not create an independent, continuing right to caretaking authority,
10734 decision-making authority, or limited contact in an individual to whom it is granted.

10735 (2) A nonparent granted caretaking authority, decision-making authority, or limited contact
10736 under this part has standing to enforce the grant until it is terminated by court order or
10737 under Part 4, Return from Deployment.

10738 Section 268. Section **81-10-309**, which is renumbered from Section 78B-20-309 is renumbered
10739 and amended to read:

10740 **[78B-20-309] 81-10-309 . Content of temporary custody order.**

10741 (1) An order granting custodial responsibility under this part shall:

- 10742 (a) designate the order as temporary; and
 10743 (b) identify to the extent feasible the destination, duration, and conditions of the
 10744 deployment.
- 10745 (2) If applicable, an order for custodial responsibility under this part shall:
- 10746 (a) specify the allocation of caretaking authority, decision-making authority, or limited
 10747 contact among the deploying parent, the other parent, and any nonparent;
- 10748 (b) if the order divides caretaking or decision-making authority between individuals, or
 10749 grants caretaking authority to one individual and limited contact to another, provide a
 10750 process to resolve any dispute that may arise;
- 10751 (c) provide for liberal communication between the deploying parent and the child during
 10752 deployment, including through electronic means, unless contrary to the best interest
 10753 of the child, and allocate any costs of communications;
- 10754 (d) provide for liberal contact between the deploying parent and the child during the
 10755 time the deploying parent is on leave or otherwise available, unless contrary to the
 10756 best interest of the child;
- 10757 (e) provide for reasonable contact between the deploying parent and the child after
 10758 return from deployment until the temporary order is terminated, even if the time of
 10759 contact exceeds the time the deploying parent spent with the child before entry of the
 10760 temporary order; and
- 10761 (f) provide that the order will terminate [~~pursuant to~~] in accordance with Part 4, Return
 10762 from Deployment, after the deploying parent returns from deployment.

10763 Section 269. Section **81-10-310**, which is renumbered from Section 78B-20-310 is renumbered
 10764 and amended to read:

10765 **[78B-20-310] 81-10-310 . Order for child support.**

10766 If a court has issued an order granting caretaking authority under this part, or an
 10767 agreement granting caretaking authority has been executed under Part 2, Agreement
 10768 Addressing Custodial Responsibility During Deployment, the court may enter a temporary
 10769 order for child support consistent with the law of this state other than this chapter if the court
 10770 has jurisdiction under [~~Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act~~]
 10771 Chapter 8, Uniform Interstate Family Support Act.

10772 Section 270. Section **81-10-311**, which is renumbered from Section 78B-20-311 is renumbered
 10773 and amended to read:

10774 **[78B-20-311] 81-10-311 . Modifying or terminating grant of custodial**
 10775 **responsibility to nonparent.**

- 10776 (1)(a) Except for an order under Section ~~[78B-20-305]~~ 81-10-305, except as otherwise
 10777 provided in Subsection (2), and consistent with Section 39A-6-105 and the
 10778 Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521 and 522, on
 10779 motion of a deploying parent, other parent, or any nonparent to whom caretaking
 10780 authority, decision-making authority, or limited contact has been granted, the court
 10781 may modify or terminate the grant if the modification or termination is consistent
 10782 with this part and it is in the best interest of the child.
- 10783 (b) A modification is temporary and terminates ~~[pursuant to]~~ in accordance with Part 4,
 10784 Return from Deployment, after the deploying parent returns from deployment, unless
 10785 the grant has been terminated before that time by court order.
- 10786 (2) On motion of a deploying parent, the court shall terminate a grant of limited contact.
 10787 Section 271. Section **81-10-401**, which is renumbered from Section 78B-20-401 is renumbered
 10788 and amended to read:

Part 4. Return from Deployment

~~[78B-20-401]~~ **81-10-401 . Procedure for terminating temporary grant of custodial 10791 responsibility established by agreement.**

- 10792 (1) At any time after return from deployment, a temporary agreement granting custodial
 10793 responsibility under Part 2, Agreement Addressing Custodial Responsibility During
 10794 Deployment, may be terminated by an agreement to terminate signed by the deploying
 10795 parent and the other parent.
- 10796 (2) A temporary agreement under Part 2, Agreement Addressing Custodial Responsibility
 10797 During Deployment, granting custodial responsibility terminates:
- 10798 (a) if an agreement to terminate under Subsection (1) specifies a date for termination, on
 10799 that date; or
- 10800 (b) if the agreement to terminate does not specify a date, on the date the agreement to
 10801 terminate is signed by the deploying parent and the other parent.
- 10802 (3) In the absence of an agreement under Subsection (1) to terminate, a temporary
 10803 agreement granting custodial responsibility terminates under Part 2, Agreement
 10804 Addressing Custodial Responsibility During Deployment, 30 days after the deploying
 10805 parent gives notice to the other parent that the deploying parent returned from
 10806 deployment.
- 10807 (4)(a) If a temporary agreement granting custodial responsibility was filed with a court [
 10808 ~~pursuant to Section 78B-20-205]~~ in accordance with Section 81-10-205, an agreement
 10809 to terminate the temporary agreement shall also be filed with that court within a

10810 reasonable time after the signing of the agreement.

10811 (b) The case number and heading of the case concerning custodial responsibility or child
10812 support shall be provided to the court with the agreement to terminate.

10813 Section 272. Section **81-10-402**, which is renumbered from Section 78B-20-402 is renumbered
10814 and amended to read:

10815 **[78B-20-402] 81-10-402 . Consent procedure for terminating temporary grant of**
10816 **custodial responsibility established by court order.**

10817 (1) At any time after a deploying parent returns from deployment, the deploying parent
10818 and the other parent may file with the court an agreement to terminate a temporary order
10819 for custodial responsibility issued under Part 3, Judicial Procedure for Granting
10820 Custodial Responsibility During Deployment.

10821 (2) After an agreement has been filed, the court shall issue an order terminating the
10822 temporary order effective on the date specified in the agreement.

10823 (3) If a date is not specified, the order is effective immediately.

10824 Section 273. Section **81-10-403**, which is renumbered from Section 78B-20-403 is renumbered
10825 and amended to read:

10826 **[78B-20-403] 81-10-403 . Visitation before termination of temporary grant of**
10827 **custodial responsibility.**

10828 After a deploying parent returns from deployment until a temporary agreement or
10829 order for custodial responsibility established under Part 2, Agreement Addressing Custodial
10830 Responsibility During Deployment, or a provision of a court order specifying temporary
10831 custodial responsibility during deployment issued under Part 3, Judicial Procedure for
10832 Granting Custodial Responsibility During Deployment, or [~~Title 81,~~]Chapter 9, Custody,
10833 Parent-time, and Visitation, is terminated, the court shall issue a temporary order granting the
10834 deploying parent reasonable contact with the child unless it is contrary to the best interest of
10835 the child, even if the time of contact exceeds the time the deploying parent spent with the child
10836 before deployment.

10837 Section 274. Section **81-10-404**, which is renumbered from Section 78B-20-404 is renumbered
10838 and amended to read:

10839 **[78B-20-404] 81-10-404 . Termination by operation of law of temporary grant of**
10840 **custodial responsibility established by court order.**

10841 (1) If an agreement between the parties to terminate a court order for temporary custodial
10842 responsibility during deployment under Part 3, Judicial Procedure for Granting
10843 Custodial Responsibility During Deployment, or to terminate a provision of an order for

10844 temporary custodial responsibility during deployment entered under [Title 81,]Chapter
 10845 9, Custody, Parent-time, and Visitation, has not been filed, the temporary order
 10846 terminates 30 days after the day on which the deploying parent gives notice to the other
 10847 parent and any nonparent granted custodial responsibility that the deploying parent has
 10848 returned from deployment.

10849 (2) A proceeding seeking to prevent termination of a temporary order for custodial
 10850 responsibility is governed by the law of this state other than this chapter.

10851 Section 275. Section **81-10-501**, which is renumbered from Section 78B-20-501 is renumbered
 10852 and amended to read:

10853 **Part 5. Applicability Provisions**

10854 **[78B-20-501] 81-10-501 . Uniformity of application and construction.**

10855 In applying and construing this [~~uniform act~~] chapter, consideration shall be given to the
 10856 need to promote uniformity of the law with respect to [its] this uniform law's subject matter
 10857 among states that enact [it] this uniform law.

10858 Section 276. Section **81-10-502**, which is renumbered from Section 78B-20-502 is renumbered
 10859 and amended to read:

10860 **[78B-20-502] 81-10-502 . Relation to Electronic Signatures in Global and**
 10861 **National Commerce Act.**

10862 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and
 10863 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede
 10864 Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of
 10865 the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

10866 Section 277. Section **81-10-503**, which is renumbered from Section 78B-20-503 is renumbered
 10867 and amended to read:

10868 **[78B-20-503] 81-10-503 . Savings clause.**

10869 This chapter does not affect the validity of a temporary court order concerning custodial
 10870 responsibility during deployment that was entered before May 10, 2016.

10871 Section 278. Section **81-11-101**, which is renumbered from Section 78B-13-102 is renumbered
 10872 and amended to read:

10873 **CHAPTER 11. UNIFORM CHILD CUSTODY JURISDICTION AND**

10874 **ENFORCEMENT ACT**

10875 **Part 1. General Provisions**

10876 **[78B-13-102] 81-11-101 . Definitions for chapter.**

10877 As used in this chapter:

10878 (1) "Abandoned" means left without provision for reasonable and necessary care or
10879 supervision.

10880 [~~(2) "Child" means an individual under 18 years of age and not married.~~]

10881 [~~(3)~~] (2)(a) "Child custody determination" means a judgment, decree, or other order of a
10882 court providing for the legal custody, physical custody, or parent-time with respect to
10883 a minor child. [~~The term~~]

10884 (b) "Child custody determination" includes a permanent, temporary, initial, and
10885 modification order. [~~The term~~]

10886 (c) "Child custody determination" does not include an order relating to child support or
10887 other monetary obligation of an individual.

10888 [~~(4)~~] (3)(a) "Child custody proceeding" means a proceeding in which legal custody,
10889 physical custody, or parent-time with respect to a minor child is an issue. [~~The term~~]

10890 (b) "Child custody proceeding" includes a proceeding for divorce, separation, neglect,
10891 abuse, dependency, guardianship, paternity, termination of parental rights, and
10892 protection from domestic violence, in which the issue may appear. [~~The term~~]

10893 (c) "Child custody proceeding" does not include a proceeding involving juvenile
10894 delinquency, contractual emancipation, or enforcement under Part 3, Enforcement.

10895 [~~(5)~~] (4) "Commencement" means the filing of the first pleading in a proceeding.

10896 [~~(6)~~] (5) "Court" means an entity authorized under the law of a state to establish, enforce, or
10897 modify a child custody determination.

10898 [~~(7)~~] (6) "Home state" means:

10899 (a) if the minor child is six months old or older, the state in which a minor child lived
10900 with a parent or a person acting as a parent for at least six consecutive months
10901 immediately before the commencement of a child custody proceeding[~~.- In the case~~
10902 of a child less than six months of age, the term means] , including any period of
10903 temporary absence of the parent or the person acting as a parent during that time
10904 period; or

10905 (b) if the minor child is younger than six months old, the state in which the minor child
10906 lived from birth with [any of the persons mentioned. A period of temporary absence
10907 of any of the mentioned persons is part of the period.] a parent or a person acting as
10908 parent, including any period of temporary absence of the parent or the person acting
10909 as a parent during that time period.

10910 [(8)] (7) "Initial determination" means the first child custody determination concerning a
 10911 particular minor child.

10912 [(9)] (8) "Issuing court" means the court that makes a child custody determination for which
 10913 enforcement is sought under this chapter.

10914 [(10)] (9) "Issuing state" means the state in which a child custody determination is made.

10915 [(11)] (10) "Modification" means a child custody determination that changes, replaces,
 10916 supersedes, or is otherwise made after a previous determination concerning the same
 10917 minor child, whether or not it is made by the court that made the previous determination.

10918 [(12)] (11) "Person" includes government, governmental subdivision, agency, or
 10919 instrumentality, or any other legal or commercial entity.

10920 [(13)] (12) "Person acting as a parent" means a person, other than a parent, who:

10921 (a) has physical custody of the minor child or has had physical custody for a period of
 10922 six consecutive months, including any temporary absence, within one year
 10923 immediately before the commencement of a child custody proceeding; and

10924 (b) has been awarded legal custody by a court or claims a right to legal custody under
 10925 the law of this state.

10926 [(14)] (13) "Physical custody" means the physical care and supervision of a minor child.

10927 [(15)] (14) "State" means a state of the United States, the District of Columbia, Puerto Rico,
 10928 the United States Virgin Islands, or any territory or insular possession subject to the
 10929 jurisdiction of the United States.

10930 [(16)] (15) "Tribe" means an Indian tribe, or band, or Alaskan Native village which is
 10931 recognized by federal law or formally acknowledged by a state.

10932 [(17)] (16) "Writ of assistance" means an order issued by a court authorizing law
 10933 enforcement officers to take physical custody of a minor child.

10934 Section 279. Section **81-11-102**, which is renumbered from Section 78B-13-103 is renumbered
 10935 and amended to read:

10936 **[78B-13-103] 81-11-102 . Proceedings governed by other law.**

10937 (1) ~~[For purposes of]~~ As used in this section, "adoption proceeding" means any proceeding
 10938 under ~~[Title 78B, Chapter 6, Part 1, Utah Adoption Act]~~ Chapter 13, Adoption.

10939 (2) This chapter does not govern:

10940 (a) an adoption proceeding; or

10941 (b) a proceeding pertaining to the authorization of emergency medical care for a minor
 10942 child.

10943 Section 280. Section **81-11-103**, which is renumbered from Section 78B-13-104 is renumbered

10944 and amended to read:

10945 **[78B-13-104] 81-11-103 . Application to Indian tribes.**

10946 (1) A child custody proceeding that pertains to an Indian child as defined in the Indian
10947 Child Welfare Act, 25 U.S.C. 1901 et seq., is not subject to this chapter to the extent that
10948 it is governed by the Indian Child Welfare Act.

10949 (2) A court of this state shall treat a tribe as a state of the United States for purposes of Part
10950 1, General Provisions, and Part 2, Jurisdiction.

10951 (3) A child custody determination made by a tribe under factual circumstances in
10952 substantial conformity with the jurisdictional standards of this chapter shall be
10953 recognized and enforced under the provisions of Part 3, Enforcement.

10954 Section 281. Section **81-11-104**, which is renumbered from Section 78B-13-105 is renumbered
10955 and amended to read:

10956 **[78B-13-105] 81-11-104 . International application of chapter.**

10957 (1) A court of this state shall treat a foreign country as a state of the United States for
10958 purposes of applying Part 1, General Provisions, and Part 2, Jurisdiction.

10959 (2) A child custody determination made in a foreign country under factual circumstances in
10960 substantial conformity with the jurisdictional standards of this chapter shall be
10961 recognized and enforced under Part 3, Enforcement.

10962 (3) The court need not apply the provisions of this chapter when the child custody law of
10963 the other country violates fundamental principles of human rights.

10964 Section 282. Section **81-11-105**, which is renumbered from Section 78B-13-106 is renumbered
10965 and amended to read:

10966 **[78B-13-106] 81-11-105 . Binding force of child custody determination.**

10967 (1) A child custody determination made by a court of this state that had jurisdiction
10968 under this chapter binds all persons who have:

10969 (a)(i) been served in accordance with the laws of this state or notified in accordance
10970 with Section ~~[78B-13-108 or who have]~~ 81-11-107; or

10971 (ii) submitted to the jurisdiction of the court~~[-, and who have-]~~ ; and

10972 (b) been given an opportunity to be heard.

10973 (2) The determination is conclusive as to ~~[them]~~ the persons described in Subsection (1) as
10974 to all decided issues of law and fact except to the extent the determination is modified.

10975 Section 283. Section **81-11-106**, which is renumbered from Section 78B-13-107 is renumbered
10976 and amended to read:

10977 **[78B-13-107] 81-11-106 . Priority.**

10978 If a question of existence or exercise of jurisdiction under this chapter is raised in a child
10979 custody proceeding, the question, upon request of a party, shall be given priority on the
10980 calendar and handled expeditiously.

10981 Section 284. Section **81-11-107**, which is renumbered from Section 78B-13-108 is renumbered
10982 and amended to read:

10983 **[78B-13-108] 81-11-107 . Notice to persons outside state.**

10984 (1)(a) Notice required for the exercise of jurisdiction when a person is outside this state
10985 may be given in a manner prescribed by the law of this state for the service of process
10986 or by the law of the state in which the service is made.

10987 (b) Notice shall be given in a manner reasonably calculated to give actual notice, but
10988 may be by publication if other means are not effective.

10989 (2) Proof of service may be made in the manner prescribed by the law of this state or by the
10990 law of the state in which the service is made.

10991 (3) Notice is not required for the exercise of jurisdiction with respect to a person who
10992 submits to the jurisdiction of the court.

10993 Section 285. Section **81-11-108**, which is renumbered from Section 78B-13-109 is renumbered
10994 and amended to read:

10995 **[78B-13-109] 81-11-108 . Appearance and limited immunity.**

10996 (1) A party to a child custody proceeding who is not subject to personal jurisdiction in this
10997 state and is a responding party under Part 2, Jurisdiction, a party in a proceeding to
10998 modify a child custody determination under Part 2, Jurisdiction, or a petitioner in a
10999 proceeding to enforce or register a child custody determination under Part 3,
11000 Enforcement, may appear and participate in the proceeding without submitting to
11001 personal jurisdiction over the party for another proceeding or purpose.

11002 (2)(a) A party is not subject to personal jurisdiction in this state solely by being
11003 physically present for the purpose of participating in a proceeding under this chapter.

11004 (b) If a party is subject to personal jurisdiction in this state on a basis other than physical
11005 presence, the party may be served with process in this state.

11006 (c) If a party present in this state is subject to the jurisdiction of another state, service of
11007 process allowable under the laws of that state may be accomplished in this state.

11008 (3) The immunity granted by this section does not extend to civil litigation based on acts
11009 unrelated to the participation in a proceeding under this chapter committed by an
11010 individual while present in this state.

11011 Section 286. Section **81-11-109**, which is renumbered from Section 78B-13-110 is renumbered

11012 and amended to read:

11013 **[78B-13-110] 81-11-109 . Communication between courts.**

11014 (1) As used in this section:

11015 (a) "Record" means information that is inscribed on a tangible medium or that which is
11016 stored in an electronic or other medium and is retrievable in perceivable form.

11017 (b) "Record" includes:

11018 (i) notes or transcripts of a court reporter who listened to a conference call between
11019 the courts;

11020 (ii) an electronic recording of a telephone call;

11021 (iii) a memorandum or an electronic record of the communication between the courts;

11022 or

11023 (iv) a memorandum or an electronic record made by a court after the communication.

11024 [(+) (2) A court of this state may communicate with a court in another state concerning a
11025 proceeding arising under this chapter.

11026 [(2)] (3)(a) The court may allow the parties to participate in the communication.

11027 (b) If the parties are not able to participate in the communication, the parties shall be
11028 given the opportunity to present facts and legal arguments before a decision on
11029 jurisdiction is made.

11030 [(3)] (4)(a) A communication between courts on schedules, calendars, court records, and
11031 similar matters may occur without informing the parties.

11032 (b) A record need not be made of that communication.

11033 [(4)] (5)(a) Except as provided in Subsection [(3)] (4), a record shall be made of the
11034 communication.

11035 (b) The parties shall be informed promptly of the communication and granted access to
11036 the record.

11037 [(5) For the purposes of this section, "record" means information that is inscribed on a
11038 tangible medium or that which is stored in an electronic or other medium and is
11039 retrievable in perceivable form. A record includes notes or transcripts of a court reporter
11040 who listened to a conference call between the courts, an electronic recording of a
11041 telephone call, a memorandum or an electronic record of the communication between
11042 the courts, or a memorandum or an electronic record made by a court after the
11043 communication.]

11044 Section 287. Section **81-11-110**, which is renumbered from Section 78B-13-111 is renumbered
11045 and amended to read:

11046 **[78B-13-111] 81-11-110 . Taking testimony in another state.**

11047 (1)(a) In addition to other procedures available to a party, a party to a child custody
11048 proceeding may offer testimony of witnesses who are located in another state,
11049 including testimony of the parties and the minor child, by deposition or other means
11050 allowable in this state for testimony taken in another state.

11051 (b) The court on [its] the court's own motion may:

11052 (i) order that the testimony of a person be taken in another state; and [may-]

11053 (ii) prescribe the manner in which and the terms upon which the testimony is taken.

11054 (2)(a) A court of this state may permit an individual residing in another state to be
11055 deposed or to testify by telephone, audiovisual means, or other electronic means
11056 before a designated court or at another location in that state.

11057 (b) A court of this state shall cooperate with courts of other states in designating an
11058 appropriate location for the deposition or testimony.

11059 (3) Documentary evidence transmitted from another state to a court of this state by
11060 technological means that do not produce an original writing may not be excluded from
11061 evidence on an objection based on the means of transmission.

11062 Section 288. Section **81-11-111**, which is renumbered from Section 78B-13-112 is renumbered
11063 and amended to read:

11064 **[78B-13-112] 81-11-111 . Cooperation between courts -- Preservation of records.**

11065 (1) A court of this state may request the appropriate court of another state to:

11066 (a) hold an evidentiary hearing;

11067 (b) order a person to produce or give evidence under procedures of that state;

11068 (c) order that an evaluation be made with respect to the custody of a minor child
11069 involved in a pending proceeding;

11070 (d) forward to the court of this state a certified copy of the transcript of the record of the
11071 hearing, the evidence otherwise presented, and any evaluation prepared in
11072 compliance with the request; and

11073 (e) order a party to a child custody proceeding or any person having physical custody of
11074 the minor child to appear in the proceeding with or without the minor child.

11075 (2) Upon request of a court of another state, a court of this state may:

11076 (a) hold a hearing or enter an order described in Subsection (1); or

11077 (b) order a person in this state to appear alone or with the minor child in a custody
11078 proceeding in another state.

11079 (3)(a) A court of this state may condition compliance with a request under Subsection

11080 (2)(b) upon assurance by the other state that travel and other necessary expenses will
11081 be advanced or reimbursed.

11082 (b) If [~~the person~~] an individual who has physical custody of the minor child cannot be
11083 served or fails to obey the order, or it appears the order will be ineffective, the court
11084 may issue a warrant of arrest against [~~the person to secure his~~] the individual to secure
11085 the individual's appearance with the minor child in the other state.

11086 (4) Travel and other necessary and reasonable expenses incurred under Subsections (1) and
11087 (2) may be assessed against the parties according to the law of this state.

11088 (5)(a) A court of this state shall preserve the pleadings, orders, decrees, records of
11089 hearings, evaluations, and other pertinent records with respect to a child custody
11090 proceeding until the [~~child attains 18 years of age~~] minor child is 18 years old.

11091 (b) Upon appropriate request by a court or law enforcement official of another state, the
11092 court shall forward a certified copy of these records.

11093 Section 289. Section **81-11-201**, which is renumbered from Section 78B-13-201 is renumbered
11094 and amended to read:

11095 **Part 2. Jurisdiction**

11096 **[~~78B-13-201~~] 81-11-201 . Initial child custody jurisdiction.**

11097 (1) Except as otherwise provided in Section [~~78B-13-204~~] 81-11-204, a court of this state
11098 has jurisdiction to make an initial child custody determination only if:

11099 (a) this state is the home state of the minor child on the date of the commencement of the
11100 proceeding, or was the home state of the minor child within six months before the
11101 commencement of the proceeding and the minor child is absent from this state but a
11102 parent or person acting as a parent continues to live in this state;

11103 (b) a court of another state does not have jurisdiction under Subsection (1)(a), or a court
11104 of the home state of the minor child has declined to exercise jurisdiction on the
11105 ground that this state is the more appropriate forum under Section [~~78B-13-207 or~~
11106 ~~78B-13-208;~~] 81-11-207 or 81-11-208, and:

11107 (i) the minor child and the minor child's parents, or the minor child and at least one
11108 parent or a person acting as a parent have a significant connection with this state
11109 other than mere physical presence; and

11110 (ii) substantial evidence is available in this state concerning the minor child's care,
11111 protection, training, and personal relationships;

11112 (c) all courts having jurisdiction under Subsection (1)(a) or (b) have declined to exercise
11113 jurisdiction on the ground that a court of this state is the more appropriate forum to

11114 determine the custody of the minor child under Section [~~78B-13-207 or 78B-13-208~~
 11115 81-11-207 or 81-11-208; or

11116 (d) no state would have jurisdiction under Subsection (1)(a), (b), or (c).

11117 (2) Subsection (1) is the exclusive jurisdictional basis for making a child custody
 11118 determination by a court of this state.

11119 (3) Physical presence of, or personal jurisdiction over, a party or a minor child is neither
 11120 necessary nor sufficient to make a child custody determination.

11121 Section 290. Section **81-11-202**, which is renumbered from Section 78B-13-202 is renumbered
 11122 and amended to read:

11123 **~~[78B-13-202]~~ 81-11-202 . Exclusive, continuing jurisdiction.**

11124 (1) Except as otherwise provided in Section [~~78B-13-204~~] 81-11-204, a court of this state
 11125 that has made a child custody determination consistent with Section [~~78B-13-201 or~~
 11126 ~~78B-13-203~~] 81-11-201 or 81-11-203 has exclusive, continuing jurisdiction over the
 11127 determination until:

11128 (a) a court of this state determines that [~~neither-~~]the minor child, the minor child and one
 11129 parent, [~~nor~~] and the minor child and a person acting as a parent do not have a
 11130 significant connection with this state and that substantial evidence is no longer
 11131 available in this state concerning the minor child's care, protection, training, and
 11132 personal relationships; or

11133 (b) a court of this state or a court of another state determines that [~~neither the child, nor a~~
 11134 ~~parent, nor~~] the minor child, a parent, and any person acting as a parent [presently
 11135 resides] do not presently reside in this state.

11136 (2) A court of this state that has exclusive, continuing jurisdiction under this section may
 11137 decline to exercise [~~its~~] the court's jurisdiction if the court determines that it is an
 11138 inconvenient forum under Section [~~78B-13-207~~] 81-11-207.

11139 (3) A court of this state that has made a child custody determination and does not have
 11140 exclusive, continuing jurisdiction under this section may modify that determination only
 11141 if [~~it~~] the court has jurisdiction to make an initial determination under Section [~~78B-13-201~~]
 11142 81-11-201.

11143 Section 291. Section **81-11-203**, which is renumbered from Section 78B-13-203 is renumbered
 11144 and amended to read:

11145 **~~[78B-13-203]~~ 81-11-203 . Jurisdiction to modify determination.**

11146 Except as otherwise provided in Section [~~78B-13-204~~] 81-11-204, a court of this state
 11147 may not modify a child custody determination made by a court of another state unless a court

11148 of this state has jurisdiction to make an initial determination under Subsection [
11149 ~~78B-13-201(1)(a)~~ 81-11-201(1)(a) or (b) and:

11150 (1) the court of the other state determines [it] the court no longer has exclusive, continuing
11151 jurisdiction under Section [~~78B-13-202~~] 81-11-202 or that a court of this state would be a
11152 more convenient forum under Section [~~78B-13-207~~] 81-11-207; or

11153 (2) a court of this state or a court of the other state determines that [~~neither the child, nor a~~
11154 ~~parent, nor~~] the minor child, a parent, and any person acting as a parent presently [resides]
11155 do not reside in the other state.

11156 Section 292. Section **81-11-204**, which is renumbered from Section 78B-13-204 is renumbered
11157 and amended to read:

11158 **~~[78B-13-204]~~ 81-11-204 . Temporary emergency jurisdiction.**

11159 (1) A court of this state has temporary emergency jurisdiction if the minor child is present
11160 in this state and the minor child has been abandoned or it is necessary in an emergency
11161 to protect the minor child because the minor child, or a sibling or parent of the minor
11162 child, is subjected to or threatened with mistreatment or abuse.

11163 (2)(a) If there is no previous child custody determination that is entitled to be enforced
11164 under this chapter, and if no child custody proceeding has been commenced in a court
11165 of a state having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~]
11166 81-11-201 through 81-11-203, a child custody determination made under this section
11167 remains in effect until an order is obtained from a court of a state having jurisdiction
11168 under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201 through 81-11-203.

11169 (b) If a child custody proceeding has not been or is not commenced in a court of a state
11170 having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201
11171 through 81-11-203, a child custody determination made under this section becomes a
11172 final determination, if:

11173 [~~(a)~~] (i) it so provides; and

11174 [~~(b)~~] (ii) this state becomes the home state of the minor child.

11175 (3)(a) If there is a previous child custody determination that is entitled to be enforced
11176 under this chapter, or a child custody proceeding has been commenced in a court of a
11177 state having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201
11178 through 81-11-203, any order issued by a court of this state under this section shall
11179 specify in the order a period of time which the court considers adequate to allow the
11180 person seeking an order to obtain an order from the state having jurisdiction under
11181 Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201 through 81-11-203.

11182 (b) The order issued in this state remains in effect until an order is obtained from the
11183 other state within the period specified or the period expires.

11184 (4)(a) A court of this state that has been asked to make a child custody determination
11185 under this section, upon being informed that a child custody proceeding has been
11186 commenced, or a child custody determination has been made, by a court of a state
11187 having jurisdiction under Sections ~~[78B-13-201 through 78B-13-203]~~ 81-11-201
11188 through 81-11-203, shall immediately communicate with the other court.

11189 (b) A court of this state that is exercising jurisdiction ~~[pursuant to Sections 78B-13-201~~
11190 ~~through 78B-13-203]~~ in accordance with Sections 81-11-201 through 81-11-203,
11191 upon being informed that a child custody proceeding has been commenced, or a child
11192 custody determination has been made by a court of another state under a statute
11193 similar to this section shall immediately communicate with the court of that state.

11194 (c) The purpose of the communication is to resolve the emergency, protect the safety of
11195 the parties and the minor child, and determine a period for the duration of the
11196 temporary order.

11197 Section 293. Section **81-11-205**, which is renumbered from Section 78B-13-205 is renumbered
11198 and amended to read:

11199 **~~[78B-13-205]~~ 81-11-205 . Notice -- Opportunity to be heard -- Joinder.**

11200 (1) Before a child custody determination is made under this chapter, notice and an
11201 opportunity to be heard in accordance with the standards of Section ~~[78B-13-108]~~
11202 81-11-107 shall be given to all persons entitled to notice under the law of this state as in
11203 child custody proceedings between residents of this state, any parent whose parental
11204 rights have not been previously terminated, and any person having physical custody of
11205 the minor child.

11206 (2) This chapter does not govern the enforceability of a child custody determination made
11207 without notice and an opportunity to be heard.

11208 (3) The obligation to join a party and the right to intervene as a party in a child custody
11209 proceeding under this chapter are governed by the law of this state as in child custody
11210 proceedings between residents of this state.

11211 Section 294. Section **81-11-206**, which is renumbered from Section 78B-13-206 is renumbered
11212 and amended to read:

11213 **~~[78B-13-206]~~ 81-11-206 . Simultaneous proceedings.**

11214 (1) Except as otherwise provided in Section ~~[78B-13-204]~~ 81-11-204, a court of this state
11215 may not exercise its jurisdiction under this chapter if at the time of the commencement

11216 of the proceeding a proceeding concerning the custody of the minor child had been
 11217 previously commenced in a court of another state having jurisdiction substantially in
 11218 conformity with this chapter, unless the proceeding has been terminated or is stayed by
 11219 the court of the other state because a court of this state is a more convenient forum under
 11220 Section ~~[78B-13-207]~~ 81-11-207.

11221 (2)(a) Except as otherwise provided in Section ~~[78B-13-204]~~ 81-11-204, a court of this
 11222 state, before hearing a child custody proceeding, shall examine the court documents
 11223 and other information supplied by the parties ~~[pursuant to Section 78B-13-209]~~ in
 11224 accordance with Section 81-11-209.

11225 (b) If the court determines that a child custody proceeding was previously commenced
 11226 in a court in another state having jurisdiction substantially in accordance with this
 11227 chapter, the court of this state shall stay ~~[its]~~ the court's proceeding and communicate
 11228 with the court of the other state.

11229 (c) If the court of the state having jurisdiction substantially in accordance with this
 11230 chapter does not determine that the court of this state is a more appropriate forum, the
 11231 court of this state shall dismiss the proceeding.

11232 (3)(a) In a proceeding to modify a child custody determination, a court of this state shall
 11233 determine whether a proceeding to enforce the determination has been commenced in
 11234 another state.

11235 (b) If a proceeding to enforce a child custody determination has been commenced in
 11236 another state, the court may:

11237 ~~[(a)]~~ (i) stay the proceeding for modification pending the entry of an order of a court
 11238 of the other state enforcing, staying, denying, or dismissing the proceeding for
 11239 enforcement;

11240 ~~[(b)]~~ (ii) enjoin the parties from continuing with the proceeding for enforcement; or

11241 ~~[(c)]~~ (iii) proceed with the modification under conditions it considers appropriate.

11242 Section 295. Section **81-11-207**, which is renumbered from Section 78B-13-207 is renumbered
 11243 and amended to read:

11244 ~~[78B-13-207]~~ 81-11-207 . **Inconvenient forum.**

11245 (1)(a) A court of this state that has jurisdiction under this chapter to make a child
 11246 custody determination may decline to exercise its jurisdiction at any time if ~~[it]~~ the
 11247 court determines that ~~[it]~~ the court is an inconvenient forum under the circumstances
 11248 and that a court of another state is a more appropriate forum.

11249 (b) The issue of inconvenient forum may be raised upon the court's own motion, request

11250 of another court, or motion of a party.

11251 (2)(a) Before determining whether [it] the court is an inconvenient forum, a court of this
 11252 state shall consider whether it is appropriate that a court of another state exercise
 11253 jurisdiction.

11254 (b) [~~For this purpose~~] In making a determination under Subsection (2)(a), the court shall:

11255 (i) allow the parties to submit information[~~and shall~~] ; and

11256 (ii) consider all relevant factors, including:

11257 [~~(a)~~] (A) whether domestic violence has occurred and is likely to continue in the
 11258 future and which state could best protect the parties and the minor child;

11259 [~~(b)~~] (B) the length of time the minor child has resided outside this state;

11260 [~~(c)~~] (C) the distance between the court in this state and the court in the state that
 11261 would assume jurisdiction;

11262 [~~(d)~~] (D) the relative financial circumstances of the parties;

11263 [~~(e)~~] (E) any agreement of the parties as to which state should assume jurisdiction;

11264 [~~(f)~~] (F) the nature and location of the evidence required to resolve the pending
 11265 litigation, including the testimony of the minor child;

11266 [~~(g)~~] (G) the ability of the court of each state to decide the issue expeditiously and
 11267 the procedures necessary to present the evidence; and

11268 [~~(h)~~] (H) the familiarity of the court of each state with the facts and issues of the
 11269 pending litigation.

11270 (3) If a court of this state determines that [it] the court is an inconvenient forum and that a
 11271 court of another state is a more appropriate forum, [it] the court shall stay the
 11272 proceedings upon condition that a child custody proceeding be promptly commenced in
 11273 another designated state and may impose any other condition the court considers just
 11274 and proper.

11275 (4) A court of this state may decline to exercise [its] the court's jurisdiction under this
 11276 chapter if a child custody determination is incidental to an action for divorce or another
 11277 proceeding while still retaining jurisdiction over the divorce or other proceeding.

11278 Section 296. Section **81-11-208**, which is renumbered from Section 78B-13-208 is renumbered
 11279 and amended to read:

11280 **[78B-13-208] 81-11-208 . Jurisdiction declined by reason of conduct.**

11281 (1) Except as otherwise provided in Section [~~78B-13-204~~] 81-11-204 or by other law of this
 11282 state, if a court of this state has jurisdiction under this chapter because a person invoking
 11283 the jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise [

11284 its] the court's jurisdiction unless:

11285 (a) the parents and all persons acting as parents have acquiesced in the exercise of
11286 jurisdiction;

11287 (b) a court of the state otherwise having jurisdiction under Sections [~~78B-13-201~~
11288 ~~through 78B-13-203~~] 81-11-201 through 81-11-203 determines that this state is a
11289 more appropriate forum under Section [~~78B-13-207~~] 81-11-207; or

11290 (c) no other state would have jurisdiction under Sections [~~78B-13-201 through~~
11291 ~~78B-13-203~~] 81-11-201 through 81-11-203.

11292 (2) If a court of this state declines to exercise [its] the court's jurisdiction [~~pursuant to~~] in
11293 accordance with Subsection (1), [it] the court may fashion an appropriate remedy to
11294 ensure the safety of the minor child and prevent a repetition of the wrongful conduct,
11295 including staying the proceeding until a child custody proceeding is commenced in a
11296 court having jurisdiction under Sections [~~78B-13-201 through 78B-13-203~~] 81-11-201
11297 through 81-11-203.

11298 (3)(a) If a court dismisses a petition or stays a proceeding because it declines to exercise [
11299 ~~its jurisdiction pursuant to~~] the court's jurisdiction in accordance with Subsection (1), [
11300 it] the court shall charge the party invoking the jurisdiction of the court with necessary
11301 and reasonable expenses including costs, communication expenses, attorney fees,
11302 investigative fees, expenses for witnesses, travel expenses, and child care during the
11303 course of the proceedings, unless the party from whom fees are sought establishes
11304 that the award would be clearly inappropriate.

11305 (b) The court may not assess fees, costs, or expenses against this state except as
11306 otherwise provided by law other than this chapter.

11307 Section 297. Section **81-11-209**, which is renumbered from Section 78B-13-209 is renumbered
11308 and amended to read:

11309 **[~~78B-13-209~~] 81-11-209 . Information to be submitted to court.**

11310 (1)(a) In a child custody proceeding, each party, in [its] the party's first pleading or in an
11311 attached affidavit, shall give information, if reasonably ascertainable, under oath as to
11312 the minor child's present address, the places where the minor child has lived during
11313 the last five years, and the names and present addresses of the persons with whom the
11314 minor child has lived during that period.

11315 (b) The pleading or affidavit shall state whether the party:

11316 [(a)] (i) has participated, as a party or witness or in any other capacity, in any other
11317 proceeding concerning the custody of or parent-time with the minor child and, if

11318 so, identify the court, the case number of the proceeding, and the date of the child
11319 custody determination, if any;

11320 [(b)] (ii) knows of any proceeding that could affect the current proceeding, including
11321 proceedings for enforcement and proceedings relating to domestic violence,
11322 protective orders, termination of parental rights, and adoptions and, if so, identify
11323 the court and the case number and the nature of the proceeding; and

11324 [(e)] (iii) knows the names and addresses of any person not a party to the proceeding
11325 who has physical custody of the minor child or claims rights of legal custody or
11326 physical custody of, or parent-time with, the minor child and, if so, the names and
11327 addresses of those persons.

11328 (2) If the information required by Subsection (1) is not furnished, the court, upon [its] the
11329 court's own motion or that of a party, may stay the proceeding until the information is
11330 furnished.

11331 (3)(a) If the declaration as to any of the items described in Subsection (1) is in the
11332 affirmative, the declarant shall give additional information under oath as required by
11333 the court.

11334 (b) The court may examine the parties under oath as to details of the information
11335 furnished and other matters pertinent to the court's jurisdiction and the disposition of
11336 the case.

11337 (4) Each party has a continuing duty to inform the court of any proceeding in this or any
11338 other state that could affect the current proceeding.

11339 (5) If a party alleges in an affidavit or a pleading under oath that the health, safety, or
11340 liberty of a party or minor child would be put at risk by the disclosure of identifying
11341 information, that information shall be sealed and not disclosed to the other party or the
11342 public unless the court orders the disclosure to be made after a hearing in which the
11343 court takes into consideration the health, safety, or liberty of the party or minor child and
11344 determines that the disclosure is in the interest of justice.

11345 Section 298. Section **81-11-210**, which is renumbered from Section 78B-13-210 is renumbered
11346 and amended to read:

11347 **[78B-13-210] 81-11-210 . Appearance of parties and child.**

11348 (1)(a) A court of this state may order a party to a child custody proceeding who is in
11349 this state to appear before the court personally with or without the minor child.

11350 (b) The court may order any person who is in this state and who has physical custody or
11351 control of the minor child to appear physically with the minor child.

11352 (2) If a party to a child custody proceeding whose presence is desired by the court is outside
 11353 this state, the court may order that a notice given [~~pursuant to Section 78B-13-108~~] in
 11354 accordance with Section 81-11-107 include a statement directing the party to appear
 11355 personally with or without the minor child and declaring that failure to appear may result
 11356 in a decision adverse to the party.

11357 (3) The court may enter any orders necessary to ensure the safety of the minor child and of
 11358 any person ordered to appear under this section.

11359 (4) If a party to a child custody proceeding who is outside this state is directed to appear
 11360 under Subsection (2) or desires to appear personally before the court with or without the
 11361 minor child, the court may require another party to pay reasonable and necessary travel
 11362 and other expenses of the party so appearing and of the minor child.

11363 Section 299. Section **81-11-301**, which is renumbered from Section 78B-13-301 is renumbered
 11364 and amended to read:

11365 **Part 3. Enforcement**

11366 **[78B-13-301] 81-11-301 . Definitions for part.**

11367 As used in this part:

11368 (1) "Petitioner" means a person who seeks enforcement of a child custody determination or
 11369 enforcement of an order for the return of the minor child under the Hague Convention
 11370 on the Civil Aspects of International Child Abduction.

11371 (2) "Respondent" means a person against whom a proceeding has been commenced for
 11372 enforcement of a child custody determination or enforcement of an order for the return
 11373 of the minor child under the Hague Convention on the Civil Aspects of International
 11374 Child Abduction.

11375 Section 300. Section **81-11-302**, which is renumbered from Section 78B-13-302 is renumbered
 11376 and amended to read:

11377 **[78B-13-302] 81-11-302 . Scope -- Hague Convention Enforcement.**

11378 This chapter may be invoked to enforce:

11379 (1) a child custody determination; and

11380 (2) an order for the return of the minor child made under the Hague Convention on the Civil
 11381 Aspects of International Child Abduction.

11382 Section 301. Section **81-11-303**, which is renumbered from Section 78B-13-303 is renumbered
 11383 and amended to read:

11384 **[78B-13-303] 81-11-303 . Duty to enforce.**

11385 (1) A court of this state shall recognize and enforce a child custody determination of a court

11386 of another state if the latter court exercised jurisdiction that was in substantial
11387 conformity with this chapter or the determination was made under factual circumstances
11388 meeting the jurisdictional standards of this chapter and the determination has not been
11389 modified in accordance with this chapter.

11390 (2)(a) A court may utilize any remedy available under other law of this state to enforce
11391 a child custody determination made by a court of another state.

11392 (b) The procedure provided by this part does not affect the availability of other remedies
11393 to enforce a child custody determination.

11394 Section 302. Section **81-11-304**, which is renumbered from Section 78B-13-304 is renumbered
11395 and amended to read:

11396 **[78B-13-304] 81-11-304 . Temporary parent-time.**

11397 (1) A court of this state which does not have jurisdiction to modify a child custody
11398 determination may issue a temporary order enforcing:

11399 (a) a parent-time schedule made by a court of another state; or

11400 (b) the parent-time provisions of a child custody determination of another state that does
11401 not provide for a specific parent-time schedule.

11402 (2)(a) If a court of this state makes an order under Subsection (1)(b), [it] the court shall
11403 specify in the order a period that [it] the court considers adequate to allow the
11404 petitioner to obtain an order from a court having jurisdiction under the criteria
11405 specified in Part 2, Jurisdiction.

11406 (b) The order remains in effect until an order is obtained from the other court or the
11407 period expires.

11408 Section 303. Section **81-11-305**, which is renumbered from Section 78B-13-305 is renumbered
11409 and amended to read:

11410 **[78B-13-305] 81-11-305 . Registration of child custody determination.**

11411 (1) A child custody determination issued by a court of another state may be registered in
11412 this state, with or without a simultaneous request for enforcement, by sending to the
11413 district court in this state:

11414 (a) a letter or other document requesting registration;

11415 (b) two copies, including one certified copy, of the determination sought to be
11416 registered, and a statement under penalty of perjury that to the best of the knowledge
11417 and belief of the person seeking registration the order has not been modified; and

11418 (c) except as otherwise provided in Section [~~78B-13-209~~] 81-11-209, the name and
11419 address of the person seeking registration and any parent or person acting as a parent

- 11420 who has been awarded custody or parent-time in the child custody determination
 11421 sought to be registered.
- 11422 (2) On receipt of the documents required by Subsection (1), the registering court shall:
- 11423 (a) cause the determination to be filed as a foreign judgment, together with one copy of
 11424 any accompanying documents and information, regardless of their form; and
- 11425 (b) serve notice upon ~~[the persons named pursuant to Subsection (1)(c) and provide them]~~
 11426 a person named as described in Subsection (1)(c) and provide the person with an
 11427 opportunity to contest the registration in accordance with this section.
- 11428 (3) The notice required by Subsection (2)(b) shall state:
- 11429 (a) that a registered determination is enforceable as of the date of the registration in the
 11430 same manner as a determination issued by a court of this state;
- 11431 (b) that a hearing to contest the validity of the registered determination shall be
 11432 requested within 20 days after service of notice; and
- 11433 (c) that failure to contest the registration will result in confirmation of the child custody
 11434 determination and preclude further contest of that determination with respect to any
 11435 matter that could have been asserted.
- 11436 (4)(a) A person seeking to contest the validity of a registered order shall request a
 11437 hearing within 20 days after service of the notice.
- 11438 (b) At that hearing, the court shall confirm the registered order unless the person
 11439 contesting registration establishes that:
- 11440 ~~[(a)]~~ (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;
 11441 ~~[(b)]~~ (ii) the child custody determination sought to be registered has been vacated,
 11442 stayed, or modified by a court of a state having jurisdiction to do so under Part 2,
 11443 Jurisdiction; or
- 11444 ~~[(c)]~~ (iii) the person contesting registration was entitled to notice, but notice was not
 11445 given in accordance with the standards of Section ~~[78B-13-108]~~ 81-11-107 in the
 11446 proceedings before the court that issued the order for which registration is sought.
- 11447 (5) If a timely request for a hearing to contest the validity of the registration is not made,
 11448 the registration is confirmed as a matter of law and the person requesting registration
 11449 and all persons served shall be notified of the confirmation.
- 11450 (6) Confirmation of a registered order, whether by operation of law or after notice and
 11451 hearing, precludes further contest of the order with respect to any matter which could
 11452 have been asserted at the time of registration.
- 11453 Section 304. Section **81-11-306**, which is renumbered from Section 78B-13-306 is renumbered

11454 and amended to read:

11455 **[78B-13-306] 81-11-306 . Enforcement of registered determination.**

- 11456 (1) A court of this state may grant any relief normally available under the law of this state
11457 to enforce a registered child custody determination made by a court of another state.
11458 (2) A court of this state shall recognize and enforce, but may not modify except in
11459 accordance with Part 2, Jurisdiction, a registered child custody determination of another
11460 state.

11461 Section 305. Section **81-11-307**, which is renumbered from Section 78B-13-307 is renumbered
11462 and amended to read:

11463 **[78B-13-307] 81-11-307 . Simultaneous proceedings.**

- 11464 (1) If a proceeding for enforcement under this part has been or is commenced in this
11465 state and a court of this state determines that a proceeding to modify the determination
11466 has been commenced in another state having jurisdiction to modify the determination
11467 under Part 2, Jurisdiction, the enforcing court shall immediately communicate with the
11468 modifying court.
11469 (2) The proceeding for enforcement continues unless the enforcing court, after consultation
11470 with the modifying court, stays or dismisses the proceeding.

11471 Section 306. Section **81-11-308**, which is renumbered from Section 78B-13-308 is renumbered
11472 and amended to read:

11473 **[78B-13-308] 81-11-308 . Expedited enforcement of child custody determination.**

- 11474 (1)(a) A petition under this part shall be verified.
11475 (b) Certified copies of all orders sought to be enforced and of the order confirming
11476 registration, if any, shall be attached to the petition.
11477 (c) A copy of a certified copy of an order may be attached instead of the original.
11478 (2) A petition for enforcement of a child custody determination shall state:
11479 (a) whether the court that issued the determination identified the jurisdictional basis [it]
11480 the court relied upon in exercising jurisdiction and, if so, what the basis was;
11481 (b) whether the determination for which enforcement is sought has been vacated, stayed,
11482 or modified by a court whose decision shall be enforced under this chapter or federal
11483 law and, if so, identify the court, the case number of the proceeding, and the action
11484 taken;
11485 (c) whether any proceeding has been commenced that could affect the current
11486 proceeding, including proceedings relating to domestic violence, protective orders,
11487 termination of parental rights, and adoptions and, if so, identify the court and the case

- 11488 number and the nature of the proceeding;
- 11489 (d) the present physical address of the minor child and the respondent, if known; and
- 11490 (e) whether relief in addition to the immediate physical custody of the minor child and
- 11491 attorney fees is sought, including a request for assistance from law enforcement
- 11492 officials and, if so, the relief sought.
- 11493 (3) If the child custody determination has been registered and confirmed under Section [
- 11494 ~~78B-13-305~~] 81-11-305, the petition shall also state the date and place of registration.
- 11495 (4) The court shall issue an order directing the respondent to appear with or without the
- 11496 minor child at a hearing and may enter any orders necessary to ensure the safety of the
- 11497 parties and the minor child.
- 11498 (5)(a) The hearing shall be held on the next judicial day following service of process
- 11499 unless that date is impossible.
- 11500 (b) In that event, the court shall hold the hearing on the first day possible.
- 11501 (c) The court may extend the date of hearing at the request of the petitioner.
- 11502 (6) The order shall:
- 11503 (a) state the time and place of the hearing[~~and shall~~] ; and
- 11504 (b) advise the respondent that at the hearing the court will order the delivery of the child
- 11505 and the payment of fees, costs, and expenses under Section [~~78B-13-312, and may~~]
- 11506 81-11-312.
- 11507 (7) The order may set an additional hearing to determine whether further relief is
- 11508 appropriate, unless the respondent appears and establishes that:
- 11509 (a) the child custody determination has not been registered and confirmed under Section [
- 11510 ~~78B-13-305~~] 81-11-305, and that:
- 11511 (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;
- 11512 (ii) the child custody determination for which enforcement is sought has been
- 11513 vacated, stayed, or modified by a court of a state having jurisdiction to do so
- 11514 under Part 2, Jurisdiction, or federal law; or
- 11515 (iii) the respondent was entitled to notice, but notice was not given in accordance
- 11516 with the standards of Section [~~78B-13-108~~] 81-11-107 in the proceedings before
- 11517 the court that issued the order for which enforcement is sought; or
- 11518 (b) the child custody determination for which enforcement is sought was registered and
- 11519 confirmed under Section [~~78B-13-305~~] 81-11-305, but has been vacated, stayed, or
- 11520 modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction,
- 11521 or federal law.

11522 Section 307. Section **81-11-309**, which is renumbered from Section 78B-13-309 is renumbered
11523 and amended to read:

11524 **~~[78B-13-309]~~ 81-11-309 . Service of petition and order.**

11525 Except as otherwise provided in Section ~~[78B-13-311]~~ 81-11-311, the petition and order
11526 shall be served, by any method authorized by the law of this state, upon respondent and any
11527 person who has physical custody of the minor child.

11528 Section 308. Section **81-11-310**, which is renumbered from Section 78B-13-310 is renumbered
11529 and amended to read:

11530 **~~[78B-13-310]~~ 81-11-310 . Hearing and order.**

11531 (1) Unless the court enters a temporary emergency order ~~[pursuant to Section 78B-13-204]~~
11532 in accordance with Section 81-11-204, upon a finding that a petitioner is entitled to the
11533 physical custody of the minor child immediately, the court shall order the minor child
11534 delivered to the petitioner unless the respondent establishes that:

11535 (a) the child custody determination has not been registered and confirmed under Section [
11536 ~~78B-13-305]~~ 81-11-305, and that:

11537 (i) the issuing court did not have jurisdiction under Part 2, Jurisdiction;

11538 (ii) the child custody determination for which enforcement is sought has been
11539 vacated, stayed, or modified by a court of a state having jurisdiction to do so
11540 under Part 2, Jurisdiction, or federal law; or

11541 (iii) the respondent was entitled to notice, but notice was not given in accordance
11542 with the standards of Section ~~[78B-13-108]~~ 81-11-107 in the proceedings before
11543 the court that issued the order for which enforcement is sought; or

11544 (b) the child custody determination for which enforcement is sought was registered and
11545 confirmed under Section ~~[78B-13-305]~~ 81-11-305, but has been vacated, stayed, or
11546 modified by a court of a state having jurisdiction to do so under Part 2, Jurisdiction,
11547 or federal law.

11548 (2) The court shall award the fees, costs, and expenses authorized under Section [
11549 ~~78B-13-312]~~ 81-11-312 and may grant additional relief, including a request for the
11550 assistance of law enforcement officials, and set a further hearing to determine whether
11551 additional relief is appropriate.

11552 (3) If a party called to testify refuses to answer on the ground that the testimony may be
11553 self-incriminating, the court may draw an adverse inference from the refusal.

11554 (4) A privilege against disclosure of communications between spouses and a defense of
11555 immunity based on the relationship of husband and wife or parent and minor child may

11556 not be invoked in a proceeding under this chapter.

11557 Section 309. Section **81-11-311**, which is renumbered from Section 78B-13-311 is renumbered
11558 and amended to read:

11559 **[78B-13-311] 81-11-311 . Writ to take physical custody of child.**

11560 (1) Upon the filing of a petition seeking enforcement of a child custody determination, the
11561 petitioner may file a verified application for the issuance of a writ of assistance to take
11562 physical custody of the minor child if the minor child is likely to suffer serious imminent
11563 physical harm or removal from this state.

11564 (2)(a) If the court, upon the testimony of the petitioner or other witness, finds that the
11565 minor child is likely to suffer serious imminent physical harm or be imminently
11566 removed from this state, [it] the court may issue a writ of assistance to take physical
11567 custody of the minor child.

11568 (b) The petition shall be heard within 72 hours after the writ is executed.

11569 (c) The writ shall include the statements required by Subsection [78B-13-308(2)]
11570 81-11-308(2).

11571 (3) A writ to take physical custody of a minor child shall:

11572 (a) recite the facts upon which a conclusion of serious imminent physical harm or
11573 removal from the jurisdiction is based;

11574 (b) direct law enforcement officers to take physical custody of the minor child
11575 immediately; and

11576 (c) provide for the placement of the minor child pending final relief.

11577 (4) The respondent shall be served with the petition, writ, and order immediately after the
11578 minor child is taken into physical custody.

11579 (5)(a) A writ of assistance to take physical custody of a minor child is enforceable
11580 throughout this state.

11581 (b) If the court finds on the basis of the testimony of the petitioner or other witness that a
11582 less intrusive remedy is not effective, [it] the court may authorize law enforcement
11583 officers to enter private property to take physical custody of the minor child.

11584 (c) If required by the exigency of the case, the court may authorize law enforcement
11585 officers to make a forcible entry at any hour.

11586 (6) The court may impose conditions upon placement of a minor child to ensure the
11587 appearance of the minor child and the minor child's custodian.

11588 Section 310. Section **81-11-312**, which is renumbered from Section 78B-13-312 is renumbered
11589 and amended to read:

11590 **[78B-13-312] 81-11-312 . Costs, fees, and expenses.**

- 11591 (1) The court shall award the prevailing party, including a state, necessary and reasonable
11592 expenses incurred by or on behalf of the party, including costs, communication
11593 expenses, attorney fees, investigative fees, expenses for witnesses, travel expenses, and
11594 child care during the course of the proceedings, unless the party from whom fees or
11595 expenses are sought establishes that the award would be clearly inappropriate.
- 11596 (2) The court may not assess fees, costs, or expenses against a state except as otherwise
11597 provided by law other than this chapter.

11598 Section 311. Section **81-11-313**, which is renumbered from Section 78B-13-313 is renumbered
11599 and amended to read:

11600 **[78B-13-313] 81-11-313 . Recognition and enforcement.**

11601 A court of this state shall accord full faith and credit to an order made consistently with
11602 this chapter which enforces a child custody determination by a court of another state unless the
11603 order has been vacated, stayed, or modified by a court authorized to do so under Part 2,
11604 Jurisdiction.

11605 Section 312. Section **81-11-314**, which is renumbered from Section 78B-13-314 is renumbered
11606 and amended to read:

11607 **[78B-13-314] 81-11-314 . Appeals.**

- 11608 (1) An appeal may be taken from an order in a proceeding under this chapter in
11609 accordance with expedited appellate procedures in other civil cases.
- 11610 (2) Unless the court enters a temporary emergency order under Section [78B-13-204]
11611 81-11-204, the enforcing court may not stay an order enforcing a child custody
11612 determination pending appeal.

11613 Section 313. Section **81-11-315**, which is renumbered from Section 78B-13-315 is renumbered
11614 and amended to read:

11615 **[78B-13-315] 81-11-315 . Role of prosecutor or attorney general.**

- 11616 (1) In a case arising under this chapter or involving the Hague Convention on the Civil
11617 Aspects of International Child Abduction, the prosecutor or [~~Attorney General~~] attorney
11618 general may take any lawful action, including resort to a proceeding under this chapter
11619 or any other available civil proceeding to locate a minor child, obtain the return of a
11620 minor child, or enforce a child custody determination if there is:
- 11621 (a) an existing child custody determination;
- 11622 (b) a request from a court in a pending child custody case;
- 11623 (c) a reasonable belief that a criminal statute has been violated; or

11624 (d) a reasonable belief that the minor child has been wrongfully removed or retained in
 11625 violation of the Hague Convention on the Civil Aspects of International Child
 11626 Abduction.

11627 (2) A prosecutor or attorney general acts on behalf of the court and may not represent any
 11628 party to a child custody determination.

11629 Section 314. Section **81-11-316**, which is renumbered from Section 78B-13-316 is renumbered
 11630 and amended to read:

11631 **[78B-13-316] 81-11-316 . Role of law enforcement.**

11632 At the request of a prosecutor or the attorney general acting under Section ~~[78B-13-315]~~
 11633 81-11-315, a law enforcement officer may take any lawful action reasonably necessary to
 11634 locate a minor child or a party and assist a prosecutor or attorney general with responsibilities
 11635 under Section ~~[78B-13-315]~~ 81-11-315.

11636 Section 315. Section **81-11-317**, which is renumbered from Section 78B-13-317 is renumbered
 11637 and amended to read:

11638 **[78B-13-317] 81-11-317 . Costs and expenses.**

11639 If the respondent is not the prevailing party, the court may assess against the respondent
 11640 all direct expenses and costs incurred by the prosecutor or attorney general and law
 11641 enforcement officers under Section ~~[78B-13-315 or 78B-13-316]~~ 81-11-315 or 81-11-316.

11642 Section 316. Section **81-11-318**, which is renumbered from Section 78B-13-318 is renumbered
 11643 and amended to read:

11644 **[78B-13-318] 81-11-318 . Transitional provision.**

11645 A motion or other request for relief made in a child custody or enforcement proceeding [
 11646 ~~which]~~ that was commenced before ~~[the effective date of this chapter]~~ July 1, 2000, is governed
 11647 by the law in effect at the time the motion or other request was made.

11648 Section 317. Section **81-12-101**, which is renumbered from Section 78B-16-102 is renumbered
 11649 and amended to read:

11650 **CHAPTER 12. UNIFORM CHILD ABDUCTION PREVENTION ACT**

11651 **[78B-16-102] 81-12-101 . Definitions for chapter.**

11652 [~~In~~] As used in this chapter:

11653 (1) "Abduction" means the wrongful removal or wrongful retention of a minor child.

11654 [~~(2) "Child" means an unemancipated individual who is less than 18 years of age.~~]

11655 [~~(3)~~] (2)(a) "Child custody determination" means a judgment, decree, or other order of a
 11656 court providing for the legal custody, physical custody, or visitation with respect to a
 11657 minor child. [~~The term]~~

- 11658 (b) "Child custody determination" includes a permanent, temporary, initial, and
 11659 modification order.
- 11660 [(4)] (3)(a) "Child custody proceeding" means a proceeding in which legal custody,
 11661 physical custody, visitation, or parent-time with respect to a minor child is at issue. [
 11662 ~~The term~~]
- 11663 (b) "Child custody proceeding" includes a proceeding for divorce, dissolution of
 11664 marriage, separation, neglect, abuse, dependency, guardianship, paternity,
 11665 termination of parental rights, or protection from domestic violence.
- 11666 [(5)] (4) "Court" means an entity authorized under the law of a state to establish, enforce, or
 11667 modify a child custody determination.
- 11668 [(6)] (5) "Petition" includes a motion or [its] the motion's equivalent.
- 11669 [(7)] (6) "Record" means information inscribed on a tangible medium or stored in an
 11670 electronic or other medium and is retrievable in perceivable form.
- 11671 [(8)] (7)(a) "State" means a state of the United States, the District of Columbia, Puerto
 11672 Rico, the United States Virgin Islands, or any territory or insular possession subject
 11673 to the jurisdiction of the United States. [~~The term~~]
- 11674 (b) "State" includes a federally recognized Indian tribe or nation.
- 11675 [(9)] (8)(a) "Travel document" means records relating to a travel itinerary, including
 11676 travel tickets, passes, reservations for transportation, or accommodations. [~~The term~~]
- 11677 (b) "Travel document" does not include a passport or visa.
- 11678 [(10)] (9) "Wrongful removal" means the taking of a minor child that breaches rights of
 11679 custody, visitation, or parent-time given or recognized under the law of this state.
- 11680 [(11)] (10) "Wrongful retention" means the keeping or concealing of a minor child that
 11681 breaches rights of custody, visitation, or parent-time given or recognized under the law
 11682 of this state.
- 11683 Section 318. Section **81-12-102**, which is renumbered from Section 78B-16-103 is renumbered
 11684 and amended to read:
- 11685 **[78B-16-103] 81-12-102 . Cooperation and communication among courts.**
- 11686 Sections [~~78B-13-110, 78B-13-111, and 78B-13-112~~] 81-11-109, 81-11-110, and
 11687 81-11-111 apply to cooperation and communications among courts in proceedings under this
 11688 chapter.
- 11689 Section 319. Section **81-12-103**, which is renumbered from Section 78B-16-104 is renumbered
 11690 and amended to read:
- 11691 **[78B-16-104] 81-12-103 . Actions for abduction prevention measures.**

11692 (1) A court on [its] the court's own motion may order abduction prevention measures in a
 11693 child custody proceeding if the court finds that the evidence establishes a credible risk of
 11694 abduction of the minor child.

11695 (2) A party to a child custody determination or another individual or entity having a right
 11696 under the law of this state or any other state to seek a child custody determination for the
 11697 minor child may file a petition seeking abduction prevention measures to protect the
 11698 minor child under this chapter.

11699 (3) A prosecutor or public authority designated under Section [~~78B-13-315~~] 81-11-315 may
 11700 seek a warrant to take physical custody of a minor child under Section [~~78B-16-109~~]
 11701 81-12-108 or other appropriate prevention measures.

11702 Section 320. Section **81-12-104**, which is renumbered from Section 78B-16-105 is renumbered
 11703 and amended to read:

11704 **[78B-16-105] 81-12-104 . Jurisdiction.**

11705 (1) A petition under this chapter may be filed only in a court that has jurisdiction to make a
 11706 child custody determination with respect to the minor child at issue under [~~Title 78B,~~
 11707 ~~Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act~~] Chapter 11,
 11708 Uniform Child Custody Jurisdiction and Enforcement Act.

11709 (2) A court of this state has temporary emergency jurisdiction under Section [~~78B-13-204~~]
 11710 81-11-204 if the court finds a credible risk of abduction.

11711 Section 321. Section **81-12-105**, which is renumbered from Section 78B-16-106 is renumbered
 11712 and amended to read:

11713 **[78B-16-106] 81-12-105 . Contents of petition.**

11714 (1)(a) A petition under this chapter must be verified and include a copy of any existing
 11715 child custody determination, if available.

11716 (b) The petition must specify the risk factors for abduction, including the relevant factors
 11717 described in Section [~~78B-16-107~~] 81-12-106.

11718 (2) Subject to Subsection [~~78B-13-209(5)~~] 81-11-209(5), if reasonably ascertainable, the
 11719 petition must contain:

11720 (a) the name, date of birth, and gender of the minor child;

11721 (b) the customary address and current physical location of the minor child;

11722 (c) the identity, customary address, and current physical location of the respondent;

11723 (d) a statement of whether a prior action to prevent abduction or domestic violence has
 11724 been filed by a party or other individual or entity having custody of the minor child,
 11725 and the date, location, and disposition of the action;

11726 (e) a statement of whether a party to the proceeding has been arrested for a crime related
11727 to domestic violence, stalking, or child abuse or neglect, and the date, location, and
11728 disposition of the case; and

11729 (f) any other information required to be submitted to the court for a child custody
11730 determination under Section [~~78B-13-209~~] 81-11-209.

11731 Section 322. Section **81-12-106**, which is renumbered from Section 78B-16-107 is renumbered
11732 and amended to read:

11733 **[~~78B-16-107~~] 81-12-106 . Factors to determine risk of abduction.**

11734 (1) In determining whether there is a credible risk of abduction of a minor child, the court
11735 shall consider any evidence that the petitioner or respondent:

11736 (a) has previously abducted or attempted to abduct the minor child;

11737 (b) has threatened to abduct the minor child;

11738 (c) has recently engaged in activities that may indicate a planned abduction, including:

11739 (i) abandoning employment;

11740 (ii) selling a primary residence;

11741 (iii) terminating a lease;

11742 (iv) closing bank or other financial management accounts, liquidating assets, hiding
11743 or destroying financial documents, or conducting any unusual financial activities;

11744 (v) applying for a passport or visa or obtaining travel documents for the respondent, a
11745 family member, or the minor child; or

11746 (vi) seeking to obtain the minor child's birth certificate or school or medical records;

11747 (d) has engaged in domestic violence, stalking, or child abuse or neglect;

11748 (e) has refused to follow a child custody determination;

11749 (f) lacks strong familial, financial, emotional, or cultural ties to the state or the United
11750 States;

11751 (g) has strong familial, financial, emotional, or cultural ties to another state or country;

11752 (h) is likely to take the minor child to a country that:

11753 (i) is not a party to the Hague Convention on the Civil Aspects of International Child
11754 Abduction and does not provide for the extradition of an abducting parent or for
11755 the return of an abducted minor child;

11756 (ii) is a party to the Hague Convention on the Civil Aspects of International Child
11757 Abduction but:

11758 (A) the Hague Convention on the Civil Aspects of International Child Abduction
11759 is not in force between the United States and that country;

- 11760 (B) is noncompliant according to the most recent compliance report issued by the
11761 United States Department of State; or
- 11762 (C) lacks legal mechanisms for immediately and effectively enforcing a return
11763 order under the Hague Convention on the Civil Aspects of International Child
11764 Abduction;
- 11765 (iii) poses a risk that the minor child's physical or emotional health or safety would be
11766 endangered in the country because of specific circumstances relating to the minor
11767 child or because of human rights violations committed against [~~children~~] a minor
11768 child;
- 11769 (iv) has laws or practices that would:
- 11770 (A) enable the respondent, without due cause, to prevent the petitioner from
11771 contacting the minor child;
- 11772 (B) restrict the petitioner from freely traveling to or exiting from the country
11773 because of the petitioner's gender, nationality, marital status, or religion; or
- 11774 (C) restrict the minor child's ability legally to leave the country after the minor
11775 child reaches the age of majority because of a minor child's gender, nationality,
11776 or religion;
- 11777 (v) is included by the United States Department of State on a current list of state
11778 sponsors of terrorism;
- 11779 (vi) does not have an official United States diplomatic presence in the country; or
- 11780 (vii) is engaged in active military action or war, including a civil war, to which the
11781 minor child may be exposed;
- 11782 (i) is undergoing a change in immigration or citizenship status that would adversely
11783 affect the respondent's ability to remain in the United States legally;
- 11784 (j) has had an application for United States citizenship denied;
- 11785 (k) has forged or presented misleading or false evidence on government forms or
11786 supporting documents to obtain or attempt to obtain a passport, a visa, travel
11787 documents, a [~~Social Security~~] social security card, a driver license, or other
11788 government-issued identification card or has made a misrepresentation to the United
11789 States government;
- 11790 (l) has used multiple names to attempt to mislead or defraud; or
- 11791 (m) has engaged in any other conduct the court considers relevant to the risk of
11792 abduction.
- 11793 (2) In the hearing on a petition under this chapter, the court shall consider any evidence that

11794 the respondent believed in good faith that the respondent's conduct was necessary to
11795 avoid imminent harm to the minor child or respondent and any other evidence that may
11796 be relevant to whether the respondent may be permitted to remove or retain the minor
11797 child.

11798 Section 323. Section **81-12-107**, which is renumbered from Section 78B-16-108 is renumbered
11799 and amended to read:

11800 **[78B-16-108] 81-12-107 . Provisions and measures to prevent abduction.**

11801 (1) If a petition is filed under this chapter, the court may enter an order [~~which~~] that must
11802 include:

- 11803 (a) the basis for the court's exercise of jurisdiction;
- 11804 (b) the manner in which notice and opportunity to be heard were given to the persons
11805 entitled to notice of the proceeding;
- 11806 (c) a detailed description of each party's custody and visitation rights and residential
11807 arrangements for the minor child;
- 11808 (d) a provision stating that a violation of the order may subject the party in violation to
11809 civil and criminal penalties; and
- 11810 (e) identification of the minor child's country of habitual residence at the time of the
11811 issuance of the order.

11812 (2)(a) If, at a hearing on a petition under this chapter or on the court's own motion, the
11813 court after reviewing the evidence finds a credible risk of abduction of the minor
11814 child, the court shall enter an abduction prevention order.

11815 (b) The order must include the provisions required by Subsection (1) and measures and
11816 conditions, including those in Subsections (3), (4), and (5), that are reasonably
11817 calculated to prevent abduction of the minor child, giving due consideration to the
11818 custody, visitation, and parent-time rights of the parties.

11819 (c) The court shall consider the age of the minor child, the potential harm to the minor
11820 child from an abduction, the legal and practical difficulties of returning the minor
11821 child to the jurisdiction if abducted, and the reasons for the potential abduction,
11822 including evidence of domestic violence, stalking, or child abuse or neglect.

11823 (3) An abduction prevention order may include one or more of the following:

- 11824 (a) an imposition of travel restrictions that require that a party traveling with the minor
11825 child outside a designated geographical area provide the other party with the
11826 following:
 - 11827 (i) the travel itinerary of the minor child;

- 11828 (ii) a list of physical addresses and telephone numbers at which the minor child can
11829 be reached at specified times; and
- 11830 (iii) copies of all travel documents;
- 11831 (b) a prohibition of the respondent directly or indirectly:
- 11832 (i) removing the minor child from this state, the United States, or another geographic
11833 area without permission of the court or the petitioner's written consent;
- 11834 (ii) removing or retaining the minor child in violation of a child custody
11835 determination;
- 11836 (iii) removing the minor child from school or a child-care or similar facility; or
11837 (iv) approaching the minor child at any location other than a site designated for
11838 supervised visitation;
- 11839 (c) a requirement that a party to register the order in another state as a prerequisite to
11840 allowing the child to travel to that state;
- 11841 (d) with regard to the minor child's passport:
- 11842 (i) a direction that the petitioner place the minor child's name in the United States
11843 Department of State's Child Passport Issuance Alert Program;
- 11844 (ii) a requirement that the respondent surrender to the court or the petitioner's
11845 attorney any United States or foreign passport issued in the minor child's name,
11846 including a passport issued in the name of both the parent and the minor child; and
- 11847 (iii) a prohibition upon the respondent from applying on behalf of the minor child for
11848 a new or replacement passport or visa;
- 11849 (e) as a prerequisite to exercising custody, visitation, or parent-time, a requirement that
11850 the respondent provide:
- 11851 (i) to the United States Department of State Office of Children's Issues and the
11852 relevant foreign consulate or embassy, an authenticated copy of the order detailing
11853 passport and travel restrictions for the minor child;
- 11854 (ii) to the court:
- 11855 (A) proof that the respondent has provided the information in Subsection (3)(e)(i);
11856 and
- 11857 (B) an acknowledgment in a record from the relevant foreign consulate or
11858 embassy that no passport application has been made, or passport issued, on
11859 behalf of the minor child;
- 11860 (iii) to the petitioner, proof of registration with the United States Embassy or other
11861 United States diplomatic presence in the destination country and with the Central

11862 Authority for the Hague Convention on the Civil Aspects of International Child
 11863 Abduction, if that convention is in effect between the United States and the
 11864 destination country, unless one of the parties objects; and

11865 (iv) a written waiver under the Privacy Act, 5 U.S.C. Section 552a, with respect to
 11866 any document, application, or other information pertaining to the minor child
 11867 authorizing its disclosure to the court and the petitioner; and

11868 (f) upon the petitioner's request, a requirement that the respondent obtain an order from
 11869 the relevant foreign country containing terms identical to the child custody
 11870 determination issued in the United States.

11871 (4) In an abduction prevention order, the court may impose conditions on the exercise of
 11872 custody or visitation that:

11873 (a) limit visitation or require that visitation with the minor child by the respondent be
 11874 supervised until the court finds that supervision is no longer necessary and order the
 11875 respondent to pay the costs of supervision;

11876 (b) require the respondent to post a bond or provide other security in an amount
 11877 sufficient to serve as a financial deterrent to abduction, the proceeds of which may be
 11878 used to pay for the reasonable expenses of recovery of the minor child, including
 11879 reasonable attorney fees and costs if there is an abduction; and

11880 (c) require the respondent to obtain education on the potentially harmful effects to the
 11881 minor child from abduction.

11882 (5) To prevent imminent abduction of a minor child, a court may:

11883 (a) issue a warrant to take physical custody of the minor child under Section [
 11884 ~~78B-16-109~~] 81-12-108 or the law of this state other than this chapter;

11885 (b) direct the use of law enforcement to take any action reasonably necessary to locate
 11886 the minor child, obtain return of the minor child, or enforce a custody determination
 11887 under this chapter or the law of this state other than this chapter; or

11888 (c) grant any other relief allowed under the law of this state other than this chapter.

11889 (6) The remedies provided in this chapter are cumulative and do not affect the availability
 11890 of other remedies to prevent abduction.

11891 Section 324. Section **81-12-108**, which is renumbered from Section 78B-16-109 is renumbered
 11892 and amended to read:

11893 **~~[78B-16-109]~~ 81-12-108 . Warrant to take physical custody of a minor child.**

11894 (1) If a petition under this chapter contains allegations, and the court finds that there is a
 11895 credible risk that the minor child is imminently likely to be wrongfully removed, the

- 11896 court may issue an ex parte warrant to take physical custody of the minor child.
- 11897 (2)(a) The respondent on a petition under Subsection (1) must be afforded an
11898 opportunity to be heard at the earliest possible time after the ex parte warrant is
11899 executed, but not later than the next judicial day unless a hearing on that date is
11900 impossible.
- 11901 (b) In that event, the court shall hold the hearing on the first judicial day possible.
- 11902 (3) An ex parte warrant under Subsection (1) to take physical custody of a minor child must:
- 11903 (a) recite the facts upon which a determination of a credible risk of imminent wrongful
11904 removal of the minor child is based;
- 11905 (b) direct law enforcement officers to take physical custody of the minor child
11906 immediately;
- 11907 (c) state the date and time for the hearing on the petition; and
- 11908 (d) provide for the safe interim placement of the minor child pending further order of the
11909 court.
- 11910 (4) If feasible, before issuing a warrant and before determining the placement of the minor
11911 child after the warrant is executed, the court may order a search of the relevant databases
11912 of the National Crime Information Center system and similar state databases to
11913 determine if either the petitioner or respondent has a history of domestic violence,
11914 stalking, or child abuse or neglect.
- 11915 (5) The petition and warrant must be served on the respondent when or immediately after
11916 the minor child is taken into physical custody.
- 11917 (6)(a) A warrant to take physical custody of a minor child, issued by this state or
11918 another state, is enforceable throughout this state.
- 11919 (b) If the court finds that a less intrusive remedy will not be effective, [it] the court may
11920 authorize law enforcement officers to enter private property to take physical custody
11921 of the minor child.
- 11922 (c) If required by exigent circumstances, the court may authorize law enforcement
11923 officers to make a forcible entry at any hour.
- 11924 (7) If the court finds, after a hearing, that a petitioner sought an ex parte warrant under
11925 Subsection (1) for the purpose of harassment or in bad faith, the court may award the
11926 respondent reasonable attorney fees, costs, and other reasonable expenses and losses
11927 arising out of the issuance of the ex parte warrant.
- 11928 (8) This chapter does not affect the availability of relief allowed under the law of this state
11929 other than this chapter.

11930 Section 325. Section **81-12-109**, which is renumbered from Section 78B-16-110 is renumbered
11931 and amended to read:

11932 **[78B-16-110] 81-12-109 . Duration of abduction prevention order.**

11933 An abduction prevention order remains in effect until the earliest of:

- 11934 (1) the time stated in the order;
- 11935 (2) the emancipation of the minor child;
- 11936 (3) the minor child's attaining 18 years [of age] old; or
- 11937 (4) the time the order is modified, revoked, vacated, or superseded by a court with
11938 jurisdiction under Sections [78B-13-201 through 78B-13-203] 81-11-201 through
11939 81-11-203.

11940 Section 326. Section **81-12-110**, which is renumbered from Section 78B-16-111 is renumbered
11941 and amended to read:

11942 **[78B-16-111] 81-12-110 . Uniformity of application and construction.**

- 11943 (1) This chapter is a uniform act.
- 11944 (2) In applying and construing [it] this chapter, consideration must be given to the need to
11945 promote uniformity of the law with respect to [its] this uniform law's subject matter
11946 among states that enact [it] this uniform law.

11947 Section 327. Section **81-12-111**, which is renumbered from Section 78B-16-112 is renumbered
11948 and amended to read:

11949 **[78B-16-112] 81-12-111 . Relation to Electronic Signatures in Global and**
11950 **National Commerce Act.**

11951 This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global
11952 and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or
11953 supersede Section 101(c) of the act, 15 U.S.C. Section 7001(c), or authorize electronic delivery
11954 of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

11955 Section 328. Section **81-13-101**, which is renumbered from Section 78B-6-103 is renumbered
11956 and amended to read:

11957 CHAPTER 13. ADOPTION

11958 Part 1. General Provisions

11959 **[78B-6-103] 81-13-101 . Definitions for chapter.**

11960 As used in this [part] chapter:

11961 [(1) "Adoptee" means a person who:]

11962 [(a) is the subject of an adoption proceeding; or]

- 11963 [~~(b) has been legally adopted.~~]
- 11964 (1) "Adoptee" means:
- 11965 (a) a child adoptee; or
- 11966 (b) an adult adoptee.
- 11967 (2) "Adoption" means [~~the judicial act that~~] the process by which an individual seeks to:
- 11968 (a) [~~creates the~~] create the legal relationship of parent and child where [~~it~~] the relationship
- 11969 did not previously exist; and
- 11970 (b) except as provided in Subsections [~~78B-6-138(2) and (4), terminates~~] 81-13-220(2)
- 11971 and (4) and Subsections 81-13-306(2) and (4), terminate the parental rights of any
- 11972 other [~~person~~] individual with respect to the child.
- 11973 (3) "Adoption document" means an adoption-related document filed with the office, a
- 11974 petition for adoption, a decree of adoption, an original birth certificate, or evidence
- 11975 submitted in support of a supplementary birth certificate.
- 11976 (4) "Adoption proceeding" means any proceeding under this [~~part~~] chapter.
- 11977 (5) "Adoption service provider" means:
- 11978 (a) a child-placing agency;
- 11979 (b) a licensed counselor who has at least one year of experience providing professional
- 11980 social work services to:
- 11981 (i) adoptive parents;
- 11982 (ii) prospective adoptive parents; or
- 11983 (iii) birth parents; or
- 11984 (c) the Office of Licensing within the Department of Health and Human Services.
- 11985 (6) "Adoptive parent" means an individual who has legally adopted an adoptee.
- 11986 (7) "Adult" means an individual who is 18 years old or older.
- 11987 [~~(8) "Adult adoptee" means an adoptee who is 18 years old or older and was adopted as a~~
- 11988 ~~minor.~~]
- 11989 (8) "Adult adoptee" means an individual:
- 11990 (a) who is an adult and is the subject of an adoption proceeding; or
- 11991 (b) who was adopted when the individual was an adult.
- 11992 (9) "Adult sibling" means [~~an~~] an individual:
- 11993 (a) who is a child adoptee's brother or sister[~~;~~] ;
- 11994 (b) who is 18 years old or older; and
- 11995 (c) whose birth [~~mother or father~~] parent is the same as that of the child adoptee.
- 11996 [~~(10) "Birth mother" means the biological mother of a child.~~]

- 11997 (10) "Birth mother" means the same as that term is defined in Section 81-5-102.
- 11998 (11) "Birth parent" means:
- 11999 ~~[(a) a birth mother;]~~
- 12000 ~~[(b) a man whose paternity of a child is established;]~~
- 12001 (a) an individual that has a parent-child relationship with an adoptee as described in
- 12002 Section 81-5-201;
- 12003 ~~[(c)] (b) a man who:~~
- 12004 (i) has been identified as the father of ~~[a child by the child's]~~ an adoptee by the
- 12005 adoptee's birth mother; and
- 12006 (ii) has not denied paternity; or
- 12007 ~~[(d)] (c) an unmarried biological father.~~
- 12008 (12) "Child adoptee" means an individual:
- 12009 (a) who is a minor child and is the subject of an adoption proceeding; or
- 12010 (b) who was adopted when the individual was a minor child.
- 12011 ~~[(12)] (13) "Child-placing agency" means an agency licensed to place [children] a minor~~
- 12012 child for adoption under Title 26B, Chapter 2, Part 1, Human Services Programs and
- 12013 Facilities.
- 12014 ~~[(13)] (14) "Cohabiting" means residing with another [person] individual and being involved~~
- 12015 in a sexual relationship with that [person] individual.
- 12016 ~~[(14)] (15) "Division" means the Division of Child and Family Services, within the~~
- 12017 Department of Health and Human Services, created in Section 80-2-201.
- 12018 ~~[(15)] (16) "Extra-jurisdictional child-placing agency" means an agency licensed to place~~
- 12019 children for adoption by a district, territory, or state of the United States, other than Utah.
- 12020 ~~[(16)] (17) "Genetic and social history" means a comprehensive report, when obtainable,~~
- 12021 that contains the following information on an adoptee's birth parents, aunts, uncles, and
- 12022 grandparents:
- 12023 (a) medical history;
- 12024 (b) health status;
- 12025 (c) cause of and age at death;
- 12026 (d) height, weight, and eye and hair color;
- 12027 (e) ethnic origins;
- 12028 (f) where appropriate, levels of education and professional achievement; and
- 12029 (g) religion, if any.
- 12030 ~~[(17)] (18) "Health history" means a comprehensive report of the adoptee's health status at~~

- 12031 the time of placement for adoption, and medical history, including neonatal,
 12032 psychological, physiological, and medical care history.
- 12033 ~~[(18)]~~ (19) "Identifying information" means information that is in the possession of the
 12034 office and that contains:
- 12035 (a) the name and address of:
- 12036 (i) a pre-existing parent~~[-or an adult adoptee, or-]~~ ; or
 12037 (ii) a child adoptee who is 18 years old or older; or
- 12038 (b) other specific information that by itself or in reasonable conjunction with other
 12039 information may be used to identify a pre-existing parent or ~~[an adult adoptee]~~ child
 12040 adoptee, including information on a birth certificate or in an adoption document.
- 12041 ~~[(19)]~~ (20) "Licensed counselor" means an individual who is licensed by the state, or
 12042 another state, district, or territory of the United States as a:
- 12043 (a) certified social worker;
 12044 (b) clinical social worker;
 12045 (c) psychologist;
 12046 (d) marriage and family therapist;
 12047 (e) clinical mental health counselor; or
 12048 (f) an equivalent licensed professional of another state, district, or territory of the United
 12049 States.
- 12050 ~~[(20)]~~ (21) "Man" means a male individual~~[-, regardless of]~~ of any age.
- 12051 ~~[(21) "Mature adoptee" means an adoptee who is adopted when the adoptee is an adult.]~~
- 12052 (22) "Office" means the Office of Vital Records and Statistics within the Department of
 12053 Health and Human Services operating under Title 26B, Chapter 8, Part 1, Vital Statistics.
- 12054 ~~[(23) "Parent," for purposes of Subsection 78B-6-112(6) and Section 78B-6-119, means~~
 12055 ~~any person described in Subsections 78B-6-120(1)(b) through (f) from whom consent~~
 12056 ~~for adoption or relinquishment for adoption is required under Sections 78B-6-120~~
 12057 ~~through 78B-6-122.]~~
- 12058 ~~[(24)]~~ (23) "Potential birth father" means a man who:
- 12059 (a) is identified by a birth mother as a potential biological father of the birth mother's
 12060 minor child, but whose genetic paternity has not been established; and
 12061 (b) was not married to the ~~[biological]~~ birth mother of the minor child described in
 12062 Subsection ~~[(24)(a)]~~ (23)(a) at the time of the minor child's conception or birth.
- 12063 ~~[(25) "Pre-existing parent" means:]~~
- 12064 (a) a birth parent; or]

12065 [(b) an individual who, before an adoption decree is entered, is, due to an earlier adoption
12066 decree, legally the parent of the child being adopted.]

12067 (24)(a) "Pre-existing parent" means an individual who is an adoptee's birth parent
12068 before an adoption decree is entered for the adoptee.

12069 (b) "Pre-existing parent" includes an individual who is legally the parent of the adoptee,
12070 due to an earlier adoption decree, before an adoption decree is entered for the adoptee.

12071 [(26)] (25) "Prospective adoptive parent" means an individual who seeks to adopt an
12072 adoptee.

12073 [(27)] (26) "Relative" means:

12074 (a) an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
12075 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, sibling of a minor
12076 child, or first cousin of a minor child's parent; [and] or

12077 (b) in the case of [a child defined as] a minor child who is an "Indian child" under the
12078 Indian Child Welfare Act, 25 U.S.C. Sec. 1903, an "extended family member" as
12079 defined by that statute.

12080 [(28)] (27) "Unmarried biological father" means a man who:

12081 (a) is the biological father of a minor child; and

12082 (b) was not married to the [biological] birth mother of the minor child described in
12083 Subsection [(28)(a)] (27)(a) at the time of the minor child's conception or birth.

12084 (28) "Vulnerable adult" means:

12085 (a) an individual who is 65 years old or older; or

12086 (b) an adult who has a mental or physical impairment that substantially affects that
12087 adult's ability to:

12088 (i) provide personal protection;

12089 (ii) provide necessities such as food, shelter, clothing, or medical or other health care;

12090 (iii) obtain services necessary for health, safety, or welfare;

12091 (iv) carry out the activities of daily living;

12092 (v) manage the adult's own resources; or

12093 (vi) comprehend the nature and consequences of remaining in a situation of abuse,
12094 neglect, or exploitation.

12095 Section 329. Section **81-13-102**, which is renumbered from Section 78B-6-105 is renumbered
12096 and amended to read:

12097 **[78B-6-105] 81-13-102 . Venue for an adoption proceeding.**

12098 (1) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a person shall bring an

- 12099 adoption proceeding in a court with jurisdiction under Title 78A, Judiciary and Judicial
 12100 Administration:
- 12101 (a) in the [~~county~~] judicial district where the prospective adoptive parent resides;
- 12102 (b) if the prospective adoptive parent is not a resident of this state, in the [~~county~~] judicial
 12103 district where:
- 12104 (i) the adoptee was born;
- 12105 (ii) the adoptee resides on the day on which the petition is filed; or
- 12106 (iii) a parent of the proposed adoptee resides on the day on which the petition is filed
 12107 if the proposed adoptee is a minor child; or
- 12108 (c) if the adoption proceeding is brought in the juvenile court, as described in Subsection
 12109 78A-6-103(2)(a)(xiv) or (xv), in accordance with Section 78A-6-350.
- 12110 (2) All orders, decrees, agreements, and notices in an adoption proceeding shall be filed
 12111 with the clerk of the court where the adoption proceeding is commenced under
 12112 Subsection (1).
- 12113 [~~(3) A petition for adoption:]~~
- 12114 [~~(a) may be filed before the birth of a child;~~]
- 12115 [~~(b) may be filed before or after the adoptee is placed in the home of the petitioner for the~~
 12116 ~~purpose of adoption; and]~~
- 12117 [~~(c) shall be filed no later than 30 days after the day on which the adoptee is placed in the~~
 12118 ~~home of the petitioners for the purpose of adoption, unless:]~~
- 12119 [~~(i) the time for filing has been extended by the court; or]~~
- 12120 [~~(ii) the adoption is arranged by a child-placing agency in which case the agency may~~
 12121 ~~extend the filing time.]~~
- 12122 [~~(4)~~] (3)(a) If a person whose consent for the adoption is required under Section [~~78B-6-120 or 78B-6-121~~]
 12123 81-13-212 or 81-13-213 cannot be found within the state,
 12124 the fact of the [~~minor's~~] adoptee's presence within the state shall confer jurisdiction on
 12125 the court in proceedings under this chapter as to such absent person[~~, provided that~~] if
 12126 due notice has been given in accordance with the Utah Rules of Civil Procedure.
- 12127 (b) The notice may not include the name of:
- 12128 (i) a prospective adoptive parent; or
- 12129 (ii) an unmarried birth mother without [~~her~~] the unmarried birth mother's consent.
- 12130 [~~(5) Service of notice described in Subsection (6) shall vest the court with jurisdiction over~~
 12131 ~~the person served in the same manner and to the same extent as if the person served was~~
 12132 ~~served personally within the state.]~~

12133 [(6)] (4)(a) In the case of service outside the state, service completed not less than five
 12134 days before the time set in the notice for appearance of the person served is sufficient
 12135 to confer jurisdiction.

12136 (b) Service of notice described in Subsection (4)(a) shall vest the court with jurisdiction
 12137 over the person served in the same manner and to the same extent as if the person
 12138 served was served personally within the state.

12139 [(7)] (5) Computation of periods of time not otherwise [set forth] described in this section
 12140 shall be made in accordance with the Utah Rules of Civil Procedure.

12141 Section 330. Section **81-13-103**, which is renumbered from Section 78B-6-141 is renumbered
 12142 and amended to read:

12143 **[78B-6-141] 81-13-103 . Court hearings -- Adoption documents -- Motion to**
 12144 **intervene.**

12145 (1)(a) Notwithstanding Section 80-4-106, [~~court hearings in adoption cases may be~~
 12146 ~~closed to the public]~~ the court may close to the public any court hearing regarding an
 12147 adoption upon the request of a party to the [adoption petition and upon court approval]
 12148 petition for adoption.

12149 (b) In a closed hearing, the court may only admit the following individuals[~~may be~~
 12150 ~~admitted~~]:

12151 (i) a party to the proceeding;

12152 (ii) the adoptee;

12153 (iii) a representative of an agency having custody of the adoptee;

12154 (iv) in a hearing to relinquish parental rights, the individual whose rights are to be
 12155 relinquished and invitees of that individual to provide emotional support;

12156 (v) in a hearing on the termination of parental rights, the individual whose rights may
 12157 be terminated;

12158 (vi) in a hearing on a petition to intervene, the proposed intervenor;

12159 (vii) in a hearing to finalize an adoption, invitees of the petitioner; and

12160 (viii) other individuals for good cause, upon order of the court.

12161 (2) [~~And~~] Except as provided in Subsections (3) through (6), an adoption document and any
 12162 other documents filed in connection with a petition for adoption are sealed.

12163 (3) A person may only inspect and copy the documents described in Subsection (2):

12164 (a) if the adoption proceeding is pending and the person is a party to the adoption
 12165 proceeding;

12166 (b) within 180 days after the day on which the final decree of adoption is entered if the

- 12167 person is a party to the adoption proceeding;
- 12168 (c) if the court enters an order expressly permitting the inspection or copying the
- 12169 documents after the person filed a motion to intervene and the motion to intervene
- 12170 was granted on appeal;
- 12171 (d) if the court enters an order expressly permitting the inspection or copying of the
- 12172 documents after good cause is shown;
- 12173 (e) if the office is permitted to release the documents to the person as described in
- 12174 Section 81-13-504;
- 12175 (f) when the documents becomes public 100 years after the day on which the final
- 12176 decree of adoption was entered;
- 12177 (g) when the birth certificate becomes public 100 years after the day on which the
- 12178 adoptee was born; or
- 12179 (h) if the person is permitted access to the documents under Subsection (6)(a) or (7).
- 12180 (4) A person who files a motion to intervene in an adoption proceeding:
- 12181 (a) is not a party to the adoption proceeding, unless the motion to intervene is granted;
- 12182 and
- 12183 (b) subject to Subsection (5), may not be granted access to the documents described in
- 12184 Subsection (2), unless the motion to intervene is granted.
- 12185 (5) If the court enters an order under Subsection (3)(c) or a potential birth father is made a
- 12186 party to the adoption proceeding upon a motion to intervene, the court shall:
- 12187 (a) prohibit the person described in Subsection (3)(c) or the potential birth father from
- 12188 inspecting a document described in Subsection (2) that contains identifying
- 12189 information of an adoptive or prospective adoptive parent; and
- 12190 (b) permit the person described in Subsection (3)(c) or the potential birth father to
- 12191 review a copy of the document described in Subsection (5)(a) after the identifying
- 12192 information of the adoptive or prospective adoptive parent is redacted from the
- 12193 document.
- 12194 [~~(3) The documents described in Subsection (2) may only be open to inspection and~~
- 12195 ~~copying:]~~
- 12196 [~~(a) in accordance with Subsection (5)(a), by a party to the adoption proceeding:]~~
- 12197 [~~(i) while the proceeding is pending; or]~~
- 12198 [~~(ii) within six months after the day on which the adoption decree is entered;]~~
- 12199 [~~(b) subject to Subsection (5)(b), if a court enters an order permitting access to the~~
- 12200 ~~documents by an individual who has appealed the denial of that individual's motion to~~

- 12201 intervene;]
- 12202 ~~[(e) upon order of the court expressly permitting inspection or copying, after good cause~~
- 12203 ~~has been shown;]~~
- 12204 ~~[(d) as provided under Section 78B-6-144;]~~
- 12205 ~~[(e) when the adoption document becomes public on the one hundredth anniversary of the~~
- 12206 ~~date the final decree of adoption was entered;]~~
- 12207 ~~[(f) when the birth certificate becomes public on the one hundredth anniversary of the date~~
- 12208 ~~of birth;]~~
- 12209 ~~[(g) to a mature adoptee or a parent who adopted the mature adoptee, without a court order,~~
- 12210 ~~unless the final decree of adoption is entered by the juvenile court under Subsection~~
- 12211 ~~78B-6-115(3)(b); or]~~
- 12212 ~~[(h) to an adult adoptee, to the extent permitted under Subsection (4).]~~
- 12213 ~~[(4)] (6)[(a) An adult adoptee that was born in the state may access an adoption~~
- 12214 ~~document associated with the adult adoptee's adoption without a court order:]~~
- 12215 ~~[(i) to the extent that a birth parent consents under Subsection (4)(b); or]~~
- 12216 ~~[(ii) if the birth parents listed on the original birth certificate are deceased.]~~
- 12217 (a) A child adoptee may access an adoption document associated with the child
- 12218 adoptee's adoption without a court order if:
- 12219 (i) the child adoptee is 18 years old or older;
- 12220 (ii) the child adoptee was born in this state; and
- 12221 (iii)(A) a pre-existing parent consents as described in Subsection (6)(b); or
- 12222 (B) the pre-existing parents listed on the original birth certificate are deceased.
- 12223 (b) A [birth] pre-existing parent may:
- 12224 (i) provide consent to allow the access described in Subsection ~~[(4)(a)] (6)(a)~~ by
- 12225 electing, electronically or on a written form provided by the office, allowing the [~~birth~~]
- 12226 pre-existing parent to elect to:
- 12227 (A) allow the office to provide the [adult] child adoptee with the contact
- 12228 information of the [birth] pre-existing parent that the [birth] pre-existing parent
- 12229 indicates;
- 12230 (B) allow the office to provide the [adult] child adoptee with the contact
- 12231 information of an intermediary that the [birth] pre-existing parent indicates;
- 12232 (C) prohibit the office from providing any contact information to the [adult] child
- 12233 adoptee; or
- 12234 (D) allow the office to provide the [adult] child adoptee with a noncertified copy of

- 12235 the original birth certificate; and
- 12236 (ii) at any time, file, electronically or on a written document with the office, to:
- 12237 (A) change the election described in Subsection ~~[(4)(b)]~~ (6)(b); or
- 12238 (B) elect to make other information about the birth parent, including an updated
- 12239 medical history, available for inspection by ~~[an adult]~~ a child adoptee.
- 12240 ~~[(e) A birth parent may not access any identifying information or an adoption document~~
- 12241 ~~under this Subsection (4).]~~
- 12242 ~~[(d)]~~ (c) If two ~~[birth]~~ pre-existing parents are listed on the original birth certificate and
- 12243 only one ~~[birth]~~ pre-existing parent consents under Subsection ~~[(4)(b)]~~ (6)(a) or is
- 12244 deceased, the office may redact the name of the other ~~[birth]~~ pre-existing parent.
- 12245 (7) An adult adoptee, or the adoptive parent of the adult adoptee, may inspect an adoption
- 12246 document associated with the adult adoptee's adoption without a court order, unless the
- 12247 final decree of adoption is entered by the juvenile court.
- 12248 (8) A pre-existing parent may not access the documents described in Subsection (2) or any
- 12249 identifying information under Subsection (6).
- 12250 ~~[(5)(a) An individual who files a motion to intervene in an adoption proceeding:]~~
- 12251 ~~[(i) is not a party to the adoption proceeding, unless the motion to intervene is granted; and]~~
- 12252 ~~[(ii) may not be granted access to the documents described in Subsection (2), unless the~~
- 12253 ~~motion to intervene is granted.]~~
- 12254 ~~[(b) An order described in Subsection (3)(b) shall:]~~
- 12255 ~~[(i) prohibit the individual described in Subsection (3)(b) from inspecting a document~~
- 12256 ~~described in Subsection (2) that contains identifying information of the adoptive or~~
- 12257 ~~prospective adoptive parent; and]~~
- 12258 ~~[(ii) permit the individual described in Subsection (5)(b)(i) to review a copy of a document~~
- 12259 ~~described in Subsection (5)(b)(i) after the identifying information described in~~
- 12260 ~~Subsection (5)(b)(i) is redacted from the document.]~~
- 12261 Section 331. Section **81-13-104**, which is renumbered from Section 78B-6-106 is renumbered
- 12262 and amended to read:
- 12263 **[78B-6-106] 81-13-104 . Responsibility for own actions -- Fraud or**
- 12264 **misrepresentation.**
- 12265 (1) Each parent of ~~[a child]~~ an adoptee conceived or born outside of marriage is responsible
- 12266 for ~~[his or her]~~ the parent's own actions and is not excused from strict compliance with
- 12267 the provisions of this [-]chapter based upon any action, statement, or omission of the
- 12268 other parent or third parties.

- 12269 (2)(a) Any person injured by fraudulent representations or actions in connection with an
12270 adoption is entitled to pursue civil or criminal penalties in accordance with existing
12271 law.
- 12272 (b) A fraudulent representation is not a defense to strict compliance with the
12273 requirements of this chapter and is not a basis for dismissal of a petition for adoption,
12274 vacation of an adoption decree, or an automatic grant of custody to the offended
12275 party.
- 12276 (c) [~~Custody determinations~~] For a child adoptee, a custody determination shall be based
12277 on the best interests of the [~~child,~~] child adoptee in accordance with the provisions of
12278 Section [~~78B-6-133~~] 81-13-215.
- 12279 (3) A child-placing agency and the employees of a child-placing agency may not:
- 12280 (a) employ any device, scheme, or artifice to defraud;
- 12281 (b) engage in any act, practice, or course of business that operates or would operate as a
12282 fraud or deceit upon any person;
- 12283 (c) materially and intentionally misrepresent facts or information; or
- 12284 (d) request or require a prospective adoptive parent to grant, as a condition of or in
12285 connection with entering into an agreement with a child-placing agency, a release of
12286 either the prospective adoptive parent's claims or the [~~adoptive child's~~] adoptee's
12287 claims against the child-placing agency regarding any of the following:
- 12288 (i) criminal misconduct;
- 12289 (ii) ethical violations, as established by the Office of Licensing's administrative rules;
- 12290 (iii) bad faith;
- 12291 (iv) intentional torts;
- 12292 (v) fraud;
- 12293 (vi) gross negligence associated with care of the [~~child~~] adoptee, as described in
12294 Subsection [~~78B-6-134(3)~~] 81-13-210(2);
- 12295 (vii) future misconduct that may arise before the adoption is finalized;
- 12296 (viii) breach of contract; or
- 12297 (ix) gross negligence.
- 12298 (4) Subsection (3) does not prohibit a release of claims against a child-placing agency or a
12299 child-placing agency's employees for liability arising from the acts or the failure to act of
12300 a third party.
- 12301 Section 332. Section **81-13-105**, which is renumbered from Section 78B-6-142 is renumbered
12302 and amended to read:

12303 **[78B-6-142] 81-13-105 . Adoption order from foreign country.**

12304 (1) Except as otherwise provided by federal law, an adoption order rendered to a resident of
12305 this state that is made by a foreign country shall be recognized by the courts of this state
12306 and enforced as if the order were rendered by a court in this state.

12307 (2) ~~[A person]~~ An individual who adopts ~~[a child]~~ an adoptee in a foreign country may
12308 register the order in this state.

12309 (3) A petition for registration of a foreign adoption order may be combined with a petition
12310 for a name change.

12311 (4) If the court finds that the foreign adoption order meets the requirements of Subsection
12312 (1), the court shall order the ~~[state registrar]~~ office to:

12313 (a) file the order~~[pursuant to Section 78B-6-137]~~; and

12314 (b) file a certificate of birth for the ~~[child pursuant to]~~ adoptee in accordance with Section
12315 26B-8-131.

12316 ~~[(3)]~~ (5) If a clerk of the court is unable to establish the fact, time, and place of birth from
12317 the documentation provided, a person holding a direct, tangible, and legitimate interest
12318 as described in Subsection 26B-8-125(3)(a) or (b) may petition for a court order
12319 establishing the fact, time, and place of a birth ~~[pursuant to]~~ in accordance with
12320 Subsection 26B-8-119(1).

12321 Section 333. Section **81-13-106**, which is renumbered from Section 78B-6-121.5 is renumbered
12322 and amended to read:

12323 **[78B-6-121.5] 81-13-106 . Compact for Interstate Sharing of Putative Father**
12324 **Registry Information -- Severability clause.**

12325 COMPACT FOR INTERSTATE SHARING

12326 OF PUTATIVE FATHER REGISTRY INFORMATION

12327 ARTICLE I

12328 PURPOSE

12329 This compact enables the sharing of putative father registry information collected by a
12330 state that is a party to the compact with all other states that are parties to the compact.

12331 ARTICLE II

12332 DEFINITIONS

12333 (1) "Putative father" means a man who may be the biological father of a child because
12334 the man had a sexual relationship with a woman to whom he is not married.

12335 (2) "Putative father registry" mean a registry of putative fathers maintained and used by
12336 a state as part of its legal process for protecting a putative father's rights.

12337 (3) "State" includes a state, district, or territory of the United States.

12338 ARTICLE III

12339 ENTRY, WITHDRAWAL, AND AMENDMENTS

12340 (1) A state is a party to this compact upon enactment of this compact by the state into
12341 state law.

12342 (2) Upon providing at least 60 days' notice of withdrawal from this compact to each
12343 party to the compact and repealing the compact from state law, a state is no longer party to this
12344 compact.

12345 (3) This compact is amended upon enactment of the amendment into state law by each
12346 party to the compact.

12347 ARTICLE IV

12348 INTERSTATE SHARING OF PUTATIVE FATHER REGISTRY INFORMATION

12349 (1) A party to this compact shall communicate information in its putative father registry
12350 about a specific putative father to any other party to this compact in a timely manner upon
12351 request by the other party.

12352 (2) A party to this compact is not required to have a putative father registry in order to
12353 request putative father registry information from another party to the compact.

12354 (3) Putative father registry information requested by a party to this compact from
12355 another party to this compact is subject to the laws of the requesting party governing the
12356 privacy, retention, and authorized uses of putative father information or, if the requesting party
12357 does not have a putative father registry, the laws of the party supplying the information
12358 governing the privacy, retention, and authorized uses of putative father information.

12359 (4) Notwithstanding Article IV, Subsection (3) of this compact, the request for or
12360 receipt of putative father registry information by a party to this compact from another party to
12361 this compact does not affect the application of the requesting party's laws, including laws
12362 regarding adoption or the protection of a putative father's rights, except as explicitly provided
12363 by the requesting party's laws.

12364 (5) Failure by a party to this compact to provide accurate putative father registry
12365 information in a timely manner to another party to this compact upon request does not affect
12366 application of the requesting party's laws, including laws governing adoption and the
12367 protection of a putative father's rights, except as explicitly provided by the requesting party's
12368 laws.

12369 (6) Each party to this compact shall work with every other party to this compact to
12370 facilitate the timely communication of putative father registry information between compact

12371 parties upon request.

12372

ARTICLE V

12373

SEVERABILITY

12374 The provisions of this compact are severable. If any provision of this compact or the
 12375 application of any provision of this compact to any person or circumstance is held invalid by a
 12376 final decision of a court of competent jurisdiction for a state that is a member of this compact,
 12377 the remainder of this compact shall be given effect within that state without the invalid
 12378 provision or application. If a provision of this compact is severed in one or more states as a
 12379 result of one or more court decisions, the provision shall remain in force in all other states that
 12380 are parties to this compact.

12381 Section 334. Section **81-13-201** is enacted to read:

12382

Part 2. Adoption of a Minor Child

12383 **81-13-201 . Definitions for part.**

12384 Reserved.

12385 Section 335. Section **81-13-202**, which is renumbered from Section 78B-6-102 is renumbered
 12386 and amended to read:

12387 **[78B-6-102] 81-13-202 . Legislative intent and findings -- Best interest of the
 12388 minor child -- Interests of each party.**

12389 (1) It is the intent and desire of the Legislature that in every adoption of a minor child that
 12390 the best interest of the minor child should govern and be of foremost concern in the
 12391 court's determination.

12392 (2) The court shall make a specific finding regarding the best interest of the [~~child~~] minor
 12393 child, taking into consideration information provided to the court pursuant to the
 12394 requirements of this chapter relating to the health, safety, and welfare of the minor child
 12395 and the moral climate of the potential adoptive placement.

12396 (3) The Legislature finds that the rights and interests of all parties affected by an adoption
 12397 proceeding must be considered and balanced in determining what constitutional
 12398 protections and processes are necessary and appropriate.

12399 (4)(a) The Legislature specifically finds that it is not in a minor child's best interest to
 12400 be adopted by a person or persons who are cohabiting in a relationship that is not a
 12401 legally valid and binding marriage under the laws of this state.

12402 (b) Nothing in this section limits or prohibits the court's placement of a minor child with
 12403 a single adult who is not cohabiting or a person who is a relative of the minor child or
 12404 a recognized placement under the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et

- 12405 seq.
- 12406 (5) The Legislature also finds that:
- 12407 (a) the state has a compelling interest in providing a stable and permanent [~~homes for~~
 12408 ~~adoptive children~~] home for a child adoptee in a prompt manner, in preventing the
 12409 disruption of [~~adoptive placements~~] an adoptive placement, and in holding parents
 12410 accountable for meeting the needs of [~~children~~] a child adoptee;
- 12411 (b) an unmarried birth mother, faced with the responsibility of making crucial decisions
 12412 about the future of a newborn child, is entitled to privacy, and has the right to make
 12413 timely and appropriate decisions regarding her future and the future of the newborn
 12414 child, and is entitled to assurance regarding the permanence of an adoptive placement;
- 12415 (c) [~~adoptive children have~~] a child adoptee has a right to permanence and stability in [
 12416 ~~adoptive placements~~] an adoptive placement;
- 12417 (d) adoptive parents have a constitutionally protected liberty and privacy interest in
 12418 retaining custody of [~~an adopted child~~] a child adoptee;
- 12419 (e) an unmarried biological father has an inchoate interest that acquires constitutional
 12420 protection only when [~~he~~] the unmarried biological father demonstrates a timely and
 12421 full commitment to the responsibilities of parenthood, both during pregnancy and
 12422 upon the [~~child's~~] child adoptee's birth; and
- 12423 (f) the state has a compelling interest in requiring [~~unmarried biological fathers~~] an
 12424 unmarried biological father to demonstrate commitment by providing appropriate
 12425 medical care and financial support and by establishing legal [~~paternity,~~] parentage in
 12426 accordance with the requirements of this chapter.
- 12427 (6)(a) In enacting this chapter, the Legislature has prescribed the conditions for
 12428 determining whether an unmarried biological father's action is sufficiently prompt
 12429 and substantial to require constitutional protection.
- 12430 (b) If an unmarried biological father fails to grasp the opportunities to establish a
 12431 relationship with [~~his child~~] the child adoptee that are available to [~~him, his biological~~]
 12432 the unmarried biological father, the unmarried biological father's parental interest
 12433 may be lost entirely, or greatly diminished in constitutional significance by [~~his~~] the
 12434 unmarried biological father's failure to timely exercise [it] the unmarried biological
 12435 father's parental interest, or by [~~his~~] the unmarried biological father's failure to strictly
 12436 comply with the available legal steps to substantiate [~~it~~] the parental interest.
- 12437 (c)(i) A certain degree of finality is necessary in order to facilitate the state's
 12438 compelling interest.

- 12439 (ii) The Legislature finds that the interests of the state, the birth mother, the child
 12440 adoptee, and the adoptive parents described in this section outweigh the interest of
 12441 an unmarried biological father who does not timely grasp the opportunity to
 12442 establish and demonstrate a relationship with ~~[his child]~~ the child adoptee in
 12443 accordance with the requirements of this chapter.
- 12444 (d)(i) The Legislature finds no practical way to remove all risk of fraud or
 12445 misrepresentation in adoption proceedings, and has provided a method for
 12446 absolute protection of an unmarried biological father's rights by compliance with
 12447 the provisions of this chapter.
- 12448 (ii) In balancing the rights and interests of the state, and of all parties affected by
 12449 fraud, specifically the child adoptee, the adoptive parents, and the unmarried
 12450 biological father, the Legislature has determined that the unmarried biological
 12451 father is in the best position to prevent or ameliorate the effects of fraud and that,
 12452 therefore, the burden of fraud shall be borne by ~~[him]~~ the unmarried biological
 12453 father.
- 12454 (e) An unmarried biological father has the primary responsibility to protect ~~[his]~~ the
 12455 unmarried biological father's rights.
- 12456 (f) An unmarried biological father is presumed to know that the child adoptee may be
 12457 adopted without ~~[his]~~ the unmarried biological father's consent unless ~~[he]~~ the
 12458 unmarried biological father strictly complies with the provisions of this chapter,
 12459 manifests a prompt and full commitment to ~~[his]~~ the unmarried biological father's
 12460 parental responsibilities, and establishes paternity.
- 12461 (7) The Legislature finds that an unmarried birth mother has:
- 12462 (a) a right of privacy with regard to ~~[her]~~ the unmarried birth mother's pregnancy and
 12463 adoption plan~~[-and therefore has]~~ ;
- 12464 (b) no legal obligation to disclose the identity of an unmarried biological father ~~[prior to]~~
 12465 before or during an adoption proceeding~~[-and has]~~ ; and
- 12466 (c) no obligation to volunteer information to the court with respect to the father.
- 12467 Section 336. Section **81-13-203**, which is renumbered from Section 78B-6-117 is renumbered
 12468 and amended to read:
- 12469 **[78B-6-117] 81-13-203 . Who may adopt -- Adoption of a minor child.**
- 12470 ~~[(1) A minor child may be adopted by an adult individual, in accordance with this section~~
 12471 ~~and this part.]~~
- 12472 (1) An adult may adopt a minor child in accordance with this section and this chapter.

- 12473 (2) ~~[A] Except as otherwise provided in this section and subject to the placement~~
 12474 ~~requirements described in Section 81-13-403, a minor child may be adopted by:~~
 12475 (a) adults who are legally married to each other in accordance with the laws of this state,
 12476 including adoption by a stepparent; or
 12477 (b) ~~[subject to Subsections (3) and (4), a single adult]~~ an adult who is not married.
- 12478 (3) ~~[A child may not be adopted by an individual who]~~ If an adult is cohabiting in a
 12479 relationship that is not a legally valid and binding marriage under the laws of this state,
 12480 the adult may not adopt a minor child unless the individual is a relative of the minor
 12481 child or a recognized placement under the Indian Child Welfare Act, 25 U.S.C. Sec.
 12482 1901 et seq.
- 12483 ~~[(4) To provide a child who is in the custody of the division with the most beneficial~~
 12484 ~~family structure, when a child in the custody of the division is placed for adoption, the~~
 12485 ~~division or child-placing agency shall place the child with a married couple, unless:]~~
 12486 ~~[(a) there are no qualified married couples who:]~~
 12487 ~~[(i) have applied to adopt a child;]~~
 12488 ~~[(ii) are willing to adopt the child; and]~~
 12489 ~~[(iii) are an appropriate placement for the child;]~~
 12490 ~~[(b) the child is placed with a relative of the child;]~~
 12491 ~~[(c) the child is placed with an individual who has already developed a substantial~~
 12492 ~~relationship with the child;]~~
 12493 ~~[(d) the child is placed with an individual who:]~~
 12494 ~~[(i) is selected by a parent or former parent of the child, if the parent or former parent~~
 12495 ~~consented to the adoption of the child; and]~~
 12496 ~~[(ii) the parent or former parent described in Subsection (4)(d)(i):]~~
 12497 ~~[(A) knew the individual with whom the child is placed before the parent consented to the~~
 12498 ~~adoption; or]~~
 12499 ~~[(B) became aware of the individual with whom the child is placed through a source other~~
 12500 ~~than the division or the child-placing agency that assists with the adoption of the child;~~
 12501 ~~or]~~
 12502 ~~[(e) it is in the best interests of the child to place the child with a single adult.]~~
- 12502 (4) A married adult who is lawfully separated from the married adult's spouse may not
 12503 adopt a minor child without the consent of the married adult's spouse if the spouse is
 12504 capable of giving consent.
- 12505 (5) An adult may not adopt a minor child unless:

- 12506 (a) the adult is at least 10 years older than the minor child; or
- 12507 (b) at least one adult of a married couple is at least 10 years older than the minor child if
- 12508 a married couple is adopting the minor child.
- 12509 ~~[(5)]~~ (6) Except as provided in Subsection ~~[(6)]~~ (7), an adult may not adopt a minor child if,
- 12510 before adoption is finalized, the adult has been convicted of, pleaded guilty to, or
- 12511 pleaded no contest to a felony or attempted felony involving conduct that constitutes[
- 12512 ~~any of the following]:~~
- 12513 (a) child abuse, as described in Section 76-5-109;
- 12514 (b) child abuse homicide, as described in Section 76-5-208;
- 12515 (c) child kidnapping, as described in Section 76-5-301.1;
- 12516 (d) human trafficking of a child, as described in Section 76-5-308.5;
- 12517 (e) sexual abuse of a minor, as described in Section 76-5-401.1;
- 12518 (f) rape of a child, as described in Section 76-5-402.1;
- 12519 (g) object rape of a child, as described in Section 76-5-402.3;
- 12520 (h) sodomy on a child, as described in Section 76-5-403.1;
- 12521 (i) sexual abuse of a child, as described in Section 76-5-404.1~~[, or]~~ ;
- 12522 (j) aggravated sexual abuse of a child, as described in Section 76-5-404.3;
- 12523 ~~[(j)]~~ (k) sexual exploitation of a minor, as described in Section 76-5b-201;
- 12524 ~~[(k)]~~ (l) aggravated sexual exploitation of a minor, as described in Section 76-5b-201.1;
- 12525 ~~[(l)]~~ (m) aggravated child abuse, as described in Section 76-5-109.2;
- 12526 ~~[(m)]~~ (n) child abandonment, as described in Section 76-5-109.3;
- 12527 ~~[(n)]~~ (o) commission of domestic violence in the presence of a child, as described in
- 12528 Section 76-5-114; or
- 12529 ~~[(o)]~~ (p) an offense in another state that, if committed in this state, would constitute an
- 12530 offense described in this Subsection ~~[(5)]~~ (6).
- 12531 ~~[(6)]~~ (7)(a) ~~[For purpose of]~~ As used in this Subsection ~~[(6)]~~ (7), "disqualifying offense"
- 12532 means an offense listed in Subsection ~~[(5)]~~ (6) that prevents a court from considering [
- 12533 an individual] an adult for adoption of a minor child except as provided in this
- 12534 Subsection ~~[(6)]~~ (7).
- 12535 (b) An ~~[individual]~~ adult described in Subsection ~~[(5)]~~ (6) may only be considered for
- 12536 adoption of a minor child if the following criteria are met by clear and convincing
- 12537 evidence:
- 12538 (i) at least 10 years have elapsed from the day on which the ~~[individual]~~ adult is
- 12539 successfully released from prison, jail, parole, or probation related to a

- 12540 disqualifying offense;
- 12541 (ii) during the 10 years before the day on which the [individual] adult files a petition
- 12542 with the court seeking adoption, the [individual] adult has not been convicted,
- 12543 pleaded guilty, or pleaded no contest to an offense greater than an infraction or
- 12544 traffic violation that would likely impact the health, safety, or well-being of the
- 12545 minor child;
- 12546 (iii) the [individual] adult can provide evidence of successful treatment or
- 12547 rehabilitation directly related to the disqualifying offense;
- 12548 (iv) the court determines that the risk related to the disqualifying offense is unlikely
- 12549 to cause harm, as defined in Section 80-1-102, or potential harm to the minor child
- 12550 currently or at any time in the future when considering all of the following:
- 12551 (A) the minor child's age;
- 12552 (B) the minor child's gender;
- 12553 (C) the minor child's development;
- 12554 (D) the nature and seriousness of the disqualifying offense;
- 12555 (E) the preferences of a minor child who is 12 years old or older;
- 12556 (F) any available assessments, including custody evaluations, home studies,
- 12557 pre-placement adoptive evaluations, parenting assessments, psychological or
- 12558 mental health assessments, and bonding assessments; and
- 12559 (G) any other relevant information;
- 12560 (v) the [individual] adult can provide evidence of all of the following:
- 12561 (A) the relationship with the minor child is of long duration;
- 12562 (B) that an emotional bond exists with the minor child; and
- 12563 (C) that adoption by the individual who has committed the disqualifying offense
- 12564 ensures the best interests of the minor child are met; and
- 12565 (vi) the adoption is by:
- 12566 (A) a stepparent whose spouse is the adoptee's parent and consents to the
- 12567 adoption; or
- 12568 (B) subject to Subsection ~~[(6)(d)]~~ (7)(d), a relative of the minor child, as defined in
- 12569 Section 80-3-102, and there is not another relative without a disqualifying
- 12570 offense filing an adoption petition.
- 12571 (c) The [individual] adult with the disqualifying offense bears the burden of proof
- 12572 regarding why adoption with that [individual] adult is in the best interest of the minor
- 12573 child over another responsible relative or equally situated [individual] adult who does

12574 not have a disqualifying offense.

12575 (d) If there is an alternative responsible relative who does not have a disqualifying
12576 offense filing an adoption petition~~[-, the following applies]:~~

12577 (i) preference for adoption shall be given to a relative who does not have a
12578 disqualifying offense; and

12579 (ii) before the court may grant adoption to the ~~[individual]~~ adult who has the
12580 disqualifying offense over another responsible, willing, and able relative:

12581 (A) an impartial custody evaluation shall be completed; and

12582 (B) a guardian ad litem shall be assigned.

12583 ~~[(7)]~~ (8) Subsections ~~[(5) and (6)]~~ (6) and (7) apply to a case pending on March 25, 2017, for
12584 which a final decision on adoption has not been made and to a case filed on or after
12585 March 25, 2017.

12586 Section 337. Section **81-13-204** is enacted to read:

12587 **81-13-204 . Petition for adoption of a minor child.**

12588 (1)(a) A person may bring a petition for adoption of a minor child:

12589 (i) before the birth of the minor child; or

12590 (ii) before or after the minor child is placed in the home of the adoptive parent for the
12591 purpose of adoption.

12592 (2)(a) Except as provided in Subsection (2)(c), a petition for adoption of a minor child
12593 shall state whether the minor child was born in another state.

12594 (b) If the minor child was born in another state, the petition and the court's final decree
12595 of adoption shall state that the requirements of Title 80, Chapter 2, Part 9, Interstate
12596 Compact on Placement of Children, have been complied with.

12597 (c) This Subsection (2) does not apply if the prospective adoptive parent is not required
12598 to complete a preplacement adoptive evaluation under Section 81-13-404.

12599 (3) In any adoption proceeding involving an "Indian child," as defined in 25 U.S.C. Sec.
12600 1903, a child-placing agency and a petitioner shall comply with the Indian Child
12601 Welfare Act, 25 U.S.C. Sec. 1901 et seq.

12602 Section 338. Section **81-13-205**, which is renumbered from Section 78B-6-112 is renumbered
12603 and amended to read:

12604 **[78B-6-112] 81-13-205 . Petition to terminate parental rights of a minor child.**

12605 (1) A party may bring a petition seeking to terminate parental rights ~~[in the child]~~ of a minor
12606 child for the purpose of facilitating the adoption of the minor child in a court with
12607 jurisdiction under Title 78A, Judiciary and Judicial Administration.

- 12608 (2) A petition to terminate parental rights under this section may be:
12609 (a) joined with a proceeding on an adoption petition; or
12610 (b) filed as a separate proceeding before or after a petition to adopt the minor child is
12611 filed.
- 12612 (3) A court may enter a final order terminating parental rights before a final decree of
12613 adoption is entered.
- 12614 (4)(a) Nothing in this section limits the jurisdiction of a juvenile court relating to
12615 proceedings to terminate parental rights as described in Section 78A-6-103.
- 12616 (b) A court may not terminate parental rights [~~in a~~] of a minor child if the minor child is
12617 under the jurisdiction of the juvenile court in a pending abuse, neglect, dependency,
12618 or termination of parental rights proceeding.
- 12619 (5) The court may terminate an individual's parental rights [~~in a~~] of a minor child if:
12620 (a) the individual executes a voluntary consent to adoption, or relinquishment for
12621 adoption, of the minor child, in accordance with:
12622 (i) the requirements of this chapter; or
12623 (ii) the laws of another state or country, if the consent is valid and irrevocable;
- 12624 (b) the individual is an unmarried biological father who is not entitled to consent to
12625 adoption, or relinquishment for adoption, under Section [~~78B-6-120 or 78B-6-121~~]
12626 81-13-212 or 81-13-213;
- 12627 (c) the individual:
12628 (i) received notice of the adoption proceeding relating to the minor child under
12629 Section [~~78B-6-110~~] 81-13-207; and
12630 (ii) failed to file a motion for relief, under Subsection [~~78B-6-110(6)~~] 81-13-207(6),
12631 within 30 days after the day on which the individual was served with notice of the
12632 adoption proceeding;
- 12633 (d) the court finds, under Section [~~78B-15-607~~] 81-5-607, that the individual is not a
12634 parent of the minor child; or
- 12635 (e) the individual's parental rights are terminated on grounds described in Title 80,
12636 Chapter 4, Termination and Restoration of Parental Rights, and termination is in the
12637 best interests of the minor child.
- 12638 (6) The court shall appoint an indigent defense service provider in accordance with Title
12639 78B, Chapter 22, Indigent Defense Act, to represent a parent, as defined in Section
12640 81-13-211, who faces any action initiated by a private party under Title 80, Chapter 4,
12641 Termination and Restoration of Parental Rights, or whose parental rights are subject to

12642 termination under this section.

12643 (7) If a county incurs expenses in providing indigent defense services to an indigent
12644 individual facing any action initiated by a private party under Title 80, Chapter 4,
12645 Termination and Restoration of Parental Rights, or termination of parental rights under
12646 this section, the county may apply for reimbursement from the Utah Indigent Defense
12647 Commission in accordance with Section 78B-22-406.

12648 (8) A petition filed under this section is subject to the procedural requirements of this
12649 chapter.

12650 Section 339. Section **81-13-206**, which is renumbered from Section 78B-6-109 is renumbered
12651 and amended to read:

12652 **[78B-6-109] 81-13-206 . Determination of rights in an adoption proceeding for a**
12653 **minor child.**

12654 (1)(a) Any interested person may petition a court ~~[having]~~ with jurisdiction over [
12655 ~~adoption proceedings]~~ an adoption proceeding of a minor child for a determination of
12656 the rights and interests of any person who may claim an interest in [~~a child under this~~
12657 ~~part]~~ the minor child under this part.

12658 (b) The petition described in Subsection (1) may be filed at any time before the
12659 finalization of the adoption, including before:

- 12660 (i) the minor child's birth;
- 12661 (ii) a petition for adoption is filed; or
- 12662 (iii) a petition to terminate parental rights is filed.

12663 (2) If a petition for adoption or a petition to terminate parental rights has been filed [~~in~~
12664 ~~district court]~~ in a court with jurisdiction under Title 78A, Judiciary and Judicial
12665 Administration, the petitioner or any interested person may, without filing a separate
12666 petition, move the court for a determination of the rights and interests of any person who
12667 may claim an interest in [~~a child under this part]~~ the minor child under this chapter.

12668 Section 340. Section **81-13-207**, which is renumbered from Section 78B-6-110 is renumbered
12669 and amended to read:

12670 **[78B-6-110] 81-13-207 . Notice of an adoption proceeding for a minor child.**

12671 ~~[(1)(a) An unmarried biological father, by virtue of the fact that he has engaged in a sexual~~
12672 ~~relationship with a woman:]~~

12673 ~~[(i) is considered to be on notice that a pregnancy and an adoption proceeding regarding~~
12674 ~~the child may occur; and]~~

12675 ~~[(ii) has a duty to protect his own rights and interests.]~~

- 12676 ~~[(b) An unmarried biological father is entitled to actual notice of a birth or an adoption~~
 12677 ~~proceeding with regard to his child only as provided in this section or Section~~
 12678 ~~78B-6-110.5.]~~
- 12679 [(2)] (1) ~~[Notice of an adoption proceeding shall be served]~~ A petitioner in an adoption
 12680 proceeding described in Section 81-13-204, 81-13-205, or 81-13-206 shall serve a notice
 12681 of the adoption proceeding on each of the following persons:
- 12682 (a) any person or agency whose consent or relinquishment is required under Section [
 12683 ~~78B-6-120 or 78B-6-121]~~ 81-13-212 or 81-13-213, unless that right has been
 12684 terminated by:
- 12685 (i) waiver;
 12686 (ii) relinquishment;
 12687 (iii) actual or implied consent; or
 12688 (iv) judicial action;
- 12689 (b) any person who has initiated a [~~paternity~~] parentage proceeding and filed notice of
 12690 that action with the [~~state registrar of vital statistics within the Department of Health~~
 12691 ~~and Human Services,~~] the office in accordance with Subsection (3);
- 12692 (c) any legally appointed custodian or guardian of the child adoptee;
- 12693 (d) the petitioner's spouse~~[, if any, only if]~~ if the petitioner is married and the petitioner's
 12694 spouse has not joined in the petition;
- 12695 (e) the child adoptee's spouse~~[, if any]~~ if the child adoptee is married;
- 12696 (f) any [~~person who, prior to~~] individual who, before the time the birth mother executes [
 12697 ~~her~~] the birth mother's consent for adoption or relinquishes the child adoptee for
 12698 adoption, is recorded on the birth certificate as the [~~child's father~~] child adoptee's
 12699 parent, with the knowledge and consent of the birth mother;
- 12700 (g) [~~a person~~] any individual who is:
- 12701 (i) openly living in the same household with the child adoptee at the time the consent
 12702 is executed or relinquishment made; and
 12703 (ii) holding [~~himself~~] the individual out to be the [~~child's father~~] child adoptee's parent;
 12704 and
- 12705 (h) [~~any person~~] an individual who is married to the [~~child's~~] child adoptee's birth mother
 12706 at the time [~~she~~] the birth mother executes [~~her~~] the birth mother's consent to the
 12707 adoption or relinquishes the child adoptee for adoption, unless the court finds that the
 12708 mother's spouse is not the [~~child's father~~] child adoptee's parent under Section [
 12709 ~~78B-15-607]~~ 81-5-607.

- 12710 (2)(a) Except as provided in Subsections (2)(b) and (c), the petitioner may serve the
 12711 notice described in Subsection (1) at any time after the petition for the adoption
 12712 proceeding is filed.
- 12713 (b) The petitioner may not serve the notice described in Subsection (2)(a) on a birth
 12714 mother before the birth mother has given birth to the minor child who is the subject
 12715 of the petition.
- 12716 (c) The petitioner shall serve the notice described in Subsection (1) at least 30 days prior
 12717 to the final dispositional hearing.
- 12718 (3)(a) An unmarried biological father, by virtue of the fact that the unmarried biological
 12719 father has engaged in a sexual relationship with a woman:
- 12720 (i) is considered to be on notice that a pregnancy and an adoption proceeding
 12721 regarding a minor child may occur; and
- 12722 (ii) has a duty to protect the unmarried biological father's own rights and interests.
- 12723 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption
 12724 proceeding with regard to the unmarried biological father's minor child only as
 12725 provided in this section or Section 81-13-209.
- 12726 ~~[(a)]~~ (c) In order to preserve any right to notice, an unmarried biological father shall,
 12727 consistent with Subsection ~~[(3)(d)]~~ (3)(f):
- 12728 (i) initiate proceedings in a ~~[district court of Utah to establish paternity under Title~~
 12729 ~~78B, Chapter 15, Utah Uniform Parentage Act]~~ court with jurisdiction under Title
 12730 ~~78A, Judiciary and Judicial Administration, to establish parentage under Chapter~~
 12731 ~~5, Uniform Parentage Act; and~~
- 12732 (ii) file a notice of commencement of the proceedings described in Subsection [~~(3)(a)(i)~~
 12733 ~~with the office of vital statistics within the Department of Health and~~
 12734 ~~Human Services]~~ (3)(c)(i) with the office.
- 12735 ~~[(b) If the unmarried, biological father does not know the county in which the birth~~
 12736 ~~mother resides, he may initiate his action in any county, subject to a change in trial~~
 12737 ~~pursuant to Section 78B-3a-201.]~~
- 12738 (d) Notwithstanding Section 81-13-102 or Title 78B, Chapter 3a, Venue for Civil
 12739 Actions, an unmarried biological father may initiate an action described in
 12740 Subsection (3)(c) in any county if the unmarried biological father does not know the
 12741 county in which the birth mother resides.
- 12742 ~~[(e)]~~ (e) The Department of Health and Human Services shall provide forms for the
 12743 purpose of filing the notice described in Subsection ~~[(3)(a)(ii)]~~ (3)(c)(ii), and make

- 12744 those forms available in the office of the county health department in each county.
- 12745 ~~[(d)]~~ (f) When the ~~[state registrar of vital statistics]~~ office receives a completed form, the [~~registrar]~~ office shall:
- 12746
- 12747 (i) record the date and time the form was received; and
- 12748 (ii) immediately enter the information provided by the unmarried biological father in
- 12749 the confidential registry ~~[established by Subsection 78B-6-121(3)(e)]~~ described in
- 12750 Subsection 81-13-213(4)(c).
- 12751 ~~[(e)]~~ (g) ~~[The action and notice described in Subsection (3)(a):]~~
- 12752 (i) ~~[may be filed]~~ An unmarried biological father may file the action and notice
- 12753 described in Subsection (3)(c) before or after the minor child's birth[; and] .
- 12754 (ii) ~~[shall be filed prior to]~~ An unmarried biological father shall file the action and
- 12755 notice described in Subsection (3)(c) before the mother's:
- 12756 (A) execution of consent to adoption of the minor child; or
- 12757 (B) relinquishment of the minor child for adoption.
- 12758 (h) Notwithstanding Subsection (2)(b), an unmarried biological father is not entitled to
- 12759 notice of an adoption proceeding in a case where it is shown that the minor child was
- 12760 conceived as a result of conduct that constitutes a sexual offense under Title 76,
- 12761 Chapter 5, Part 4, Sexual Offenses, or under the laws of the state where the minor
- 12762 child was conceived, regardless of whether the unmarried biological father is
- 12763 formally charged with or convicted of a criminal offense.
- 12764 (4) Notice provided in accordance with this section need not disclose the name of the birth
- 12765 mother of the minor child who is the subject of an adoption proceeding.
- 12766 (5) The notice required by this section:
- 12767 ~~[(a) may be served at any time after the petition for adoption is filed, but may not be~~
- 12768 ~~served on a birth mother before she has given birth to the child who is the subject of~~
- 12769 ~~the petition for adoption;]~~
- 12770 ~~[(b) shall be served at least 30 days prior to the final dispositional hearing;]~~
- 12771 ~~[(e)]~~ (a) shall specifically state that the person served shall fulfill the requirements of
- 12772 Subsection (6)(a) within 30 days after the day on which the person receives service if
- 12773 the person intends to intervene in or contest the adoption;
- 12774 ~~[(d)]~~ (b) shall state the consequences, described in Subsection (6)(b), for failure of a
- 12775 person to file a motion for relief within 30 days after the day on which the person is
- 12776 served with notice of an adoption proceeding;
- 12777 ~~[(e)]~~ (c) is not required to include, ~~[nor]~~ or be accompanied by, a summons or a copy of

- 12778 the petition for adoption;
- 12779 ~~[(f)]~~ (d) shall state where the person may obtain a copy of the petition for adoption; and
- 12780 ~~[(g)]~~ (e) shall indicate the right to the appointment of counsel for a party whom the court
- 12781 determines is indigent and at risk of losing the party's parental rights.
- 12782 (6)(a) A person who has been served with notice of an adoption proceeding and who
- 12783 wishes to contest the adoption shall file a motion to intervene in the adoption
- 12784 proceeding:
- 12785 (i) within 30 days after the day on which the person was served with notice of the
- 12786 adoption proceeding;
- 12787 (ii) setting forth specific relief sought; and
- 12788 (iii) accompanied by a memorandum specifying the factual and legal grounds upon
- 12789 which the motion is based.
- 12790 (b) A person who fails to fully and strictly comply with all of the requirements described
- 12791 in Subsection (6)(a) within 30 days after the day on which the person was served with
- 12792 notice of the adoption proceeding:
- 12793 (i) waives any right to further notice in connection with the adoption;
- 12794 (ii) forfeits all rights in relation to the adoptee; and
- 12795 (iii) is barred from thereafter bringing or maintaining any action to assert any interest
- 12796 in the adoptee.
- 12797 (7) ~~[Service of notice under this section shall be made as follows:]~~
- 12798 (a)(i) Subject to Subsection ~~[(5)(e), service on]~~ (5)(c), the petitioner shall serve a
- 12799 person whose consent is necessary under Section ~~[78B-6-120 or 78B-6-121 shall~~
- 12800 ~~be]~~ 81-13-212 or 81-13-213 in accordance with ~~[the provisions of]~~ the Utah Rules
- 12801 of Civil Procedure.
- 12802 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court
- 12803 shall designate the content of the notice regarding the identity of the parties.
- 12804 (iii) The notice described in this Subsection (7)(a) may not include the name of a
- 12805 person seeking to adopt the adoptee.
- 12806 (b)(i) Except as provided in Subsection (7)(b)(ii) to any other person for whom
- 12807 notice is required under this section, service by certified mail, return receipt
- 12808 requested, is sufficient.
- 12809 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two
- 12810 attempts, the court may issue an order providing for service by publication,
- 12811 posting, or by any other manner of service.

12812 (c) Notice to ~~[a person]~~ an individual, who has initiated a ~~[paternity]~~ parentage
 12813 proceeding and filed notice of that action with the ~~[state registrar of vital statistics in~~
 12814 ~~the Department of Health and Human Services]~~ office in accordance with the
 12815 requirements of Subsection (3), shall be served by certified mail, return receipt
 12816 requested, at the last address filed with the ~~[registrar]~~ office.

12817 (8) The notice required by this section may be waived in writing by the person entitled to
 12818 receive notice.

12819 (9) Proof of service of notice on all persons for whom notice is required by this section
 12820 shall be filed with the court before the final dispositional hearing on the adoption.

12821 (10) Notwithstanding any other provision of law, neither the notice of an adoption
 12822 proceeding nor any process in that proceeding is required to contain the name of the
 12823 person or persons seeking to adopt the child adoptee.

12824 (11) Except as to those persons whose consent to an adoption is required under Section [
 12825 ~~78B-6-120 or 78B-6-121]~~ 81-13-212 or 81-13-213, the sole purpose of notice under this
 12826 section is to enable the person served to:

12827 (a) intervene in the adoption; and

12828 (b) present evidence to the court relevant to the best interest of the child adoptee.

12829 Section 341. Section **81-13-208**, which is renumbered from Section 78B-6-110.1 is renumbered
 12830 and amended to read:

12831 **[78B-6-110.1] 81-13-208 . Prebirth notice to birth father of intent to place a**
 12832 **minor child for adoption.**

12833 (1) As used in this section, "birth father" means:

12834 (a) a potential ~~[biological]~~ birth father; or

12835 (b) an unmarried biological father.

12836 (2) Before the birth of a minor child, the following ~~[individuals]~~ persons may notify a birth
 12837 father of the minor child that the birth mother of the minor child is considering an
 12838 adoptive placement for the minor child:

12839 (a) the minor child's birth mother;

12840 (b) a licensed child-placing agency;

12841 (c) an attorney representing a prospective adoptive parent of the minor child; or

12842 (d) an attorney representing the birth mother of the minor child.

12843 (3) Providing a birth father with notice under Subsection (2) does not obligate the birth
 12844 mother of the minor child to proceed with an adoptive placement of the minor child.

12845 (4) The notice described in Subsection (2) shall include the name, address, and telephone

- 12846 number of the person providing the notice~~[, and shall include]~~ and the following
12847 information:
- 12848 (a) the birth mother's intent to place the minor child for adoption;
- 12849 (b) that the birth mother has named the person receiving this notice as a potential birth
12850 father of ~~[her child]~~ the minor child;
- 12851 (c) the requirements to contest the adoption, including taking the following steps within
12852 30 days after the day on which the notice is served:
- 12853 (i) initiating proceedings to establish or assert paternity in a ~~[district court of Utah]~~
12854 court with jurisdiction under Title 78A, Judiciary and Judicial Administration,
12855 within 30 days after the day on which notice is served, including filing an affidavit
12856 stating:
- 12857 (A) that the birth father is fully able and willing to have full custody of the minor
12858 child;
- 12859 (B) the birth father's plans to care for the minor child; and
- 12860 (C) that the birth father agrees to pay for child support and expenses incurred in
12861 connection with the pregnancy and birth of the minor child; and
- 12862 (ii) filing a notice of commencement of ~~[paternity]~~ parentage proceedings with the [
12863 ~~state registrar of vital statistics within the Utah Department of Health]~~ office;
- 12864 (d) the consequences for failure to comply with Subsection (4)(c), including that:
- 12865 (i) the birth father's ability to assert the right, if any, to consent or refuse to consent to
12866 the adoption is irrevocably lost;
- 12867 (ii) the birth father will lose the ability to assert the right to contest any future
12868 adoption of the minor child; and
- 12869 (iii) the birth father will lose the right, if any, to notice of any adoption proceedings
12870 related to the minor child;
- 12871 (e) that the birth father may consent to the adoption, if any, within 30 days after the day
12872 on which the notice is received, and that ~~[his]~~ the birth father's consent is irrevocable;
12873 and
- 12874 (f) that no communication between the birth mother of the minor child and the birth
12875 father changes the rights and responsibilities of the birth father described in the notice.
- 12876 (5) If ~~[the recipient of the notice described in Subsection (2)]~~ a birth father does not fully
12877 and strictly comply with the requirements of Subsection (4)(c) within 30 days after the
12878 day on which ~~[he]~~ the birth father receives the notice, ~~[he]~~ the birth father will lose:
- 12879 (a) the ability to assert the right to consent or refuse to consent to an adoption of the

- 12880 minor child described in the notice;
- 12881 (b) the ability to assert the right to contest any future adoption of the minor child
- 12882 described in the notice; and
- 12883 (c) the right to notice of any adoption proceedings relating to the minor child described
- 12884 in the notice.
- 12885 (6) If [~~an individual~~] a person described in Subsection (2) chooses to notify a birth father
- 12886 under this section, the notice shall be served on a birth father in a manner consistent with
- 12887 the Utah Rules of Civil Procedure or by certified mail.

12888 Section 342. Section **81-13-209**, which is renumbered from Section 78B-6-110.5 is renumbered

12889 and amended to read:

12890 **[78B-6-110.5] 81-13-209 . Declaration regarding each potential birth father for**

12891 **out-of-state birth mother and adoptive parents-- Putative father registry -- Notice to**

12892 **potential birth father.**

- 12893 (1) The procedural and substantive requirements of this section [~~shall be~~] are required
- 12894 only to the extent that [~~they~~] the requirements do not exceed the requirements of the state
- 12895 of conception or the birth mother's state of residence.

12896 [~~(1)(a) For a child who is six months of age or less at the time the child is placed with~~

12897 ~~prospective adoptive parents, the birth mother shall sign, and the adoptive parents~~

12898 ~~shall file with the court, a declaration regarding each potential birth father, in~~

12899 ~~accordance with this section, before or at the time a petition for adoption is filed with~~

12900 ~~the court, if, at any point during the time period beginning at the conception of the~~

12901 ~~child and ending at the time the mother executes consent to adoption or~~

12902 ~~relinquishment of the child for adoption, neither the birth mother nor at least one of~~

12903 ~~the adoptive parents has resided in the state for 90 total days or more, as described in~~

12904 ~~Subsection (1)(c).]~~

- 12905 (2)(a) For a child adoptee who is six months old or younger at the time that the child
- 12906 adoptee is placed with the prospective adoptive parents and subject to the rights of a
- 12907 birth mother described in Subsection 81-13-202(7), the birth mother shall sign, and
- 12908 the prospective adoptive parents shall file with the court, a declaration regarding each
- 12909 potential birth father before or at the time a petition for adoption is filed with the
- 12910 court.

- 12911 (b) A declaration is not required under Subsection (2)(a) if the birth mother or one of the
- 12912 adoptive parents has resided in the state for 90 total days or more at any point during
- 12913 the time period beginning at the conception of the child adoptee and ending at the

12914 time that the birth mother executes consent to the adoption or relinquishment of the
 12915 child adoptee for adoption.

12916 ~~[(b)]~~ (3) The child-placing agency or prospective adoptive parents shall search the putative
 12917 father registry of each state where the birth mother believes the child adoptee may have
 12918 been conceived and each state where the birth mother lived during her pregnancy, if the
 12919 state has a putative father registry, to determine whether a potential birth father
 12920 registered with the state's putative father registry.

12921 ~~[(e)]~~ (4) In determining whether the 90-day requirement described in Subsection (2) is
 12922 satisfied, the following apply:

12923 ~~[(i)]~~ (a) the 90 days are not required to be consecutive;

12924 ~~[(ii)]~~ (b) no absence from the state may be for more than seven consecutive days;

12925 ~~[(iii)]~~ (c) any day on which the individual is absent from the state does not count toward
 12926 the total 90-day period; and

12927 ~~[(iv)]~~ (d) the 90-day period begins and ends during a period that is no more than 120
 12928 consecutive days.

12929 ~~[(2)]~~ (5) The declaration filed under Subsection ~~[(1)]~~ (2) regarding a potential birth father
 12930 shall include, for each potential birth father, the following information:

12931 (a) if known, the potential birth father's name, date of birth, social security number, and
 12932 address;

12933 (b) with regard to a state's putative father registry in each state described in Subsection [
 12934 ~~(1)(b)]~~ (3):

12935 (i) whether the state has a putative father registry; and

12936 (ii) for each state that has a putative father registry, with the declaration, a certificate
 12937 or written statement from the state's putative father registry that a search of the
 12938 state's putative father registry was made and disclosing the results of the search;

12939 (c) whether the potential birth father was notified of:

12940 (i) the birth mother's pregnancy;

12941 (ii) the fact that he is a potential birth father; or

12942 (iii) the fact that the birth mother intends to consent to adoption or relinquishment of
 12943 the child adoptee for adoption[;] in Utah;

12944 (d) each state where the birth mother lived during the pregnancy;

12945 (e) if known, the state in which the child adoptee was conceived;

12946 (f) whether the birth mother informed the potential birth father that she was traveling to
 12947 or planning to reside in Utah;

- 12948 (g) whether the birth mother has contacted the potential birth father while she was
 12949 located in Utah;
- 12950 (h) whether, and for how long, the potential birth father has ever lived with the child
 12951 adoptee;
- 12952 (i) whether the potential birth father has given the birth mother money or offered to pay
 12953 for any of [her] the birth mother's expenses during pregnancy or the [child's] child
 12954 adoptee's birth;
- 12955 (j) whether the potential birth father has offered to pay child support;
- 12956 (k) if known, whether the potential birth father has taken any legal action to establish
 12957 paternity of the child adoptee, either in Utah or in any other state, and, if known,
 12958 what action [he] the potential birth father has taken; and
- 12959 (l) whether the birth mother has ever been involved in a domestic violence matter with
 12960 the potential birth father.
- 12961 [(3)] (6) Except as provided in Subsection [(5)] (8), based on the declaration regarding the
 12962 potential birth father, the court shall order the birth mother to serve a potential birth
 12963 father notice that she intends to consent or has consented to adoption or relinquishment
 12964 of the child adoptee for adoption, if the court finds that the potential birth father:
- 12965 (a) has taken sufficient action to demonstrate an interest in the child adoptee;
- 12966 (b) has taken sufficient action to attempt to preserve [his] the potential birth father's legal
 12967 rights as a birth father, including by filing a legal action to establish [paternity]
 12968 parentage or filing with a state's putative father registry; or
- 12969 (c) does not know, and does not have a reason to know, that:
- 12970 (i) the mother or child adoptee are present in Utah;
- 12971 (ii) the mother intended to give birth to the child adoptee in Utah;
- 12972 (iii) the child adoptee was born in Utah; or
- 12973 (iv) the mother intends to consent to adoption or relinquishment of the child adoptee
 12974 for adoption in Utah.
- 12975 [(4)] (7) Notice under this section shall be made in accordance with Subsections [
 12976 ~~78B-6-110(7) through (11);~~ 81-13-207(7) through (11)].
- 12977 [(5)] (8) A court may only order the notice requirements in Subsection [(3)] (6) to the extent
 12978 that they do not exceed the notice requirements of:
- 12979 (a) the state of conception; or
- 12980 (b) the birth mother's state of residence.
- 12981 Section 343. Section **81-13-210**, which is renumbered from Section 78B-6-134 is renumbered

12982 and amended to read:

12983 **[78B-6-134] 81-13-210 . Custody pending final decree.**

12984 ~~[(1)(a) A licensed child-placing agency, or a petitioner if the petition for adoption is filed~~
 12985 ~~before a child's birth, may seek an order establishing that the agency or petitioner shall~~
 12986 ~~have temporary custody of the child from the time of birth.]~~

12987 ~~[(b) The court shall grant an order for temporary custody under Subsection (1)(a) upon~~
 12988 ~~determining that:]~~

12989 ~~[(i) the birth mother or both birth parents consent to the order;]~~

12990 ~~[(ii) the agency or petitioner is willing and able to take custody of the child; and]~~

12991 ~~[(iii) an order will be in the best interest of the child.]~~

12992 ~~[(c) The court shall vacate an order if, prior to the child's birth, the birth mother or birth~~
 12993 ~~parents withdraw their consent.]~~

12994 ~~[(2)] (1)~~ Except as otherwise provided by the court, once a petitioner has received the
 12995 adoptee into ~~[his] the~~ petitioner's home and a petition for adoption has been filed, the
 12996 petitioner is entitled to the custody and control of the child adoptee and is responsible
 12997 for the care, maintenance, and support of the adoptee, including any necessary medical
 12998 or surgical treatment, pending further order of the court.

12999 ~~[(3)] (2)(a)~~ Once ~~[a child] a~~ child adoptee has been placed with, relinquished to, or
 13000 ordered into the custody of a child-placing agency for purposes of adoption, the
 13001 agency shall have custody and control of the child adoptee and is responsible for ~~[his]~~
 13002 the child adoptee's care, maintenance, and support.

13003 ~~(b) [The]~~ Subject to Subsection (3)(c), the child-placing agency may delegate the
 13004 responsibility for care, maintenance, and support, including any necessary medical or
 13005 surgical treatment, to the petitioner once the petitioner has received the ~~[child into his~~
 13006 ~~home. However, until]~~ adoptee into the petitioner's home, including a temporary
 13007 place of abode for the petitioner.

13008 ~~(c)~~ Until the final decree of adoption is entered by the court, the child-placing agency
 13009 has the right to the custody and control of the child adoptee.

13010 ~~(3)(a)~~ A licensed child-placing agency, or a petition if the petition of adoption is filed
 13011 before a child adoptee's birth, may seek an order establishing that the child-placing
 13012 agency or petitioner shall have temporary custody of the child adoptee from the time
 13013 of the child adoptee's birth.

13014 ~~(b)~~ The court shall grant an order for temporary custody under Subsection (3)(a) upon
 13015 determining that:

- 13016 (i) the birth mother or both birth parents consent to the order;
 13017 (ii) the child-placing agency or petitioner is willing and able to take custody of the
 13018 child adoptee; and
 13019 (iii) an order will be in the best interest of the child adoptee.
 13020 (c) The court shall vacate an order if, before the child adoptee's birth, the birth mother or
 13021 both birth parents withdraw consent to the order.

13022 Section 344. Section **81-13-211**, which is renumbered from Section 78B-6-119 is renumbered
 13023 and amended to read:

13024 **[78B-6-119] 81-13-211 . Counseling for parents.**

- 13025 (1) As used in this section, "parent" means a person described in Subsections
 13026 81-13-212(1)(b) through (f) for whom the consent or relinquishment of a minor child for
 13027 the adoption is required.
 13028 [(+)] (2) Subject to Subsection [(2)(a)] (3)(a), before relinquishing a minor child to a
 13029 child-placing agency, or consenting to the adoption of a child adoptee, a parent of the
 13030 child adoptee has the right to participate in, or elect to participate in, counseling:
 13031 (a) by a licensed counselor or an adoption service provider selected by the parent
 13032 participating in the counseling;
 13033 (b) for up to three sessions of at least 50 minutes per session completed [~~prior to~~] before
 13034 relinquishing a child adoptee or within [~~three months~~] 120 days following the
 13035 relinquishment of a child adoptee; and
 13036 (c) subject to Subsection [(2)(b)] (3)(b), at the expense of the:
 13037 (i) child-placing agency; or
 13038 (ii) prospective adoptive parents.
 13039 [(2)] (3)(a) Notwithstanding Subsection [(+)] (2), a parent who has the right to participate
 13040 in the counseling [~~described in this section~~] under Subsection (1) may waive that right.
 13041 (b) Notwithstanding Subsection [(+)(e)] (2)(c), the total amount required to be paid by a
 13042 child-placing agency or the prospective adoptive parents for the counseling described
 13043 in Subsection [(+)] (2) may not exceed \$400, unless an agreement for a greater
 13044 amount is signed by:
 13045 (i) the parent who receives the counseling; and
 13046 (ii) the child-placing agency or prospective adoptive parents.
 13047 [(3)] (4) Before a parent relinquishes a child adoptee to a child-placing agency, or consents
 13048 to the adoption of a child adoptee, the parent shall be informed of the right described in
 13049 Subsection (1) by the:

- 13050 (a) child-placing agency;
- 13051 (b) prospective adoptive parents; or
- 13052 (c) representative of a person described in Subsection [~~(3)~~(a)] (4)(a) or (b).
- 13053 [~~(4)~~] (5) If the parent who is entitled to the counseling as described in Subsection (1) elects
- 13054 to attend one or more counseling sessions following the relinquishment of a child
- 13055 adoptee:
- 13056 (a) the parent of the child adoptee shall inform the child-placing agency or prospective
- 13057 adoptive parents of this election prior to relinquishing the child adoptee to a
- 13058 child-placing agency or consenting to the adoption of the child adoptee; and
- 13059 (b) the parent of the child adoptee and the child-placing agency or attorney representing
- 13060 a prospective adoptive parent of the child adoptee shall enter into an agreement to
- 13061 pay for the counseling in accordance with this section.
- 13062 [~~(5)~~] (6)(a) Subject to Subsections [~~(3)~~(b)] (4)(b) and (c), before the day on which a final
- 13063 decree of adoption is entered, a statement shall be filed with the court that:
- 13064 (i) is signed by each parent who:
- 13065 (A) relinquishes the parent's parental rights; or
- 13066 (B) consents to the adoption; and
- 13067 (ii) states that, before the parent took the action described in Subsection [~~(5)~~(a)(i)(A)]
- 13068 (6)(a)(i)(A) or (B), the parent was advised of the parent's right to participate in the
- 13069 counseling described in this section at the expense of the:
- 13070 (A) child-placing agency; or
- 13071 (B) prospective adoptive parents.
- 13072 (b) The statement described in Subsection [~~(5)~~(a)] (6)(a) may be included in the
- 13073 document that:
- 13074 (i) relinquishes the parent's parental rights; or
- 13075 (ii) consents to the adoption.
- 13076 (c) Failure by a person to give the notice described in Subsection [~~(3)~~] (4), or pay for the
- 13077 counseling described in this section:
- 13078 (i) shall not constitute grounds for invalidating a:
- 13079 (A) relinquishment of parental rights; or
- 13080 (B) consent to adoption; and
- 13081 (ii) shall give rise to a cause of action for the recovery of damages suffered, if any, by
- 13082 the parent or guardian who took the action described in Subsection [~~(5)~~(c)(i)(A)]
- 13083 (6)(c)(i)(A) or (B) against the person required to:

13084 (A) give the notice described in Subsection [~~(3)~~] (4); or

13085 (B) pay for the counseling described in this section.

13086 Section 345. Section **81-13-212**, which is renumbered from Section 78B-6-120 is renumbered
13087 and amended to read:

13088 **[78B-6-120] 81-13-212 . Necessary consent to adoption or relinquishment for**
13089 **adoption of a minor child -- Implied consent.**

13090 (1) Except as provided in Subsection [~~(2)~~, ~~consent to adoption of a child, or relinquishment~~
13091 ~~of a child for adoption, is required from~~] (2), the following persons are required to
13092 consent to an adoption of a minor child, or to relinquishment of a minor child, before an
13093 adoption of the minor child is granted:

13094 (a) [~~the adoptee, if the adoptee is more than 12 years old,~~] if the child adoptee is 12 years
13095 old or older, the child adoptee unless the child adoptee does not have the mental
13096 capacity to consent;

13097 (b) a man or woman who:

13098 (i) by operation of law under Section [~~78B-15-204~~] 81-5-204, is recognized as the
13099 father or mother of the proposed adoptee, unless:

13100 (A) the presumption is rebutted under Section [~~78B-15-607~~] 81-5-607;

13101 (B) at the time of the marriage, the man or woman knew or reasonably should
13102 have known that the marriage to the mother of the proposed child adoptee was
13103 or could be declared invalid; or

13104 (C) the man or woman was not married to the mother of the proposed child
13105 adoptee until after the mother consented to adoption, or relinquishment for
13106 adoption, of the proposed child adoptee; or

13107 (ii) is the [~~father~~] parent of the child adoptee by a previous legal adoption;

13108 (c) the birth mother of the child adoptee;

13109 (d) [~~a biological parent~~] an individual who has been adjudicated to be the [~~child's~~
13110 ~~biological father by a court of competent jurisdiction prior to the~~] child adoptee's
13111 parent by a court with jurisdiction before the birth mother's execution of consent to
13112 adoption or [~~her~~] the birth mother's relinquishment of the child adoptee for adoption;

13113 (e) consistent with Subsection (3), [~~a biological parent~~] an individual who has executed
13114 and filed a voluntary declaration of paternity with the [~~state registrar of vital statistics~~
13115 ~~within the Department of Health in accordance with Title 78B, Chapter 15, Utah~~
13116 ~~Uniform Parentage Act, prior to the~~] office in accordance with Chapter 5, Uniform
13117 Parentage Act, before the birth mother's execution of consent to adoption or [~~her~~] the

- 13118 birth mother's relinquishment of the child adoptee for adoption;
- 13119 (f) an unmarried biological father~~[-of an]~~ of the child adoptee, whose consent is not
- 13120 required under Subsection (1)(d) or (1)(e), ~~[only if he]~~ only if the unmarried
- 13121 biological father fully and strictly complies with the requirements of ~~[Sections~~
- 13122 78B-6-121 and 78B-6-122] Section 81-13-213; and
- 13123 (g) the person or agency to whom an adoptee has been relinquished and that is placing
- 13124 the child adoptee for adoption.
- 13125 (2)~~[(a) The consent of a person described in Subsections (1)(b) through (g) is not~~
- 13126 ~~required if the adoptee is 18 years old or older.]~~
- 13127 ~~[(b)]~~ The consent or relinquishment of ~~[a person]~~ an individual described in Subsections [~~(1)(b) through (f)~~
- 13128 ~~(1)(b) through (f)]~~ (1)(b) through (f) is not required if the ~~[person's]~~ individual's
- 13129 parental rights relating to the child adoptee have been terminated by a court.
- 13130 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered
- 13131 filed when ~~[it]~~ the voluntary declaration is entered into a database that:
- 13132 (a) can be accessed by the Department of Health and Human Services; and
- 13133 (b) is designated by the ~~[state registrar of vital statistics]~~ office as the official database for
- 13134 voluntary declarations of paternity.
- 13135 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1)
- 13136 may execute a consent or relinquishment at any time, including before the birth of the
- 13137 child adoptee.
- 13138 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish
- 13139 control or custody of the child adoptee, until at least 24 hours after the birth of the
- 13140 child adoptee.
- 13141 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at
- 13142 least 12 years old.
- 13143 (5)(a) A birth parent who is younger than 18 years old has the power to:
- 13144 (i) consent to the adoption of the birth parent's minor child; and
- 13145 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 13146 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the
- 13147 same force and effect as a consent or relinquishment executed by a birth parent who
- 13148 is an adult.
- 13149 (c) A birth parent, who is younger than 18 years old and has executed a consent or
- 13150 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years
- 13151 old or otherwise becoming emancipated.

13152 (6) A consent or relinquishment is effective when the consent or relinquishment is signed
 13153 and may not be revoked.

13154 (7)(a) As used in this Subsection (7):

13155 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the
 13156 pregnancy, to offer and provide financial and emotional support to the birth
 13157 mother for a period of 180 days before the day on which the child adoptee is born.

13158 (ii) "Emotional support" means a pattern of statements or actions that indicate to a
 13159 reasonable person that a birth parent intends to provide for the physical and
 13160 emotional well-being of an unborn child adoptee.

13161 (b) A consent or relinquishment required by Subsection (1) may be implied by any of
 13162 the following acts:

13163 (i) abandonment;

13164 (ii) leaving the child adoptee with a third party for 30 consecutive days without
 13165 providing the third party with the birth parent's identification;

13166 (iii) knowingly leaving the child adoptee with another person for 180 consecutive
 13167 days without providing for support, communicating, or otherwise maintaining a
 13168 substantial relationship with the child adoptee; or

13169 (iv) receiving notification of a pending adoption proceeding as described in Section
 13170 81-13-207, or of a termination proceeding described in Section 81-13-205, and
 13171 failing to respond as required.

13172 (c) For purposes of this Subsection (7), a court may not:

13173 (i) determine that a birth parent abandoned the birth mother if the birth parent failed
 13174 to provide financial or emotional support because the birth mother refused to
 13175 accept support; or

13176 (ii) find that the birth parent failed to provide emotional support if the individual's
 13177 failure was due to impossibility of performance.

13178 (d) Implied consent under this Subsection (7) may not be withdrawn.

13179 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an
 13180 unmarried biological father.

13181 Section 346. Section **81-13-213**, which is renumbered from Section 78B-6-121 is renumbered
 13182 and amended to read:

13183 **[78B-6-121] 81-13-213 . Consent of unmarried biological father.**

13184 (1) As used in this section, "qualifying circumstance" means that, at any point during the
 13185 time period beginning at the conception of the child adoptee and ending at the time that

13186 the birth mother executes a consent to adoption or relinquishment of the child adoptee
 13187 for adoption:

13188 (a) the child adoptee or the child adoptee's birth mother resided on a permanent basis, or
 13189 a temporary basis of no less than 30 consecutive days, in the state;

13190 (b) the birth mother intended to give birth to the child adoptee in the state;

13191 (c) the child adoptee was born in the state; or

13192 (d) the birth mother intended to execute a consent to adoption or relinquishment of the
 13193 child adoptee for adoption in the state or under the laws of the state.

13194 [(4)] (2) Except as provided in [~~Subsections (2)(a) and 78B-6-122(1)~~] Subsections (3)(a) and
 13195 (8), and subject to Subsections [(5) and (6), with regard to a child who is placed with
 13196 prospective adoptive parents more than six months after birth,] (6) and (7), the consent of
 13197 an unmarried biological father to the adoption of a child adoptee, who is placed with
 13198 prospective adoptive parents more than 180 days after birth, is not required unless the
 13199 unmarried biological father:

13200 (a)(i) developed a substantial relationship with the child adoptee by:

13201 (A) visiting the child adoptee monthly, unless the unmarried biological father was
 13202 physically or financially unable to visit the child adoptee on a monthly basis; or

13203 (B) engaging in regular communication with the child adoptee or with the person
 13204 or authorized agency that has lawful custody of the child adoptee;

13205 (ii) took some measure of responsibility for the child adoptee and the [child's] child
 13206 adoptee's future; and

13207 (iii) demonstrated a full commitment to the responsibilities of parenthood by
 13208 financial support of the child adoptee of a fair and reasonable sum in accordance
 13209 with the unmarried biological father's ability; or

13210 (b)(i) if the child adoptee is younger than one year old, openly lived with the child
 13211 adoptee immediately preceding placement of the child adoptee with the
 13212 prospective adoptive parents for a period of at least 180 days during the period of
 13213 time beginning on the day on which the child adoptee is born and ending on the
 13214 day on which the child adoptee is placed with prospective adoptive parents;

13215 (ii) if the child adoptee is one year old or older, openly lived with the child adoptee
 13216 immediately preceding placement of the child adoptee with the prospective
 13217 adoptive parents for a period of at least 180 days during the one-year period
 13218 immediately preceding the day on which the child adoptee is placed with
 13219 prospective adoptive parents; or

13220 (iii) openly held himself out to be the father of the child adoptee during the 180-day
13221 period described in Subsection (2)(b)(i) or (ii).
13222 ~~[(b)(i) openly lived with the child:]~~
13223 ~~[(A)(I) if the child is one year old or older, for a period of at least six months during~~
13224 ~~the one-year period immediately preceding the day on which the child is placed with~~
13225 ~~prospective adoptive parents; or]~~
13226 ~~[(H) if the child is less than one year old, for a period of at least six months during the~~
13227 ~~period of time beginning on the day on which the child is born and ending on the~~
13228 ~~day~~
13229 ~~on which the child is placed with prospective adoptive parents; and]~~
13230 ~~[(B) immediately preceding placement of the child with prospective adoptive parents;~~
13231 ~~and]~~
13232 ~~[(ii) openly held himself out to be the father of the child during the six-month period~~
13233 ~~described in Subsection (1)(b)(i)(A).]~~
13234 ~~[(2)]~~ (3)(a) If an unmarried biological father was prevented from complying with [a
13235 ~~requirement of Subsection (1)]~~ a requirement described in Subsection (2) by the
13236 person or authorized agency having lawful custody of the child adoptee, the
13237 unmarried biological father is not required to comply with that requirement.
13238 (b) The subjective intent of an unmarried biological father, whether expressed or
13239 otherwise, that is unsupported by evidence that the requirements in Subsection [(1)]
13240 (2) have been met, shall not preclude a determination that the unmarried biological
13241 father failed to meet the requirements of Subsection [(1)] (2).
13242 ~~[(3)]~~ (4) Except as provided in [~~Subsections (6) and 78B-6-122(1)~~] Subsections (7) and (8),
13243 and subject to Subsection [(5), with regard to a child who is six months old or less at the
13244 time the child is placed with prospective adoptive parents,] (6), the consent of an
13245 unmarried biological father to the adoption of a child adoptee, who is 180 days old or
13246 younger at the time that the child adoptee is placed with the prospective adoptive parents,
13247 is not required unless, [~~prior to the time the mother executes her~~] before the time that the
13248 birth mother executes the birth mother's consent for adoption or relinquishes the child
13249 adoptee for adoption, the unmarried biological father:
13250 (a) initiates proceedings in [~~a district court of Utah to establish paternity under Title~~
13251 78B, Chapter 15, Utah Uniform Parentage Act] a court with jurisdiction under Title
13252 78A, Judiciary and Judicial Administration, to establish parentage under Chapter 5,
Uniform Parentage Act;

- 13253 (b) files with the court that is presiding over the [~~paternity~~] parentage proceeding a sworn
 13254 affidavit:
- 13255 (i) stating that [~~he~~] the unmarried biological father is fully able and willing to have
 13256 full custody of the child adoptee;
- 13257 (ii) setting forth [~~his~~] the unmarried biological father's plans for care of the child
 13258 adoptee; and
- 13259 (iii) agreeing to a court order of child support and the payment of expenses incurred
 13260 in connection with the birth mother's pregnancy and the [~~child's~~] child adoptee's
 13261 birth;
- 13262 (c) consistent with Subsection [~~(4)~~] (5), files notice of the commencement of [~~paternity~~
 13263 ~~proceedings,~~] parentage proceedings described in Subsection [~~(3)(a)~~] (4)(a), with the [~~state registrar of vital statistics within the Department of Health and Human Services,~~]
 13264 ~~office in a confidential registry established by the [department] office for that~~
 13265 office in a confidential registry established by the [~~department~~] office for that
 13266 purpose; and
- 13267 (d) offered to pay and paid, during the pregnancy and after the [~~child's~~] child adoptee's
 13268 birth, a fair and reasonable amount of the expenses incurred in connection with the
 13269 birth mother's pregnancy and the [~~child's~~] child adoptee's birth, in accordance with [~~his~~]
 13270 the unmarried biological father's financial ability, unless:
- 13271 (i) [~~he~~] the unmarried biological father did not have actual knowledge of the
 13272 pregnancy;
- 13273 (ii) [~~he~~] the unmarried biological father was prevented from paying the expenses by
 13274 the person or authorized agency having lawful custody of the child adoptee; or
- 13275 (iii) the birth mother refused to accept the unmarried biological father's offer to pay
 13276 the expenses described in this Subsection [~~(3)(d)~~] (4)(d).
- 13277 [~~(4)~~] (5)(a) The notice described in Subsection [~~(3)(e)~~] (4)(c) is considered filed when
 13278 received by the [~~state registrar of vital statistics~~] office.
- 13279 (b) If the unmarried biological father fully complies with the requirements of Subsection [~~(3)~~]
 13280 (4), and an adoption of the child adoptee is not completed, the unmarried
 13281 biological father shall, without any order of the court, be legally obligated for a
 13282 reasonable amount of child support, pregnancy expenses, and child birth expenses, in
 13283 accordance with [~~his~~] the unmarried biological father's financial ability.
- 13284 [~~(5)~~] (6) Unless [~~his~~] the unmarried biological father's ability to assert the right to consent
 13285 has been lost for failure to comply with Section [~~78B-6-110.1~~] 81-13-208, or lost under
 13286 another provision of Utah law, an unmarried biological father shall have at least one

13287 business day after the ~~[child's]~~ child adoptee's birth to fully and strictly comply with the
 13288 requirements of Subsection ~~[(3)]~~ (4).

13289 ~~[(6)]~~ (7) ~~[Consent]~~ The consent of an unmarried biological father to the adoption of a child
 13290 adoptee is not required under this section if:

13291 (a) the court determines, in accordance with the requirements and procedures of Title 80,
 13292 Chapter 4, Termination and Restoration of Parental Rights, that the unmarried
 13293 biological father's rights should be terminated, based on the petition of any interested
 13294 party;

13295 (b)(i) a voluntary declaration of paternity declaring the unmarried biological father
 13296 to be the father of the child adoptee is rescinded under Section ~~[78B-15-306]~~
 13297 81-5-306; and

13298 (ii) the unmarried biological father fails to comply with Subsection ~~[(3)]~~ (4) within 10
 13299 business days after the day that notice of the rescission described in Subsection [
 13300 ~~(6)(b)(i)]~~ (7)(b)(i) is mailed by the ~~[Office of Vital Records within the Department~~
 13301 ~~of Health and Human Services]~~ office as provided in Section ~~[78B-15-306]~~
 13302 81-5-306; or

13303 (c) the unmarried biological father is notified under Section ~~[78B-6-110.1]~~ 81-13-208
 13304 and fails to preserve ~~[his]~~ the unmarried biological father's rights in accordance with
 13305 the requirements of ~~[that section]~~ Section 81-13-208.

13306 (8) Notwithstanding Subsections (2) and (4), the consent of an unmarried biological father
 13307 to the adoption of a child adoptee is required if:

13308 (a)(i) the unmarried biological father did not know, and through the exercise of
 13309 reasonable diligence could not have known, before the time the birth mother
 13310 executed a consent to adoption or relinquishment of the child adoptee for adoption
 13311 that a qualifying circumstance existed;

13312 (ii) before the birth mother executed a consent to adoption or relinquishment of the
 13313 child adoptee for adoption, the unmarried biological father fully complied with the
 13314 requirements to establish parental rights and duties in the child adoptee, and to
 13315 preserve the right to notice of a proceeding in connection with the adoption of the
 13316 child adoptee, imposed by:

13317 (A) the last state where the unmarried biological father knew, or through the
 13318 exercise of reasonable diligence should have known, that the birth mother
 13319 resided in before the birth mother executed the consent to adoption or
 13320 relinquishment of the child adoptee for adoption; or

- 13321 (B) the state where the child adoptee was conceived; and
- 13322 (iii) the unmarried biological father has demonstrated, based on the totality of the
- 13323 circumstances, a full commitment to the unmarried biological father's parental
- 13324 responsibilities as described in Subsection (9); or
- 13325 (b)(i) the unmarried biological father knew, or through the exercise of reasonable
- 13326 diligence should have known, before the time the birth mother executed a consent
- 13327 to adoption or relinquishment of the child adoptee for adoption that a qualifying
- 13328 circumstance existed; and
- 13329 (ii) the unmarried biological father complied with the requirements of Subsections (2)
- 13330 through (7) before the later of:
- 13331 (A) 20 days after the day that the unmarried biological father knew, or through the
- 13332 exercise of reasonable diligence should have known, that a qualifying
- 13333 circumstance existed; or
- 13334 (B) the time that the birth mother executed a consent to adoption or
- 13335 relinquishment of the child adoptee for adoption.
- 13336 (9) When determining whether an unmarried biological father has demonstrated a full
- 13337 commitment to the unmarried biological father's parental responsibilities for purposes of
- 13338 Subsection (8)(a)(iii), a court shall consider the totality of the circumstances, including,
- 13339 if applicable:
- 13340 (a) the efforts the unmarried biological father has taken to discover the location of the
- 13341 child adoptee or the child adoptee's birth mother;
- 13342 (b) whether the unmarried biological father has expressed and demonstrated an interest
- 13343 in taking responsibility for the child adoptee;
- 13344 (c) whether, and to what extent, the unmarried biological father has developed, or
- 13345 attempted to develop, a relationship with the child adoptee;
- 13346 (d) whether the unmarried biological father offered to provide and, unless the offer was
- 13347 rejected, did provide, financial support for the child adoptee or the child adoptee's
- 13348 birth mother;
- 13349 (e) whether, and to what extent, the unmarried biological father has communicated, or
- 13350 attempted to communicate, with the child adoptee or the child adoptee's birth mother;
- 13351 (f) whether the unmarried biological father has timely filed legal proceedings to
- 13352 establish the unmarried biological father's parentage of, and take responsibility for,
- 13353 the child adoptee; and
- 13354 (g) whether the unmarried biological father has timely filed a notice with a public

- 13355 official or agency relating to:
- 13356 (i) the unmarried biological father's parentage of the child adoptee;
- 13357 (ii) legal proceedings to establish the unmarried biological father's parentage of the
- 13358 child adoptee; or
- 13359 (iii) other evidence that shows whether the unmarried biological father has
- 13360 demonstrated a full commitment to the unmarried biological father's parental
- 13361 responsibilities.
- 13362 (10) An unmarried biological father who does not fully and strictly comply with the
- 13363 requirements of this section is considered to have waived and surrendered any right in
- 13364 relation to the child adoptee, including the right to:
- 13365 (a) notice of any judicial proceeding in connection with the adoption of the child
- 13366 adoptee; and
- 13367 (b) consent, or refuse to consent, to the adoption of the child adoptee.
- 13368 (11) Notwithstanding any other provision of this section, the consent of an unmarried
- 13369 biological father is not required in a case where it is shown that the child adoptee was
- 13370 conceived as a result of conduct that constitutes a sexual offense under Title 76, Chapter
- 13371 5, Part 4, Sexual Offenses, or under the laws of the state where the child adoptee was
- 13372 conceived, regardless of whether the unmarried biological father is formally charged
- 13373 with or convicted of a criminal offense.
- 13374 ~~[(7)]~~ (12) Unless the child adoptee is conceived or born within a marriage, the petitioner in
- 13375 an adoption proceeding shall, ~~[prior to]~~ before entrance of a final decree of adoption, file
- 13376 with the court a certificate from the ~~[state registrar of vital statistics within the~~
- 13377 Department of Health and Human Services] office, stating:
- 13378 (a) that a diligent search has been made of the registry of notices from unmarried
- 13379 biological fathers described in Subsection ~~[(3)(d)]~~ (4)(c); and
- 13380 (b)(i) that no filing has been found pertaining to the unmarried biological father of
- 13381 the child adoptee in question; or
- 13382 (ii) if a filing is found, the name of the ~~[putative]~~ unmarried biological father and the
- 13383 time and date of filing.
- 13384 (13) Unless an individual who is an unmarried biological father has fully and strictly
- 13385 complied with the requirements of this section and Section 81-13-212, an out-of-state
- 13386 order that adjudicates parentage, or an out-of-state declaration or acknowledgment of
- 13387 paternity:
- 13388 (a) only has the effect of establishing that the individual is an unmarried biological

13389 father of the child adoptee to whom the order, declaration, or acknowledgment
 13390 relates; and

13391 (b) does not entitle the individual to:

13392 (i) notice of any judicial proceeding related to the adoption of the child adoptee;

13393 (ii) the right to consent, or refuse to consent, to the adoption of the child adoptee; or

13394 (iii) the right to custody of, control over, or visitation with the child adoptee.

13395 Section 347. Section **81-13-214**, which is renumbered from Section 78B-6-124 is renumbered
 13396 and amended to read:

13397 **[78B-6-124] 81-13-214 . Persons who may take consents and relinquishments.**

13398 (1) ~~[A consent or relinquishment by a birth mother or an adoptee shall be signed before]~~ A
 13399 birth mother shall sign a consent or relinquishment, or a child adoptee shall sign a
 13400 consent, before:

13401 (a) a judge of any court that has jurisdiction over adoption proceedings;

13402 (b) subject to Subsection (6), a person appointed by the judge described in Subsection
 13403 (1)(a) to take consents or relinquishments; or

13404 (c) subject to Subsection (6), a person who is authorized by a child-placing agency to
 13405 take consents or relinquishments[;] if the consent or relinquishment grants legal
 13406 custody of the child adoptee to a child-placing agency or an extra-jurisdictional
 13407 child-placing agency.

13408 (2) If the consent or relinquishment of a birth mother or child adoptee is taken out of state[
 13409 ~~it shall be signed]~~ out-of-state, the birth mother or child adoptee shall sign the consent or
 13410 relinquishment before:

13411 (a) subject to Subsection (6), a person who is authorized by a child-placing agency to
 13412 take consents or relinquishments[;] if the consent or relinquishment grants legal
 13413 custody of the child adoptee to a child-placing agency or an extra-jurisdictional
 13414 child-placing agency;

13415 (b) subject to Subsection (6), a person authorized or appointed to take consents or
 13416 relinquishments by a court of this state that has jurisdiction over adoption
 13417 proceedings;

13418 (c) a court that has jurisdiction over adoption proceedings in the state where the consent
 13419 or relinquishment is taken; or

13420 (d) a person authorized[~~, under the laws of the state where the consent or relinquishment~~
 13421 ~~is taken;~~] to take consents or relinquishments of a birth mother or child adoptee under
 13422 the laws of the state where the consent or relinquishment is taken.

13423 (3) ~~[The]~~ A person described in Subsection 81-13-211(1) that is not the birth mother or the
 13424 child adoptee may sign a consent or relinquishment ~~[of any other person or agency as~~
 13425 required by Section 78B-6-120 may be signed before a Notary Public] before a notary
 13426 public or any person authorized to take a consent or relinquishment under Subsection (1)
 13427 or (2).

13428 (4) A person, authorized by Subsection (1) or (2) to take consents or relinquishments, shall
 13429 certify to the best of ~~[his]~~ the person's information and belief that the person executing
 13430 the consent or relinquishment has read and understands the consent or relinquishment
 13431 and has signed ~~[it]~~ the consent or relinquishment freely and voluntarily.

13432 (5) A person executing a consent or relinquishment is entitled to receive a copy of the
 13433 consent or relinquishment.

13434 (6) A signature described in Subsection (1)(b), (1)(c), (2)(a), or (2)(b), shall be:

13435 (a) notarized; or

13436 (b) witnessed by two individuals who are not members of the birth mother's or the child
 13437 adoptee's immediate family.

13438 (7) Except as provided in Subsection 26B-2-127(2), a transfer of relinquishment from one
 13439 child-placing agency to another child-placing agency shall be signed before a ~~[Notary~~
 13440 ~~Public]~~ notary public.

13441 Section 348. Section **81-13-215**, which is renumbered from Section 78B-6-133 is renumbered
 13442 and amended to read:

13443 **[78B-6-133] 81-13-215 . Contested adoption of a minor child -- Rights of parties**
 13444 **-- Determination of custody.**

13445 (1) If ~~[a person]~~ an individual whose consent for an adoption of a minor child is required [
 13446 ~~pursuant to Subsection 78B-6-120(1)(b)]~~ as described in Subsection 81-13-212(1)(b), (c),
 13447 (d), (e), or (f) refused to consent, the court shall determine whether proper grounds exist
 13448 for the termination of that ~~[person's rights pursuant to the provisions of]~~ individual's
 13449 rights in accordance with this chapter or Title 80, Chapter 4, Termination and
 13450 Restoration of Parental Rights.

13451 (2)(a) If there are proper grounds to terminate the ~~[person's]~~ individual's parental rights,
 13452 the court shall order that the ~~[person's]~~ individual's rights be terminated.

13453 (b) If there are not proper grounds to terminate the ~~[person's]~~ individual's parental rights,
 13454 the court shall:

13455 (i) dismiss the adoption petition;

13456 (ii) conduct an evidentiary hearing to determine who should have custody of the child

- 13457 adoptee; and
- 13458 (iii) award custody of the child adoptee in accordance with the [~~child's~~] child adoptee's
- 13459 best interest.
- 13460 (c) Termination of [~~a person's~~] an individual's parental rights does not terminate the right
- 13461 of a relative of the parent to seek adoption of the child adoptee.
- 13462 (3) Evidence considered at the custody hearing may include:
- 13463 (a) evidence of psychological or emotional bonds that the child adoptee has formed with
- 13464 a third person, including the prospective adoptive parent; and
- 13465 (b) any detriment that a change in custody may cause the child adoptee.
- 13466 (4) If the court dismisses the adoption petition, the fact that [~~a person~~] an individual
- 13467 relinquished a child adoptee for adoption or consented to the adoption may not be
- 13468 considered as evidence in a custody proceeding described in this section, or in any
- 13469 subsequent custody proceeding, that it is not in the [~~child's~~] child adoptee's best interest
- 13470 for custody to be awarded to such person or that:
- 13471 (a) the [~~person~~] individual is unfit or incompetent to be a parent;
- 13472 (b) the [~~person~~] individual has neglected or abandoned the child adoptee;
- 13473 (c) the [~~person~~] individual is not interested in having custody of the child adoptee; or
- 13474 (d) the [~~person~~] individual has forfeited the [~~person's~~] individual's parental presumption.
- 13475 (5) Any custody order entered [~~pursuant to~~] under this section may also:
- 13476 (a) include provisions for:
- 13477 (i) parent-time; or
- 13478 (ii) visitation by an interested third party, including the prospective adoptive parent;
- 13479 and
- 13480 (b) provide for the financial support of the child adoptee.
- 13481 (6)(a) If a person [~~or entity~~] whose consent is required for an adoption under Subsection [~~78B-6-120(1)(a)~~] 81-13-212(1)(a) or (g) refuses to consent, the court shall proceed
- 13482 with an evidentiary hearing and award custody as [~~set forth~~] described in Subsection
- 13483 (2).
- 13484 (b) The court may also finalize the adoption if doing so is in the best interest of the child
- 13485 adoptee.
- 13486 (7)(a) A person may not contest an adoption after the final decree of adoption is
- 13487 entered, if that person:
- 13488 (i) was a party to the adoption proceeding;
- 13489 (ii) was served with notice of the adoption proceeding; or
- 13490 (ii) was served with notice of the adoption proceeding; or

- 13491 (iii) executed a consent to the adoption or relinquishment for adoption.
- 13492 (b) No person may contest an adoption after one year from the day on which the final
13493 decree of adoption is entered.
- 13494 (c) The limitations on contesting an adoption action, described in this Subsection (7),
13495 apply to all attempts to contest an adoption:
- 13496 (i) regardless of whether the adoption is contested directly or collaterally; and
13497 (ii) regardless of the basis for contesting the adoption, including claims of fraud,
13498 duress, undue influence, lack of capacity or competency, mistake of law or fact, or
13499 lack of jurisdiction.
- 13500 (d) The limitations on contesting an adoption action, described in this Subsection (7), do
13501 not prohibit a timely appeal of:
- 13502 (i) a final decree of adoption; or
13503 (ii) a decision in an action challenging an adoption, if the action was brought within
13504 the time limitations described in Subsections (7)(a) and (b).
- 13505 (8) A court that has jurisdiction over a child adoptee for whom more than one petition for
13506 adoption is filed shall grant a hearing only under the following circumstances:
- 13507 (a) to a petitioner:
- 13508 (i) with whom the child adoptee is placed;
13509 (ii) who has custody or guardianship of the child adoptee;
13510 (iii) who has filed a written statement with the court within [~~eight months~~] 240 days
13511 after the day on which the shelter hearing is held:
- 13512 (A) requesting immediate placement of the child adoptee with the petitioner; and
13513 (B) expressing the petitioner's intention of adopting the child adoptee;
- 13514 (iv) who is a relative with whom the child adoptee has a significant and substantial
13515 relationship and who was unaware, within [~~the first eight months~~] 240 days after
13516 the day on which the shelter hearing is held, of the [~~child's~~] child adoptee's
13517 removal from the [~~child's~~] child adoptee's parent; or
- 13518 (v) who is a relative with whom the child adoptee has a significant and substantial
13519 relationship and, in a case where the child adoptee is not placed with a relative or
13520 is placed with a relative that is unable or unwilling to adopt the child adoptee:
- 13521 (A) was actively involved in the [~~child's~~] child adoptee's child welfare case with
13522 the division or the juvenile court while the [~~child's~~] child adoptee's parent
13523 engaged in reunification services; and
13524 (B) filed a written statement with the court that includes the information described

13525 in Subsections (8)(a)(iii)(A) and (B) within 30 days after the day on which the
 13526 court terminated reunification services; or

13527 (b) if the child adoptee:

13528 (i) has been in the current placement for less than 180 days before the day on which
 13529 the petitioner files the petition for adoption; or

13530 (ii) is placed with, or is in the custody or guardianship of, an individual who
 13531 previously informed the division or the court that the individual is unwilling or
 13532 unable to adopt the child adoptee.

13533 (9)(a) If the court grants a hearing on more than one petition for adoption, there is a
 13534 rebuttable presumption that it is in the best interest of a child adoptee to be placed for
 13535 adoption with a petitioner:

13536 (i) who has fulfilled the requirements [~~described in Title 78B, Chapter 6, Part 1, Utah~~
 13537 ~~Adoption Act~~] of this chapter; and

13538 (ii)(A) with whom the child adoptee has continuously resided for [~~six months~~] 180
 13539 days;

13540 (B) who has filed a written statement with the court within [~~eight months~~] 240 days
 13541 after the day on which the shelter hearing is held, as described in Subsection
 13542 (8)(a)(iii); or

13543 (C) who is a relative described in Subsection (8)(a)(iv).

13544 (b) The court may consider other factors relevant to the best interest of the child adoptee
 13545 to determine whether the presumption is rebutted.

13546 (c) The court shall weigh the best interest of the child adoptee uniformly between
 13547 petitioners if more than one petitioner satisfies a rebuttable presumption condition
 13548 described in Subsection (9)(a).

13549 (10) Nothing in this section shall be construed to prevent the division or the [~~child's~~] child
 13550 adoptee's guardian ad litem from appearing or participating in any proceeding for a
 13551 petition for adoption.

13552 (11) The division shall use best efforts to provide a known relative with timely information
 13553 relating to the relative's rights or duties under this section.

13554 Section 349. Section **81-13-216**, which is renumbered from Section 78B-6-146 is renumbered
 13555 and amended to read:

13556 **[78B-6-146] 81-13-216 . Postadoption contact agreement.**

13557 (1) As used in this section:

13558 (a) "Postadoption contact agreement" means a document, agreed upon prior to the

- 13559 finalization of an adoption of a minor child in the custody of the division, that
13560 outlines the relationship between an adoptive parent, birth parent, or other birth
13561 relative, and ~~[an adopted child]~~ the minor child after the finalization of adoption.
- 13562 (b) "Other birth relative" means a grandparent, stepparent, sibling, stepsibling, aunt, or
13563 uncle of the ~~[prospective adoptive child]~~ child adoptee.
- 13564 (2)(a) Notwithstanding any other provision in this chapter, if a child adoptee in the
13565 custody of the division is placed for adoption, the prospective adoptive parent and
13566 birth parent, or other birth relative, may enter into a postadoption contact agreement
13567 as provided in this section.
- 13568 (b) A birth parent is not required to be a party to a postadoption contact agreement in
13569 order to permit an open adoption agreement between a prospective adoptive parent
13570 and another birth relative of the child adoptee.
- 13571 (3) In order to be legally enforceable, a postadoption contact agreement shall be:
- 13572 (a) approved by the court before the finalization of the adoption, with the court making a
13573 specific finding that the agreement is in the best interest of the child adoptee;
- 13574 (b) signed by each party claiming a right or obligation in the agreement; and
- 13575 (c) if the ~~[adopted child]~~ child adoptee is 12 years old or older, approved by the child
13576 adoptee.
- 13577 (4) A postadoption contact agreement shall:
- 13578 (a) describe:
- 13579 (i) visits, if any, that shall take place between the birth parent, other birth relative,
13580 adoptive parent, and ~~[adopted child]~~ child adoptee;
- 13581 (ii) the degree of supervision, if any, that shall be required during a visit between a
13582 birth parent, other birth relative, and ~~[adopted child]~~ child adoptee;
- 13583 (iii) the information, if any, that shall be provided to a birth parent, or other birth
13584 relative, about the ~~[adopted child]~~ child adoptee and how often that information
13585 shall be provided;
- 13586 (iv) the grounds, if any, on which the adoptive parent may:
- 13587 (A) decline to permit visits, described in Subsection (4)(a)(i), between the birth
13588 parent, or other birth relative, and ~~[adopted child]~~ child adoptee; or
- 13589 (B) cease providing the information described in Subsection (4)(a)(iii) to the birth
13590 parent or other birth relative; and
- 13591 (b) state that following the adoption, the court shall presume that the adoptive parent's
13592 judgment about the best interest of the child adoptee is correct in any action seeking

- 13593 to enforce, modify, or terminate the agreement.
- 13594 (5) A postadoption contact agreement may not limit the adoptive parent's ability to move
13595 out of state.
- 13596 (6) A postadoption contact agreement may only be modified with the consent of the
13597 adoptive parent.
- 13598 (7) In an action seeking enforcement of a postadoption contact agreement:
- 13599 (a) an adoptive parent's judgment about the best interest of the child adoptee is entitled
13600 to a presumption of correctness;
- 13601 (b) if the party seeking to enforce the postadoption contact agreement successfully
13602 rebuts the presumption described in Subsection (7)(a), the court shall consider
13603 whether:
- 13604 (i) the parties performed the duties outlined in the open adoption agreement in good
13605 faith;
- 13606 (ii) there is a reasonable alternative that fulfills the spirit of the open adoption
13607 agreement without ordering mandatory compliance with the open adoption
13608 agreement; and
- 13609 (iii) enforcement of the open adoption agreement is in the best interest of the [
13610 ~~adopted child~~] child adoptee; and
- 13611 (c) the court shall order the parties to attend mediation, if the presumption in Subsection
13612 (7)(a) is successfully rebutted and mediation is in the [~~child's~~] child adoptee's best
13613 interest.
- 13614 (8) An open adoption agreement that has been found not to be in the best interest of the [
13615 ~~adopted child~~] child adoptee shall not be enforced.
- 13616 (9) Violation of an open adoption agreement is not grounds:
- 13617 (a) to set aside an adoption; or
13618 (b) for an award of money damages.
- 13619 (10) Nothing in this section shall be construed to mean that an open adoption agreement is
13620 required before an adoption may be finalized.
- 13621 (11) Refusal or failure to agree to a postadoption contact agreement is not admissible in any
13622 adoption proceeding.
- 13623 (12) The court that approves a postadoption contact agreement retains jurisdiction over
13624 modification, termination, and enforcement of an approved postadoption contact
13625 agreement.
- 13626 Section 350. Section **81-13-217**, which is renumbered from Section 78B-6-140 is renumbered

13627 and amended to read:

13628 **[78B-6-140] 81-13-217 . Affidavit regarding fees and expenses before final decree**
13629 **of adoption of a minor child.**

13630 (1)(a) Except as provided in Subsection (5), before the date that a final decree of

13631 adoption for a child adoptee is entered, a prospective adoptive parent or, if the child
13632 adoptee was placed by a child-placing agency, the person or agency placing the child
13633 adoptee shall file with the court an affidavit regarding fees and expenses on a form
13634 prescribed by the Judicial Council in accordance with Subsection (2).

13635 (b) An affidavit filed pursuant to Subsection (1)(a) shall be signed by each prospective
13636 adoptive parent and, if the child adoptee was placed by a child-placing agency, the
13637 person or agency placing the child adoptee.

13638 (c) The court shall review an affidavit filed under this section for completeness and
13639 compliance with the requirements of this section.

13640 (d) The results of the court's review under Subsection (1)(c) shall be noted in the court's
13641 record.

13642 (2)(a) The Judicial Council shall prescribe a uniform form for the affidavit described in
13643 Subsection (1).

13644 (b) The uniform affidavit form shall require itemization of the following items in
13645 connection with the adoption:

13646 (i) all legal expenses that have been or will be paid to or on behalf of the preexisting
13647 parents of the child adoptee, including the source of payment;

13648 (ii) all maternity expenses that have been or will be paid to or on behalf of the
13649 preexisting parents of the child adoptee, including the source of payment;

13650 (iii) all medical or hospital expenses that have been or will be paid to or on behalf of
13651 the preexisting parents of the child adoptee, including the source of payment;

13652 (iv) all living expenses that have been or will be paid to or on behalf of the
13653 preexisting parents of the child adoptee, including the source of payment;

13654 (v) fees paid by the prospective adoptive parent or parents in connection with the
13655 adoption;

13656 (vi) all gifts, property, or other items that have been or will be provided to the
13657 preexisting parents, including the source and approximate value of the gifts,
13658 property, or other items;

13659 (vii) all public funds used for any medical or hospital costs in connection with the:
13660 (A) pregnancy;

- 13661 (B) delivery of the child adoptee; or
13662 (C) care of the child adoptee; and
13663 (viii) if a child-placing agency placed the child adoptee:
13664 (A) a description of services provided to the prospective adoptive parents or
13665 preexisting parents in connection with the adoption;
13666 (B) all expenses associated with matching the prospective adoptive parent or
13667 parents and the birth mother;
13668 (C) all expenses associated with advertising; and
13669 (D) any other agency fees or expenses paid by an adoptive parent that are not
13670 itemized under one of the other categories described in this Subsection (2)(b),
13671 including a description of the reason for the fee or expense.
- 13672 (c) The uniform affidavit form shall require:
13673 (i) a statement of the state of residence of the:
13674 (A) birth mother or the preexisting parents; and
13675 (B) prospective adoptive parent or parents;
13676 (ii) a declaration that Section 76-7-203 has not been violated; and
13677 (iii) if the affidavit includes an itemized amount for both of the categories described
13678 in Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or
13679 hospital expenses were paid by a source other than public funds.
- 13680 (d) To satisfy the requirement of Subsection (1)(a), the court shall accept an affidavit
13681 that is submitted in a form accepted by the Office of Licensing within the Department
13682 of Health and Human Services if the affidavit contains the same information and is in
13683 a reasonably equivalent format as the uniform affidavit form prescribed by the
13684 Judicial Council.
- 13685 (3)(a) If a child-placing agency, that is licensed by this state, placed the child adoptee,
13686 the child-placing agency shall provide a copy of the affidavit described in Subsection
13687 (1) to the Office of Licensing within the Department of Health and Human Services.
- 13688 (b) Before August 30 of each even-numbered year, the Office of Licensing within the
13689 Department of Health and Human Services shall provide a written report to the
13690 Health and Human Services Interim Committee and to the Judicial Council regarding
13691 the cost of adoptions in the state that includes:
13692 (i) the total number of affidavits provided to the Office of Licensing during the
13693 previous year;
13694 (ii) for each of the categories described in Subsection (2)(b):

- 13695 (A) the average amount disclosed on affidavits submitted during the previous
 13696 year; and
- 13697 (B) the range of amounts disclosed on affidavits submitted during the previous
 13698 year;
- 13699 (iii) the average total amount disclosed on affidavits submitted during the previous
 13700 year;
- 13701 (iv) the range of total amounts disclosed on affidavits submitted during the previous
 13702 year; and
- 13703 (v) any recommended legislation that may help reduce the cost of adoptions.
- 13704 (c) The Health and Human Services Interim Committee shall, based on information in
 13705 reports provided under Subsection (3)(b) and in consultation with a consortium
 13706 described in Subsection 26B-2-127(8), consider:
- 13707 (i) what constitutes reasonable fees and expenses related to adoption; and
- 13708 (ii) the standards that may be used to determine whether fees and expenses related to
 13709 adoption are reasonable in a specific case.
- 13710 (4) The Judicial Council shall make a copy of each report provided by the Office of
 13711 Licensing under Subsection (3)(b) available to each court that may be required to review
 13712 an affidavit under Subsection (1)(c).
- 13713 (5) This section does not apply if the prospective adoptive parent is the legal spouse of a
 13714 preexisting parent.

13715 Section 351. Section **81-13-218**, which is renumbered from Section 78B-6-136 is renumbered
 13716 and amended to read:

13717 **~~[78B-6-136]~~ 81-13-218 . Final decree of adoption of a minor child -- Agreement**
 13718 **by adoptive parent or parents.**

- 13719 (1)(a) Before entering a final decree of adoption, the court shall examine separately
 13720 each person appearing before the court in accordance with this chapter.
- 13721 (b) If the court is satisfied that the interests of the child adoptee will be promoted by the
 13722 adoption, the court shall enter a final decree of adoption in accordance with Section
 13723 81-13-219 declaring that:
- 13724 (i) the child adoptee is adopted by the adoptive parent or parents; and
- 13725 (ii) the child adoptee is regarded and treated in all respects as the child of the
 13726 adoptive parent or parents.

13727 ~~[(4)]~~ (2) Except as provided in Subsection ~~[(2)]~~ (3), before the court enters a final decree of
 13728 adoption of a child adoptee:

- 13729 (a) the prospective adoptive parent or parents and the child adoptee being adopted shall
 13730 appear before the appropriate court; and
- 13731 (b) the prospective adoptive parent or parents shall execute an agreement stating that the
 13732 child adoptee shall be adopted and treated in all respects as the adoptive parent's or
 13733 parents' own lawful child.
- 13734 ~~[(2)]~~ (3) ~~[Except as provided in Subsection 78B-6-115(4), a]~~ The court may waive the
 13735 requirement ~~[-]~~ described in Subsection ~~[(1)(a)]~~ (2)(a) if:
- 13736 (a) the adoption is not contested;
- 13737 (b) the prospective adoptive parent or parents:
- 13738 (i) execute an agreement stating that the child adoptee shall be adopted and treated in
 13739 all respects as the parent's or parents' own lawful child;
- 13740 (ii) have the agreement described in Subsection ~~[(2)(b)(i)]~~ (3)(b)(i) notarized; and
- 13741 (iii) file the agreement described in Subsection ~~[(2)(b)(i)]~~ (3)(b)(i) with the court; and
- 13742 (c) all requirements of this chapter to obtain a final decree of adoption are otherwise
 13743 complied with.

13744 (4) At the time that a final decree of adoption is entered, the child adoptee may take the
 13745 family name of the adoptive parent or parents.

13746 (5) After a final decree of adoption is entered, the adoptive parent or parents and the child
 13747 adoptee shall:

13748 (a) sustain the legal relationship of a parent and child; and

13749 (b) have all the rights and be subject to all the duties of a parent-child relationship.

13750 Section 352. Section **81-13-219**, which is renumbered from Section 78B-6-136.5 is renumbered
 13751 and amended to read:

13752 **[78B-6-136.5] 81-13-219 . Timing of entry of final decree of adoption of a minor**
 13753 **child -- Posthumous adoption of a minor child.**

13754 (1)(a) ~~Except as provided in Subsection (1)(b) or (2), [a final decree of adoption may~~
 13755 ~~not be entered]~~ the court may not enter a final decree of adoption for a child adoptee
 13756 until the earlier of:

13757 ~~[(a)]~~ (i) when the child adoptee has lived in the home of the prospective adoptive
 13758 parent for [three months] 90 days; or

13759 ~~[(b)]~~ (ii) when the child adoptee has been placed for adoption with the prospective
 13760 adoptive parent for [three months] 90 days.

13761 (b) Notwithstanding Subsection (1)(a), the court may enter a final decree of adoption at
 13762 an earlier or later time than described in Subsection (1) if the court finds that there is

- 13763 good cause.
- 13764 (2)(a) If the prospective adoptive parent is the spouse of the preexisting parent, [~~a final~~
13765 ~~decree of adoption may not be entered until the child~~] the court may not enter a final
13766 decree of adoption for a child adoptee until the child adoptee has lived in the home of
13767 that prospective adoptive parent for [six months, unless, based on a finding of good
13768 cause, the court orders that the final decree of adoption may be entered at an earlier
13769 time] 180 days.
- 13770 (b) Notwithstanding Subsection (2)(a), the court may enter a final decree of adoption at
13771 an earlier time than described in Subsection (2)(a) if the court finds that there is good
13772 cause.
- 13773 [~~(b) The court may, based on a finding of good cause, order that the final decree of~~
13774 ~~adoption be entered at a later time than described in Subsection (1).]~~
- 13775 (3) The court [~~has authority to~~] may enter a final decree of adoption for a child adoptee after [
13776 a child's] the child adoptee's death upon the request of the prospective adoptive parent or
13777 parents of the child adoptee if:
- 13778 (a) the child adoptee dies during the time that the child adoptee is placed in the home of
13779 a prospective adoptive parent or parents for the purpose of adoption; or
- 13780 (b) the prospective adoptive parent is the spouse of a preexisting parent of the child
13781 adoptee and the child adoptee lived with the prospective adoptive parent before the [
13782 child's] child adoptee's death.
- 13783 (4) The court may enter a final decree of adoption for a child adoptee declaring that [~~a child~~]
13784 the child adoptee is adopted by:
- 13785 (a) both a deceased and a surviving adoptive parent if after the child adoptee is placed in
13786 the home of the [~~child's~~] child adoptee's prospective adoptive parents:
- 13787 (i) one of the prospective adoptive parents dies;
- 13788 (ii) the surviving prospective adoptive parent requests that the court enter the decree;
- 13789 and
- 13790 (iii) the decree is entered after the child adoptee has lived in the home of the
13791 surviving prospective adoptive parent for at least [~~three months~~] 180 days; or
- 13792 (b) a spouse of a preexisting parent if after the child adoptee has lived with the spouse of
13793 the preexisting parent:
- 13794 (i) the preexisting parent, or the spouse of the preexisting parent, dies;
- 13795 (ii) the preexisting parent, or the spouse of the preexisting parent, requests that the
13796 court enter the decree; and

- 13797 (iii) the child adoptee has lived in the same home as the spouse of the preexisting
 13798 parent for at least [~~six months~~] 180 days.
- 13799 (5) Upon request of a surviving preexisting parent, or a surviving parent for whom adoption
 13800 of a child adoptee has been finalized, the court may enter a final decree of adoption
 13801 declaring that a child adoptee is adopted by a deceased adoptive parent who was the
 13802 spouse of the surviving parent at the time of the prospective adoptive parent's death.
- 13803 (6) The court may enter a final decree of adoption declaring that a child adoptee is adopted
 13804 by both deceased prospective adoptive parents if:
- 13805 (a) both of the prospective adoptive parents die after the child adoptee is placed in the
 13806 prospective adoptive parents' home; and
- 13807 (b) it is in the best interests of the child adoptee to enter the decree.
- 13808 (7) Nothing in this section shall be construed to grant any rights to the preexisting parents
 13809 of a child adoptee to assert any interest in the child adoptee during the [~~three-month or~~
 13810 ~~six-month~~] time periods described in this section.

13811 Section 353. Section **81-13-220**, which is renumbered from Section 78B-6-138 is renumbered
 13812 and amended to read:

13813 **[78B-6-138] 81-13-220 . Effect of adoption of a minor child on pre-existing parent.**

- 13814 (1) A pre-existing parent of [~~an adopted child~~] a child adoptee:
- 13815 (a) is released from all parental rights and duties toward and all responsibilities for the [~~adopted child~~]
 13816 child adoptee, including residual parental rights and duties, as defined
 13817 in Section 80-1-102[~~, and~~] ; and
- 13818 (b) has no further parental rights or duties with regard to [~~that adopted child~~] the child
 13819 adoptee at the earlier of:
- 13820 [(~~a~~)] (i) the time the pre-existing parent's parental rights are terminated; or
- 13821 [(~~b~~)] (ii) except as provided in Subsection (2), and subject to Subsections (3) and (4),
 13822 the time the final decree of adoption is entered.
- 13823 (2) The parental rights and duties of a pre-existing parent who, at the time the child adoptee
 13824 is adopted, is lawfully married to the [~~person adopting the child~~] individual adopting the
 13825 child adoptee are not released under Subsection (1)(b).
- 13826 (3) The parental rights and duties of a pre-existing parent who, at the time the child adoptee
 13827 is adopted, is not lawfully married to the [~~person adopting the child~~] individual adopting
 13828 the child adoptee are released under Subsection (1)(b).
- 13829 (4)(a) Notwithstanding the provisions of this section, the court may allow a prospective
 13830 adoptive parent to adopt a child adoptee without releasing the pre-existing parent

- 13831 from parental rights and duties under Subsection (1)(b), if:
- 13832 (i) the pre-existing parent and the prospective adoptive parent were lawfully married
- 13833 at some time during the ~~[child's]~~ child adoptee's life;
- 13834 (ii) the pre-existing parent consents to the prospective adoptive parent's adoption of
- 13835 the ~~[child,]~~ child adoptee or is unable to consent because the pre-existing parent is
- 13836 deceased or incapacitated;
- 13837 (iii) notice of the adoption proceeding is provided in accordance with Section [
- 13838 ~~78B-6-110]~~ 81-13-207;
- 13839 (iv) consent to the adoption is provided in accordance with [~~Section 78B-6-120]~~
- 13840 Section 81-13-212; and
- 13841 (v) the court finds that it is in the best interest of the child adoptee to grant the
- 13842 adoption without releasing the pre-existing parent from parental rights and duties.
- 13843 (b) This Subsection (4) does not permit a child adoptee to have more than two ~~[natural~~
- 13844 ~~parents, as that term is defined in Section 80-1-102]~~ parents.
- 13845 (5) This section may not be construed as terminating any child support obligation of a
- 13846 parent incurred before the adoption.

13847 Section 354. Section **81-13-301** is enacted to read:

13848 **Part 3. Adoption of an Adult**

13849 **81-13-301 . Definitions for part.**

13850 Reserved.

13851 Section 355. Section **81-13-302**, which is renumbered from Section 78B-6-115 is renumbered

13852 and amended to read:

13853 **[78B-6-115] 81-13-302 . Who may adopt an adult.**

13854 [(1) As used in this section, "vulnerable adult" means:]

13855 [(a) an individual who is 65 years old or older; or]

13856 [(b) an adult who is 18 years old or older, and who has a mental or physical impairment

13857 that substantially affects that adult's ability to:]

13858 [(i) provide personal protection;]

13859 [(ii) provide necessities such as food, shelter, clothing, or medical or other health care;]

13860 [(iii) obtain services necessary for health, safety, or welfare;]

13861 [(iv) carry out the activities of daily living;]

13862 [(v) manage the adult's own resources; or]

13863 [(vi) comprehend the nature and consequences of remaining in a situation of abuse,

13864 neglect, or exploitation.]

- 13865 [(2) Subject to this section and Section 78B-6-117, any adult may be adopted by another
13866 adult.]
- 13867 [(3) The following provisions of this part apply to the adoption of an adult just as though
13868 the individual being adopted were a minor:]
- 13869 [(a)(i) Section 78B-6-108;]
13870 [(ii) Section 78B-6-114;]
13871 [(iii) Section 78B-6-116;]
13872 [(iv) Section 78B-6-118;]
13873 [(v) Section 78B-6-124;]
13874 [(vi) Section 78B-6-136;]
13875 [(vii) Section 78B-6-137;]
13876 [(viii) Section 78B-6-138;]
13877 [(ix) Section 78B-6-139;]
13878 [(x) Section 78B-6-141; and]
13879 [(xi) Section 78B-6-142;]
- 13880 [(b) Subsections 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7), except that the juvenile
13881 court does not have jurisdiction over a proceeding for adoption of an adult, unless the
13882 adoption arises from a case where the juvenile court has continuing jurisdiction over the
13883 mature adoptee; and]
- 13884 [(c) if the mature adoptee is a vulnerable adult, Sections 78B-6-128 through 78B-6-131,
13885 regardless of whether the mature adoptee resides, or will reside, with the adopters,
13886 unless the court, based on a finding of good cause, waives the requirements of those
13887 sections.]
- 13888 [(4) Before a court enters a final decree of adoption of a mature adoptee, the mature
13889 adoptee and the prospective adoptive parent or parents shall appear before the court
13890 presiding over the adoption proceeding and execute consent to the adoption.]
- 13891 [(5) No provision of this part, other than those listed or described in this section or Section
13892 78B-6-117, apply to the adoption of an adult.]
- 13893 (1) Except as provided in Subsections (2) and (3), an adult may adopt another adult.
13894 (2) A married adult who is lawfully separated from the married adult's spouse may not
13895 adopt another adult without the consent of the married adult's spouse if the spouse is
13896 capable of giving consent.
13897 (3) An individual adopting an adult may not adopt the adult unless:
13898 (a) the individual is at least 10 years older than the adult; or

13899 (b) at least one individual of a married couple is at least 10 years older than the adult if a
 13900 married couple is adopting the adult.

13901 (4) The placement requirements described in Part 4, Placement of a Minor Child or
 13902 Vulnerable Adult for Adoption, apply to an adult adoptee that is a vulnerable adult
 13903 regardless of whether the adult adoptee resides, or will reside, with the adoptive parents,
 13904 unless the court waives the placement requirements upon a finding of good cause.

13905 Section 356. Section **81-13-303**, which is renumbered from Section 78B-6-116 is renumbered
 13906 and amended to read:

13907 **[78B-6-116] 81-13-303 . Notice of adoption of an adult.**

13908 [(1)(a) ~~Consent to the adoption of an adult is required from:~~]

13909 [(i) ~~the mature adoptee;~~]

13910 [(ii) ~~any person who is adopting the adult;~~]

13911 [(iii) ~~the spouse of a person adopting the adult; and~~]

13912 [(iv) ~~any legally appointed guardian or custodian of the adult adoptee.]~~

13913 [(b) ~~No person, other than a person described in Subsection (1)(a), may consent, or~~
 13914 ~~withhold consent, to the adoption of an adult.]~~

13915 [(2)] (1)(a) ~~Except as provided in Subsection [(2)(b), notice of a proceeding for the~~
 13916 ~~adoption of an adult shall be served on each person described in Subsection (1)(a)~~
 13917 ~~and the spouse of the mature adoptee.] (1)(c), a petitioner in an adoption proceeding~~
 13918 ~~shall serve notice of the proceeding on:~~

13919 [(i) ~~the adult adoptee;~~

13920 [(ii) ~~the spouse of the petitioner if the petitioner is married;~~

13921 [(iii) ~~any legally appointed guardian or custodian of the adult adoptee; and~~

13922 [(iv) ~~the spouse of the adult adoptee if the adult adoptee is married.~~

13923 (b) The petitioner shall serve the notice described in Subsection (1)(a) at least 30 days
 13924 before the day on which the adoption is finalized.

13925 [(b)] (c) ~~The notice described in Subsection [(2)(a)] (1)(a) may be waived, in writing, by~~
 13926 ~~the person entitled to receive notice.~~

13927 [(3)] (2) ~~The notice described in Subsection [(2)] (1):~~

13928 [(a) ~~shall be served at least 30 days before the day on which the adoption is finalized;~~]

13929 [(b)] (a) ~~shall specifically state that the person served must respond to the petition within~~
 13930 ~~30 days of service if the person intends to intervene in the adoption proceeding;~~

13931 [(c)] (b) ~~shall state the name of the [person to be adopted] adult adoptee;~~

13932 [(d)] (c) ~~may not state the name of a person adopting the [mature] adult adoptee, unless~~

13933 the person consents, in writing, to disclosure of the person's name;

13934 ~~[(e)]~~ (d) with regard to a person described in Subsection (1)(a):

13935 (i) except as provided in Subsection ~~[(2)(b)]~~ (2)(a), shall be in accordance with the

13936 provisions of the Utah Rules of Civil Procedure; and

13937 (ii) may not be made by publication; and

13938 ~~[(f)]~~ (e) with regard to the spouse of the ~~[mature]~~ adult adoptee, may be made:

13939 (i) in accordance with the provisions of the Utah Rules of Civil Procedure;

13940 (ii) by certified mail, return receipt requested; or

13941 (iii) by publication, posting, or other means if:

13942 (A) the service described in Subsection ~~[(3)(f)(ii)]~~ (2)(e)(ii) cannot be completed

13943 after two attempts; and

13944 (B) the court issues an order providing for service by publication, posting, or other

13945 means.

13946 ~~[(4)]~~ (3) Proof of service of the notice on each person to whom notice is required by this

13947 section shall be filed with the court before the adoption is finalized.

13948 ~~[(5)]~~ (4)(a) Any person who is served with notice of a proceeding for the adoption of an

13949 adult adoptee and who wishes to intervene in the adoption shall file a motion in the

13950 adoption proceeding:

13951 (i) within 30 days after the day on which the person is served with notice of the

13952 adoption proceeding;

13953 (ii) that sets forth the specific relief sought; and

13954 (iii) that is accompanied by a memorandum specifying the factual and legal grounds

13955 upon which the motion is made.

13956 (b) A person who fails to file the motion described in Subsection ~~[(5)(a)]~~ (4)(a) within

13957 the time described in Subsection ~~[(5)(a)(i)]~~ (4)(a)(i):

13958 (i) waives any right to further notice of the adoption proceeding; and

13959 (ii) is barred from intervening in, or bringing or maintaining any action challenging,

13960 the adoption proceeding.

13961 ~~[(6)]~~ (5) Except as provided in Subsection ~~[(7)]~~ (6), after a court enters a final decree of

13962 adoption of an adult adoptee, the ~~[mature]~~ adult adoptee shall:

13963 (a) serve notice of the finalization of the adoption, ~~[pursuant to]~~ in accordance with the

13964 Utah Rules of Civil Procedure, on each person who was a legal parent of the adult

13965 adoptee before the final decree of adoption described in this Subsection ~~[(6)]~~ (5) was

13966 entered; and

13967 (b) file with the court proof of service of the notice described in Subsection [(6)(a)] (5)(a).
13968 [(7)] (6) A court may~~[, based on a finding of good cause,]~~ waive the notification
13969 requirement described in Subsection [(6)] (5) upon a finding of good cause.

13970 Section 357. Section **81-13-304** is enacted to read:

13971 **81-13-304 . Necessary consent to adoption of an adult -- Persons who may take**
13972 **consents.**

13973 (1) The following persons are required to consent to an adoption of an adult adoptee before
13974 the adoption is granted:

13975 (a) the adult adoptee;

13976 (b) any individual who is adopting the adult adoptee;

13977 (c) the spouse of the individual adopting the adult adoptee if the individual is married;
13978 and

13979 (d) any legally appointed guardian or custodian of the adult adoptee.

13980 (2) An adult adoptee shall sign a consent before:

13981 (a) the court with jurisdiction over the adoption proceeding; or

13982 (b) a person appointed by the court to take the consent.

13983 (3) If the consent of the adult adoptee is taken out of state, the adult adoptee shall sign the
13984 consent before:

13985 (a) a person authorized or appointed to take a consent by a court of this state that has
13986 jurisdiction over adoption proceedings;

13987 (b) a court that has jurisdiction over adoption proceedings in the state where the consent
13988 is taken; or

13989 (c) a person authorized, under the laws of the state where the consent is taken, to take a
13990 consent of the adult adoptee.

13991 (4) A person other than the adult adoptee may sign the consent before a notary or any
13992 person authorized to take the consent as described in Subsection (2) or (3).

13993 (5) A person authorized by Subsection (2) or (3) to take a consent shall certify to the best of
13994 the person's information and belief that the person executing the consent has read and
13995 understands the consent and has signed the consent freely and voluntarily.

13996 (6) A person executing a consent is entitled to receive a copy of the consent.

13997 (7) A signature described in Subsection (2)(b) or (3)(a), shall be:

13998 (a) notarized; or

13999 (b) witnessed by two individuals who are not members of the adult adoptee's immediate
14000 family.

14001 Section 358. Section **81-13-305** is enacted to read:

14002 **81-13-305 . Final decree of adoption of an adult -- Agreement by adoptive parent**
14003 **or parents.**

14004 (1) Before entering a final decree of adoption of an adult adoptee, the court shall examine
14005 separately each person appearing before the court in accordance with this chapter.

14006 (2) If the court is satisfied that the interests of the adult adoptee will be promoted by the
14007 adoption, the court shall enter a final decree of adoption declaring that:

14008 (a) the adult adoptee is adopted by the adoptive parent or parents; and

14009 (b) the adult adoptee is regarded and treated in all respects as the child of the adoptive
14010 parent or parents.

14011 (3) Before the court enters a final decree of adoption of an adult adoptee, the prospective
14012 adoptive parent or parents and the adult adoptee shall:

14013 (a) appear before the court;

14014 (b) execute a consent to the adoption as described in Section 81-13-304; and

14015 (c) execute an agreement stating that the adult adoptee shall be adopted and treated in all
14016 respects as the adoptive parent's or parents' own lawful child.

14017 (4) When a final decree of adoption is entered, the adult adoptee may take the family name
14018 of the adoptive parent or parents.

14019 (5) After a final decree of adoption is entered, the adoptive parent or parents and the adult
14020 adoptee shall:

14021 (a) sustain the legal relationship of a parent and child; and

14022 (b) have all the rights and be subject to all the duties of a parent-child relationship.

14023 Section 359. Section **81-13-306** is enacted to read:

14024 **81-13-306 . Effect of adoption of an adult on pre-existing parent.**

14025 (1) A pre-existing parent of an adult adoptee:

14026 (a) is released from all parental rights and duties toward and all responsibilities for the
14027 adult adoptee, including residual parental rights and duties, as defined in Section
14028 80-1-102; and

14029 (b) has no further parental rights or duties with regard to the adult adoptee at the earlier
14030 of:

14031 (i) the time the pre-existing parent's parental rights are terminated; or

14032 (ii) except as provided in Subsection (2), and subject to Subsections (3) and (4), the
14033 time the final decree of adoption is entered.

14034 (2) The parental rights and duties of a pre-existing parent who, at the time the adult adoptee

- 14035 is adopted, is lawfully married to the individual adopting the adult adoptee are not
 14036 released under Subsection (1)(b).
- 14037 (3) The parental rights and duties of a pre-existing parent who, at the time the adult adoptee
 14038 is adopted, is not lawfully married to the individual adopting the adult adoptee are
 14039 released under Subsection (1)(b).
- 14040 (4)(a) Notwithstanding the provisions of this section, the court may allow a prospective
 14041 adoptive parent to adopt an adult adoptee without releasing the pre-existing parent
 14042 from parental rights and duties under Subsection (1)(b) if:
- 14043 (i) the pre-existing parent and the prospective adoptive parent were lawfully married
 14044 at some time during the adult adoptee's life;
- 14045 (ii) the pre-existing parent consents to the prospective adoptive parent's adoption of
 14046 the adult adoptee or is unable to consent because the pre-existing parent is
 14047 deceased or incapacitated;
- 14048 (iii) notice of the adoption proceeding is provided in accordance with Section
 14049 81-13-303;
- 14050 (iv) consent to the adoption is provided in accordance with Section 81-13-304; and
- 14051 (v) the court finds that it is in the best interest of the adult adoptee to grant the
 14052 adoption without releasing the pre-existing parent from parental rights and duties.
- 14053 (b) This Subsection (4) does not permit an adult adoptee to have more than two parents.
- 14054 (5) This section may not be construed as terminating any child support obligation of a
 14055 parent incurred before the adoption.

14056 Section 360. Section **81-13-401** is enacted to read:

14057 **Part 4. Placement of a Minor Child or Vulnerable Adult for Adoption**

14058 **81-13-401 . Definitions for part.**

14059 Reserved.

14060 Section 361. Section **81-13-402**, which is renumbered from Section 78B-6-131 is renumbered
 14061 and amended to read:

14062 **[78B-6-131] 81-13-402 . Placement of an adoptee in custody of state -- Priority**
 14063 **placement.**

14064 (1) To provide a minor child, who is in the legal custody of the division, with the most
 14065 beneficial family structure when the minor child is placed for adoption, the division or
 14066 child-placing agency shall place the minor child with a married couple, unless:

14067 (a) there are no qualified married couples who:

14068 (i) have applied to adopt a minor child;

- 14069 (ii) are willing to adopt the minor child; and
- 14070 (iii) are an appropriate placement for the minor child;
- 14071 (b) the minor child is placed with a relative of the minor child;
- 14072 (c) the minor child is placed with an individual who has already developed a substantial
- 14073 relationship with the minor child;
- 14074 (d) the minor child is placed with an individual who:
- 14075 (i) is selected by a birth parent or former parent of the minor child if the birth parent
- 14076 or former parent consented to the adoption of the minor child; and
- 14077 (ii) the parent or former parent described in Subsection (1)(d)(i):
- 14078 (A) knew the individual with whom the minor child is placed before the parent
- 14079 consented to the adoption; or
- 14080 (B) became aware of the individual with whom the minor child is placed through a
- 14081 source other than the division or the child-placing agency that assists with the
- 14082 adoption of the minor child; or
- 14083 (iii) it is in the best interests of the minor child to place the minor child with a single
- 14084 adult.
- 14085 [(1)] (2) Notwithstanding Sections [78B-6-128 through 78B-6-130] 81-13-403 through
- 14086 81-13-405, and except as provided in Subsection [(2), a child] (3), an adoptee, who is a
- 14087 minor child or vulnerable adult in the legal custody of the state, may not be placed with
- 14088 a prospective foster parent or a prospective adoptive parent, unless, before the [child]
- 14089 adoptee is placed with the prospective foster parent or the prospective adoptive parent:
- 14090 (a) a fingerprint based [FBI] Federal Bureau of Investigation national criminal history
- 14091 records check is conducted on the prospective foster parent, prospective adoptive
- 14092 parent, and any other adult residing in the household;
- 14093 (b) the Department of Health and Human Services conducts a check of the child abuse
- 14094 and neglect registry in each state where the prospective foster parent or prospective
- 14095 adoptive parent resided in the five years immediately preceding the day on which the
- 14096 prospective foster parent or prospective adoptive parent applied to be a foster parent
- 14097 or adoptive parent, to determine whether the prospective foster parent or prospective
- 14098 adoptive parent is listed in the registry as having a substantiated or supported finding
- 14099 of child abuse or neglect;
- 14100 (c) the Department of Health and Human Services conducts a check of the child abuse
- 14101 and neglect registry of each state where each adult living in the home of the
- 14102 prospective foster parent or prospective adoptive parent described in Subsection [

14103 (1)(b)] (2)(b) resided in the five years immediately preceding the day on which the
 14104 prospective foster parent or prospective adoptive parent applied to be a foster parent
 14105 or adoptive parent, to determine whether the adult is listed in the registry as having a
 14106 substantiated or supported finding of child abuse or neglect; and

14107 (d) each person required to undergo a background check described in this section passes
 14108 the background check, pursuant to the provisions of Section 26B-2-120.

14109 [(2)] (3) The requirements under Subsection [(1)] (2) do not apply to the extent that:

14110 (a) federal law or rule permits otherwise; or

14111 (b) the requirements would prohibit the division or a court from placing [a-child] an
 14112 adoptee, who is a minor child or vulnerable adult in the legal custody of the state,
 14113 with:

14114 (i) a noncustodial parent, under Section 80-2a-301, 80-3-302, or 80-3-303; or

14115 (ii) a relative, under Section 80-2a-301, 80-3-302, or 80-3-303, pending completion
 14116 of the background check described in Subsection [(1)] (2).

14117 (4) When an adoption petition is to be finalized in this state with regard to any prospective
 14118 adoptive parent who is not a resident of this state at the time an adoptee, who is a minor
 14119 child or vulnerable adult, is placed in the prospective adoptive parent's home, the
 14120 prospective adoptive parent shall comply with Sections 81-13-403 through 81-13-405.

14121 Section 362. Section **81-13-403**, which is renumbered from Section 78B-6-128 is renumbered
 14122 and amended to read:

14123 **[78B-6-128] 81-13-403 . Preplacement adoptive evaluations -- Exceptions.**

14124 (1)(a) Except as otherwise provided in this section, [a-child] an adoptee, who is a minor
 14125 child or vulnerable adult, may not be placed in an adoptive home until a
 14126 preplacement adoptive evaluation, assessing the prospective adoptive parent and the
 14127 prospective adoptive home, has been conducted in accordance with the requirements
 14128 of this section.

14129 (b) Except as provided in Section [78B-6-131] 81-13-402, the court may, at any time,
 14130 authorize temporary placement of [a-child] an adoptee, who is a minor child or
 14131 vulnerable adult, in a prospective adoptive home pending completion of a
 14132 preplacement adoptive evaluation described in this section.

14133 (c)(i) Subsection (1)(a) does not apply if a pre-existing parent has legal custody of
 14134 the [child] adoptee to be adopted and the prospective adoptive parent is related to
 14135 that [child] adoptee or the pre-existing parent as a stepparent, sibling by half or
 14136 whole blood or by adoption, grandparent, aunt, uncle, or first cousin, unless the

- 14137 court otherwise requests the preplacement adoption.
- 14138 (ii) The prospective adoptive parent described in this Subsection (1)(c) shall obtain
- 14139 the information described in Subsections (2)(a) and (b), and file that
- 14140 documentation with the court prior to finalization of the adoption.
- 14141 (d)(i) The preplacement adoptive evaluation shall be completed or updated within
- 14142 the 12-month period immediately preceding the placement of ~~[a-child]~~ the adoptee
- 14143 with the prospective adoptive parent.
- 14144 (ii) If the prospective adoptive parent has previously received custody of ~~[a-child]~~ an
- 14145 adoptee, who is a minor child or vulnerable adult, for the purpose of adoption, the
- 14146 preplacement adoptive evaluation shall be completed or updated within the
- 14147 12-month period immediately preceding the placement of ~~[a-child]~~ an adoptee,
- 14148 who is a minor child or vulnerable adult, with the prospective adoptive parent and
- 14149 after the placement of the previous ~~[child]~~ adoptee with the prospective adoptive
- 14150 parent.
- 14151 (2) The preplacement adoptive evaluation shall include:
- 14152 (a) a criminal history background check regarding each prospective adoptive parent and
- 14153 any other adult living in the prospective home, prepared no earlier than 18 months
- 14154 immediately preceding placement of the ~~[child]~~ adoptee in accordance with the
- 14155 following:
- 14156 (i) if the ~~[child]~~ adoptee is in state custody, each prospective adoptive parent and any
- 14157 other adult living in the prospective home shall submit fingerprints to the
- 14158 Department of Health and Human Services, which shall perform a criminal history
- 14159 background check in accordance with Section 26B-2-120; or
- 14160 (ii) subject to Subsection (3), if the ~~[child]~~ adoptee is not in state custody, an adoption
- 14161 service provider or an attorney representing a prospective adoptive parent shall
- 14162 submit fingerprints from the prospective adoptive parent and any other adult
- 14163 living in the prospective home to:
- 14164 (A) ~~the [Criminal and Technical Services Division of Public Safety]~~ Bureau of
- 14165 Criminal Identification within the Department of Public Safety for a regional
- 14166 and nationwide background check~~[-to]~~ ;
- 14167 (B) the Office of Background Processing within the Department of Health and
- 14168 Human Services for a background check in accordance with Section 26B-2-120[
- 14169 ~~,-or to]~~ ; or
- 14170 (C) the Federal Bureau of Investigation;

- 14171 (b) a report containing all information regarding reports and investigations of child
14172 abuse, neglect, and dependency, with respect to each prospective adoptive parent and
14173 any other adult living in the prospective home, obtained no earlier than 18 months
14174 immediately preceding the day on which the [child] adoptee is placed in the
14175 prospective home, pursuant to waivers executed by each prospective adoptive parent
14176 and any other adult living in the prospective home, that:
- 14177 (i) if the prospective adoptive parent or the adult living in the prospective adoptive
14178 parent's home is a resident of Utah, is prepared by the Department of Health and
14179 Human Services from the records of the Department of Health and Human
14180 Services; or
- 14181 (ii) if the prospective adoptive parent or the adult living in the prospective adoptive
14182 parent's home is not a resident of Utah, prepared by the Department of Health and
14183 Human Services, or a similar agency in another state, district, or territory of the
14184 United States, where each prospective adoptive parent and any other adult living
14185 in the prospective home resided in the five years immediately preceding the day
14186 on which the [child] adoptee is placed in the prospective adoptive home;
- 14187 (c) in accordance with Subsection (6), a home study conducted by an adoption service
14188 provider that is:
- 14189 (i) an expert in family relations approved by the court;
- 14190 (ii) a certified social worker;
- 14191 (iii) a clinical social worker;
- 14192 (iv) a marriage and family therapist;
- 14193 (v) a psychologist;
- 14194 (vi) a social service worker, if supervised by a certified or clinical social worker;
- 14195 (vii) a clinical mental health counselor; or
- 14196 (viii) an Office of Licensing employee within the Department of Health and Human
14197 Services who is trained to perform a home study; and
- 14198 (d) in accordance with Subsection (7), if the [~~child to be adopted is a child who~~] adoptee
14199 is in the custody of any public child welfare agency[~~, and is a child who~~] and has a
14200 special need as defined in Section 80-2-801, the preplacement adoptive evaluation
14201 shall be conducted by the Department of Health and Human Services or a
14202 child-placing agency that has entered into a contract with the department to conduct
14203 the preplacement adoptive evaluations for [~~children~~] adoptees with special needs.
- 14204 (3) For purposes of Subsection (2)(a)(ii), subject to Subsection (4), the criminal history

- 14205 background check described in Subsection (2)(a)(ii) shall be submitted in a manner
 14206 acceptable to the court that will:
- 14207 (a) preserve the chain of custody of the results; and
 14208 (b) not permit tampering with the results by a prospective adoptive parent or other
 14209 interested party.
- 14210 (4) In order to comply with Subsection (3), the manner in which the criminal history
 14211 background check is submitted shall be approved by the court.
- 14212 (5) Except as provided in Subsection [~~78B-6-131(2)~~] 81-13-402(3), and in addition to the
 14213 other requirements of this section, [before a child in state custody is placed with a
 14214 prospective foster parent or a prospective adoptive parent,]the Department of Health
 14215 and Human Services shall comply with Section [~~78B-6-131~~] 81-13-402 before an
 14216 adoptee, who is a minor child or vulnerable adult in state custody, is placed with a
 14217 prospective foster parent or a prospective adoptive parent.
- 14218 (6)(a) An individual described in Subsections (2)(c)(i) through (vii) shall be licensed to
 14219 practice under the laws of:
- 14220 (i) this state; or
 14221 (ii) the state, district, or territory of the United States where the prospective adoptive
 14222 parent or other person living in the prospective adoptive home resides.
- 14223 (b) [~~Neither the~~] The Department of Health and Human Services[~~nor~~] , or any of the
 14224 department's divisions, may not proscribe who qualifies as an expert in family
 14225 relations or who may conduct a home study under Subsection (2)(c).
- 14226 (c) The home study described in Subsection (2)(c) shall be a written document that
 14227 contains the following:
- 14228 (i) a recommendation to the court regarding the suitability of the prospective adoptive
 14229 parent for placement of [~~a child~~] an adoptee who is a minor child or vulnerable
 14230 adult;
- 14231 (ii) a description of in-person interviews with the prospective adoptive parent, the
 14232 prospective adoptive parent's children, and other individuals living in the home;
- 14233 (iii) a description of character and suitability references from at least two individuals
 14234 who are not related to the prospective adoptive parent and with at least one
 14235 individual who is related to the prospective adoptive parent;
- 14236 (iv) a medical history and a doctor's report, based upon a doctor's physical
 14237 examination of the prospective adoptive parent, made within two years before the
 14238 date of the application; and

14239 (v) a description of an inspection of the home to determine whether sufficient space
 14240 and facilities exist to meet the needs of the [child] adoptee and whether basic
 14241 health and safety standards are maintained.

14242 (7) Any fee assessed by the evaluating agency described in Subsection (2)(d) is the
 14243 responsibility of the adopting parent.

14244 (8) The person conducting the preplacement adoptive evaluation shall, in connection with
 14245 the preplacement adoptive evaluation, provide the prospective adoptive parent with
 14246 literature approved by the [~~Division of Child and Family Services~~] division relating to
 14247 adoption, including information relating to:

14248 (a) the adoption process;

14249 (b) developmental issues that may require early intervention; and

14250 (c) community resources that are available to the prospective adoptive parent.

14251 (9) A copy of the preplacement adoptive evaluation shall be filed with the court.

14252 (10) A home study completed for the purposes of foster care licensing in accordance with
 14253 Title 80, Chapter 2, Part 3, Division Responsibilities, shall be accepted by the court for a
 14254 proceeding under this part.

14255 Section 363. Section **81-13-404**, which is renumbered from Section 78B-6-129 is renumbered
 14256 and amended to read:

14257 **[78B-6-129] 81-13-404 . Postplacement adoptive evaluations.**

14258 (1) Except as provided in Subsections (2) and (3), a postplacement evaluation shall be
 14259 conducted and submitted to the court [~~prior to~~] before the final hearing in an adoption
 14260 proceeding for a minor child or a vulnerable adult.

14261 (2) The postplacement evaluation under Subsection (1) shall include:

14262 (a) verification of the allegations of fact contained in the petition for adoption;

14263 (b) an evaluation of the progress of the [child's] adoptee's placement in the adoptive
 14264 home; and

14265 (c) a recommendation regarding whether the adoption is in the best interest of the [child]
 14266 adoptee.

14267 [~~(2)~~] (3) The exemptions from and requirements for evaluations, described in Subsections [
 14268 ~~78B-6-128(1)(e)~~] 81-13-403(1)(c), (2)(c), (6), and (8), also apply to postplacement
 14269 adoptive evaluations.

14270 [~~(3)~~] (4) Upon the request of the petitioner, the court may waive the postplacement adoptive
 14271 evaluation, unless [it] the court determines that it is in the best interest of the [child]
 14272 adoptee to require the postplacement evaluation.

14273 Section 364. Section **81-13-405**, which is renumbered from Section 78B-6-130 is renumbered
14274 and amended to read:

14275 ~~[78B-6-130]~~ **81-13-405 . Preplacement and postplacement adoptive evaluations --**
14276 **Review by court.**

14277 (1)(a) If the person conducting the preplacement adoptive evaluation or postplacement
14278 adoptive evaluation disapproves the adoptive placement, the court may dismiss the
14279 petition for adoption.

14280 (b) Upon request by a prospective adoptive parent, the court shall:

14281 (i) order that an additional preplacement adoptive evaluation or postplacement
14282 adoptive evaluation be conducted~~[, and shall]~~ ; and

14283 (ii) hold a hearing on the suitability of the adoption, including testimony of interested
14284 parties.

14285 (2) Before finalization of a petition for adoption the court shall review and consider the
14286 information and recommendations contained in the preplacement adoptive evaluation
14287 and postplacement adoptive evaluation described in Sections ~~[78B-6-128 and 78B-6-129]~~
14288 81-13-403 and 81-13-404.

14289 (3) With respect to the home study required as part of the preplacement adoptive evaluation
14290 described in Subsection ~~[78B-6-128(2)(e)]~~ 81-13-403(2)(c), a court may review and
14291 consider information other than the information contained in the home study described
14292 in Subsection ~~[78B-6-128(6)(e)]~~ 81-13-403(6)(c).

14293 Section 365. Section **81-13-501** is enacted to read:

14294 **Part 5. Post Adoption**

14295 **81-13-501 . Definitions for part.**

14296 Reserved.

14297 Section 366. Section **81-13-502**, which is renumbered from Section 78B-6-104 is renumbered
14298 and amended to read:

14299 ~~[78B-6-104]~~ **81-13-502 . Applicability of part.**

14300 (1) Sections ~~[78B-6-143]~~ 81-13-503 through ~~[78B-6-145]~~ 81-13-505 do not apply to [
14301 adoptions] an adoption of a minor child by a stepparent whose spouse is the adoptee's
14302 parent.

14303 (2) Sections ~~[78B-6-143]~~ 81-13-503 through ~~[78B-6-145]~~ 81-13-505 apply only to [
14304 adoptions of adoptees] an adoption of an adoptee born in this state.

14305 Section 367. Section **81-13-503**, which is renumbered from Section 78B-6-143 is renumbered
14306 and amended to read:

- 14307 **[78B-6-143] 81-13-503 . Nonidentifying health history of adoptee filed with office**
14308 **-- Limited availability.**
- 14309 (1)(a) Upon finalization of an adoption in this state of a minor child, the person who
14310 proceeded on behalf of the petitioner for adoption, or a child-placing agency if an
14311 agency is involved in the adoption, shall file a report with the office, in the form
14312 established by the office.
- 14313 (b) The report described in Subsection (1)(a) shall include a detailed health history, and
14314 a genetic and social history of the adoptee.
- 14315 (2) The report described in Subsection (1)(a) may not contain identifying information or
14316 any information that identifies the adoptee's [birth] pre-existing parents or members of
14317 their families.
- 14318 (3) When the report described in Subsection (1)(a) is filed, a duplicate report shall be
14319 provided to the adoptive parents.
- 14320 (4) The report described in Subsection (1)(a) shall only be available upon request, and upon
14321 presentation of positive identification, to the following persons:
- 14322 (a) the adoptive parents;
- 14323 (b) in the event of the death of the adoptive parents, the adoptee's legal guardian;
- 14324 (c) the adoptee;
- 14325 (d) in the event of the death of the adoptee, the adoptee's spouse[;] if the spouse is the
14326 parent or guardian of the adoptee's child;
- 14327 (e) the adoptee's child or descendant;
- 14328 (f) the adoptee's [birth] pre-existing parent; and
- 14329 (g) the adoptee's adult sibling.
- 14330 (5) No identifying information or information that identifies a [birth] pre-existing parent or
14331 the [birth] pre-existing parent's family may be disclosed under this section.
- 14332 (6) The actual cost of providing information under this section shall be paid by the person
14333 requesting the information.
- 14334 (7) A child-placing agency may provide a copy of the report described in Subsection (1)(a)
14335 and information in the child-placing agency's files, except identifying information, to ~~an~~
14336 adult adoptee, a birth] a child adoptee who is 18 years old or older, a pre-existing parent,
14337 or an adoptive parent.
- 14338 (8) Notwithstanding Subsection (7), identifying information may be released to the extent
14339 that the individual who is the subject of the information provides written authorization
14340 of the information's release.

14341 Section 368. Section **81-13-504**, which is renumbered from Section 78B-6-144 is renumbered
14342 and amended to read:

14343 ~~[78B-6-144]~~ **81-13-504 . Mutual-consent, voluntary adoption registry --**

14344 **Procedures -- Fees.**

14345 (1) As used in this section, "adopted individual" means a child adoptee who is 18 years old
14346 or older.

14347 ~~[(4)]~~ (2) The office shall establish a mutual-consent, voluntary adoption registry.

14348 (3)(a) An ~~[adult adoptee]~~ adopted individual or a ~~[birth]~~ pre-existing parent of an ~~[adult~~
14349 ~~adoptee]~~ adopted individual, upon presentation of positive identification, may request
14350 identifying information from the office, in the form established by the office.

14351 (b) A court ~~[of competent jurisdiction]~~ or a child-placing agency may accept that request
14352 from the ~~[adult adoptee or birth]~~ adopted individual or pre-existing parent, in the form
14353 provided by the office, and transfer that request to the office.

14354 (c) The ~~[adult adoptee or birth]~~ adopted individual or pre-existing parent is responsible
14355 for notifying the office of any change in information contained in the request.

14356 ~~[(b)]~~ (d) Except as otherwise provided in this ~~[part]~~ chapter, the office may only release
14357 identifying information to an ~~[adult adoptee or birth]~~ adopted individual or
14358 pre-existing parent when ~~[it]~~ the office receives requests from both the ~~[adoptee and~~
14359 ~~the adoptee's birth]~~ adopted individual and the adopted individual's pre-existing parent.

14360 ~~[(e)]~~ (e) After matching the request of an ~~[adult adoptee]~~ adopted individual with that of
14361 at least one of the ~~[adoptee's birth]~~ adopted individual's pre-existing parents, the office
14362 shall notify both the ~~[adult adoptee]~~ adopted individual and the ~~[birth]~~ pre-existing
14363 parent that the requests have been matched, and disclose the identifying information
14364 to those parties. ~~[However, if that adult adoptee]~~

14365 (f) Notwithstanding Subsection (3)(c) or (d), if an adopted individual has a sibling of the
14366 same [birth] pre-existing parent who is under [the age of 18 years,] 18 years old and
14367 who was raised in the same family setting as the [adult adoptee] adopted individual,
14368 the office may not disclose the requested identifying information to that [adult
14369 adoptee] adopted individual or the [adoptee's birth] adopted individual's pre-existing
14370 parent.

14371 ~~[(2)]~~ (4)(a) ~~[Adult adoptees and adult siblings of adult adoptees]~~ An adopted individual
14372 or an adult sibling of an adopted individual, upon presentation of positive
14373 identifying information, may request identifying information from the office~~;~~ in the form
14374 established by the office.

14375 (b) A court [~~of competent jurisdiction~~] or a child-placing agency may accept that request
 14376 from the [~~adult adoptee~~] adopted individual or adult sibling[;] in the form provided by
 14377 the office,[-] and transfer that request to the office.

14378 (c) The [~~adult adoptee~~] adopted individual or adult sibling is responsible for notifying the
 14379 office of any change in information contained in the request.

14380 [~~(b)~~] (d) The office may only release identifying information to an [~~adult adoptee~~]
 14381 adopted individual or adult sibling when [it] the office receives requests from both
 14382 the [~~adult adoptee~~] adopted individual and the [~~adult adoptee's~~] adopted individual's
 14383 adult sibling.

14384 [~~(c)~~] (e) After matching the request of an [~~adult adoptee~~] adopted individual with that of
 14385 the [~~adoptee's~~] adopted individual's adult sibling, if the office determines that the
 14386 office has sufficient information to make that match, the office shall notify both the [~~adult adoptee~~]
 14387 adopted individual and the adopted individual's adult sibling that the
 14388 requests have been matched, and disclose the identifying information to those parties.

14389 [~~(d)~~] (5) After receiving a request for information from an [~~adult adoptee and a birth~~]
 14390 adopted individual and a pre-existing parent under this section, the office shall:

14391 [(i)] (a) search the office's vital records for the [~~adult adoptee's birth~~] adopted individual's
 14392 pre-existing parent; and

14393 [(ii)] (b) if the search described in Subsection [~~(2)(d)(i)~~] (5)(a) reveals that the [~~birth~~]
 14394 pre-existing parent who had requested information under this section is dead, inform
 14395 the [~~adult adoptee~~] adopted individual that the [~~birth~~] pre-existing parent is dead and
 14396 disclose the identity of the [~~birth~~] pre-existing parent.

14397 [(e)] (6) The office shall attempt to notify an individual who requests information under this
 14398 section:

14399 [(i)] (a) of the results of the initial search for a match; and

14400 [(ii)] (b) if the initial search does not produce a match, that the office will keep the
 14401 request on file and will attempt to notify the individual in the event of a match.

14402 [(3)] (7) Information registered with the office under this section is available only to a
 14403 registered [~~adult adoptee~~] adopted individual and the [~~adoptee's registered birth~~] adopted
 14404 individual's pre-existing parent or registered adult sibling[;] under the terms of this
 14405 section.

14406 [(4)] (8) [~~Except as provided in Section 78B-6-141, the-~~] The office may not disclose
 14407 information regarding a [~~birth~~] pre-existing parent who has not registered a request with
 14408 the office.

14409 ~~[(5)]~~ (9) Nothing in this section limits the disclosure of information in accordance with
 14410 Section ~~[78B-6-141]~~ 81-13-103.

14411 Section 369. Section **81-13-505**, which is renumbered from Section 78B-6-144.5 is renumbered
 14412 and amended to read:

14413 ~~[78B-6-144.5]~~ **81-13-505 . Adoption information -- Adoption records fees.**

14414 (1)(a) The office may not disclose information maintained or filed with the office under
 14415 this chapter unless the disclosure is permitted by this chapter or by a court order.

14416 (b) Any person who discloses information obtained from the office's voluntary adoption
 14417 registry in violation of this part, or knowingly allows that information to be disclosed
 14418 in violation of this chapter, is guilty of a class A misdemeanor.

14419 ~~[(1)]~~ (2)(a) The office shall, in accordance with Section 63J-1-504, establish a fee to be
 14420 paid by an individual who requests information or other services under Section [
 14421 ~~78B-6-141 or Section 78B-6-144]~~ 81-13-103 or 81-13-504, and to cover the costs
 14422 related to providing the information, services, and improvements described in
 14423 Subsection (2).

14424 (b) The office may accept donations or grants from public or private entities to cover the
 14425 costs related to providing the information, services, and improvements described in
 14426 Subsection (2).

14427 ~~[(2)]~~ (3) The office shall deposit fees and donations collected under Subsection ~~[(1)]~~ (2) into
 14428 the General Fund as dedicated credits and may be used only to:

14429 (a) fund, automate, and improve the provision of services described in Sections [
 14430 ~~78B-6-141 and 78B-6-144]~~ 81-13-103 and 81-13-504; or

14431 (b) implement means of maximizing potential matches for the services described in
 14432 Sections ~~[78B-6-141 and 78B-6-144]~~ 81-13-103 and 81-13-504, including the use of
 14433 broad search terms and methods.

14434 Section 370. Section **81-14-101**, which is renumbered from Section 78B-24-101 is renumbered
 14435 and amended to read:

14436 **CHAPTER 14. UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT**

14437 **Part 1. General Provisions**

14438 ~~[78B-24-101]~~ **81-14-101 . Definitions.**

14439 As used in this chapter:

14440 ~~[(1)]~~ "Child" means an unemancipated individual under 18 years old.]

14441 ~~[(2)]~~ (1)(a) "Child-placing agency" means a person with authority under other law of this

14442 state to identify or place a minor child for adoption.

14443 (b) "Child-placing agency" does not include a parent of a minor child.

14444 [(3)] (2) "Custody" means the exercise of physical care and supervision of a minor child.

14445 [(4)] (3)(a) "Intercountry adoption" means an adoption or placement for adoption of a
14446 minor child who resides in a foreign country at the time of adoption or placement.

14447 (b) "Intercountry adoption" includes an adoption finalized in the minor child's country of
14448 residence or in a state.

14449 [(5) "Parent" means an individual recognized as a parent under other law of this state.]

14450 [(6)] (4) "Person" means an individual, estate, business or nonprofit entity, public
14451 corporation, government or governmental subdivision, agency, or instrumentality, or
14452 other legal entity.

14453 [(7)] (5) "Record" means information:

14454 (a) inscribed on a tangible medium; or

14455 (b) stored in an electronic or other medium and retrievable in perceivable form.

14456 [(8)] (6)(a) "State" means a state of the United States, the District of Columbia, Puerto
14457 Rico, the United States Virgin Islands, or any other territory or possession subject to
14458 the jurisdiction of the United States.

14459 (b) "State" includes a federally recognized Indian tribe.

14460 Section 371. Section **81-14-102**, which is renumbered from Section 78B-24-102 is renumbered
14461 and amended to read:

14462 **[78B-24-102] 81-14-102 . Limitations on applicability.**

14463 This chapter does not apply to custody of an Indian child, as defined in the Indian Child
14464 Welfare Act, 25 U.S.C. Sec. 1903, to the extent governed by the Indian Child Welfare Act, 25
14465 U.S.C. Sec. 1901 through 1963.

14466 Section 372. Section **81-14-201**, which is renumbered from Section 78B-24-201 is renumbered
14467 and amended to read:

14468 **Part 2. Prohibition of Unregulated Custody Transfer**

14469 **[78B-24-201] 81-14-201 . Definitions for part.**

14470 As used in this part:

14471 (1) "Guardian" means a person recognized as a guardian under other law of this state.

14472 (2) "Intermediary" means a person that assists or facilitates a transfer of custody of a minor
14473 child, whether or not for compensation.

14474 Section 373. Section **81-14-202**, which is renumbered from Section 78B-24-202 is renumbered
14475 and amended to read:

14476 **[78B-24-202] 81-14-202 . Applicability.**

14477 This part does not apply to a transfer of custody of a minor child by a parent or guardian
14478 of the minor child to:

- 14479 (1) a parent of the minor child;
- 14480 (2) a stepparent of the minor child;
- 14481 (3) an adult who is related to the minor child by blood, marriage, or adoption;
- 14482 (4) an adult who, at the time of the transfer, had a close relationship with the minor child or
14483 the parent or guardian of the minor child for a substantial period, and whom the parent
14484 or guardian reasonably believed, at the time of the transfer, to be a fit custodian of the
14485 minor child;
- 14486 (5) an Indian custodian, as defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903, of
14487 the minor child; or
- 14488 (6) a member of the minor child's customary family unit recognized by the minor child's
14489 indigenous group.

14490 Section 374. Section **81-14-203**, which is renumbered from Section 78B-24-203 is renumbered
14491 and amended to read:

14492 **[78B-24-203] 81-14-203 . Prohibited custody transfer.**

- 14493 (1) Except as provided in Subsection (2), a parent or guardian of a minor child, or an
14494 individual with whom a minor child has been placed for adoption, may not transfer
14495 custody of the minor child to another person with the intent, at the time of the transfer,
14496 to abandon the rights and responsibilities concerning the minor child.
- 14497 (2) A parent or guardian of a minor child or an individual with whom a minor child has
14498 been placed for adoption may transfer custody of the minor child to another person with
14499 the intent, at the time of the transfer, to abandon the rights and responsibilities
14500 concerning the minor child only through:
- 14501 (a) adoption or guardianship;
- 14502 (b) judicial award of custody;
- 14503 (c) placement by or through a child-placing agency;
- 14504 (d) other judicial or tribal action; or
- 14505 (e) safe relinquishment under Title 80, Chapter 4, Part 5, Safe Relinquishment of a
14506 Newborn Child.
- 14507 (3)(a) A person may not receive custody of a minor child, or act as an intermediary in a
14508 transfer of custody of a minor child, if the person knows or reasonably should know
14509 the transfer violates Subsection (1).

14510 (b) This subsection does not apply if the person as soon as practicable after the transfer,
 14511 notifies the Division of Child and Family Services of the transfer or takes appropriate
 14512 action to establish custody under Subsection (2).

14513 (4) A violation of this section is a class B misdemeanor.

14514 (5) A violation of Subsection (1) is not established solely because a parent or guardian that
 14515 transfers custody of a minor child does not regain custody.

14516 Section 375. Section **81-14-204**, which is renumbered from Section 78B-24-204 is renumbered
 14517 and amended to read:

14518 **~~[78B-24-204]~~ 81-14-204 . Authority and responsibility of the Division of Child
 14519 and Family Services.**

14520 (1) If the Division of Child and Family Services has a reasonable basis to believe that a
 14521 person has transferred or will transfer custody of a minor child in violation of Subsection [
 14522 ~~78B-24-203(1)~~] 81-14-203(1), the Division of Child and Family Services may conduct a
 14523 home visit as provided by other law of this state and take appropriate action to protect
 14524 the welfare of the minor child.

14525 (2) If the Division of Child and Family Services conducts a home visit for a minor child
 14526 adopted or placed through an intercountry adoption, the Division of Child and Family
 14527 Services shall:

14528 (a) prepare a report on the welfare and plan for permanent placement of the minor child;
 14529 and

14530 (b) provide a copy of the report to the United States Department of State.

14531 (3) This chapter does not prevent the Division of Child and Family Services from taking
 14532 appropriate action under law of this state.

14533 Section 376. Section **81-14-205**, which is renumbered from Section 78B-24-205 is renumbered
 14534 and amended to read:

14535 **~~[78B-24-205]~~ 81-14-205 . Prohibited soliciting or advertising.**

14536 (1) A person may not solicit or advertise to:

14537 (a) find a person to which to make a transfer of custody in violation of Subsection [
 14538 ~~78B-24-203(1)~~] 81-14-203(1);

14539 (b) identify a minor child for a transfer of custody in violation of Subsection [
 14540 ~~78B-24-203(3)~~] 81-14-203(3); or

14541 (c) act as an intermediary in a transfer of custody in violation of Subsection [
 14542 ~~78B-24-203(3)~~] 81-14-203(3).

14543 (2) A violation of this section is a class B misdemeanor.

14544 Section 377. Section **81-14-301**, which is renumbered from Section 78B-24-301 is renumbered
14545 and amended to read:

14546 **Part 3. Information and Guidance**

14547 **[78B-24-301] 81-14-301 . Definitions for part.**

14548 As used in this part, "prospective adoptive parent" means an individual who has been
14549 approved or permitted under other law of this state to adopt a minor child.

14550 Section 378. Section **81-14-302**, which is renumbered from Section 78B-24-302 is renumbered
14551 and amended to read:

14552 **[78B-24-302] 81-14-302 . Scope.**

14553 This part applies to placement for adoption of a minor child who:

- 14554 (1) has been or is in foster or institutional care;
- 14555 (2) previously has been adopted in a state;
- 14556 (3) has been or is being adopted under the law of a foreign country;
- 14557 (4) has come or is coming to a state from a foreign country to be adopted;
- 14558 (5) is not a citizen of the United States;
- 14559 (6) has an attachment or trauma-related disorder; or
- 14560 (7) suffered from prenatal exposure to alcohol or drugs.

14561 Section 379. Section **81-14-303**, which is renumbered from Section 78B-24-303 is renumbered
14562 and amended to read:

14563 **[78B-24-303] 81-14-303 . General adoption information.**

- 14564 (1) Within a reasonable time before a child-placing agency places a minor child for
14565 adoption with a prospective adoptive parent, the child-placing agency shall provide or
14566 cause to be provided to the prospective adoptive parent general adoption information.
- 14567 (2) The information under Subsection (1) shall address:
 - 14568 (a) possible physical, mental, emotional, and behavioral issues concerning:
 - 14569 (i) identity, loss, and trauma that a minor child might experience before, during, or
14570 after adoption; and
 - 14571 (ii) a minor child leaving familiar ties and surroundings;
 - 14572 (b) the effect that access to resources, including health insurance, might have on the
14573 ability of an adoptive parent to meet the needs of a minor child;
 - 14574 (c) causes of disruption of an adoptive placement or dissolution of an adoption and
14575 resources available to help avoid disruption or dissolution; and
 - 14576 (d) prohibitions under Sections [~~78B-24-203 and 78B-24-205~~] 81-14-203 and 81-14-205.

14577 Section 380. Section **81-14-304**, which is renumbered from Section 78B-24-304 is renumbered

14578 and amended to read:

14579 **[78B-24-304] 81-14-304 . Information about a minor child.**

14580 (1)(a) Except as prohibited by other law of this state, within a reasonable time before a
14581 child-placing agency places a minor child for adoption with a prospective adoptive
14582 parent, the agency shall provide or cause to be provided to the prospective adoptive
14583 parent information specific to the minor child that is known or reasonably obtainable
14584 by the child-placing agency and material to the prospective adoptive parents
14585 informed decision to adopt the minor child.

14586 (b) The information under Subsection (1)(a) shall include:

- 14587 (i) the minor child's family, cultural, racial, religious, ethnic, linguistic, and
14588 educational background;
- 14589 (ii) the minor child's physical, mental, emotional, and behavioral health;
- 14590 (iii) circumstances that may adversely affect the minor child's physical, mental,
14591 emotional, or behavioral health;
- 14592 (iv) the minor child's medical history, including immunizations;
- 14593 (v) the medical history of the minor child's genetic parents and siblings;
- 14594 (vi) the history of an adoptive or out-of-home placement of the minor child and the
14595 reason the adoption or placement ended;
- 14596 (vii) the minor child's United States immigration status;
- 14597 (viii) medical, therapeutic, and educational resources, including language-acquisition
14598 training, available to the adoptive parent and minor child after placement or
14599 adoption to assist in responding effectively to physical, mental, emotional, or
14600 behavioral issues; and
- 14601 (ix) available records relevant to the information in Subsections (1)(b)(i) through
14602 (viii).

14603 (2) If, before an adoption is finalized, additional information under Subsection (1) that is
14604 material to a prospective adoptive parent's informed decision to adopt the minor child
14605 becomes known or reasonably obtainable by the child-placing agency, the child-placing
14606 agency shall provide the information to the prospective adoptive parent.

14607 (3) If, after an adoption is finalized, additional information under Subsection (1) becomes
14608 known to the child-placing agency, the child-placing agency shall make a reasonable
14609 effort to provide the information to the adoptive parent.

14610 Section 381. Section **81-14-305**, which is renumbered from Section 78B-24-305 is renumbered
14611 and amended to read:

14612 **[78B-24-305] 81-14-305 . Guidance and instruction.**

14613 (1) A child-placing agency placing a minor child for adoption shall provide or cause to be
 14614 provided to the prospective adoptive parent guidance and instruction specific to the
 14615 minor child to help prepare the parent to respond effectively to needs of the child [which]
 14616 that are known or reasonably ascertainable by the child-placing agency.

14617 (2) The guidance and instruction under Subsection (1) shall address, if applicable:

14618 (a) the potential effect on the minor child of:

14619 (i) previous adoption or out-of-home placement;

14620 (ii) multiple previous adoptions or out-of-home placements;

14621 (iii) trauma, insecure attachment, fetal alcohol exposure, or malnutrition;

14622 (iv) neglect, abuse, drug exposure, or similar adversity;

14623 (v) separation from a sibling or significant caregiver; and

14624 (vi) a difference in ethnicity, race, or cultural identity between the minor child and
 14625 the prospective adoptive parent or other minor child of the parent;

14626 (b) information available from the federal government on the process for the child to
 14627 acquire United States citizenship; and

14628 (c) any other matter the child-placing agency considers material to the adoption.

14629 (3) The guidance and instruction under Subsection (1) shall be provided:

14630 (a) for adoption of a minor child residing in the United States, a reasonable time before
 14631 the adoption is finalized; or

14632 (b) for an intercountry adoption, in accordance with federal law.

14633 Section 382. Section **81-14-306**, which is renumbered from Section 78B-24-306 is renumbered
 14634 and amended to read:

14635 **[78B-24-306] 81-14-306 . Information about financial assistance and support**
 14636 **services.**

14637 On request of a minor child who was placed for adoption or the minor child's adoptive
 14638 parent, the child-placing agency placing the minor child or the Division of Child and Family
 14639 Services shall provide information about how to obtain financial assistance or support services:

14640 (1) to assist the minor child or parent to respond effectively to adjustment, behavioral, and
 14641 other challenges; and

14642 (2) to help preserve the placement or adoption.

14643 Section 383. Section **81-14-307**, which is renumbered from Section 78B-24-307 is renumbered
 14644 and amended to read:

14645 **[78B-24-307] 81-14-307 . Child-placing agency compliance.**

14646 (1) The Division of Licensing and Background Checks, created in Section 26B-2-103, may
 14647 investigate an allegation that a child-placing agency has failed to comply with this part
 14648 and commence an action for injunctive or other relief or initiate administrative
 14649 proceedings against the child-placing agency to enforce this part.

14650 (2)(a) The Office of Licensing may initiate a proceeding to determine whether a
 14651 child-placing agency has failed to comply with this part.

14652 (b) If the Office of Licensing finds that the child-placing agency has failed to comply,
 14653 the Office of Licensing may suspend or revoke the child-placing agency's license or
 14654 take other action permitted by law of the state.

14655 Section 384. Section **81-14-308**, which is renumbered from Section 78B-24-308 is renumbered
 14656 and amended to read:

14657 **[78B-24-308] 81-14-308 . Rulemaking by Division of Licensing and Background**
 14658 **Checks.**

14659 The Division of Licensing and Background Checks, created in Section 26B-2-103, may
 14660 adopt rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement
 14661 Sections ~~[78B-24-303, 78B-24-304, 78B-24-305, and 78B-24-306]~~ 81-14-303, 81-14-304,
 14662 81-14-305, and 81-14-306.

14663 Section 385. Section **81-14-401**, which is renumbered from Section 78B-24-401 is renumbered
 14664 and amended to read:

14665 **Part 4. Applicability and Severability Provisions**

14666 **[78B-24-401] 81-14-401 . Uniformity of application and construction.**

14667 In applying and construing this ~~[uniform-act]~~ chapter, a court shall consider the
 14668 promotion of uniformity of the law among jurisdictions that enact the uniform act.

14669 Section 386. Section **81-14-402**, which is renumbered from Section 78B-24-402 is renumbered
 14670 and amended to read:

14671 **[78B-24-402] 81-14-402 . Relation to Electronic Signatures in Global and**
 14672 **National Commerce Act.**

14673 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and
 14674 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede
 14675 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in 15
 14676 U.S.C. Sec. 7003(b).

14677 Section 387. Section **81-14-403**, which is renumbered from Section 78B-24-403 is renumbered
 14678 and amended to read:

14679 **[78B-24-403] 81-14-403 . Transitional provisions.**

14680 (1) Part 2, Prohibition of Unregulated Custody Transfer, applies to:

14681 (a) a transfer of custody on or after May 4, 2022; and

14682 (b) soliciting or advertising on or after May 4, 2022.

14683 (2) Part 3, Information and Guidance, applies to placement of a minor child for adoption

14684 more than 60 days after May 4, 2022.

14685 Section 388. Section **81-14-404**, which is renumbered from Section 78B-24-404 is renumbered

14686 and amended to read:

14687 **[78B-24-404] 81-14-404 . Severability.**

14688 If a provision of this chapter or the provision's application to a person or circumstance is

14689 held invalid, the invalidity does not affect another provision or application that can be given

14690 effect without the invalid provision.

14691 Section 389. **Repealer.**

14692 This bill repeals:

14693 Section **78B-6-101, Title.**

14694 Section **78B-6-107, Compliance with the Interstate Compact on Placement of Children**

14695 **-- Compliance with the Indian Child Welfare Act.**

14696 Section **78B-6-108, Alien child -- Evidence of lawful admission to United States**

14697 **required.**

14698 Section **78B-6-111, Criminal sexual offenses.**

14699 Section **78B-6-113, Prospective adoptive parent not a resident -- Preplacement**

14700 **requirements.**

14701 Section **78B-6-114, Adoption by married persons -- Consent.**

14702 Section **78B-6-118, Relative ages.**

14703 Section **78B-6-120.1, Implied consent.**

14704 Section **78B-6-122, Qualifying circumstance.**

14705 Section **78B-6-122.5, Effect of out-of-state paternity adjudication, declaration, or**

14706 **acknowledgment.**

14707 Section **78B-6-123, Power of a minor to consent or relinquish.**

14708 Section **78B-6-125, Time period prior to birth mother's consent.**

14709 Section **78B-6-126, When consent or relinquishment effective.**

14710 Section **78B-6-127, Parents whose rights have been terminated.**

14711 Section **78B-6-137, Decree of adoption -- Best interest of child -- Legislative findings.**

14712 Section **78B-6-139, Name and status of adopted child.**

14713 Section **78B-6-145, Restrictions on disclosure of information -- Violations -- Penalty.**

- 14714 Section **78B-7-101, Title.**
- 14715 Section **78B-13-101, Title.**
- 14716 Section **78B-14-101, Title.**
- 14717 Section **78B-15-101, Title.**
- 14718 Section **78B-15-105, Protection of participants.**
- 14719 Section **78B-15-106, Determination of maternity.**
- 14720 Section **78B-15-107, Effect.**
- 14721 Section **78B-15-108, Obligation to provide address.**
- 14722 Section **78B-15-109, Limitation on recovery from the obligor.**
- 14723 Section **78B-15-110, Duty of attorney general and county attorney.**
- 14724 Section **78B-15-111, Default judgment.**
- 14725 Section **78B-15-112, Standard of proof.**
- 14726 Section **78B-15-113, Parent-time rights of father.**
- 14727 Section **78B-15-114, Social Security number in tribunal records.**
- 14728 Section **78B-15-115, Settlement agreements.**
- 14729 Section **78B-16-101, Title.**
- 14730 Section **78B-20-101, Title.**
- 14731 Section 390. **Effective Date.**
- 14732 This bill takes effect on May 7, 2025.